



An  
Bord  
Pleanála

## Inspector's Report ABP-319328-24

<b>Development</b>	Construction of a two-storey nursing home, single storey service building, a biodiversity area and all associated site works A Natura Impact Statement has been submitted with the planning application.
<b>Location</b>	Bunacloka, Mungret, Co. Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	2460010
<b>Applicant(s)</b>	Loughmore Healthcare No. 2 Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Tom Ryan Sarah Mulcahy Mike Fenton EI- Sub Ltd
<b>Observer(s)</b>	None

**Date of Site Inspection**

12/02/2025

**Inspector**

Lorraine Dockery

## 1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 1.72 ha, is located at Bunacloka, Mungret, to the west of Limerick city. Access is proposed onto the R526. The site is greenfield in nature and roughly rectangular in shape comprising two agricultural fields. At the time of my site visit, works were underway on development permitted by the planning authority under Reg. Ref. 20/93 (an 82-bed nursing home). An existing overhead ESB line bisects the site on a north south axis with an electricity pylon centrally located on the site. There is a drainage ditch located along the eastern boundary of the site. The Loughmore Canal is located approximately 80m north of the site.

## 2.0 Proposed Development

- 2.1. The proposed development, as per the submitted public notices, comprises the construction of a two-storey nursing home, single storey service building, a biodiversity area and all associated site works. Water supply is proposed with a new connection to the public mains. Proposed wastewater is a new connection to the public sewer.
- 2.2. A Natura Impact Statement was submitted to the planning authority with the application documentation.
- 2.3. A letter of consent from Limerick City and County Council has been submitted with the application documentation.
- 2.4. The following table outlines some of the key parameters of the proposal as permitted:

Table 1:

Site Area	1.72 hectares
Height	Maximum 2 storey (service building- single storey)
Gross Floor Area	6731m <sup>2</sup>
No. of rooms/bedspaces	128 rooms/130 bedspaces

Additional Uses	Service building to front of site with provision for staff changing facilities- 259m <sup>2</sup>  New entrance off R526  ESB substation and switch room
Car Parking	32 car spaces at surface level (inclusive of 8 no. EV charging spaces)
Bicycle Parking	10 covered spaces

### 3.0 Planning Authority Decision

#### 3.1. Decision

GRANT permission, subject to 16 conditions

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

Executive Planner- Grant of permission recommended, reflects decision of planning authority.

Senior Planner- Proposal is acceptable, subject to conditions

##### 3.2.2. Other Technical Reports

Heritage Officer- Conditions recommended (undated)

Roads Planning Report- Conditions recommended (14/02/2024)

Archaeology Section- Conditions recommended in relation to archaeological monitoring (16/02/2024)

Environment and Climate Action Section- Condition recommended in relation to waste management (19/02/2024)

Environmental Health Section- Conditions recommended (29/01/2024)

### 3.3. Prescribed Bodies

Uisce Eireann- No report received. Confirmation of Feasibility included in submitted Engineering Services Report

TII- No observations (23/01/2024)

### 3.4. Third Party Observations

A number of submissions were received by the planning authority which raised matters similar to those contained in the appeal submissions.

## 4.0 Planning History

The most recent, relevant history is as follows:

#### Subject Site

20/93- Permission GRANTED for an 82-bed nursing home and ancillary works

17/677- Permission GRANTED for a 62-bed nursing home and ancillary works

Noted that 23/0652 for a similar application was WITHDRAWN by the applicants, stated to be due to a procedural error by the PA in processing the application

#### Opposite

ABP-314921-22 (22/190)

10-year permission GRANTED by PA for Biopharmaceutical Manufacturing Campus.  
Appeal WITHDRAWN

#### Nearby

ABP-317106-23

Appeal for construction of 97 residential units and all ancillary site development works. The planning application is accompanied by a Natura Impact Statement.  
Decision pending

## 5.0 Policy Context

### 5.1. Development Plan

Limerick Development Plan 2022-2028 applies

Zoning: 'New Residential' which seeks 'to provide for new residential development in tandem with the provision of social and physical infrastructure' and 'Agriculture' which seeks 'to protect and improve rural amenity and provide for the development of agriculture uses'.

The area of the site zoned 'New Residential' is located towards the public road with the 'Agricultural' zoning comprising the remaining area towards the rear of the site.

#### Section 4.2.12 Nursing Home/Care Home Accommodation

Proposals for nursing homes/care home accommodation shall be located in existing residential areas well served by appropriate levels of infrastructure and amenities such as footpath networks, local shops and public transport. This will ensure appropriate integration with the local community and afford the residents an appropriate level of independence and access to services.

#### Section 10.7 Health and Respite Care

The provision of both public and private healthcare facilities, together with community support services, will be encouraged on suitably zoned lands that are accessible to new and existing residential areas and that benefit communities by providing multi-disciplinary health care, mental health and wellbeing services in easily accessible locations.

#### Section 10.8 Age Friendly Strategy

##### Objective HO 010 Location Criteria for Nursing Homes/Care Home Accommodation-

It is an objective of the Council to ensure that the maximum distance from nursing homes/care homes shall be no more than 300m safe walking distance to community facilities, convenience retail facilities and amenities.

#### Section 11.4.5- Housing for All – Nursing Homes/ Assisted Living Accommodation

When assessing planning applications for Nursing Homes/Assisted Living Units, the Council will have regard to the following:

- Location - Such facilities will be resisted in remote locations removed from urban areas. They should be located in established neighbourhoods/residential areas well served by community infrastructure and amenities where future residents can access local services such as shops and community facilities;
- Accessibility - Proximity of high-quality public transport links and provision of good footpath links; • The potential impact on residential amenities of adjoining properties;
- Nursing Homes/Assisted Living Accommodation shall provide at least 20% open space of the overall site area;
- Adequate provision of parking facilities (Refer also to Section 11.8.3 Car and Bicycle Parking Standards, DM Table 9a/9b);
- The design, layout, size and scale of the proposal must be appropriate to the area;
- Quality of proposed landscaping

## 5.2. Ministerial Guidelines

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Project Ireland 2040, National Planning Framework (2018)

Specifically addresses the needs of older people (National Policy Objective 30) by requiring that local planning, housing, transport/accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population along with the inclusion of specific projections, supported by clear proposals in respect of ageing communities as part of the core strategy of city and county development plans.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024)

The creation of sustainable communities also requires a diverse mix of housing and variety in residential densities across settlements. This will require a focus on the delivery of innovative housing types that can facilitate compact growth and provide greater housing choice that responds to the needs of single people, families, older people and people with disabilities, informed by a Housing Needs Demand Assessment (HNDA) where possible.

- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Appropriate Assessment Guidelines for Planning Authorities
- Climate Action Plan
- EIA Guidance for Consent Authorities regarding Sub-Threshold Development

### **5.3. Natural Heritage Designations**

The Lower River Shannon SAC (Site Code:002165) and the River Shannon and River Fergus Estuaries SPA (Site Code:004077) are located c. 2.5 km from the subject site.

Loughmore Common Turlough pNHA (Site Code: 0438) is located to the west and north of the site.

### **5.4. EIA Screening**

Having regard to the nature and scale of the proposed development comprising a nursing home on appropriately zoned land where public sewerage and potable water supply is available, the site area, the built-up nature of the surrounding area and the likely emissions therefrom, 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**

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

Four third party appeals were received, which may be broadly summarised as follows:

#### Policy context/Design

- Proposal represents overdevelopment of site; site not sufficiently large to cater for a development of the scale proposed; inadequate separation distances to boundaries; high plot ratio
- Proposal represents a commercial enterprise in a residential area; out of scale and character with area and other nursing homes in Limerick; proposal not in compliance with Objective HO 010 of operative Development Plan; institutional character of proposal; lack of dementia care unit
- Agriculture zoned land should not be taken into consideration in assessment of application; contravention of Development Plan; compatibility of agriculture zoning for biodiversity area; represents material contravention of Plan

#### Residential Amenity

- Impacts on privacy; increased disturbance; construction hours; construction measures including fencing required; undergrounding of cables required; construction management plan needs to be in place; questions need for development of this scale; waste disposal
- Poor standard of residential amenity for future occupiers; noise and air impacts from nearby Raheen Industrial Estate for future residents; suitability of internal courtyard- overshadowing; inadequate distance between opposing windows leading to lack of privacy; location of open space; reference made to National Standards for Residential Care Settings for Older People in Ireland, published by HIQA, relating to respecting privacy and dignity of each resident; proposal does not provide an attractive environment for elderly people

### Traffic

- Increased traffic; construction traffic impacts; questions achievement of adequate sightlines; lack of EV chargers; inadequate car parking provision which could lead to decline in visitation rates

### Drainage

- The contractual agreements between the local authority and the landowners in relation to the Loughmore Canal have not been complied with and the watercourse has not been maintained.
- Capacity of the outfall concerns were raised in 1999 by the Local Authority's planning and environment sections yet permissions have been granted without control measures or flood risk assessments. This has led to extensive flooding of lands; water table levels may increase. Investigations underway
- Concerns regarding pollution levels in Loughmore Canal; flooding concerns- site liable to flooding; capacity of WWTP to accommodate additional loading; WWTP currently overloaded; protection of groundwater quality should be high priority for PA

### Ecology/Heritage

- Concerns regarding impacts on Loughmore Common Turlough pNHA; landscaping plans in particular wildflower meadow could introduce invasive species to the area; EclA concerns relating to species in locality; bird collisions.
- Concerns regarding impacts on Protected Structures/Heritage Areas within 5km of subject site

### Other Matters

- Legal matters relating to consents and encroachment; ownership rights over Loughmore Common; limited company status of applicants; conflicts of interest
- No signature provided on application form; inaccuracies in documentation; no information available on LIHAF road; concerns relating to incremental planning applications; quality of assessment undertaken by PA
- Concerns regarding working in proximity to ESB pylon; lack of green roof in accordance with Development Plan; compliance with conditions; future use of

building; advertising concerns; archaeological monitoring; structural concerns due to building on peat/wet lands

## 6.2 Applicant Response

A response was received on behalf of the first party which may be summarised as follows:

- Maintenance matters of canal and contractual agreements between local authority and surrounding landowners are outside the scope and control of applicant; outlines overview of recent appeal submissions and appellants in general area of subject site; proposal not dependent on any maintenance agreement to be agreed between OPW and Council and can be considered on its own merits
- Given proximity to UHL, a number of beds will provide step-down care
- Building located on residentially zoned lands in accordance with provisions of Limerick Development Plan 2022
- Proposal meets and exceeds all design standards recommended in HIQA 'National Standards for Residential Care Settings for Older People in Ireland' (2016) and relevant standards of Limerick Development Plan
- Subject lands and those immediately adjoining are located within Flood Zone C and not subject to flooding
- Proposal screened for AA and an NIS was prepared
- Proposal would result in an improved surface water management regime for the site and wider area
- Includes letter from Bartra Healthcare outlining design compliance of proposal
- A response to appeal from OCSC was received which addresses concerns raised in relation to drainage/flooding matters/wastewater capacity, together with traffic/access matters. In relation to matters of alleged conflict of interest, OCSC states that they carry out their business without prejudice in a professional and impartial manner and without favour towards or against any interested persons. In relation to flooding, the FRA concluded that there are no pluvial, fluvial or coastal risks associated with the proposed development.

This is based on current, most available information on flood risk. The drainage system has been designed to take account of existing groundwater levels and includes for additional capacity for climate change. In relation to traffic/access matters, states that proposed access point lies outside of appellants lands and this is clearly shown on drawings provided. Proposed access has been agreed with PA. A TIA was included in application documents which includes a traffic count

- A Bat Fauna Impact Assessment was included with the response

### **6.3 Planning Authority Response**

None

### **6.4 Observations**

None

### **6.5 Further Responses**

None

## **7 Assessment**

7.1 Having examined the application details and all other documentation on file, including the reports of the planning authority and prescribed bodies, all appeal documentation and responses received, together with having inspected the site environs, I consider that the main issues in this appeal are as follows:

- Principle of proposed development/policy context
- Visual and Residential Amenity
- Drainage Matters
- Transport Matters
- Other Matters

7.2 I highlight to the Board that some of the third-party appeals pertain to issues relating to maintenance of the Loughmore Canal and agreements previously made between the appellants and Limerick City and County Council. One of the appellants has appealed a number of recent planning authority decisions in the Raheen Business Park and nearby locality on similar grounds. Some recent decisions I refer the Board to are ABP-314692-22 (decision date September 2023) and ABP-314693-22 (decision date January 2024), in which almost identical matters were raised by the same appellant for developments in proximity to this subject site. The Board granted permission in those appeals. Any such agreements are considered to be outside the control of the applicants and a civil matter between the appellants and the Council.

Principle of proposed development/policy context

- 7.3 The proposed development consists of the construction of a two-storey, 130 bedspace nursing home development, together with single storey service building, new entrance, parking and associated site development works. It is noted that permission was twice previously granted on this site for smaller-scale nursing home developments, with there being an extant permission for an 82-bed facility. Site development works on the construction of that extant permission are currently underway on site.
- 7.4 The site zoning is part 'New Residential' and part 'Agricultural'. The area of the site zoned 'New Residential' is located along the public road where the proposed structures are to be located with the 'Agriculture' zoning comprising the remaining area towards the rear of the site, which is proposed primarily as a biodiversity area. Some of the third-party appeal submissions raise concerns regarding contravention of the operative Development Plan in relation to zoning- primarily with regards the location of the biodiversity area within the 'Agriculture' zoned portion of the site. The planning authority have not raised concerns in this regard and have previously twice granted permission on this site for such a similar arrangement. It is therefore considered that the principle of nursing home use has already been established on the land by the planning authority, by virtue of the two separate grants of permissions for nursing homes.
- 7.5 'Nursing home/residential care' or 'institution/retirement village' are 'generally permitted' under 'New Residential' zoning objective. No structures are located within

the 'Agriculture' zoned land, with the exception of walkways which were provided at the request of the planning authority. The objective of 'Agriculture' zoning is to protect and improve rural amenity and provide for the development of agriculture uses. I am satisfied that the provision of such a biodiversity area, which will allow recreational access to residents and their visitors would not interfere with the rural amenity of the lands and that the proposal is in compliance with the zoning objective for this portion of the site. I am generally satisfied in this regard.

- 7.6 An ESB pylon is located on the site and there is a wayleave in place to reflect this, which also determines the layout of the site and location of buildings thereon. The proposed parking area is generally located within this wayleave area. There are no proposals to remove this pylon and it is considered outside the remit of this appeal.
- 7.7 Some of the appeals raise concern with the incremental increase in size of the proposed nursing home through the various applications on site. It is stated in the documentation that the rationale for the larger facility in this current appeal is based on the fact that the residential zoned area of the site increased from that previously in place under the previous Development Plan and the larger proposal reflects that increase. I have no issue in this regard.
- 7.8 I highlight to the Board that some of the third-party submissions received raise concern that the proposal is not in compliance with Objective HO O10 of the operative Development Plan, which states that 'it is an objective of the Council to ensure that the maximum distance from nursing homes/care homes shall be no more than 300m safe walking distance to community facilities, convenience retail facilities and amenities'. The proposed development is not located within 300m of such facilities but the applicant's highlight that it is within 15 mins walking of such. A primary care centre was recently granted planning permission to the east of the site, on land adjoining the Southcourt Hotel. A local centre is located at the Raheen roundabout, approximately 1.2km distant. University Hospital Limerick is approximately 1.5km from the subject site. I note that the planning authority did not consider the proposal to be a material contravention of the operative Development Plan in this regard and granted permission for the proposed development. I consider that the proposal does not represent a material contravention of the Plan in this regard and I consider that the provisions of Section 37(2)(b) do not apply in this instance.

- 7.9 Limerick City and Suburbs (in Limerick), Mungret and Annacotty is designated for significant growth under the NPF and RSES with 11,442 additional households forecasted for the Plan period. Cycle and pedestrian connectivity along the R526 is good. Bus 304 which serves the Raheen area including Raheen Business Park, is currently the closest bus service to the site. However, in terms of future planned public transport provisions in the area, I note that the proposed Mungret Link Road which is being delivered under the LIHAF scheme, will join the R526 east of the subject site. Under BusConnects, Route 5 service is proposed to serve the subject site with a 30-minute bus frequency. Under the Limerick Shannon Metropolitan Area Transport Strategy (LSMATS) cycling infrastructure will be developed along a number of primary routes into the city, including along the R526 as far as the proposed new LIHAF Road immediately east of the site. I note the locational context of the site, in an area designated for additional growth in the operative Development Plan, close to existing and permitted development, in proximity to public transport links (existing and proposed), good established pedestrian infrastructure, located approximately 1.2km from the nearest local centre, within the environs of Limerick city centre. The operative Plan seeks to accommodate the needs of older people by encouraging the provision of suitable accommodation to allow them remain in their established communities. The provision of this proposed nursing home, with associated step-down service, at this location would help meet this commitment of the planning authority. The principle of a nursing home has also been accepted previously by the planning authority at this location. I am generally satisfied in this regard.
- 7.10 Section 11.4.5 of the Plan notes that when assessing planning applications for Nursing Homes/Assisted Living Units, the Council will have regard to location; accessibility; open space provision and quality landscaping; parking facilities and design, layout and size being appropriate to the area. In terms of location, the site is located in an urban area, considered to be an 'outer suburban/greenfield' location close to the built-up area of Limerick city. It is located within an area identified for growth, in an urban area under transition. In terms of accessibility, the proposal is proximate to public transport links (existing and proposed) and provision of good footpath links. I do not anticipate that the proposal will lead to potential negative impacts on residential amenities of adjoining properties, however I shall deal with

this matter further below. Adequate open space is provided to comply with Development Plan requirements, while quality landscaping is proposed. Adequate parking facilities, including EV charging is proposed. I am of the opinion that the design, layout, size and scale of the proposal is appropriate to the area. The proposal would provide an attractive addition to the area and would provide good quality of accommodation for future occupants. The proposal is considered not to represent a piecemeal form of development nor overdevelopment of the site. Having regard to the above, I am satisfied that the proposal is substantially in compliance with section 11.4.5 of the operative Development Plan and does not materially contravene Objective HO 010 of the Plan.

7.11 In terms of the need for this larger facility, as raised in third party submissions, I note national policy, the NPF, in particular NPO 30, which seeks to meet the needs and opportunities of an ageing population. Nationally, the total age dependency ratio increased from 52.7 in 2016 to 53.2 in 2022. This changing demography is resulting in a greater need for appropriate housing for the elderly and the differing demands of an aging population. The submitted documentation states that the Annual Private & Voluntary Nursing Home Survey 2020/2021 prepared by BDO confirms that Limerick has a  $\geq 65$  population of 35,094 with only 1,124 private nursing home beds. The other driver requiring a larger facility is one of viability and the cost associated with meeting HIQA standards. A larger facility is required in order to maintain viability and ensure a professional, high quality service can be provided. In addition to elderly care, given the proximity of the site to University Hospital Limerick, a number of beds are being provided and will be reserved for step down purposes.

7.12 I am of the opinion that the proposed development is supported by a number of objectives of the Limerick Development Plan 2022- 2028, in addition to national policy. Having regard to all of the above, I am satisfied that the principle of the proposed development is acceptable at this location and that the proposal is in compliance with the zoning objectives for the area.

#### Visual and Residential Amenity

7.13 The constraints of the site are noted, namely the wayleave required for the overheard ESB line and the extent of lands zoned for residential use. I again note the planning history of the site, whereby there is an extant permission for an 82-bed



nursing home, for which works are currently underway on site for the construction of same.

- 7.14 In terms of impacts on the visual amenity of the area, I note the concerns raised by the appellants in relation to the institutional nature of the proposal, together with impacts on the character of the area due to the overall size and scale of the proposal. The planning authority have not raised concerns in this regard. I am of the opinion that the design solution put forward in this regard is such that it would not impact on the visual amenity of the area or detract from the character of the area to such an extent as to warrant a refusal of permission. The site is located on the outskirts of Limerick city and a mix of uses, including residential, pharma, service station and retail are all located, or permitted, within the vicinity of the site. It could accurately be described as an area under transition, and I am generally satisfied with the design solution put forward. A stronger building line at this location may have been optimal from an urban design viewpoint, however the constraints imposed by the ESB wayleave are noted.
- 7.15 In terms of impacts on residential amenity, I note the concerns raised in relation the overlooking and impacts on privacy. I have no information before me to believe that impacts on residential amenity would be so great as to warrant a refusal of permission. The planning authority have not raised concerns in this regard. In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. Having regard to the orientation and location of the site, the separation distances involved and the design of the proposed development, I do not have undue concerns with regards the impacts on amenity of properties in the vicinity. Having examined the proposal, I am of the opinion that separation distances typical, or in excess, of what would normally be anticipated within such an urban area are proposed with existing properties. This will ensure that any impacts are in line with what might be expected in an area such as this.
- 7.16 A significant number of concerns have been raised in relation to construction matters, for example construction traffic impacts, hours of work, noise and waste for example. The applicant's highlight that a CEMP and Acoustic Assessment were submitted with the application documentation. I am satisfied that if the Board is disposed towards a grant of permission that such matters can be adequately dealt with by means of condition, including the submission of a Final CEMP. Any

construction impacts are considered to be temporary and short-lived in nature. Given the nature of the proposal, I do not consider impacts on amenity during the operational phase to be so great as to warrant a refusal of permission.

- 7.17 Matters raised in relation to boundary treatments can also be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission.
- 7.18 In terms of concerns raised in relation to standards of amenity for future occupiers, including open space provision, I note the response of the first party which states that, contrary to the assertions in the appeal submissions, the proposed development design complies with and exceeds all design standards recommended in HIQA's guidance document 'National Standards for Residential Care Settings for Older People in Ireland '(2016). I consider that separation distances/overlooking between rooms would not be so great as to warrant a refusal of permission. It is stated in the applicant's response to the appeal that a daylight analysis was undertaken, with focus on the bedroom areas of the scheme. Bedrooms significantly exceeded the criteria of BS-8206 and BS EN 17037. Further details of this analysis does not appear to be on file. Notwithstanding this, I have adequate information on which to base my assessment in this regard. The planning authority have not raised concerns and I am generally satisfied in this regard. Any future operator of the facility will need to adhere to HIQA standards, which is outside the remit of this appeal. I consider that the level of internal amenity being afforded to future residents would be acceptable and a quality offering has been put forward in this regard.
- 7.19 In relation to open space provision, I consider that adequate open space has been provided, both in terms of the smaller, more intimate courtyard area that has the benefit of direct supervision on all sides (which may be better for some residents) and the more open biodiversity area to the rear, which gives a greater sense of space and freedom (which may better suit the needs of other residents). I have some concerns however with regards the accessibility of the biodiversity area for residents and their visitors and consider that the layout of the ground floor is such that direct access is not intuitive from within, with no link (visual or otherwise) between the courtyard and the biodiversity area. I consider that a superior design solution would be to omit a number of bedrooms on the ground floor and provide a glazed area to allow for direct, easy access to the biodiversity area. This area could provide an indoor seating area with direct views of the biodiversity area on days

when access may not be appropriate. It would also create a visual link between the courtyard and biodiversity area, giving an overall sense of connection and space. This matter could be adequately dealt with by means of condition if the Board were disposed towards a grant of permission.

#### Drainage

- 7.20 Concerns were raised in the appeal submissions regarding pollution levels in Loughmore Canal; flooding concerns and capacity of the WWTP to accommodate additional loading. The first party refute these claims. The planning authority have not raised concerns in this regard, subject to conditions. A Confirmation of Feasibility has issued from Uisce Eireann, subject to conditions. I note that a Site-Specific Flood Risk Assessment (FRA) and Engineering Services Report were submitted with the application documentation.
- 7.21 The proposal comprises a nursing home development therefore, it is considered to be a 'Highly Vulnerable Development' as per Table 3.1 of the Planning System and Flood Risk Management Guidelines for Planning Authorities. The proposed development is located within Flood Zone C and is therefore considered appropriate for such development, without the need for a Justification Test.
- 7.22 In terms of flooding, the Loughmore Canal is located north of the site. The submitted FRA states that there is no reported impact from the Canal on the proposed site. I have examined the relevant mapping including OPW website [www.floodinfo.ie](http://www.floodinfo.ie) and CFRAMS and note that the site is not located in an area prone to flooding. While two flood events are noted to the north-west of the site, north of the Loughmore Canal, there are none identified for the subject lands. The proposal includes for connection to existing mains infrastructure, with upgrades required. It is noted that a new surface water system is to be installed in accordance with SuDS principles including attenuation storage, rainwater harvesting and permeable paving which will all reduce the volume of run-off and provide to greenfield run-off rates. The proposed network was designed to allow for an additional 25% increase in rainfall intensity, to allow for climate change, in accordance with the Limerick City and County Council Development Plan and the GDSDS. Any overflow of surface water will enter a drainage ditch, which is connected to Loughmore Canal via a new surface water outfall pipe and headwall. The planning authority have not raised concern in this

regard. Uisce Eireann did not make comment on this application but in previous applications, did not raise concerns in this regard. The FRA states there is no significant risk of flooding within the proposed site and that no further mitigation measures are required, apart from the recommendation that all drainage infrastructure is designed and installed in accordance with the relevant standards. This is considered reasonable and I am satisfied in this regard, subject to conditions.

7.23 In terms of capacity of the WWTP, it is noted that foul sewerage from Mungret leads to the Bunlicky WWTP. The municipal wastewater treatment plant at Bunlicky is operated by Uisce Eireann and is licenced by the EPA (register no.: D0013-01) to discharge treated effluent to the Shannon. The documentation received with the application states that the Annual Environmental Report from the plant for 2022 (the most recent available) indicated that there were a number of exceedances of licence limits for that year due to a number of factors including plant/equipment breakdown, adverse weather, broken pipes and exceedance of WWTP capacity. The plant has a design capacity of 186,233 population equivalent (P.E.) and hydraulic loading was lower than this. The report indicates that the plant is not likely to exceed its capacity within the next three years (i.e. from 2022). It is stated that there is no evidence that negative effects to water quality are arising from this plant. The planning authority have not raised concerns in this regard. They acknowledge that no report was received from Uisce Eireann in relation to this file, however a report was received in relation to a similar withdrawn proposal on the site (Ref. 23/60652), in which Uisce Eireann did not raise objections to the proposal. A Confirmation of Feasibility from Uisce Eireann (dated June 2023) has been included in the application documentation, which states that both water and wastewater connections are feasible subject to upgrades. Having regard to all of the information before me, including the locational context of the site, its planning history, the minimal increase in loading to the foul system as a result of this relatively modest proposal, I have no information me to believe that the WWTP does not have capacity to cater for the proposed development.

7.24 Concerns were raised in an appeal submission in relation to impacts on groundwater and use of inadequate data sources. In response, the applicants state that the drainage system has been designed to take account of existing groundwater levels and includes for additional capacity for climate change. In relation to concerns

regarding water contamination, the applicants state that a site inspection was undertaken by the design team and they did not encounter any contaminated water, wither within the drains that run parallel to the canal or the canal itself. The applicants also state that details contained in the application are the current most available information on flood risk. In response to concerns raised regarding the non-provision of green roofs, the applicants respond that a number of nature-based solutions have been proposed in accordance with Development Plan provisions including the collection of rainwater into a storage tank for reuse within the site, raingarden strips for bioretention and permeable paving. I am satisfied in this regard.

- 7.25 As stated above, the planning authority have not raised concerns in this regard. A Confirmation of Feasibility from Uisce Eireann (dated June 2023) has been included in the application documentation, which states that both water and wastewater connections are feasible subject to upgrades. Based on all of the information before me, I am satisfied that the proposal is acceptable in this regard and I have no information to believe that if permitted, would be prejudicial to public health.

#### Transport Matters

- 7.26 Concerns were raised in the appeal submissions regarding the number of carparking spaces proposed, lack of EV chargers on site, the opening of new entrance onto the R526 and increased traffic generation. A Traffic Impact Assessment & Mobility Management Plan and Stage 1-2 Road Safety Audit were submitted with the application. The first party addressed these matters in their response to the appeal. The planning authority have not raised concerns in this regard, subject to conditions.
- 7.27 In terms of the proposed new opening onto R526, I note that this is a single carriageway roadway with footpaths on both sides. Street lighting is present. The speed limit is 60km/hr. A new entrance was permitted in the previous applications on the site, and the entrance has been opened as part of the works being undertaken under the extant permission, P20/93. It is proposed to provide a left in/left out only access due to the proximity of this access to the roundabout to the west. Neither the TII nor the planning authority have raised concerns in this regard. I am also satisfied in relation to this matter, subject to condition.
- 7.28 It is proposed to provide 32 no. car parking spaces including 2 no. dedicated accessible spaces and 8 no. EV charging spaces, together with 10 covered bicycle

spaces. In addition, it is proposed to include a set-down area for ambulances immediately adjacent to the main entrance. In terms of car parking requirements, I note Table DM 9(a) of the operative Development Plan, which requires 1 space per 4 beds in all zones. Therefore, there is a requirement for 32 spaces, which are provided for in the proposal. In terms of bicycle parking, there is a Development Plan requirement of 1 space per 5 staff, giving a requirement of 10 spaces, which again have been provided for. I am also satisfied with the level of EV charging proposed and consider that this matter can be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission. The planning authority are satisfied with the parking provision, subject to compliance with conditions. I am also satisfied in this regard and consider the proposal to be in compliance with the provisions of the operative Development Plan in this regard.

7.29 In terms of trip generation and increased traffic, I note that traffic generation potential of the proposed development has been estimated using the TRICS database. It is stated in the documentation that the proposed development is expected to generate approximately 474 additional trips per day, of which approximately 10 arrivals and 11 departures are expected during the AM peak (08:00 – 09:00) and approximately 11 arrivals and 22 departures are expected in the PM peak hour (16:30 – 17:30). It is highlighted in the TIA that the proposed development's peak doesn't coincide with the normal daily vehicular peak hours. The peak hour for this development is in the afternoon, between 14:00 and 15:00 when it generates 26 arrivals and 38 departures. Based on the information before me, I have no information to believe that the existing road network does not have capacity to cater for a development of the nature and scale proposed. I am generally satisfied in this regard.

7.30 Construction traffic movements, mitigation measures and proposed haul routes have been dealt with in the submitted TIA. On-site car parking will be provided for construction staff, and no car parking by construction workers will be permitted on the adjacent roads. It is stated that a detailed Construction Traffic Management Plan will be prepared and submitted to the planning authority prior to the commencement of development. A Final Construction and Environmental Management Plan should also be submitted, prior to the commencement of any works on site- this matter can also be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission. This is considered reasonable.

7.31 Having regard to all of the information before me, I am generally satisfied in this regard, subject to condition, and have no information before me to believe the proposal will lead to the creation of a traffic hazard or obstruction of road users.

#### Other Matters

7.32 Many of the points raised in the appeal submissions relate to legal matters, which are considered outside the remit of this appeal. Matters raised in relation to alleged conflict of interest are outside the remit of this appeal.

7.33 I have sufficient information before me to undertake a comprehensive assessment of the proposal. I have no information before me to believe that the planning authority did not undertake a comprehensive assessment of the proposed development.

7.34 In relation to the concerns raised regarding the lack of a signature on the application form, the applicant highlights in their response to the appeal that, as stated on the application form itself, that where an application is made in electronic form with the consent of the planning authority under Article 22(3) of the Planning and Development Regulations 2001, as amended, that valid login credentials will replace the need for a signature and satisfy the declaration. I am satisfied in this regard.

7.35 Details relating to LIHAF funded roads are not considered relevant for the assessment of this appeal.

7.36 In terms of impacts on heritage, concerns regarding impacts on Protected Structures/Heritage Areas within 5km of subject site have been raised in one of the appeal submissions. I highlight to the Board that there are no Protected Structures or known Recorded Monuments, either within the site or within its immediate vicinity. I am satisfied that given the nature and scale of the development proposed, that there will be no impacts on the known built heritage of the area. The Archaeological Section of the planning authority are of the opinion that given the greenfield nature of the site, archaeological monitoring of all ground disturbance associated with the proposal should be undertaken. The planning authority have attached a condition in this regard. This is considered reasonable and the matter could be adequately dealt with by means of condition. If the Board is disposed towards a grant of permission.

7.37 One of the appeal submissions raises concerns in relation to ecology matters in particular, concerns regarding impacts on the Loughmore Common Turlough pNHA

(Site Code: 0438), concerns regarding the introduction of invasive species into the area through the proposed wildflower meadow, together with concerns regarding bird collisions and impacts on species utilising the site. I note that an EclA was submitted with the application documentation, together with an Arboricultural Impact Assessment, Landscape Design Statement, landscaping drawings, AA Screening Report and NIS.

- 7.38 The Arboricultural Impact Assessment notes that one hedgerow (approximately 150m in length) and 4 large mature trees are to be removed and that the impact on trees is low. The EclA notes that site visits were carried out in June, August and November 2023. The habitats on this development site are of local biodiversity value and are not associated with any which are listed on Annex I of the Habitats Directive or species listed on its Annex II, or Annex I of the Birds Directive. There are no plant species growing on the site which are listed as alien invasive under Schedule 3 of SI No. 477 of 2011. No direct or indirect evidence of any mammal was recorded during the site survey. No evidence of roosting bats was found but Leisler's Bat and Common Pipistrelle were recorded foraging on the lands. There is no suitable habitat for Otter. There is no suitable nesting habitat for Bar Owl. Contrary to the assertions of one of the appellants in relation to the use of the site by badger, the applicant's state in their response that a survey for badger activity was carried out during the appropriate period (November 2023) and no evidence of badger activity or their setts was found. Any occasional foraging by badgers on site would not be negatively impacted upon given the abundance of suitable lands in the area for the species. Mitigation measures to prevent significant effects to biodiversity are included in the EclA. The EclA concludes that if all mitigation measures are fully implemented no negative effects to biodiversity are predicted to arise from this development which are moderate negative or greater in magnitude. The bat survey report concludes that the residual impact to bats is considered to be minor adverse/not significant in the short term and low beneficial positive in the long term. I am generally satisfied in this regard.
- 7.39 The Loughmore Common Turlough pNHA is located to the west and north of the site, with a portion of the development site partly within the pNHA (the surface water outfall pipe). The route of the proposed outfall pipe will not require the removal of any trees and it will be routed to avoid the root zones of any large tree. The point of



outfall will not affect any mature trees. Some vegetation will be affected, namely grassy meadow with occasional brambles, together with the boundary area with the drainage ditch where a pre-cast concrete headwall will be installed. Any loss of habitat from these works will be temporary as soil will be revegetated with native wild plants. Apart from works to the surface water outfall pipe there will be no direct or indirect disturbance to the vegetation within the pNHA. In addition, the applicant's response to the appeal states that the mitigation measures provided in the submitted NIS to safeguard the Lower River Shannon SAC are sufficiently appropriate to also safeguard the ecological integrity of the Loughmore Canal and by extension to it, the Loughmore Common Turlough pNHA during construction. This is considered reasonable. The planning authority have not raised concerns in relation to this matter and I am generally satisfied in this regard.

- 7.40 In terms of wildflower meadow, I have no information before me to believe that the proposed wildflower meadow would introduce invasive species into the area. The planning authority did not raise concerns in this regard. The matter of landscaping was dealt with in the documentation submitted and to my knowledge did not propose any invasive species. In any event, this matter could be adequately dealt with by means of condition.
- 7.41 In terms of concerns regarding bird collisions, no documentary evidence has been put forward to validate these claims. The height of the proposal, at two-storey and single storey, is in keeping with the prevailing heights in the vicinity. Large expanses of glass are not proposed. In terms of bat collisions, it is noted that there is low level of bat activity on site and structures would be clearly visible to bats. I do not have concerns in this regard.
- 7.42 In terms of impacts on the wider ecology of the site, without doubt, there will be some impacts given the change from greenfield site to a development of the nature and scale proposed. Notwithstanding this, I note that there are no protected species present on site, species noted were common everyday species. The area of the site where development is proposed is zoned for new residential development. The proposal includes for enhancement of the area zoned for agriculture in the proposal to create a biodiversity area, which will compensate for impacts elsewhere on site. A detailed landscaping plan has been put forward. Mitigation measures, which seeks to protect local wildlife have been outlined. These include four artificial bat roosting

boxes and a nesting box for Barn Owl, to be located in dark areas on mature trees which are the most suitable locations for these features. In addition, swift nesting boxes are to be located on the north facing side of the main building. The planning authority did not raise concerns in this regard. Permission has previously been permitted on site for a development of similar, albeit, small nature. I am generally satisfied that any impacts on ecology would not be so great as to warrant a refusal of permission.

## **8 Appropriate Assessment**

### Overview

- 8.1.1 Accompanying this application is a Screening Report for Appropriate Assessment and a Natura Impact Statement prepared by Openfield.

### Stage 1- Screening

- 8.1.2 See Appendix 2, Form 2
- 8.1.3 The Screening Report concluded that significant effects to the Lower River Shannon SAC and the River Shannon & River Fergus Estuaries SPA cannot be ruled out due primarily to impacts on water quality from pollution/sedimentation during construction works. 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, taking an extremely precautionary approach, the proposed development is likely to have a significant effect on identified Qualifying Interests of these two such designated sites- the Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code: 004077) 'alone'. There is a hydrological pathway to the SAC that could transfer impacts - there is potential for water quality impacts to arise which could affect the Qualifying Interests. This, in turn, could affect the species of the SPA and their habitat quality and food source. It is therefore determined that Appropriate Assessment (Stage 2), under Section 177V of the Planning and Development Act 2000, is required on the basis of the effects of the project 'alone'.

### Stage 2- Appropriate Assessment

## Introduction

- 8.1.4 As stated, the application included an NIS for the proposed development at Bunacloka, Mungret, Co. Limerick. The NIS provides a description of the project and the existing environment. It also provides a background on the screening process and examines and assesses potential adverse effects of the proposed development on a number of European Sites. Potential impacts arising from the proposed development are outlined in section 2. The most likely impact on the integrity of the designated sites was identified as impacts on designated species and/or habitats resulting from decline in water quality from pollution/sedimentation during the construction phase. Conservation Objectives are set out in section 3. Details of mitigation measures are outlined in section 4. It is concluded that there are no plans or projects which could act in-combination with the current proposal to result in significant effects to Natura 2000 sites.
- 8.1.5 The NIS concludes that that, based on best scientific knowledge and in view of conservation objectives of the site, the project either alone or in-combination with other plans or projects, will not adversely affecting the integrity of the Lower River Shannon SAC or the River Shannon and River Fergus Estuaries SPA.
- 8.1.6 On the basis of objective information, it is my opinion, that the designated sites listed below require further consideration only. Taking an extremely precautionary approach and based on the above, I consider that it is not possible to exclude that the proposed development, individually or in combination with other plans or projects, will have a likely significant effect on the following sites:

Table 1:

Site Name	Site Code	Distance
River Shannon and River Fergus Estuaries SPA	004077	2.5km (7.4km following hydrological pathways)
Lower River Shannon SAC	002165	2.5km (7.4km following hydrological pathways)

## Appropriate Assessment of implications of the proposed development on each European Site

8.1.7 The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the River Shannon and River Fergus Estuaries SPA and the Lower River Shannon SAC 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.

8.1.8 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).

8.1.9 A description of the designated sites and their Conservation Objectives and Qualifying Interests, including any relevant attributes and targets, are set out in the NIS. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives/Statutory Instrument supporting documents for these sites available through the NPWS website ([www.npws.ie](http://www.npws.ie)).

Appropriate Assessment of implications of the proposed development on each European Site

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

8.1.10 The subject site is located approximately 2.5km from the River Shannon and River Fergus Estuaries SPA. This SPA is important for both roosting and feeding wetland/wading birds.

Table 2:

Designated Site	Qualifying Interests most likely to be impacted	Impacts	Residual Impacts
<p>River Shannon and River Fergus Estuaries <b>SPA</b></p> <p><b><u>River Shannon and River Fergus Estuaries SPA   National Parks &amp; Wildlife Service (npws.ie)</u></b></p> <p><u>Conservation Objective</u></p> <p>Maintain/Restore the favourable conservation status of habitats and species of community interest</p> <p>Long term population trend is stable or increasing for all species</p>			
	Cormorant (Phalacrocorax carbo) [A017]	Water Quality	No
	Whooper Swan (Cygnus cygnus) [A038]	Water Quality	No
	Light-bellied Brent Goose (Branta bernicla hrota) [A046]	Water Quality	No
	Shelduck (Tadorna tadorna) [A048]	Water Quality	No
	Wigeon (Anas penelope) [A050]	Water Quality	No
	Teal (Anas crecca) [A052]	Water Quality	No
	Pintail (Anas acuta) [A054]	Water Quality	No

	Shoveler ( <i>Anas clypeata</i> ) [A056]	Water Quality	No
	Scaup ( <i>Aythya marila</i> ) [A062]	Water Quality	No
	Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137]	Water Quality	No
	Golden Plover ( <i>Pluvialis apricaria</i> ) [A140]	Water Quality	No
	Grey Plover ( <i>Pluvialis squatarola</i> ) [A141]	Water Quality	No
	Lapwing ( <i>Vanellus vanellus</i> ) [A142]	Water Quality	No
	Knot ( <i>Calidris canutus</i> ) [A143]	Water Quality	No
	Dunlin ( <i>Calidris alpina</i> ) [A149]	Water Quality	No
	Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156]	Water Quality	No
	Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157]	Water Quality	No
	Redshank ( <i>Tringa totanus</i> ) [A162]	Water Quality	No
	Curlew ( <i>Numenius arquata</i> ) [A160]	Water Quality	No
	Greenshank ( <i>Tringa nebularia</i> ) [A164]	Water Quality	No
	Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179]	Water Quality	No

	Wetland and Waterbirds [A999]	Water Quality	No
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*Potential for direct and indirect effects*

- 8.1.11 There is a hydrological connection from the site via the Loughmore Canal to the River Shannon.
- 8.1.12 There would be no direct effects upon River Shannon and River Fergus Estuaries SPA (Site Code: 004077) as there would be no direct habitat loss or fragmentation as a result of the proposed development. No residual impacts have been identified.
- 8.1.13 Construction phase impacts are primarily related to impacts on water quality. The development site is too far removed from the SPA to result in disturbance effects during either the construction or operational phase.
- 8.1.14 Water quality in the Mague Estuary ('moderate' status) is not known to be affecting any of the Conservation Objectives of the SPA. There are no water quality Conservation Objectives for species or habitats in the marine, intertidal zone including for bird populations in the SPA.
- 8.1.15 There is sufficient capacity in the Bunlicky WWTP to accommodate the proposed development- a Confirmation of Feasibility has issued from Uisce Eireann. There is no evidence of negative effects to water quality arising from this. SUDS measures are proposed. On-going implementation of the WFD will result in overall improvements to water quality throughout the Shannon catchment.
- 8.1.16 The canal waters are slow flowing to stagnant and the point of discharge is approximately 7.4km to the SAC following hydrological pathways. In the unlikely event that pollutants from the construction site entered the canal water, there is very little means of conveyance for pollution to reach the Barnakyle River.
- 8.1.17 Mitigation measures, which are primarily general protection measures that would be used by any competent developer in the construction of a similar type development are proposed- see section 4. A site-specific CEMP and Method Statement will be drawn up, outlining precisely how the works will be completed. Construction will follow guidance of Inland Fisheries Ireland. Measures will be provided to prevent any unclean water entering the canal. Fuels will be stored appropriately. Site

personnel will be appropriately trained. It is stated that with the implementation of these measures, adverse effects to the integrity of the SPA will not occur.

8.1.18 It is noted that none of the species associated with this designated site were recorded on the site and that the long-term population trend is stable or increasing for all species. The development site is therefore not utilised as an ex-situ feeding/foraging ground for any QI of this SPA. The planning authority have not raised concerns in this regard. The DAU have not raised concerns in this regard- no report received. The site is zoned for residential development in the operative Development Plan, which would itself have been subject to SEA. I am satisfied that it is not likely that any pollution event at the development site could result in significant impacts on the SPA.

8.1.19 The NIS concluded that with the mitigation measures carried out and incorporated into the design of the proposed development that there would be no in-combination effects from the proposed development.

#### *Integrity Test*

8.1.20 Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

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

8.1.21 The development site is located approximately 2.5km distant of the Lower River Shannon SAC.

Table 3:

Designated Site	Qualifying Interests most likely to be impacted	Impact	Residual Impact
<b>Lower River Shannon SAC</b> <u>Conservation Objective</u> Maintain/Restore the favourable conservation status of habitats and species of community interest			



<u>Lower River Shannon SAC   National Parks &amp; Wildlife Service</u>			
	Sea Lamprey ( <i>Petromyzon marinus</i> )	Water Quality	No
	Brook Lamprey ( <i>Lampetra planeri</i> )	Water Quality	No
	River Lamprey ( <i>Lampetra fluviatilis</i> )	Water Quality	No
	Atlantic Salmon ( <i>Salmo salar</i> )	Water Quality	No
	Otter ( <i>Lutra lutra</i> )	Water Quality	No
	Estuaries	Water Quality	No
	Mudflats and sandflats not covered by seawater at low tide	Water Quality	No
	Large shallow inlets and bays	Water Quality	No
	Reefs	Water Quality	No
	Perennial vegetation of stony banks	Water Quality	No
	Salicornia and other annuals colonising mud and sand	Water Quality	No
	Atlantic/Mediterranean Salt Meadows	Water Quality	No

*Potential for direct and indirect effects*

8.1.22 There is a hydrological connection from the site via the Loughmore Canal to the River Shannon. There would be no direct effects upon Lower River Shannon SAC (Site Code 002165) as there would be no direct habitat loss or fragmentation as a result of the proposed development. No residual impacts have been identified.

- 8.1.23 Construction phase impacts are primarily related to impacts on water quality. The development site is too far removed from the SAC to result in disturbance effects during either the construction or operational phase.
- 8.1.24 Water quality in the Maigue Estuary ('moderate' status) is not known to be affecting any of the Conservation Objectives of the SAC.
- 8.1.25 There is sufficient capacity in the Bunlicky WWTP to accommodate the proposed development- a Confirmation of Feasibility has issued from Uisce Eireann. There is no evidence of negative effects to water quality arising from this. SUDS measures are proposed. On-going implementation of the WFD will result in overall improvements to water quality throughout the Shannon catchment.
- 8.1.26 The canal waters are slow flowing to stagnant and the point of discharge is approximately 7.4km to the SAC following hydrological pathways. In the unlikely event that pollutants from the construction site entered the canal water, there is very little means of conveyance for pollution to reach the Barnakyle River.
- 8.1.27 Mitigation measures, which are primarily general protection measures that would be used by any competent developer in the construction of a similar type development are proposed- see section 4. A site-specific CEMP and Method Statement will be drawn up, outlining precisely how the works will be completed. Construction will follow guidance of Inland Fisheries Ireland. Measures will be provided to prevent any unclean water entering the canal. Fuels will be stored appropriately. Site personnel will be appropriately trained. It is stated that with the implementation of these measures, adverse effects to the integrity of the SAC will not occur.
- 8.1.28 It is noted that none of the species/habitats associated with this designated site were recorded on the site.
- 8.1.29 The planning authority have not raised concerns in this regard. The DAU have not raised concerns in this regard- no report received. The site is zoned for residential development in the operative Development Plan, which would itself have been subject to SEA. I am satisfied that it is not likely that any pollution event at the development site could result in significant impacts on the SAC.
- 8.1.30 The NIS concluded that with the mitigation measures carried out and incorporated into the design of the proposed development that there would be no in-combination

effects from the proposed development. I am satisfied that it is not likely that any pollution event at the development site could result in significant impacts on the SAC.

#### *Integrity Test*

- 8.1.31 Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

#### Appropriate Assessment Conclusion

- 8.1.32 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.
- 8.1.33 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on two European Sites.
- 8.1.34 Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of its conservation objectives.
- 8.1.35 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 these European Sites, in view of the site's Conservation Objectives.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the aforementioned designated sites.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- Reports of the planning authority

## 9 Recommendation

- 9.1 In light of the above assessment, I recommend that the decision of the planning authority be UPHOLD and that permission be GRANTED for the following reasons and considerations.

## 10 Reasons and Considerations

Having regard to the provisions of the Limerick Development Plan 2022-2028 and the location of the site, and the scale and quantum of development, as proposed, it is considered that the proposed development would not impact adversely on existing residential amenity, would represent an appropriate design response to the site's context, would not lead to the creation of a traffic hazard or obstruction of road users, would not be prejudicial to public health and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 11 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>(a) Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement and Ecological Impact Assessment submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.</p>

	<p>(b) The applicant shall make available a single document of the mitigation measures/recommendations relating to biodiversity that are outlined in the various documents that form part of the application, for the written agreement of the planning authority. This document shall include a programme for the implementation of the mitigation measures including any monitoring requirements by a suitably qualified ecologist shall accompany this document for written agreement at least 5 weeks in advance of site clearance works</p> <p>(c) The applicant shall appoint and retain the services of a qualified ecological consultant for the duration of the development. The consultant shall ensure that the mitigation measures recommended are implemented in full.</p> <p><b>Reason:</b> In the interest of protecting the environment and in the interest of public health.</p>
3.	<p>Prior to the commencement of any works on site, the applicants shall submit revised drawings for the written agreement of the planning authority which show the omission of a number of bedrooms at ground floor level, in order to provide a glazed area which would allow for direct, easy access to the biodiversity area. This area shall provide direct views of and create a visual link between the courtyard and biodiversity area, giving an overall sense of connection and space</p> <p><b>Reason:</b> In the interest of visual and residential amenities</p>
4.	<p>Details (including samples) of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity</p>
5.	<p>Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners,</p>

	<p>canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the visual amenities of the area.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900, Mondays to Fridays inclusive, between 0700 to 1400 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>The developer shall comply with all requirements of the planning authority in relation to roads, access, signage, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:</p> <p>(a) The recommendations of the Road Safety Audit shall be addressed in full, prior to occupation of the proposed development</p> <p>(b) A minimum of 10% of car parking spaces shall be provided with electric vehicle charging stations or points, at least one of which shall serve a car club or car share space, and ducting shall be provided for all remaining car parking spaces to facilitate the installation of electric vehicle charging points or stations at a later date</p> <p>(c) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,</p> <p>(d) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the</p>

	<p>construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site</p> <p><b>Reason:</b> In the interests of traffic, cyclist and pedestrian safety; to provide for and future proof the development and in the interests of clarity</p>
8.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the requirements of the planning authority and in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).</p> <p><b>Reason:</b> In the interests of pedestrian and traffic safety.</p>
9.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
10.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and to ensure a satisfactory standard of development.</p>
11.	<p>The applicant shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
12.	<p>(a) The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement</p>

	<p>of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.</p> <p>(b) Details of hard landscaping materials and boundary treatment shall be submitted to and agreed in writing with the planning authority</p> <p><b>Reason:</b> To ensure a satisfactory completion and maintenance of the development in the interests of residential and visual amenity</p>
13.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.</p> <p><b>Reason:</b> In the interests of amenity and public safety</p>
14.	<p>The construction of development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall provide details of intended construction practice for the development, including a detailed traffic management plan, hours of working, and noise management measures.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity</p>
15.	<p>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</p>



	<p>development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
16.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall: (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues: (i) the nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material. A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
17.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services</p>

	<p>required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
18.	<p>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.</p> <p><b>Reason:</b> 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.</p>

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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Lorraine Dockery  
Senior Planning Inspector

11<sup>th</sup> March 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-319328-24		
<b>Proposed Development Summary</b>	Construction of a two-storey nursing home, single storey service building, a biodiversity area and all associated site works A Natura Impact Statement has been submitted with the planning application.		
<b>Development Address</b>	Bunacloka, Mungret, Co. Limerick		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	x
		<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>	x	Part 2, Schedule 5, section10(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'.	Proceed to Q3.
<b>No</b>			Tick if relevant. 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>	x	Site area of 1.7 hectares within 'other parts of a built-up area'	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>	x		Preliminary examination required (Form 2)

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

**Inspector:** Lorraine Dockery      **Date:** 11<sup>th</sup> March 2025

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-319328-24
<b>Proposed Development Summary</b>	Construction of a two-storey nursing home, single storey service building, a biodiversity area and all associated site works.
<b>Development Address</b>	Bunacloka, Mungret, Co. Limerick
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Proposed development comprises the construction of a two-storey, 130 bed nursing home and associated site works on site area of 1.7 ha.</p> <p>The development comes forward as a stand-alone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g.</p>	<p>It is considered that the proposed development would not be likely to have a significant effect, individually or in-combination with other plans and projects, on a European Site.</p>

wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).		
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		Having regard to the nature of the proposed development, its location, likely limited magnitude and spatial extend of effects, and absence of in combination effects, there is no potential for significant effects on the environment factors listed in section 171A of the Act
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.		
There is a real likelihood of significant effects on the environment.		

**Inspector:** Lorraine Dockery

**Date:** 11<sup>th</sup> March 2025

## Appendix 2- Form 2

### Screening for Appropriate Assessment Screening Determination

#### Step 1: Description of the project

I have considered the proposed nursing home development and associated site works in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed site is situated at Bunacloka, Mungret, Co. Limerick. It is proposed to construct a development comprising a 130 bed, two-storey nursing home, detached service building and ancillary works. A new surface water drainage system is to be installed in accordance with SuDS principles. A new wastewater connection will bring foul sewerage to the Bunlicky wastewater treatment plant- a Confirmation of Feasibility has issued from Uisce Eireann.

The surface water outfall will discharge to a drainage ditch within the Loughmore Common and Turlough pNHA, which is connected to the Loughmore Canal. The drainage ditch was dry during the August survey but contained water during the November survey. There are no other water bodies or drainage ditches on the development site.

The development site encompasses two fields classified as dry neutral grassland (GS1), which are periodically used by grazing horses. Internal boundaries are characterised by hedgerows (WL1) with a treeline (WL2) along the roadside boundary comprising non-native Leyland Cypress, together with tall Ash and Lime. There is a small stretch of hedgerow at this location. Habitats on site are of local biodiversity value only. There are no plant species growing on site, which are listed as alien invasive species under Schedule 3 of SI No. 477 of 2011.

The development site lies within the catchment of the Barnakyle River (approximately 920m at its closest point), which joins the River Maigue before discharging into the Shannon Estuary. There are no direct pathways from the development site to this watercourse. The EPA have identified the nearest watercourse as the Barnakyle River, which is approximately 920m to the south at its nearest point. The freshwater portion of the Barnakyle River is not within any Natura 2000 site, however where it joins the transitional waters of the River Maigue (which includes a small portion of the River Barnakyle) is within the SAC. The transitional waters of the River Maigue also fall within the SPA. The distance to these areas from the development site is over 7km to the west as the crow flies.

Three surveys were undertaken in June, August and November 2023.

The development site partly falls within the boundary of the Loughmore Common Turlough pNHA (Site Code: 0438)- this does not fall within the scope of AA. The Lower River Shannon SAC (Site Code: 002165) and River Shannon and River Fergus Estuaries SPA (Site Code:004077) are located approximately 2.5km distant



from the boundary of the development site, at their closest points. The development site is not located within or directly adjacent to any Natura 2000 site.

I have provided a detailed description of the development in my report and detailed specifications of the proposal are provided in the AA Screening Report, NIS, and other planning documents provided by the applicant.

## **Step 2: Potential impact mechanisms from the project**

The AA Screening Report states that there are only two Natura 2000 sites that fall within the Zone of Influence (Zol) of this project (Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code: 004077) as there are no pathways to any other such sites.

The proposed development will not result in any habitat loss of any European Site. The proposed project is not directly connected with or necessary to the management of any Natura 2000 site. The construction zone is too far removed from SAC and SPA to result in disturbance effects, both during construction and operational phases.

There is no natural, surface hydrological pathway from the development site to the River Mague, River Barnakyle or the Shannon Estuary. However, hydrological pathways exist to the Mague Estuary, via the Loughmore Canal and the Barnakyle River.

No direct impacts. Only indirect impacts possible.

There is no direct pathway from the development site to the canal as the proposed surface water outfall pipe will discharge to a small, drainage ditch that runs parallel to the canal. The canal is not a watercourse identified by the EPA- it is an artificial waterbody that contains water which is slow moving and stagnant.

Risk of pollution during construction is very low due to distance of construction zone from route of Loughmore Canal. No direct pathway for construction pollutants to reach the canal during any stage of works. No works are proposed to the canal. In the unlikely event that construction pollutants entered the canal waters, there is little means for conveyance due to stagnant nature of waters.

The new surface water pipe creates an indirect pathway from the site to the Loughmore canal. There is also a pathway from the Loughmore Canal to the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA, however this is extremely weak due to distance (approximately 7.4km) and extremely low flow in the canal.

There is an indirect pathway to the Barnakyle River via groundwater and to the Mouth of the Shannon via the foul sewer, which leads to the Bunlicky WWTP.

Risk of any measurable pollution effects to the Mague Estuary are very low, however due to the existence of hydrological pathways to the Shannon Estuary, it

was concluded that taking a precautionary approach, significant effects to the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA cannot be ruled out.

### Step 3: European Sites at risk

#### Lower River Shannon SAC

Freshwater Pearl Mussel are not present downstream of development site

No areas of Alluvial Forest downstream of this point

Other habitats/species are coastal/intertidal in nature with no water quality objectives set.

**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
Potential for decline in water quality due to contaminant/sediment input	2.5km distant	Lower River Shannon SAC	Sea/River/Brook Lamprey Atlantic Salmon Otter Estuaries Large shallow inlets and bays Mudflats Reefs Perennial vegetation of stony bank Salicornia Mudflats Atlantic/Mediterranean Salt Meadows
Potential for decline in water quality due to contaminant/sediment input  Note: There is no objective in relation to water quality for the SPA  Impacts on habitat quality/food source	2.5km distant	River Shannon and River Fergus Estuaries SPA	Birds (all species) Wetlands

The Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code: 004077) are the only Natura 2000 sites

considered to be potentially impacted by the development. All others have been screened out due to distance, lack of suitable habitat, lack of hydrological connections, together with nature and scale of development proposed.

There is no direct habitat loss. The proposed development 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). There is sufficient capacity in the Bunlicky WWTP with no evidence of negative effects to water quality arising from this. SuDS measures are proposed. There are no plans or projects which could act in combination with the current proposal to result in significant effects to Natura 2000 sites.

I conclude that the proposed development would have a likely significant effect 'alone' on conservation objectives of the Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code: 004077) primarily from effects on water quality due to pollution during construction. An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time.

**Inspector:** Lorraine Dockery

**Date:** 11<sup>th</sup> March 2025