



An
Bord
Pleanála

Inspector's Report ABP-321743-25

Development	Retention of increase in height to commercial unit and roller shutters, and retention of concrete hardstanding area, signage, floodlights
Location	Roxborough, Ballysheedy, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2460367
Applicant(s)	ERAC Ireland Ltd.
Type of Application	Retention Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	ERAC Ireland Ltd.
Observer(s)	Henry & Patricia Kenny
Date of Site Inspection	03 rd March 2025
Inspector	Clare Clancy

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Roxborough which is a rural area to the southeast of the M20. The appeal site itself is located approx. 2.4 km to the south of the M20 interchange, and approx. 2.1 km to the southeast of Dooradoyle, a suburb area of Limerick city.
- 1.2. The site fronts onto the L1145 with an existing vehicular access onto same. It comprises of a commercial development which is a service and repair facility for commercial vehicle rental. It has a stated area of 1.056 ha. The perimeter of the site is defined by a block boundary wall and palisade fencing with varying height of between approx. 2.0 – 2.5 metres. There are 2 large structures within the site, Unit 1 which is located to east in close proximity to the public road, and Unit 2 to the rear / west of the site. Commercial activity carried out within the units relates to maintenance, repair and service of vehicles. The area to the south of the units is in use for vehicle storage. There are floodlights mounted on both units, on the south and along the east and western elevations, and on the southern boundary of the site at intermittent intervals.
- 1.3. The area is characterised by agricultural farmland and one-off housing along the L1145. There is an existing dwelling bounding the site to the north and farm land adjoins the site to the south. There is a dwelling located on the opposite side of the road.

2.0 Proposed Development

- 2.1. Retention permission is sought for the following:
 - i. The increase in height of Unit 1 to the east of the site;
 - ii. The increase in height of the roller shutter doors on the east and west elevations of the Unit 2;
 - iii. The increase in concrete yard to the rear of Unit 2 (177.5 m²);
 - iv. Three no. advertising signs – 2 on the entrance walls, 1 on the eastern elevation of Unit 1;

- v. Flood lights mounted on both units and on the southern boundary wall of the site.

2.1.1. The appeal site has a stated area of 1.056 ha. and the total gross floor area of both units is stated as 761 m². The site is serviced by a septic tank. The alterations for the purposes of retention relative to the existing structure are distinguished on the drawings, in particular:

- Unit 1 – 383 m², max roof ridge height 8.32 m, proposed increase in height to be retained 2.075 m.
- Unit 2 – 378 m², max roof ridge height 7.54 m.

2.1.2. External finishes comprise of aluminium sheeting to roofs, plaster rendered walls. Boundary treatments comprise of 2.0 m high block wall and palisade fencing on the western perimeter.

2.1.3. 10 no. staff car parking spaces are located in the area to the front of Unit 1 inside the roadside boundary wall of the site and the southern boundary of the site. The existing access has a splayed block wall entrance which is approx. 11.6 m wide and approx. 2.0 metre high roadside boundary walls.

2.1.4. Following a request for further information, the following reports were submitted:

- Stage 3 Road Safety Audit.
- A Traffic and Transport Assessment and Autotrack drawings. In summary, a traffic count survey was carried out indicating that the local peak traffic hours in the morning are 08:00-08:59 and in the evening between 16:30-17.29.
- Engineering Services Report including drawings relating to site drainage.
- Proposals for additional flood lighting.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 23rd December 2024, Limerick City and County Council refused retention permission for the following reasons:

1. *It is considered that the proposed development would endanger public safety by reason of traffic hazard because the traffic movements generated by the proposed development where the sight lines are restricted would interfere with the safety and free flow of traffic on the public road.*
2. *The proposed development by reason of the precedent it would set for similar types of development in a rural, unserviced location and proximity to existing residential properties would seriously injure the amenities and depreciate the value of properties in this area and would be contrary to the provisions set out in Objective ECON 20 of the Limerick Development Plan 2022-2028.*
3. *In the absence of a clear Surface Water Drainage Layout Plan the Planning Authority cannot be satisfied that the proposed development would not negatively impact on the hydrology of the area. The development would, therefore, be contrary to Objective IN O12 Surface Water and SuDS of the Limerick Development Plan (2022-2028) and the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

Two planning reports form the basis of the assessment and recommendation.

3.2.2. First planning report dated 12th June 2024, in summary the main issues raised are as follows:

- Use of Site – The last planning permission on the site P.A. Ref. 06/4000 permitted a change of use from agricultural land to an extension of a scrap yard. Noted that the subject development appeared to be for car rental and was a material change in use from the last use of the site i.e. a scrap yard which was an “industrial process” having regard to the meaning of same in Part 2(1) of the Planning and Development Regulations 2001 (as amended), and therefore required planning permission.
- Unauthorised Development – raised in third party submissions, and noted the enforcement file P.A. Ref. DC-635-23 relating to the site. Noted the requirement by the applicant to address the unauthorised change of use of the site.

- Roof Works the Subject of Retention – was satisfied that the modifications carried out to both units was in keeping with the existing developments in terms of material finishes and didn't give rise to significant visual impact due to the structure's location within the site and separation distance from the public road, adjacent dwellings and existing screening.
- Flood Lighting – noted the location of existing flood lights which did not appear to be cowed relative to the adjoining dwelling to the north. Noted that the Roads Section recommended further information (FI) with regard to the lighting arrangement of the site.

FI was recommended to be sought in regard to the following:

- 1) Advised the applicant that the current use was not authorised and to clarify the nature of activities / operations being carried out.
- 2) (a) To provide a justification for the increased roof heights and concrete yard, details of operations being carried out within the units, and design details of existing advertising signage.

(b) Revised drawings in relation to height and material finishes of the existing site boundaries.
- 3) Submit a Traffic and Transport Assessment or Traffic Assessment and a Road Safety Audit. Details to be provided in regard to existing car parking, days and times of operations, and existing and proposed traffic movements.
- 4) Lighting – Submit details of lighting design prepared by design engineer to show the location of all existing / proposed lighting and lux levels.
- 5) Surface Water Drainage – Proposals to show existing surface water system to comply with Limerick City and County Council's Surface Water and SuDS Specification, surface water calculations, and details relating to risk indices.

3.2.3. The second planning report dated 19th December 2024 considered the response to the FI request and recommended that retention permission be refused. In response to the FI request, the following is of note:

- 1) No justification was provided regarding the need to locate the commercial development at this appeals site location over a zoned serviced site. Noted the

sites use for the repair, service, maintenance of commercial vehicles and storage of damaged vehicles and that the site was not being used for rentals.

Noted the issues raised by the Roads Section in relation to traffic implications, the proximity to residential properties and potential residential impacts to same and considered the subject development contrary to Objective ECON O20 of the development plan which relates to brownfield sites in rural areas.

- 2) (a) (i) Notes that the roof of Unit 1 was raised to match height of Unit 2 and to facilitate working on the underside of vehicles which need to be raised at height within the workshop.

(ii) The specific operations relate to servicing and safety checks of commercial vehicles. A delivery / collection service is provided for vehicles due to be serviced. On average 6 vehicles per day are serviced and can be stored for a number of weeks while awaiting ordered parts. There is a reception area at the front of Unit 1.

(iii) Non-illuminated signage is mounted at the entrance. 8 people are employed, hours of operation 8 am – 7 pm Monday to Friday, 8 am – 4 pm Saturdays.

(b) Revised details indicate the height of the boundary wall 2.0 metres, and palisade fencing to rear / west of site 2.0 metres.

- 3) Noted the concerns in terms of road safety highlighted by the Roads Section in response to the FI request, the alignment of the road is very straight with design speed of 90 km/hr which requires sightlines of 90 metres. 55 m sightlines is indicated on the details provided which the Road Safety Auditor will not sign off on.
- 4) Revised lighting proposals deemed to be acceptable and subject to condition relating to provision of cowls, in the event of a grant.
- 5) The details submitted in regard to compliance with Limerick City and County Council's Surface Water and SuDS Specification remain unclear, additional information is required and it was concluded that it was contrary to Objective IN O12 of the development plan which relates to Surface Water and SuDS.

3.2.4. The Planning Authority (PA) concluded that the subject development would endanger public safety by reason of traffic hazard, would be contrary to objectives ECON 20 and IN O12 of the development plan, and would seriously injure adjoining residential amenities, and depreciate the value of properties.

3.2.5. Other Technical Reports

Roads Section

- First Report (07th June 2024) – Recommended FI in relation to a Traffic Impact Assessment or Stage 1 Road Safety Audit, and details of existing site activities and layout including lighting arrangements and surface water management.
- Second Report (02nd December 2024) – Noted that available sight lines of 55 m was shown but not signed off by the Road Safety Auditor, and the 80 km/h design speed of the road requires 90 m.
- Regarding lighting within the site, cowls to be provided to reduce light overspill.
- Details in relation to surface water management of the site are unclear and did not address the FI request.
- Concluding statement noted that the Road Section was not in a position to sign off on the subject development based on information submitted to address traffic safety.

Fire Officer

- No objection.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

3.4.1. A total of seven third party submissions were made to the planning application. The main points raised are summarised as follows:

- Impact on adjoining residential amenities, noise and disruption, light overspill and devaluation of property.

- Existing unauthorised development in terms of use of site.
- Road safety in terms of the adjoining public road in a rural area and significant increase in traffic, large vehicles and consequent traffic implications as a result.
- Visual impact on amenities of the area.
- Environmental issues in terms of impacts arising from flood lighting on local wildlife and nocturnal wildlife.
- Surface water increase due to extent of concrete area leading to increased runoff.

3.4.2. Cllr. Catherine Slattery – Submission made in support of the residents who objected to the subject development, noting that the type of business operating is unsuitable to a rural area.

4.0 Planning History

Appeal Site

- P.A. Ref. 99/2470 – Permission granted for construction of an industrial unit, wastewater treatment plant and new entrance.
 - Condition 6 – The installation of the proprietary system shall be certified by the manufacturer. Proof of certification shall be submitted to the Planning Authority within one month of installation. The occupier of the dwelling shall, at all times, have in place an adequate maintenance contract for the treatment system. A signed copy of this maintenance contract shall be submitted and agreed with the Planning Authority prior to commencement of development.
- P.A. Ref. 04/2007 – Permission granted for extension and alterations to existing spare parts store. New roadside boundary wall, railing, and wastewater treatment system at existing motor car dismantling unit.
- P.A. Ref. 06/4000 – Permission granted for change of use from agricultural land to an extension of scrap yard business (05th July 2007). The following conditions are of note:

- Condition 3 – The permission was subject to the governing permissions P.A. Refs. 99/2470 and 04/2007 except where departure from the terms of the aforementioned permissions is authorised by the terms of P.A. 06/4000.
- Condition 4 – Relates to hours of operation 8:00 am – 7:00 pm Monday to Friday, 8:00 am – 4:00 pm Saturdays.
- Condition 5 – Restricts the use of the yard to the storage of cars and prohibits cars to be stacked.
- Condition 8 – The 2 doors on the northern elevation of the building granted under P.A. Ref. 99/2470 (Unit 1) shall be permanently closed up and access to the building provided from the southern elevation.
- Condition 9 – First floor windows on the eastern elevation of the building granted permission under P.A. Ref. 04/2007 shall be permanently closed up and replaced with windows on the southern elevation.
- Condition 10 – The area directly north of the building granted permission under P.A. Ref. 99/2470 shall not be used for the storage of cars, scrap or spare parts.
- Condition 12 – All surface water run-off from the development shall be disposed of to soakpits of adequate size or to nearby watercourses. No such surface water shall be allowed to discharge onto adjoining properties or onto the public road.
- Condition 13 – The proposed parking area is restricted to parking of vehicles only, not for storage of material or goods associated with the development or for the parking of goods vehicles or other heavy vehicles.

Enforcement

- P.A. Ref. DC-635-23 – Warning letter issued 29th January 2024 – construction of extensions, increase to roof heights, alterations to building, installation of flood lights, extension to yard areas, alleged change of use.

5.0 Policy Context

5.1. Limerick Development Plan 2022-2028

- **Chapter 5 A Strong Economy**

Section 5.8.3 Strategic Employment Locations County Limerick

- Objective ECON O20 Location of Industry or Enterprise in Brownfield Sites

It is an objective of the Council to facilitate industry or enterprises in brownfield sites with previously established industrial or commercial use, or derelict sites in a commercial, industrial or mixed-use area, subject to the following considerations:

- a) The use should be appropriate to the scale and context of the site, taking into account traffic and other impacts on local infrastructure and neighbouring land uses and amenities;
- b) Structures of conservation merit should be re-used and not replaced;
- c) The works are necessary for the proposed economic activity or activities.

Section 5.8.15 Rural Enterprise and Employment Opportunities

- Objective ECON O35 Rural Development

It is an objective of the Council to:

- a) Facilitate the development of acceptable rural enterprises and to minimise pollution from agricultural and industrial sources by means of development management and water pollution legislation.
- b) Encourage the redevelopment of vacant commercial units for enterprise and industry creation including Kantoher Business Park, Castlemahon and other identifiable rural commercial brownfield sites, subject to normal planning and environmental criteria.
- c) Promote the development of our rural Towns and Villages as an important focus of restaurant, leisure and evening uses - subject to the safeguarding of surrounding residential amenity and environmental criteria.

- **Chapter 6 Environment, Heritage, Landscape and Green Infrastructure**

Section 6.3.12.3 Commercial and Industrial Noise

Seeks to manage noise arising from commercial and industrial uses which can impact on health and well-being of occupants of noise sensitive properties.

- Objective EH O22 Commercial and Industrial Noise

It is an objective of the Council to prevent members of the public being significantly adversely affected by environmental noise from commercial and industrial noise activities.

Section 6.3.13 Light Emission

Seeks to manage light emission through appropriate design and by ensuring developments are not making use of unnecessary lighting.

- Objective EH O24 Light Pollution

It is an objective of the Council to ensure that the design of external lighting schemes minimise the incidence of light spillage or pollution in the immediate surrounding environment. In this regard, developers shall submit lighting elements as part of any design, with an emphasis on ensuring that any lighting is carefully directed, not excessive for its purpose and avoids light spill outside the development and where necessary will be wildlife friendly in design.

- **Chapter 8 Infrastructure**

Section 8.5.5 Storm Water and Surface Water

This section notes that storm water flows can have a significant detrimental impact on the available capacity of combined sewer networks and at treatment plants and that inadequate treatment of surface waters from carparks and hardstands can result in pollution of the receiving watercourses.

It further notes that development will only be permitted where the Council is satisfied that suitable measures have been proposed that mitigate the impact of drainage, through the achievement of control of run-off quantity and quality, while enhancing amenity and habitat.

- Objective IN O12 Surface Water and SuDS

It is an objective of the Council to:

- a) Ensure the separation of foul and surface water discharges in new developments through the provision of separate networks within application site boundaries.
- b) Work in conjunction with other public bodies towards a sustainable programme of improvement for riverbanks, back drains, etc.
- c) Maintain, improve and enhance the environmental and ecological quality of surface waters and groundwater, including reducing the discharges of pollutants or contaminants to waters, in accordance with the National River Basin Management Plan for Ireland 2018-2021 (DHPLG) and the associated Programme of Measures and any subsequent River Basin Management Plan.
- d) Ensure adequate storm water infrastructure to accommodate the planned levels of growth within the Plan area and to ensure that appropriate flood management measures are implemented to protect property and infrastructure.
- e) Cater for the future developments through public and private driven initiatives where discharge capacity permits.
- f) Address the issue of disposal of surface water generated by existing development in the area, through improvements to surface water infrastructure, including for example attenuation ponds, the application of sustainable urban drainage techniques, or by minimising the amount of hard surfaced areas, or providing porous surfaces as the opportunity arises.
- g) Protect the surface water resources of the Plan area and in individual planning applications request the provision of sediment and grease traps and pollution control measures where deemed necessary.
- h) Require all planning applications to include surface-water design calculations to establish the suitability of drainage between the site and the outfall point and require all new developments to include SuDS, to control surface water outfall and protect water quality in accordance with the requirements of Chapter 11: Development Management Standards of the Plan.
- i) Promote SuDS and grey water recycling in developments and responsible use of water by the wider community, to reduce the demand for water supply.

j) Require SuDS schemes to be designed to incorporate the four pillars of water quality, water quantity, biodiversity and amenity to the greatest extent possible within the constraints of a given site.

k) Allow sufficient land take for SuDS when planning the site and consider the region as a whole, in association with adjoining lands and their requirements in designing SuDS. Developers may be required to set aside lands to cater for not only their own SuDS but also regional SuDS.

l) Promote the provision of suitable blue and green infrastructure and Nature Based Solutions to the surface water disposal in new development, as a means to provide urban flood resilience. This approach capitalises on the potential of urban green spaces and natural water flows, subject to the other planning considerations such as amenity, maintenance, traffic safety, proper planning and sustainable development and environmental requirements.

m) To prohibit the discharge of additional surface water to combined (foul and surface water) sewers in order to maximise the capacity of existing collection systems for foul water. In areas where street scape enhancement or resurfacing is planned, seek to introduce NbSUDS to cater for rainfall run-off at source in order to maximize the capacity of existing collection systems for foul water.

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

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

- **Chapter 11 Development Management Standards**

Section 11.6.1.1 Commercial and Industrial Noise

Where there is the potential for environmental noise to be generated from a commercial or industrial facility (e.g. fans, machinery), it will be necessary to submit a Noise Assessment in accordance with BS 4142:2014+A1:2019, or any other relevant standards, guidance or best practise. The likelihood of adverse or

significant adverse effects at noise sensitive receptors should be established and details submitted of any proposed noise mitigation measures. Any noise assessment should be prepared by a suitably qualified professional with sufficient expertise.

Section 11.8.1 Access to Roads, Traffic and Transport Assessments (TTAs) and Road Safety Audits (RSAs)

This sets of the policy on access proposals to public roads which will be assessed in accordance with the relevant design standards. In summary, the following points are relevant:

- All applications seeking access on the road network will be assessed in accordance with national standards and guidance. Considerations will include:
 - Classification of the road,
 - Speed limit,
 - Width, carrying capacity, condition of the road, drainage, vertical and horizontal alignment of the road, junctions in the vicinity,
 - Nature, scale, type of activity seeking access to the road network,
 - Traffic likely to be generated, type of vehicles,
 - Technical design of access and sightline visibility and stopping distances and general safety. Sight distances and stopping sight distances should be in compliance with current NTA road geometry standards and guidance documents listed above and any subsequent documents.
- Developers will be required to submit a Traffic Impact Assessment/Traffic and Transport Assessment and/or Road Safety Audit where a new development will have a significant effect on the travel demand and capacity of the existing road network in the area.
- Road Safety Audits are required for developments seeking a new access onto a national road, or a significant change to a new access, or the intensification of the use of an existing access due to the activities undertaken on the site. They may be requested for other categories of road. Guidance on the

methodology of the road safety audit are available in the TII publications Road Safety Audit Guidelines GE-STY-01027, 2017.

5.2. Natural Heritage Designations

- SPA: 004077 - River Shannon and River Fergus Estuaries SPA – 4.96 km to northwest of site.
- SAC: 002165 - Lower River Shannon SAC – 4.13 km to northwest of site.
- pNHA: 000435 - Inner Shannon Estuary - South Shore – approx. 5 km to northwest of site.
- pNHA: 000438 - Loughmore Common Turlough – approx. 3.9 km to west of site.

6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 appended to report.

7.0 The Appeal

7.1. Grounds of Appeal

The main points raised in the First Party grounds of appeal are as follows:

Existing Business

- The appellant has leased the site since October 2023 which is used as 1 of 5 regional hubs to service and repair the 'Flex-E Rent' commercial fleet of vehicles for hire on long term leases to commercial entities, semi-state bodies, local authorities, amazon, DPD.
- The nature of the activities on site is maintenance, service, repair and storage of commercial vehicles. Lease, sales, rentals are not carried out at the site.
- 11 staff are employed at the site.

- Traffic volumes accessing the site on a daily basis is approximately 60 movements per day (entry and exit).
- There would be 4-5 vehicles for service, parts delivery, post delivery, and vehicles leaving the site for CVRT testing which is not carried out on the site.
- The site is not open to the public and the sale of commercial vehicles and rental does not take place at the site. Customer pick up /drop off does not occur at the site either.

Reason 1

- The principle of development for an industrial unit was established under P.A. Ref. 99/2470 the site boundaries for which were extended under P.A. Ref. 04/2007 and 06/4000. No conditions were attached that restricted the use or time frame of the permissions.
- The use class permitted was undefined but can be considered 'light industrial' per Class 4 of the Planning and Development Regulations 2001 (as amended). No manufacturing processes were carried out on the site.
- The appeal site has operated and pre-dates other development plans.
- Traffic levels associated with the previous car dismantling use would have been greater and more intensive than current – accessed 3 times per week by HGV to remove scrap, end of life vehicles (ELVs) being dropped off several times daily, dispatching of parts by courier, the public visiting the site to purchase parts.
- Both former and current use can be considered to come within the same class of development, but the current use is less intensive.
- The site layout plan showing sight distances is not reflective of the situation on the ground, 100 m is available from the existing access to the north, and 70 m to the south.
- The speed limit of the road will be reduced to 60 km/hr arising from the Road Traffic Act 2024.

Reason 2

- The argument for 'precedent' being set is moot given that the 'use class' is long established at the site and is unchanged.

- Impact to residential amenity and devaluation of property is moot as no inherent change in use has occurred and the current use constitutes de-intensification of the use of the site (Figure 4 and 5 Google Aerial Images).
- The day to day activities of the current business are less *ad hoc* and more structured than that of a EVL yard and associated nuisances (cutting / crushing EVLs, threat to groundwater, public access of site and longer hours of operation.
- The hours of operation of the current business are Monday – Friday 8 am to 6 pm, closed Saturdays, Sundays, Bank Holidays (appendix 1.2 letter provided by Property Development Manager).
- The subject development complies with objective ECON O20 of the development plan.

Reason 3

- The application is for certain works. The council requested SuDS measures as a retrofit to an established development. The applicant established by reference to the greenfield historic drainage pattern on the site, that the drains were used as the outfall for stormwater disposal which was established by a topography survey.
- Petrol interceptors were installed to facilitate the previous use of the site as ELVs yard and drawings were submitted indicating the findings of the investigation.
- On foot of the councils request for SuDS measures, the appellant diverted existing roof drainage into holding tanks to be used in washdown area.

7.2. Planning Authority Response

None.

7.3. Observations

None.

8.0 Assessment

- 8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local

authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issue in this appeal to be considered is the following:

- Principle of Development
- Access & Traffic
- Impact on Residential Amenity
- Visual Impact
- Site Drainage
- Other Matters

8.2. Principle of Development

- 8.2.1. The appeal site is located in the rural countryside outside of the development envelope of a town / village. The nearest settlement to the site is Roxborough which is designated as a Level 6 Rural Cluster in the Limerick City and County Development Plan and is located approx. 1.3 km to the southwest, as the crow flies.
- 8.2.2. I note that the description of development is limited to certain works namely the retention of alterations carried out to the existing units on site in addition to retention of floodlighting, advertising signage and the increase in area to the concrete yard area located to the rear of Unit 2. The alterations and works sought for retention are to facilitate the current commercial operation taking place on the site which involves the maintenance, repair and servicing of a commercial fleet of vehicles which are hired out to companies on long-term lease.
- 8.2.3. The planning history indicates that the site has an established industrial use which was formerly used as a scrapyard. The PA raised concern that the use of the site was for car rental purposes and sought clarification on the nature of the operation at the site. The PA refused permission for the development as it would be contrary to objective ECON O20 of the development plan. It considered that a change in use had occurred and the site was operating as a car rental business, having regard to the definition of 'industrial process' as set out in Article 5(1) of the Planning and Development Regulations 2001 (as amended).

- 8.2.4. In response to point 1 of the FI request, the PA was not satisfied that a justification for locating the business at the appeal site was given, over a location on zoned lands within the development envelope of a settlement, and was considered to be contrary to Objective ECON O20 of the development plan.
- 8.2.5. Section 5.8.15 relates to rural enterprises and employment opportunities. I note that the overall thrust of this policy is to provide for the development of rural enterprises related to the area's amenity potential. Objective ECON O35 relates to rural development and seeks to facilitate the development of acceptable rural enterprises, and encourage the redevelopment of vacant commercial units for enterprise and industry creation including Kantoher Business Park, Castlemahon. It also seeks to facilitate other identifiable rural commercial brownfield sites.
- 8.2.6. In considering the principle of the proposed development, I note that the proposal relates to an existing, permitted and established industrial use of the site i.e. scrap / car dismantling yard. Having regard to the current use of the site, I consider that the subject development comes within the scope of the meaning of "industrial process" pursuant to Part 2, Article 5(1) of the Planning and Development Regulations 2001 (as amended), as the activity carried out on site relates to the repair and maintenance of vehicles. I consider the principle of the development would be acceptable having regard to the provisions of objective ECON O20 of the development plan, and may also come within the provisions of Objective ECON O35 (b), subject to compliance with development management standards, and protection of adjoining residential amenities and other material planning considerations.

8.3. Access & Traffic

Existing Access & Sightlines

- 8.3.1. The first reason for refusal relates to road traffic safety. Access to the site is off the adjoining L-1145. No alterations to the existing access are proposed as part of the development. The concerns of the PA relate to the traffic movements associated with the subject development where sightlines are restricted from the existing access. I note that submissions to the planning application have also raised concerns in regard to increased traffic levels and trucks being parked on the road outside the business premises and outside of neighbouring dwellings.

- 8.3.2. The existing adjoining road is a local public road L-1145 with an 80 km/hr speed limit and is approx. 6.0 metres in width. The nature of the activity being carried out within the appeal site is repair / maintenance / service of a commercial vehicle fleet and 11 staff are employed at the site. Sales and direct rentals do not take place from the site, and the public do not visit the site. The business hours are Monday – Friday 8 am – 6 pm, closed at weekends and there are 10 car parking spaces to the east of Unit 1.
- 8.3.3. I note from the site layout plan that the existing access is setback from the adjoining public road by approx. 7.3 m from the carriageway edge and the width of the entrance is approx. 5.0 m. The entrance is splayed and has an overall width of approx. 11.5 m. The splay wing walls and the roadside boundary comprise of a concrete block wall approx. 2.0 m in height. There is a 2.5 m wide shoulder between the eastern boundary of the site and the carriageway edge.
- 8.3.4. There are a number of residential properties within the vicinity of the site, notably adjoining the site to the north and across the road to the east. I note that the lands bounding the appeal site to the south are farmland and are not in the control of the appellant.
- 8.3.5. A Stage 3 Road Safety Audit (RSA) was submitted in response to the FI request. One of the main findings recorded was that there is restricted visibility to / from the south at the site access point due to a short section of outward bowing stone boundary wall.
- 8.3.6. Pursuant to site inspection, I observed that the horizontal alignment of the road to the north is generally straight and the sightline to the north was satisfactory given the alignment. In viewing the sightline to the south, it was evident that the horizontal alignment of the road is generally straight, and that there is a gradual increase to the vertical alignment as the road travels south. It was observed that the sightline to the south is impeded, owing to the outward bowing of the stone wall boundary, as per the finding in the RSA and in this regard, I would concur with the conclusions of the PA and the Roads Section of the council.
- 8.3.7. With respect to internal circulation, the autotrack submitted has shown that HGVs can adequately turn into the site and given the significant site area, there is sufficient space within the site for the movements of HGVs. I am satisfied that there would be no requirement or reason to park trucks on the public road or that queuing into the site

would be an issue. Accordingly, I have no concerns with layout which should enable sufficient and safe turnabout and manoeuvrability.

Intensification of Traffic Movement in the Area

- 8.3.8. I note the policy of the development plan in relation to access to roads as set out in Section 11.8.1 which states that Traffic Impact Assessment/Traffic and Transport Assessment and/or Road Safety Audit is required where a new development will have a significant effect on travel demand, and capacity of the existing road network in the area. In this case, the entrance to the site is already established having regard to the former use of the site. In general, I would concur with the view of the PA that zoned lands in an urban centre would be a more appropriate location for such commercial development, however, I would consider that there are characteristics of the commercial activity taking place on the site that would not be materially different from the former use of a scrap yard, and which are likely to be on a par with the former use in terms of land use. However the level of intensification in relation to the activities taking place is required to be considered.
- 8.3.9. A Traffic Impact Assessment (TIA) was carried out based on actual trip generation rather than trip forecast generation. On day of assessment which was Thursday 24th October 2024, it notes that a total of 46 trips were generated (23 vehicles arrived and 23 vehicles departed from the site). It states that site access with the L-1145 will operate with spare capacity in terms of traffic queuing to enter onto the L-1145 and that the site access with the L-1145 will result in minimal queuing. I further note from the appeal submission that it is stated that approx. 60 movements per day including 11 staff enter and exit the site on a daily basis. No traffic movements were recorded on any other day. There is no baseline detail presented in the TIA to evaluate the intensity of the former use of the site against the current activity. However I note from the planning history of the site in regard to P.A. Ref. 06/4000 that the numbers employed on site were 2, that 4 no. car parking spaces were required, and the frequency and nature of traffic to the development was 5 cars per day and 1 truck. The site was subject to Waste Permit Licensing and oils, metal and battery waste was collected by waste management companies.
- 8.3.10. Having regard to the foregoing, I have concerns in regard to the intensity of use of the site. While I consider that the current use of the site would come within the scope of

an “industrial process” having regard to Article 5(1) of the Planning and Development Regulations 2001 (as amended), based on the information presented in the appeal, it is evident that the use of the site has intensified by the increase in the number of employees and in the amount of traffic that occurs on a daily basis. I also note that adjoining third parties highlighted in submissions to the planning application that large trucks park outside the appeal site and neighbouring dwellings, in particular to the north. I am therefore not satisfied in regard to the matter of intensification of traffic movements. The subject development necessitates substantive traffic movements and trip generation to a rural location which represents an increase in scale to the already developed site, and having regard to the restricted sightline discussed above in Section 8.3.6 above, I consider that this would endanger public safety by reason of traffic hazard.

8.4. Impact on Residential Amenity

- 8.4.1. The main issues in relation to impact on residential amenities relate to noise and disturbance and light overspill. It is also raised by third party submissions to the planning application that activity takes place outside of the stated hours of operation.

Noise

- 8.4.2. The site is located in a rural area and there are residential properties located within the immediate vicinity of the site, in particular to the north. I note that a noise impact assessment was not submitted at application stage or as part of the appeal, therefore it is difficult to review and assess the actual impact of noise on residential amenity.
- 8.4.3. A site inspection was carried out during day time hours of operation. Within the site, servicing of vehicles was ongoing within both units and a vehicle was being jet washed on the southern side of Unit 2. The observed levels of noise at that time were not noted to be excessive. Having regard to the previously permitted use on the site and the current use which operates out of the same units, and which I have already considered to be within the same classification as a scrap / car dismantling yard, I do not consider that noise levels arising would be materially different to the former use of the site. Should the Board decide to grant permission, I recommend that conditions can be imposed on hours of work and noise standards to be adhered to at nearest noise sensitive receptors, and noise monitoring.

Light Overspill

- 8.4.4. It is proposed to retain flood lights mounted on both units and on the southern boundary wall of the site. I note that light overspill from the existing lighting on site is raised as an issue for the adjoining dwellings to the north and other dwellings to the east. The planning report noted the proximity of the adjoining dwelling to the north and adjoining dwellings to the east, and the existing flood lights mounted on both units.
- 8.4.5. Pursuant to site inspection, I observed that there is existing lighting within the site mounted on the units, on the western and southern boundaries of the site and on the inside of the roadside boundary wall. In this regard, Unit 1 has flood lights mounted on the south and west facing elevations. None were evident on the east facing elevation. Unit 2 has lights mounted on the east, south and west facing elevations. In relation to the north facing elevations of both units, no flood lights are mounted on same. The rear of the site is light by flood lighting mounted on the western and southern boundaries. No free-standing lights were noted to be in place along the northern boundary of the site. It was noted that none of the lights had cowls fitted.
- 8.4.6. In response to the FI request, additional new lighting was proposed and a site lighting plan was submitted indicating proposals for the installation of 2 no. types of lighting within the site. I note that the level of lighting proposed will be increased along the northern, southern and eastern boundaries of the site and I also note that existing lighting mounted on the units does not appear to have been considered.
- 8.4.7. In relation to the proposed lighting scheme, the following is noted:
- Type A refers to a microplus (MPG-1N/ST/030/Vac/4.5/) design which I note has greater emissions. 3 of these lights are proposed at the area of the site demarcated as 'Public Area' and will have a max height of 6.0 metres.
 - Type B refers to microplus (KS-4 200w E1) design. I note that the projected light field is more concentrated to within a 15° parameter and 10 of these light units will be located along the northern and southern boundaries of the site at varying intervals at a max height of 10 metres. In particular 3 will be located adjacent to shared boundary with the adjoining dwelling to the north.
- 8.4.8. The Roads Section of the council did not raise objection to the proposed lighting plan submitted and required cowls to be fitted to reduce light overspill.

8.4.9. Having regard to the foregoing, I have no issue with existing lighting mounted on both units, other than the overhead lights that are mounted on the western elevation of Unit 1 and on the eastern elevation of Unit 2 which I consider would impact on the private amenity space to the rear of the dwelling to the north and would therefore be intrusive. In consideration of the cumulative impacts of both existing and proposed lighting relative to this adjacent dwelling, I consider that it will unduly impact on residential amenity. I note that additional lighting was not proposed as part of the application but was provided in response to the FI request. The need for proposed new lighting is not justified, and in particular in relation to the northern boundary of the site. It is not clear why the PA sought new lighting proposals in the first instance. It is my consideration that it will lead to the introduction of unnecessary light emissions which would be excessive and unwarranted at this location. However, I note that the PA was otherwise satisfied with the details submitted subject to cowls being fitted to further reduce lighting overspill. In that regard should the Board decide to grant retention permission, I would recommend a number of conditions as follows:

- That Type B light unit no.'s 5, 6 and 7 positioned along the northern boundary as indicated on DWG Ref. E100 'Electrical Installation Site Lighting' of the site are omitted, and all other lighting both existing and proposed is designed to be fitted with cowls and directed so as to minimise light overspill on residential properties.
- That the existing overhead flood lights mounted to the western elevation of Unit 1 and to the eastern elevation of Unit 2 are removed, and
- That all external lighting along the northern and eastern boundary of the site shall be switch off at close of business hours.

8.5. Visual Amenity

8.5.1. Permission is sought to retain alterations carried out to the height of Unit 1, and to the height of the roller shutter doors on the east and west elevations of Unit 2. I note from the appeal details that the increase in height was to facilitate raising vehicles internally to enable work of the underside of vehicles. In regard to the roller doors on Unit 2, the increase in height was to allow for increased clearance for larger vehicles such as HGVs entering / exiting the unit.

- 8.5.2. The appeal site is located in a rural area that is characterised by agricultural land with one-off housing along the local road network. I note that the topography of the wider area is low lying and that the site is located within an area designated as the 'Agricultural Lowlands' (landscape character area). Such designation has capacity to absorb some development types.
- 8.5.3. Having regard to the nominal increase in height to the roof of Unit 1 and to the height of the roller door on Unit 2, and to the enclosed nature of the site as a result of screening along the northern and southern site boundaries, I am satisfied that there are no undue impacts on surrounding visual amenities, or on adjoining residential amenities.

8.6. Other Development

Retention of Advertising Signage

- 8.6.1. There are 2 no. existing signs mounted on the entrance splays to the site. At time of site inspection, I noted that no signage was mounted on the east facing elevation of Unit 1 as proposed, and as indicated on the drawings. I note that the sign to be retained on Unit 1 will be illuminated.
- 8.6.2. I note from the appeal details that the wording of the signage will be amended to indicate that the site is a service yard / hub, and is not open to the public. I have no objection in principle to the signage, and consider that final design details can be agreed with the PA. In the event of a grant of retention permission, I recommend that the Board includes such a condition.

Retention of Increase to Concrete Yard

- 8.6.3. The increase in the concrete yard to the rear of Unit 2 refers to an area of 5.0 m x 35.5 m (177.5 m²). The concrete slab is located between the existing hardcore yard at the western side of the site, and Unit 2 to the east. Having viewed same on the ground, it is unclear why there is a need for the additional hardstanding area, having regard to the extent of hardstanding already existing within the site, and which further adds to surface water runoff. This is addressed further below in Section 8.7 of this report.

8.7. Site Drainage

- 8.7.1. The third reason for refusal relates to surface water management within the site and the potential impact on the hydrology of the area, which the PA concluded did not comply with Objective IN O12 of the development plan which refers to Sustainable Urban Drainage Systems. Following a request for further information, I note that an Engineering Services Report was submitted to address the existing services on site. I consider the issues raised as follows:

Surface Water and Run Off

- 8.7.2. The overall site comprises of an extensive concrete surface hardstanding area excluding a small portion to the west of the site. It was evident from site inspection that there is an existing surface water concrete drainage channel in approximately the centre of the site, to the south of Units 1 and 2. I note that the line of the drain relates to the route of an historical open drain that ran through the centre of the site which was piped, and which discharges to the Ballyclough River to the north. There is a similar drain further to the south that is linked with the aforementioned main central drain and another to the south of Unit 2 and the wash bay. Run off from Unit 1 is collected and discharged by the main surface water concrete drain. This is reflected in the drawings provided in response to the FI request.
- 8.7.3. It is indicted that surface water from roofs is to be collected in 3 no. tanks and recycled through the truck wash bay facility. I note that this is a proposed SuDs measure in response to the FI request, otherwise the overall surface water accumulated including the runoff from the truck wash bay is discharged through the existing drain which appears to ultimately drain to the adjoining watercourse to the west of the site. This is not stated specifically in the Engineering Services Report submitted in response to the FI request, however it would appear upon examination of best practice survey methods (GSI mapping) that this is likely to be the case.
- 8.7.4. It is indicated that there are 5 no. petrol interceptors located within the site, 2 which operate on the main drainage channel within the site, 1 at the rear and the other adjacent to Unit 2. There does not appear to be a petrol interceptor serving Unit 1. The others are located along the northern boundary of the site but appear to be redundant. There is no mention of attenuation tanks or silt traps to treat surface water pollutants

prior to outfall to the adjoining drain however, I note the locations of the 2 petrol interceptors referred to above.

- 8.7.5. The appeal relates to certain elements of development on the site, however, having regard to the extent of development which has taken place, it is not clear that such elements can be considered in isolation or would not represent ad hoc development of the site.
- 8.7.6. Having regard to the nature of activities taking place on site and the extensive hard surface area throughout the site, and the proposal to retain the concrete slab to the west of Unit 2, it is not clear and it has not been established that, the current extent of the hard surface yard area was authorised or subject to appropriate design, or that the existing surface water drainage network adequately addresses surface water runoff from the site. Therefore, on the basis of the information given on the file and in the appeal, I am not satisfied that the surface water outflow from the site is adequately addressed. It is unclear as to how it is effectively treated prior to discharge, particularly where there appears to be an absence of appropriate measures to address water pollutants that arises from the nature of the activities taking place on the site, and it also unclear where it is discharging to. The grounds of appeal stated that the council asked for retrofit SuDs measures to a previous granted permission (for which the appellant submitted proposals to collect runoff from roofs to be recycled to wash vehicles), however this does not negate the potential impact to the environment arising from the operations taking place on the site. Having regard to the foregoing and in the absence of such details on same, I am not satisfied that there are no impacts to receiving watercourses. In this regard I would concur with the assessment of the PA and consider that the third reason for refusal is substantive basis for permission to be refused for the retention of the development sought under this application.

Wastewater

- 8.7.7. It is noted from the file details that foul water is directed from both units via an underground foul line to a septic tank. It is noted that a wastewater treatment plant and percolation area was permitted on the site under P.A. Ref. 99/2470. I note from a review of the site layout plan relating to P.A. Ref. 06/4000 that the location of a raised biofilter unit was indicated to be position to the south of Unit 2 (under the current wash

bay area), and the raised percolation area adjacent to the western boundary of the site.

- 8.7.8. Under the current application, it is shown on the Topo Survey drawing DWG Ref. 24-295-001 that the existing wash bay tank is located where the wastewater treatment plant was originally permitted, and that a septic tank services the site which is identified in the location of the permitted percolation area as set out above. No details are provided in regard to the previously permitted percolation area or its location.
- 8.7.9. In response to the FI request, it is indicated in the Engineering Services Report that based on employee numbers, the unit is marginally larger than the equivalent of a domestic dwelling with 10 employees on site. No further details are provided. Having regard to the foregoing, it is unclear how effluent arising from the subject development is being disposed of which has increased additional loading due to the increase in the Population Equivalent (PE), and where it is discharged to i.e. groundwater or surface water (open drain). I am therefore not satisfied that the subject development is not prejudicial to public health and that it does not give rise to pollution, and I therefore recommend refusal on this basis.

8.8. Other Matters

- 8.8.1. As part of the FI request, new proposals were submitted in regard to lighting within the site. I note the provisions in relation to the submission of revised plans / modified plans as per Article 34 of the Planning and Development Regulations 2001 (as amended), and Article 35 of the same regulations which relates to significant additional details submitted in response to an FI request. I note that the PA did not determine that the revised details submitted to the FI request as 'significant additional data' and in that regard, there was no requirement to inform prescribed bodies or persons who made submissions or observations or invite submissions. I am satisfied that my assessment of the subject development and the revised proposals provided, has given due consideration to the issues raised in the grounds of appeal and in the planning application, particularly in relation to residential amenities.

9.0 AA Screening

- 9.1.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 9.1.2. The appeal site is located approx. 4.13 km to the southeast of the SAC: 002165 Lower River Shannon SAC and 4.96 km to the southeast of the SPA: 004077 River Shannon and River Fergus Estuaries SPA.

Permission is sought to retain alterations carried out to the existing structures on site namely:

- The increase in height of Unit 1 to the east of the site;
- The increase in height of the roller shutter doors on the east and west elevations of the Unit 2;
- The increase in in concrete yard to the rear of Unit 2;
- Three no. advertising signs – 2 on the entrance walls, 1 on the eastern elevation of Unit 1;
- Flood lights mounted on both units and on the southern boundary wall of the site.

- 9.1.3. No conservation concerns were raised in the planning appeal.
- 9.1.4. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- 9.1.5. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lower River Shannon SAC (002165) in view of the conservation objectives of this site, and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The scale and nature of the existing development.

- The distance from and weak indirect connection to the identified European Site;
- Possible impacts identified would not be significant in terms of site-specific conservation objectives for the Lower River Shannon SAC site and would not undermine the maintenance of favourable conservation status.
- Taking into account the AA Screening determination by the PA.

9.1.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore appropriate assessment (stage 2) (under Section 177V of the Planning and Development Act 2000 as amended) is not required.

10.0 Recommendation

I recommend that retention permission is refused for the following reasons and consideration set out below.

11.0 Reasons and Considerations

1. It is considered that the subject development, which would result in the intensification of use of the existing access onto the adjoining public road L-1145 at a point where a speed limit of 80 km/h applies, and whereby sightlines are impeded, would endanger public safety by reason of traffic hazard. The proposed development, would therefore, not be in accordance with the proper planning and sustainable development of the area.
2. The Board is not satisfied, on the basis of the information submitted that the extent of development the subject of this application and appeal, adequately reflects the extent of development which was authorised, and which has taken place on site. In particular, concerns arise in relation to the design and siting of the wastewater treatment system, the extent of hard surface area, and the design of the surface water drainage system serving the site. In this context, the proposed development would constitute ad hoc and disorderly development. Furthermore, the Board is not satisfied that the subject development would therefore, not be prejudicial to public health or pose an unacceptable risk of environmental pollution, and would

not be in accordance with the proper planning and sustainable development of the area.

Clare Clancy
Planning Inspector

28th April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321743-25		
Proposed Development Summary	Retention of warehouse and permission of increase in commercial unit and roller shutters and ancillary site development works		
Development Address	Roxborough, Ballysheedy, Co. Limerick		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank	State the Class here.	Proceed to Q3.
No	✓		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	✓		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

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

Inspector: _____ Date: _____

Screening for Appropriate Assessment Test for likely significant effects

Step 1: Description of the project and local site characteristics

ABP 321743-25

Brief description of project		Retention permission is sought for the following: i. The increase in height of Unit 1 to the east of the site; ii. The increase in height of the roller shutter doors on the east and west elevations of the Unit 2; iii. The increase in in concrete yard to the rear of Unit 2; iv. Three no. advertising signs – 2 on the entrance walls, 1 on the eastern elevation of Unit 1; v. Flood lights mounted on both units and on the southern boundary wall of the site.		
Brief description of development site characteristics and potential impact mechanisms		The appeal site has an overall area of 1.056 ha and is brownfield in nature. It comprises of 2 no. light industrial units total gross floor area 761 m ² and is serviced by a septic tank. The ground on site comprises of extensive concrete hard standing area. The appeal site is not located within a European designated site however the closet sites are the following: <ul style="list-style-type: none">• SPA: 004077 - River Shannon and River Fergus Estuaries SPA – 4.96 km to northwest of site.• SAC: 002165 - Lower River Shannon SAC – 4.13 km to northwest of site. Key issues identified relate to water pollution via a hydrological connection between the appeal site, whereby surface water is disposed of to an existing drain/water course that runs to the west of the site.		
Screening report		No. Limerick City & County Council screened out the need for AA.		
Natura Impact Statement		No		
Relevant submissions		Third party submissions to the planning application highlighted concerns in relation to runoff arising from the site due to expansive concrete area, draining to watercourse giving rise to drainage issues and impacts on environment.		
European Site (code)	Qualifying interests ¹	Distance from proposed	Ecological connections ²	Consider further in screening ³

	Link to conservation objectives (NPWS, date)	development (km)		Y/N
Lower River Shannon SAC (002165)	<ul style="list-style-type: none"> • Sandbanks which are slightly covered by sea water all the time [1110] • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Coastal lagoons [1150] • Large shallow inlets and bays [1160] • Reefs [1170] • Perennial vegetation of stony banks [1220] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritima</i>) [1410] • Water courses of plain to montane levels with the <i>Ranunculion</i> 	4.83 km	No direct connection, Possible indirect	Yes

	<p>fluitantis and Callitricho-Batrachion vegetation [3260]</p> <ul style="list-style-type: none"> • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] • Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] • Petromyzon marinus (Sea Lamprey) [1095] • Lampetra planeri (Brook Lamprey) [1096] • Lampetra fluviatilis (River Lamprey) [1099] • Salmo salar (Salmon) [1106] • Tursiops truncatus (Common Bottlenose Dolphin) [1349] • Lutra lutra (Otter) [1355] 			
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River Shannon and River Fergus Estuaries SPA (004077)	<ul style="list-style-type: none"> • Cormorant (Phalacrocorax carbo) [A017] • Whooper Swan (Cygnus cygnus) [A038] • Light-bellied Brent Goose (Branta bernicla hrota) [A046] • Shelduck (Tadorna tadorna) [A048] • Wigeon (Anas penelope) [A050] • Teal (Anas crecca) [A052] • Pintail (Anas acuta) [A054] • Shoveler (Anas clypeata) [A056] • Scaup (Aythya marila) [A062] • Ringed Plover (Charadrius hiaticula) [A137] • Golden Plover (Pluvialis apricaria) [A140] • Grey Plover (Pluvialis squatarola) [A141] • Lapwing (Vanellus vanellus) [A142] • Knot (Calidris canutus) [A143] • Dunlin (Calidris alpina) [A149] • Black-tailed Godwit (Limosa limosa) [A156] 	4.08 km	No direct connection	No
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	<ul style="list-style-type: none"> • Bar-tailed Godwit (Limosa lapponica) [A157] • Curlew (Numenius arquata) [A160] • Redshank (Tringa totanus) [A162] • Greenshank (Tringa nebularia) [A164] • Black-headed Gull (Chroicocephalus ridibundus) [A179] • Wetland and Waterbirds [A999] 			
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¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

- Based on source-pathway-receptor, there is no indirect connection between the appeal site and the River Shannon and River Fergus Estuaries SPA (004077). I am satisfied that this site can be excluded from further consideration.

Lower River Shannon SAC (002165)

- There is an existing piped drain that traverses the centre of the site. A watercourse runs along the western boundary of the site which is linked to the Ballynaclogh River to the north of the site. The Ahanload River is located approx. 425 m to the east of the site.
- Surface water runoff is managed by outfall within the site to the existing piped concrete drain.
- Using best practice survey methods i.e. mapping available on the EPA website / data.gov.ie, it does not identify the flow direction of the existing historical drain within the site, however it is noted that the flow direction of the Ahanload River is northerly in direction linking with the Ballynaclogh River, which then continues in a northerly direction linking with the River Shannon. Although not indicated on EPA mapping or data.gov.ie, it is plausible that the flow of the existing drain within the site is westerly discharging to the adjoining drain along the western boundary of the site, which then flows to the Ballynaclogh River to the north and which ultimately flows into the River Shannon and the Lower River Shannon SAC (002165).
- Based on source-pathway-receptor, it is possible that there may be an indirect connection via surface water / ground water to the European designated site. As the rivers identified flow to the River Shannon there is a potential distant hydrological connection to the Lower River Shannon SAC (002165) (approx. 4.8 km via watercourses).

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The potential impacts associated with the existing development relate to potential deterioration of water quality as a result of runoff of contaminated surface water runoff from site, runoff from the vehicle jet wash and oil /fuel/chemical pollutants from maintenance and repair works to vehicles. This refers to operational stage.

It is noted that there are 2 no. petrol interceptors identified as no.'s 4 and 5 which are in place on the existing piped drain running through the centre of the site. These are located adjacent to Unit 2 and to the west of Unit 2. This would collect runoff from the site, in particular the jet wash and any residue runoff from surface water. This would reduce the risk of impacts to surface water, and ground water.

The Lower River Shannon SAC (002165) has a generic conservation objective which is to maintain or restore the favorable conservation condition of the 21 habitats and species listed as Qualifying Interests for this SAC site. Water quality is important in the context of the qualifying interests of the listed habitats and species and a reduction in water quality has the potential to affect the aquatic habitats and natural conditions that are required to maintain or achieve the specific attributes and targets of the qualifying interests associated with the SAC.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Lower River Shannon SAC (002165)	No direct impacts. Indirect: Low risk of surface water runoff from operations carried out on site.	Low risk of surface water borne pollutants reaching the SAC thereby diminishing water/water quality
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? Other plans and projects were examined in the Screening Report. No other effects of magnitude that could add to other plans and projects. As there are no direct impacts to the SAC arising as a result of the existing development, there is no potential for cumulative impacts. There are no likely impacts arising from the subject development on a	

	European designated site and therefore cumulative impacts with other projects will not occur.
Further Commentary / discussion (only where necessary) None	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site	
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the Lower River Shannon SAC (002165). The subject development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project].</p> <p>No mitigation measures are required to come to these conclusions.</p>	
<p>Screening Determination</p> <p>Finding of no likely significant effects</p> <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lower River Shannon SAC (002165) in view of the conservation objectives of this site, and is therefore excluded from further consideration. Appropriate Assessment is not required.</p> <p>This determination is based on:</p> <ul style="list-style-type: none"> • The scale and nature of the existing development. • The distance from and weak indirect connection to the identified European Site; • Possible impacts identified would not be significant in terms of site-specific conservation objectives for the Lower River Shannon SAC site and would not undermine the maintenance of favourable conservation status. • Taking into account the AA Screening determination by the PA. 	