



An
Coimisiún
Pleanála

Inspector's Report ABP-322560-25

Development	Construction of storage and distribution warehouse. A Natura Impact Statement (NIS) was submitted as part of the application.
Location	Loughmore Avenue, Raheen Business Park, Ballycummin, County Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	24/60921
Applicant	BNL Properties Ltd.
Type of Application	Planning Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Tom Ryan
Observer(s)	None
Date of Site Inspection	7 th August 2025
Inspector	Gary Farrelly

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 2.3 hectares and is located on undeveloped lands within Raheen Business Park, which is located approximately 3.5km southwest of the Limerick City Centre. Raheen Business Park extends to approximately 180 hectares, serves a number of multinational companies and is managed by IDA Ireland. The subject site is bounded by an existing storage and distribution warehouse to the east, the Regional Road R-510 to the west and undeveloped greenfield lands to the north and south. The M20 motorway is located approximately 500 metres southeast of the site.
- 1.2. The characteristics of the site comprise of spoil and bare ground habitat consisting of topsoil and gravelled areas. The grassland present at the site comprises of dry meadows with a few pockets of wet grassland in areas where the slope of the land allows for accumulation of water. There is a drainage ditch that traverses the eastern and southwest sections of the site. This drainage ditch is hydrologically linked to the Barnakyle River to the west of the site on the western side of the R-510. A section of the site is located within Flood Zone B as illustrated within the Flood Maps of the Limerick Development Plan 2022-2028.
- 1.3. The existing business park is served by a network of stormwater pipes which ultimately outfall into Loughmore Canal within Loughmore Common, which is located approximately 920 metres north of the site (on the northern side of the R-526). The Loughmore Canal forms part of the Loughmore Common Turlough proposed Natural Heritage Area (pNHA). The canal discharges into the Barnakyle River to the west via a network of drainage ditches within agricultural lands.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a new storage and distribution warehouse building which will incorporate an administrative block with office, reception and staff welfare areas. The total floor area of the building will measure 8,157sqm. The development also includes for the provision of bicycle and car parking, vehicular circulation areas and landscaping proposals. The facility will accommodate approximately 30 staff and it is envisaged that the operational hours will be Monday to Saturday between 0730 and 1730 hours. The development is an expansion to the

existing storage and distribution warehouse which adjoins the eastern boundary of the site (Phase 1). This was granted planning permission under local authority application ref. 22/1013.

- 2.2. Surface water is to be treated via sustainable drainage systems (SuDS) prior to discharge to the existing stormwater network within Raheen Business Park. The submitted drainage plan illustrates the existing stormwater network flowing in a south/southeast direction at the proposed point of discharge from the development. It is stated that this ultimately discharges into Loughmore Canal to the northwest of the site. SuDS features include a bioretention pond and attenuation storage, swales, raingardens, permeable paving, grasscrete paving and green roofs. Waste water will be discharged to an existing foul sewer to the south of the site which serves the Limerick Wastewater Treatment Plant. Water supply will be taken from an existing watermain to the southeast of the site.
- 2.3. The application was accompanied by a number of documents including an Engineering Infrastructure Report, CCTV drainage network surveys, a Site Specific Flood Risk Assessment (SSFRA), an Ecological Impact Assessment, an Environmental Impact Assessment Screening Report, a Mobility Management Plan and a Natura Impact Statement (NIS).

3.0 Planning Authority Decision

3.1. Decision

The planning authority (PA) decided to grant permission, subject to 11 no. conditions, by Order dated 1st May 2025.

3.2. Planning Authority Reports

Planning Reports

There are a total of 2 no. area planner (AP) reports on file that assessed the proposed development in terms of, inter alia, the principle of the development, design and layout, flood risk, traffic, parking, mobility management and surface water disposal. The first AP report recommended further information on a number of issues including for the submission of a Natura Impact Statement (NIS), CCTV surveys of the existing storm

water network within the footprint of the entire site and revised drawings and calculations for the surface water proposals. Following submission of the further information, the second AP report recommended a grant of permission, subject to conditions, which was endorsed by the Senior Executive Planner.

Other Technical Reports (*listed within Appendix of planner's report*)

- Ecologist (*reports dated 04/10/24 and 01/05/25*) – The ecologist considered that there was an open reliance on measures that were not considered standard construction best practice measures and, as such, were considered mitigation and required the submission of a Natura Impact Statement (NIS). Following submission of the NIS, the ecologist considered the issues satisfactorily addressed and recommended a number of conditions.
- Roads Section (*reports dated 02/11/24 and 25/04/25*) – This section recommended approval subject to a number of conditions including the submission of CCTV surveys and further information on SuDS features. Following submission of these details at further information stage, this section recommended approval subject to, inter alia, the submission of stage 2 and 3 storm water audits.
- Active Travel (*reports not dated*) – This section required further details on secure bicycle storage facilities and the submission of a mobility management plan. Following the submission of the further information, a number of conditions were recommended.
- Environment and Climate Action (*reports dated 06/11/24 and 11/03/25*) – This section required the submission of CCTV surveys of the existing drainage network onsite and the treatment of water during the construction phase to be managed within the site and discharged appropriately. Additionally, a resource and waste management plan was considered required to be submitted. It was considered after submission of a glint and glare assessment that the solar development (roof mounted panels) would not cause safety hazards.
- Noise Section (*report dated 04/11/24*) – This section considered that the details submitted regarding construction noise were satisfactory. Regarding operational noise, it required the identification of potential noise sources and potential impact on noise sensitive properties.

- Waste Management (*reports dated 05/11/24 and 29/04/25*) – This section outlined no objection subject to conditions including a site specific waste management plan.
- Fire Authority (*report not dated*) – This section outlined no objection.
- Mid-West National Road Design Office (*report dated 23/04/25*) – This section had no observations to make.

3.3. Prescribed Bodies

Uisce Éireann (UÉ) – It outlined no objection to the development and noted that the IDA owns the infrastructure within the industrial estate where permission is required for connections.

Transport Infrastructure Ireland (TII) – It required the development to be undertaken in accordance with the recommendations of the Transport (Traffic Impact) Assessment.

Department of Housing, Local Government and Heritage – It recommended a full survey for meadow barley and pondweed as they occurred within close proximity of the site.

3.4. Third Party Observations

There were a number of submissions made on the application to the PA which raised concerns with the impact of the development on Loughmore Canal and Loughmore Common, the quality of water being discharged into the canal, historical flooding, the location within a flood zone and non-compliance with conditions of application ref. 22/1013.

4.0 Relevant Planning History

There is an extensive planning history associated with Raheen Business Park.

PA ref. 22/1013 (site directly adjoining subject site)

BNL Properties Ltd was granted permission for a new storage and distribution warehouse and associated office space. This decision was not appealed to the Commission.

PA ref. 25/60174 / ACP ref. 322557

Permission was granted to replace a section of cladding with glazing on a building at Cloughkeating Avenue within Raheen Business Park. A third party appeal was dismissed by the Commission under Section 138(1)(b)(i) of the Planning and Development Act 2000, as amended, as the matters raised did not relate to the proposed development.

PA ref. 24/384 / ACP ref. 321828

Permission was granted by the Commission to Adhesives Research Ireland for a change of use from office space to production following a third party appeal (*Decision date 12/06/25*).

PA ref. 24220 / ACP ref. 320261

Permission is being sought by Regeneron Ireland DAC for the erection of palisade fencing and access point following a third party appeal. No decision from the Commission has been made to date.

PA ref. 319334 / ACP ref. 319334

Permission was granted by the Commission to Cadmin Limited for the construction of an ESB substation following a third party appeal (*Decision date 19/02/25*).

PA ref. 23/60609 / ACP ref. 318396

Permission was granted by the Commission to Analog Devices International Unlimited Company for the regeneration of a building following a third party appeal. A Natura Impact Statement (NIS) was submitted with this application. (*Decision date 19/02/25*)

PA ref. 22/991 / ACP ref. 316282

Permission was granted by the Commission to Multi Packaging Solutions Limerick Limited for the construction of a two-storey extension to the rear of an existing building and refurbishment of existing building following a third party appeal. (*Decision date 27/01/25*)

PA ref. 22/279 / ACP ref. 314996

Permission was refused by the Commission to Polkee Limited for the construction of a two storey office building following a third party appeal. The Commission considered that insufficient information regarding the surface water drainage system was submitted as to whether the proposed drainage system would not give rise to a heightened risk of additional flooding on lands including downstream of Loughmore Canal. (*Decision date 02/02/24*)

PA ref. 22/803 / ACP ref. 314692

Permission was granted by the Commission to Analog Devices International for an extension to a C1 R&D pilot line building following a third party appeal. A Natura Impact Statement was submitted with this application. (*Decision date 12/09/23*)

PA ref. 22803 / ACP ref. 314921

This application related to a 10-year permission to Eli Lilly for the construction of a biopharmaceutical manufacturing campus. The third party appeals were withdrawn on 23/11/2022.

5.0 Policy Context

5.1. Limerick Development Plan 2022-2028

The subject site is zoned 'High Tech/Manufacturing Campus' where the objective is to provide for office, research and development, high technology, regional distribution/logistics, manufacturing and processing type employment in a high quality built and landscaped campus style environment.

Section 5.8 Enterprise and Employment

Raheen Business Park is identified as a Strategic Employment Location under the Limerick Shannon Metropolitan Area Strategic Plan (MASP). This strategic location has the capacity to cater for investment that require greenfield or brownfield sites, access to an international airport and third level graduates.

Objective ECON O17 (Strategic Employment Locations)

It is an objective of the Council to:

a) Promote, facilitate and enable a diverse range of employment opportunities by facilitating appropriate development, improvement and expansion of enterprise and industry on appropriately zoned lands, accessible by public and sustainable modes of transport, subject to compliance with all relevant Development Management Standards and Section 28 Guidance at Strategic Employment Locations and other appropriately zoned locations in a sustainable manner.

b) Facilitate and support Raheen Business Park as a Strategic Employment Location, identified in accordance with the Limerick Shannon MASP.

Objective IN O12 (Surface Water and SuDS)

It is an objective of the Council to:

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.

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.

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) 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.

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.

n) Encourage green roofs for employment developments.

5.2. National Policy

- Project Ireland 2040 – National Planning Framework (revised 2025) and National Development Plan 2021-2030

National Policy Objective 77

Enhance water quality and resource management by

- Ensuring that River Basin Management Plan objectives are fully considered through the physical planning process
- Integrating sustainable water management solutions, such as Sustainable Urban Drainage (SUDS), non-porous surfacing and green roofs, and nature based solutions, to create safe places.

National Policy Objective 79

Support the management of stormwater, rainwater and surface water flood and pollution risk through the use of nature-based solutions and sustainable drainage systems, including the retrofitting of existing environments to support nature based solutions.

National Policy Objective 80

Support the retrofitting of existing environments to cater for surface water run-off through the use of nature based solutions.

- Climate Action Plan (CAP) 2025 / CAP 2024

Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

- Water Action Plan 2024, A River Basin Management Plan for Ireland

The Plan responds to the requirements of the Water Framework Directive, to accelerate the identification and implementation of the right measures in the right places to both restore and protect all water bodies. The catchments.ie website provides substantial background information for this plan and the most current and up-to-date information on the status of local rivers, lakes and water bodies.

5.3. Regional Policy

- Regional Spatial and Economic Strategy for the Southern Region

Limerick Shannon Metropolitan Area Strategic Plan (MASP)

Policy Objective 13 (Strategic Employment Locations)

a. It is an objective to support the sustainable development of identified and future Strategic Employment Locations and to ensure the delivery of associated infrastructural requirements subject to the outcome of environmental assessments and the planning process. (Raheen is identified as such location within Table 3).

5.4. National Guidelines

- Nature Based Management of Urban Rainwater and Urban Surface Water Discharges, A National Strategy (2024)
- Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (Department of Housing, Planning and Local Government, 2018)
- The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009)

5.5. Other Guidance

- The SuDS Manual, CIRIA (2015)

5.6. Natural Heritage Designations

The site is not located within any designated site. The nearest designated site is the Loughmore Common Turlough proposed Natural Heritage Area (pNHA) which is located approximately 920 metres northwest of the subject site. The closest point of the Lower River Shannon Special Area of Conservation (SAC) (Site Code 002165) is approximately 3.25km north of the site. The closest point of the River Shannon and River Fergus Estuaries Special Protection Area (SPA) (Site Code 004077) is approximately 3.5km north of the site.

5.7. Environmental Impact Assessment (EIA) Screening

It has been concluded that there is potential for significant effects on European sites and an Appropriate Assessment has been undertaken having regard to the documentation on file including the NIS. The screening carried out for environmental impact assessment (Appendix 1), has addressed the characteristics of the proposed development, its location and the types and characteristics of potential impacts and has also had regard to the mitigation measures proposed in respect of protecting water quality. On this basis I am satisfied that there is no potential for significant effects on water quality or any other environmental factor, or any requirement, therefore, for environmental impact assessment. Impacts on European sites can be addressed under Appropriate Assessment, which I have addressed in Appendix 2 of my report.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal from Mr. Tom Ryan was lodged to the Commission on 19th May 2025. The Commission should note that the appellant's landholding is located southwest of the Loughmore Canal. The canal flows through a network of agricultural drainage ditches which flow through the applicant's lands before it meets the Barnakyle River. The grounds of appeal are summarised as follows:

- The Loughmore Canal is a polluted watercourse and in turn the Barnakyle stream and Barnakyle River are polluted and this has been acknowledged by

the Council. These watercourses are part of the Maigne Estuary which the EPA acknowledges is one of the worst waterbodies for water quality.

- The appellant's livestock had and continue to have unexplained illnesses, infertility and tumours which is believed to be from flooding from polluted waters.
- There have been historic concerns from the Council regarding the capacity of the outfall and potential flooding as the estate continued to grow. However, multiple planning applications have been granted without control measures or proper flood risk assessments.
- The Shannon CFRAMS has incorrectly assessed the Barnakyle River which has led to extensive flooding of the appellant's lands. The Commission now accepts that the industrial estate is contributing to such flooding.
- The existing main foul and storm lines have been in operation since the base build of the industrial estate. Expansions and multiple connections have resulted in misconnections to the network. This is acknowledged by the Council which has conditioned measures including Section 12 notices under the water pollution act. It is also proven by the discharges in the storm water outfall and CCTV surveys.
- There is an ongoing investigation into storm discharges which was widened by the Council in 2023 to include discharges in the southern outfall. The PA was aware of the data within the Tetra Tech report (which is submitted as part of the grounds of appeal), however did not use such data in its assessment.
- The application is an extension of application ref. 22/1013. There is an enforcement case open on this due to non-compliance with, inter alia, pre-commencement conditions. The environment section of the PA are still concerned regarding misconnections. As this application is an extension to this development the PA should not have accepted this until the first development was compliant.
- The submitted NIS accepts that there would be risks to water quality during construction. It is alleged that during the construction of 22/1013 there was pollution of the adjacent stream. The mitigation measures within the NIS fail to consider geology and groundwater protection.

- The submitted EIA screening report and ecological report state that stormwater is discharged to the Loughmore Canal, however, the submitted drawings show stormwater being discharged to an adjacent watercourse labelled as Cloughkeating stream. The development is hydrologically connected to the Barnakyle River and all watercourses that are connected to assigned waterbodies must be assessed under the Water Framework Directive.
- An environmental report by Tetra Tech Limited from July 2024 is attached which must be considered by the Commission. This report assessed the condition of the water, sediment and soil within and in the immediate vicinity of the Barnakyle stream to determine if there was any impact from the discharge of surface water from the IDA business park.
- Soil and sediment sampling was undertaken by Tetra Tech on 7th May 2024 in the Loughmore Canal near the outflow drain from the business park, with a further two sediment samples taken upstream in the Barnakyle river and two background soil samples taken in a field in Loughmore Common. Two surface water samples were taken in the canal nearest the outflow and a further two samples taken upstream within the Barnakyle river.
- PAHs classed as hazardous substances were reported to be present in soil samples taken from the bank of the canal. Concentrations of 2-Methylnaphthalene were detected in soil samples which is potentially linked to pesticides or plastic production. VOCs were reported in both sediment and soil samples.
- The impacted soils detected on the canal bank and Loughmore Common pose a potential risk to grazing animals, farmers or people working on the canal. The results indicate that the nature of the contamination is largely anthropogenic in origin and classified as organic contaminations which would typically result from trade effluent or industrial activity.
- A number of contaminants were recorded at the base of the canal and it is likely this is the result of past dredging where the dredged material was deposited on the banks of the canal.
- There is potential for hazardous substances and non-hazardous substances present in the waters or sediments to enter the groundwater via existing hydrogeological connections.

6.2. Applicant Response

The applicant issued a response to the grounds of appeal on 12th June 2025 which is summarised as follows:

- It is requested that the decision of the PA is upheld by the Commission as it represents a further significant investment in the local economy of Limerick and will assist in the creation of jobs and commerce in the area. Raheen Business Park is identified as a strategic employment location in the Development Plan and the development is supported by local, regional and national policies and objectives.
- The subject site represents a land parcel of 2.3 hectares within the wider 180 hectare business park where the applicant has no control over matters relating to service infrastructure in other areas of the park nor any maintenance arrangements between the Local Authority and owners of the park.
- Stormwater from the development will be clean, free from hazardous substances, will be limited in flow to greenfield rates and will not result in any negative impacts on water quality on the Loughmore Canal or other watercourses. Standard construction environmental mitigation measures are proposed to prevent water pollution during works and all construction phase mitigation measures outlined in the submitted ecological impact assessment and AA Screening/NIS have been included in the final CEMP.
- It is proposed to infill the drainage ditch prior to the beginning of construction works which pose a potential risk to water quality, however, this would be related to suspended solids and measures will be put in place to protect the watercourses downstream during the in-stream works. The NIS did not encounter any geological or groundwater pathways between the site and any Natura 2000 site and due to the nature of the development no risks to soil or groundwater are anticipated.
- Excess surface water will be directed to the existing surface water infrastructure to the southeast which will ultimately discharge into the Loughmore Canal to the northwest.
- The issues raised relate to existing activities in the business park and no argument has been presented suggesting that the proposed development

would have the potential to cause an impact to water quality, by itself or in combination with other developments in the industrial estate.

- A site-specific flood risk assessment was prepared and confirmed that the development is in accordance with the 2009 Planning System and Flood Risk Management Guidelines. Flow from the site will be limited to greenfield rates and the development will not change the outflow volume and peak outflow rate and accordingly the proposed development will not result in any increase in flood risk outside of the site.
- Two CCTV surveys were carried out which concluded that the drainage infrastructure within the site and the adjacent Phase 1 site, are in good condition and no cross connections or faults were identified. No remediation works are required.
- As outlined in the EIA Screening, the ecological condition of the Barnakyle River is unsatisfactory and the local authority are investigating this. Any negative impacts to the waterbody from other developments in the industrial estate will not be made worse by the proposed development.
- Letters from the Local Authority to the applicant dated 16/04/25 and 26/05/25 are provided showing status of condition compliance under application ref. 22/1013. Condition nos. 3, 4 and 12 were submitted on 27/05/25 and are currently being assessed by the local authority.
- It is concluded that the development will not have any negative impacts on any waterbody and is in accordance with the requirements of the Water Framework Directive. Reference is made to the inspector's report of ACP ref. 318396.
- The PA and the Commission have continued to grant permissions in the business park where it has been demonstrated that developments will not have significant impacts on the receiving environment and water quality.

6.3. Planning Authority Response

The PA did not issue a response to the grounds of appeal.

7.0 Assessment

7.1. 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 and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of the Development
- Surface Water Treatment

Principle of the Development

7.2. The subject site is located within Raheen Business Park on lands zoned 'High Tech/Manufacturing Campus' within the Limerick Development Plan 2022-2028 (LDP). The objective of this zoning is to provide for office, research and development, high technology, regional distribution/logistics, manufacturing and processing type employment in a high quality built and landscaped campus style environment.

7.3. The business park is also designated as a strategic employment location (SEL) under the Limerick Shannon Metropolitan Area Strategic Plan (MASP) where Policy Objective 13 of the Regional Spatial and Economic Strategy for the Southern Region (RSES) seeks to support the sustainable development of such SEL locations. This is reflected in Objective ECON O17 of the LDP (Strategic Employment Locations) which seeks to facilitate and support Raheen Business Park and a diverse range of employment opportunities. Having regard to the nature of the proposed development, to the location and zoning of the site, I consider the proposed development acceptable in principle.

Surface Water Treatment

7.4. The Commission should note that the primary concern of the third-party appellant is regarding the quality and quantity of surface water currently being discharged into Loughmore Canal from the existing stormwater drainage system within Raheen Business Park. It is contended that there are misconnections between the foul and storm lines within the network and additionally the network is contributing to flooding of the appellant's lands. I acknowledge the expert report from Tetra Tech Limited, submitted as part of the grounds of appeal, which shows the samples taken from the

outflow in Loughmore Canal, the canal itself and soils along the banks of the Canal and Loughmore Common containing pollutants.

- 7.5. Having regard to the information provided by the appellant, it is clear that there is an existing issue at the outflow of the existing stormwater system within the business park. I note that there is no information on file which confirms the source of such pollution and I note that there is an ongoing investigation by the Council regarding same. Whilst I acknowledge the appellant's legitimate concerns, the Commission should note that the relevant issue with this appeal is whether the proposed development would result in pollution of downstream watercourses or exacerbate any potential risk of flooding downstream.

Condition of Existing Drainage System

- 7.6. Firstly, the Commission should note that the applicant was requested by the PA to undertake CCTV surveys of the existing drainage system within the vicinity of the subject site. The results of the CCTV surveys concluded that the infrastructure within the site and the site of application ref. 22/1013 are in good condition with no cross-connections or faults identified. I note that this was accepted by the PA and, additionally, the surveys addressed the compliance requirement for Condition No. 8(a) of 22/1013. Having regard to this, I am satisfied that the existing drainage system within the vicinity of the site is in good working condition and will not contribute to the issues currently being investigated by the Council.
- 7.7. The next issue is to determine whether the proposed development will result in downstream pollution or increase the risk of flooding downstream, including within the applicant's landholding. The Commission should note that this issue is also addressed within Section 8 (Appropriate Assessment) of this report in terms of the downstream construction impact.

Sustainable Drainage Systems (SuDS)

- 7.8. The proposed development seeks to utilise sustainable drainage systems (SuDS) throughout the site. The submitted engineering report outlines that surface water will be directed to a system designed to accommodate climate change of 30% and 10% for urban creep. It has been designed for a 1/30 year return period with an allowable discharge rate of 2 litres per second per hectare (2l/s/ha), i.e. greenfield rates. The SuDS features include the installation of a bioretention pond which will facilitate the

infiltration of rainwater. A stormtech attenuation chamber system will be located underneath to serve as a storage system prior to discharge to the existing drainage system of the business park. A bypass separator will also be located prior to flow entry to the bioretention pond. Other SuDS features within the system are the following:

- Permeable paving within all car parking spaces to allow for infiltration. An overflow pipe to the network will also be provided in cases of excessive rainfall.
- Grasscrete paving for all fire tender routes within the site.
- Swales to allow for infiltration and storage and all road gullies will be directed to same. There will also be an overflow pipe to the network.
- Rain gardens throughout the site to capture and manage rainwater prior to absorbing into the ground.
- Green roofs by absorbing and slowing the flow of rainwater. Rainwater downpipes will be connected to same to the proposed surface water network.

7.9. Having regard to the measures above, I am satisfied that the inclusion of SuDS features within the proposed development, including the use of the bioretention pond and attenuation, will adequately intercept and infiltrate surface water prior to discharge to the existing piped drainage system within the Business Park. This, together with the use of hydraulic control and interceptor measures, will ensure that surface water will not be discharged at peak flow rates within the existing system, will be limited to greenfield rates and will treat any potential pollution prior to discharge to the system.

7.10. I consider that the development will not negatively impact the existing drainage system within the business park and I consider that the proposed development complies with Objective IN O12 (Surface Water and SuDS) of the Limerick Development Plan 2022-2028 in terms of incorporating appropriate flood management measures, providing adequate pollution control measures and adequately controlling the outfall to the existing system. Therefore, to conclude, I consider that the proposed development will not result in downstream pollution of watercourses nor will it increase the risk of flooding downstream. I am satisfied that the proposed development is acceptable in terms of public health.

8.0 Appropriate Assessment (AA)

- 8.1. In screening the need for Appropriate Assessment, it was determined that during the construction phase the proposed development could result in significant effects on the Lower River Shannon Special Area of Conservation (SAC) (Site Code 002165) and River Shannon and River Fergus Estuaries Special Protection Area (SPA) (Site Code 004077), in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.
- 8.2. Following an examination, analysis and evaluation of the NIS and all associated material submitted I consider that adverse effects on site integrity of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:
- Detailed assessment of construction impacts.
 - Effectiveness of mitigation measures proposed including the closing off of the culvert and removal of the drainage ditch prior to construction works commencing.
 - Application of planning conditions to ensure application of these measures.
- 8.3. The proposed development will not affect the attainment of conservation objectives for the Lower River Shannon SAC or the River Shannon and River Fergus Estuaries SPA.

9.0 Water Framework Directive (WFD) Screening

- 9.1. The subject site is located within the western side of Raheen Business Park and approximately 85 metres from the Barnakyle River. The site comprises of an existing drainage ditch which is hydrologically connected to the Barnakyle River. Water deterioration concerns within the site were raised in the planning appeal relating to the construction of phase 1 of the development (application ref. 22/1013). Having inspected the site I note that this development is completed. Historical water issues have been raised regarding the wider business park.

9.2. I have assessed the project and have considered the objectives set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and groundwater waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater waterbodies, either qualitatively or quantitatively. The reason for this conclusion is as follows:

- To the filling in of the existing drainage ditch onsite as part of the construction works and construction methodology of same.
- To the proposed SuDS features, including a bioretention pond, to be installed to treat surface water during the operational phase.
- To the nature of the proposed development comprising of a distribution and storage warehouse.

9.3. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwater, transitional and coastal), either qualitatively or quantitatively, or on a temporary or permanent basis, or otherwise jeopardise any waterbody in reaching its WFD objectives and, consequently, can be excluded from further assessment.

10.0 Recommendation

My recommendation to the Commission is that permission should be **Granted**, subject to conditions, for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the location of the proposed development within Raheen Business Park, which is identified as a Strategic Employment Location under the Limerick Shannon Metropolitan Area Strategic Plan (MASP) within the Regional Spatial and Economic Strategy for the Southern Region, to its location on lands zoned 'High Tech/Manufacturing Campus' within the Limerick Development Plan 2022-2028, where the objective is to provide for, inter alia, regional distribution/logistics type

employment, to the design and layout of the proposed development, to the use of sustainable drainage systems (SuDS) features onsite including a bioretention pond to intercept and infiltrate surface water prior to discharge (at greenfield rates) to the existing drainage system of the Business Park, it is considered that, subject to compliance with the conditions set out below, the proposed development would facilitate and support Raheen Business Park as a strategic employment location in accordance with Objective ECON O17 (Strategic Employment Locations) of the Limerick Development Plan 2022-2028 and Policy Objective 13 (Strategic Employment Locations) of the Limerick Shannon Metropolitan Area Strategic Plan, would be acceptable in terms of public health, would not increase the risk of flooding and would be in accordance with Objective IN O12 (Surface Water and SuDS) of the Limerick Development Plan 2022-2028. It is, therefore, considered that the proposed development would be in accordance with the proper planning and sustainable development of the area.

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 7th day of March 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

4. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

5. Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. (a) Prior to commencement of the development, a stage 2 road safety audit shall be submitted to the planning authority for its written approval which shall be in compliance with Transport Infrastructure Ireland's publication 'Road Safety Audit GE-STY-01024' (2017).

(b) Prior to occupation of the development, a stage 3 road safety audit shall be submitted to the planning authority for its written approval which shall be in compliance with Transport Infrastructure Ireland's publication 'Road Safety Audit GE-STY-01024' (2017).

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. Site development and building works shall be carried out between the hours of 0800 to 2000 hours Mondays to Fridays inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

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

8. 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 construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

9. A wheel washing facility shall be provided for the duration of the construction period, adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and biosecurity.

10.A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection.

11. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

12. The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted to the planning authority on the 7th day of March 2025. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first 5 years following first occupation and shall submit the results to the planning authority for consideration and placement on the public file.

Reason: To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.

13. 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

Declaration

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.

Gary Farrelly
Planning Inspector

28th August 2025

Appendix 1: EIA Screening

(a) Form 1: EIA Pre-Screening

An Coimisiún Pleanála Case Reference	ABP-322560-25			
Proposed Development Summary	Construction of storage and distribution warehouse			
Development Address	Loughmore Avenue, Raheen Business Park, Ballycummin, County 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	X
			No	No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?				
Yes	X	Part 2: Class 10(a) Infrastructure Projects Industrial estate development projects, where the area would exceed 15 hectares.	Proceed to Q.3	
No			No further action required	
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?				
Yes				EIA Mandatory EIAR required
No	X			Proceed to Q.4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?				

Yes	X	<ul style="list-style-type: none"> The proposed development relates to a development within an existing industrial estate with a site area of 2.3 hectares. The entire landholding which includes phase 1 of the development (application ref. 22/1013) amounts to 4.3 hectares. 	Preliminary examination required (Form 2)
4. Has Schedule 7A information been submitted?			
No		Pre screening determination conclusion remains as above (Q1 to Q4)	
Yes	X	Screening Determination required	

(b) Form 3: EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	322560-25	
Development Summary	Construction of a storage and distribution warehouse building with associated site works.	
	Yes / No / NA	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	No	The PA considered that it was not a type of development under Schedule 5 of the Planning and Development Regulations 2001, as amended, and that a screening determination was not required.
2. Has Schedule 7A information been submitted?	Yes	The application was accompanied by an EIA screening report which included Schedule 7a information.
3. Has an AA screening report or NIS been submitted?	Yes	An NIS was submitted with the application and concluded that subject to the implementation of mitigation measures, the proposed development will not have an adverse effect on the integrity of the Lower River Shannon SAC or River Shannon and River Fergus Estuaries SPA, individually or in-combination with other plans and projects.
4. Is a IED/IPC or Waste Licence (or review of licence) required from the	N/A	

EPA? If YES has the EPA commented on the need for an EIAR?			
Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	The subject site is located on lands zoned 'High Tech/Manufacturing Campus' within the Limerick Development Plan 2022-2028. The Limerick Development Plan 2022-2028 has been subject to Strategic Environmental Assessment (SEA) and Strategic Flood Risk Assessment (SFRA).	
B. EXAMINATION	Yes / No / Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation Measures – Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect	Is this likely to result in significant effects on the environment? Yes / No / Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report.			

1. Characteristics of proposed development (including demolition, construction, operation or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The overall site (including Phase 1) measures 4.3 hectares which is not exceptional in the context of the wider c. 180 hectare business park.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	A drainage ditch is proposed to be filled in prior to commencement of construction works which will remove the hydrological link to the Barnakyle River. The development will be conditioned to be constructed in accordance with an agreed CEMP.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	The construction process will include the use of various raw materials including concrete, stone fill material, sand, concrete blocks and timber. There would be no significant use of natural resources during the operational phase.	No
1.4 Will the project involve the use, storage, transport, handling or	No	Principal wastes generated during the construction phase would be excess soil,	No

production of substance which would be harmful to human health or the environment?		stone and C&D waste and the majority of this will be reused to reinstate excavated ground and for landscaping purposes. C&D waste would be disposed of to an appropriately licenced waste facility. Other general waste will be segregated and recycled and disposed of.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	Air emissions from construction machinery is expected to be minor in the regional context and it is anticipated that there would be no significant emissions to air during the operational phase.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	<p>The site is located over a locally important aquifer which is classed as highly vulnerable. The drainage ditch within the site is hydrologically connected to the Barnakyle River to the west.</p> <p>There will be no significant volumes of fuels, oils or other chemicals stored onsite during construction. The principal risk to water quality will be suspended solids and</p>	No

		<p>uncured concrete entering surface and groundwater. However, this risk is not anticipated to be significant. Construction environmental mitigation measures are proposed.</p> <p>During operation, clean stormwater will be discharged to the existing stormwater network within the Business Park via SuDS features, hydrocarbon interceptor at a greenfield rate of 2l/s/ha. Therefore, it is not anticipated that this will lead to a significant pollution increase or flooding downstream.</p>	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	The majority of property in the vicinity are commercial due to the location within an established business park. It is considered that construction noise would not constitute a nuisance at the closest noise sensitive locations.	No

1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	<p>The existing drainage ditch will be filled in prior to the commencement of construction works. During operation, surface water will be treated via SuDS features and pollution control measures before discharging to the existing surface water network at greenfield rates.</p> <p>There is potential for dust generation during construction and standard dust control measures will be implemented.</p>	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	There is no risk of major accidents or disasters having regard to the nature of the development and location of the site.	No
1.10 Will the project affect the social environment (population, employment)	Yes	The development will create approximately 30 jobs.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	The project is located within an established industrial estate. Surface water will discharge to the existing network that serves the wider estate, however, no significant cumulative effects are anticipated due to the provision of	No

		SuDS features, pollution control measures and hydraulic control feature of 2/l/s/ha within the development. Traffic volumes are anticipated to increase slightly, however, the surrounding road network is well laid out and capable of carrying large volumes of traffic	
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the 	Yes	The site is located approximately 920 metres from Loughmore Common Turlough pNHA. The existing stormwater system of the Business Park discharges into the Loughmore Canal within this designated site and there are ongoing investigations regarding pollution of this Canal. However, having regard to the clean nature of the surface water that will be discharged to the existing network and to the discharge at greenfield rates, no significant effects are anticipated on this pNHA.	No

preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan		I refer the Commission to Appendix 2 of this report regarding potential impact on European sites. No significant effects in terms of the EIA Directive are anticipated.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	The application is accompanied by an Ecological Impact Assessment Report (EclA) which outlines mitigation and monitoring measures to ensure local ecology are protected from adverse impacts.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	Having reviewed the National Monument Service (NMS) Historic Environment Viewer, the subject site is not located within any Sites and Monuments Records (SMR) designated zones.	No
2.4 Are there any areas on/around the location which	No	The concerns of the appellant regarding flooding and pollution of agricultural lands	No

contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?		will not be exacerbated by the project due to the incorporation of SuDS features and the hydraulic control measure of surface water to greenfield rates. No significant effects are likely.	
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	<p>The site is located within Flood Zone B and a site specific flood risk assessment (SSFRA) was submitted which concluded that the development will not increase the stormwater runoff rate compared to the existing site and a low risk of fluvial flooding of the site is mitigated by the proposed levels in the area.</p> <p>Surface water will be treated via SuDS, pollution control measures and discharged at greenfield rates. Therefore, no significant effects on Loughmore Canal or the Turlough are likely and the development will not increase the risk of flooding downstream.</p>	No

		The infilling of the drainage ditch prior to the commencement of construction works will ensure no significant effects are likely on the Barnakyle River.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No evidence of these risks having reviewed the Geological Survey of Ireland (GSI) Landslide database.	
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	<p>The site is served by a road network that is capable of handling a large volume of traffic. Site related construction traffic would be minor in comparison to existing traffic volumes.</p> <p>The operation of the development will not result in significant traffic, transportation or road safety related issues.</p>	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No		No

3. Any other factors that should be considered which could lead to environmental impacts?			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	Cumulative effects have been considered above under Question 1.11 and are not likely to give rise to significant impacts.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No		
3.3 Are there any other relevant considerations?	No		
C. CONCLUSION			
No real likelihood of significant effects on the environment.	X	EIAR Not Required	
Real likelihood of significant effects on the environment.		EIAR Required	

D. MAIN REASONS AND CONSIDERATIONS

Having regard to:

1. The criteria set out in Schedule 7, in particular
 - (a) The nature and scale of the proposed development in an established industrial estate/business park served by public infrastructure,
 - (b) The inclusion of SuDS features within the proposed development, together with pollution and hydraulic control measures, which will discharge clean surface water at greenfield rates to the existing stormwater network of the Business Park and therefore will not significantly affect the water quality being discharged into Loughmore Canal or increase the risk of flooding downstream,
 - (c) The location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001, as amended
2. The results of other relevant assessments of the effects on the environment submitted by the applicant including the Natura Impact Statement, Site Specific Flood Risk Assessment and Ecological Impact Assessment.
3. The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment,

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report (EIAR) is not required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 2(a) Appropriate Assessment Screening

Screening for Appropriate Assessment	
Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
<i>Brief description of project</i>	<p>The project involves the construction of a storage and distribution warehouse, administrative block (office, reception and staff welfare areas) and ancillary works including provision of bicycle and vehicle parking, vehicular circulation areas and landscaping proposals. During the operational phase, surface water will be treated via a number of SuDS features such as permeable paving, grasscrete paving, swales, rain gardens and a bioretention pond. The bioretention pond will facilitate the infiltration of rainwater and serve as a storage system before discharging to the existing stormwater network of Raheen Business Park. During the construction phase, it is proposed to close off and infill an existing drainage ditch which passes through the site along the east and southeast boundary.</p>
<i>Brief description of development site characteristics and potential impact mechanisms</i>	<p>The Loughmore Canal is located approximately 920 metres northwest of the subject site and the site will be hydrologically connected to this canal downstream once operational via the surface water drainage system of Raheen Business Park. This canal is approximately 715 metres in length where it then flows into drainage channels within agricultural fields for approximately 2.5km before it joins the Barnakyle River. <i>(I refer the Commission to Figure 2-4 of the Tetra Tech report submitted as part of the grounds of appeal which illustrates the flow route).</i></p> <p>The subject site comprises of a drainage ditch along the east and south boundary. This ditch is culverted under the access road and it connects into the Barnakyle River approximately 350 metres west of the site.</p>

	<p>Having reviewed the Environmental Protection Agency's (EPA) Mapping Tool for the location of watercourses and direction of flows, at its closest point the Barnakyle River is located approximately 85 metres south of the subject site. This watercourse flows in a west/northwest direction where it joins the River Maigue. Two additional streams are located in close proximity to the subject site; the Cloghkeating stream approximately 85 metres to the south and the Rootiagh stream approximately 550 metres to the southeast.</p> <p>The existing characteristics of the site comprise of spoil and bare ground with semi-natural grassland located in the western part of the site. The spoil and bare grounds consist of topsoil mounds that occupy the majority of the site.</p>
<i>Screening report</i>	Yes (Chapter 6 of submitted NIS report)
<i>Natura Impact Statement (NIS)</i>	Yes
<i>Relevant Submissions</i>	<p>The grounds of appeal note that the NIS accepts that there would be risks to water quality during construction and notes that the mitigation measures do not consider geology or groundwater protection. The applicant's response to the grounds of appeal states that the NIS did not encounter any geological or groundwater pathways between the site and any Natura 2000 site and due to the nature of the development no risks to soil or groundwater are anticipated.</p>
Step 2: Identification of relevant European sites using the Source-Pathway-Receptor model	
<p>Two European sites are potentially within a zone of influence of the proposed development as detailed within Table 1 below. I note that the screening report considered a further three sites in a wider area (within 15km) including Tory Hill SAC, Askeaton Fen Complex SAC and Curraghchase Woods SAC but rules these out for further examination due to lack of/weak ecological connections and absence of associated habitats and species onsite. I am satisfied that these sites can be excluded from further consideration.</p>	

Table 1

European Site (Code)	Qualifying Interests (QIs)	Distance from proposed development	Ecological connections	Consider further in Screening (Y/N)
Lower River Shannon SAC (002165)	21 QIs	<p>The closest direct point via air is 3.3km to the north.</p> <p>There are two potential hydrological connections; the first to the south via a drainage channel, and Barnakyle River which flows for approximately 8.15km before it meets the SAC designation.</p> <p>The second is from the Raheen Business Park stormwater discharge point at the eastern side of Loughmore Canal, 920 metres north of the site. This connection via the canal, drainage ditches and the Barnakyle stream extends to approximately 7.85km before it meets the SAC designation.</p>	<p>During the operational phase, there will be a hydrological connection via the existing stormwater network within Raheen Business Park, Loughmore Canal, drainage ditches and the Barnakyle River.</p> <p>During the construction phase there will be a hydrological connection</p>	Y
River Shannon and River Fergus Estuaries SPA (004077)	21 QI bird species Wetland and Waterbirds [A999]	<p>The closest direct point via air is 3.5km to the north.</p> <p>Hydrological connection to the south approximately 8.72km upstream of SPA designation. Discharge point in Loughmore Canal approximately 8.42km upstream.</p>	<p>between the existing drainage ditch onsite and the Barnakyle River.</p>	Y

During the operational phase, the proposed development will release clean surface water at greenfield rates to the existing storm water network via SuDS measures including a bioretention pond. Having regard to the nature of the discharge and to the significant distance downstream to the European sites, it is considered that there is no significant effects likely on the European sites during the operational phase. I consider the SuDS features as measures integral to the development and which are not intended to avoid or reduce effects on European sites.

Step 3: Describe the likely significant effects of the project (if any, alone or in combination) on European sites

Site Name Qualifying Interests	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impacts	Effects
Site 1: 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] 	<u>Direct – No impact</u> There is no potential effect in terms of loss, fragmentation or disturbance of habitat, or reduction in species density, due to the characteristics of the site and the distance to the SAC and SPA.	Deterioration in water quality during the construction phase which could undermine the conservation objectives set for water quality targets and to water dependent species.

<ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] • Mediterranean salt meadows (Juncetalia maritimi) [1410] • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] • 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] 	<p><u>Indirect – Potential impact</u></p> <p>There is potential for release of silt and sediment and construction related compounds including hydrocarbons in surface water runoff during site works.</p>	
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<p>Site 2: River Shannon and River Fergus Estuaries SPA (004077)</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p>		

Greenshank (Tringa nebularia) [A164] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wigeon (Mareca penelope) [A855] Shoveler (Spatula clypeata) [A857] Wetland and Waterbirds [A999]		
	Likelihood of significant effects from proposed development (alone)	YES
	If No, is there a likelihood of significant effects occurring in combination with other plans or projects?	
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		
<p>Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA during the construction phase.</p> <p>I concur with the applicants’ findings that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures on qualifying interest habitats and species.</p>		

Appendix 2(b) Appropriate Assessment

Appropriate Assessment
<p>The requirements of Article 6(3) as related to appropriate assessment of a project under Part XAB, Section 177V of the Planning and Development Act 2000, as amended, are considered fully in this section.</p>
<p>Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the project in view of the relevant conservation objectives of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA based on scientific information provided by the applicant.</p> <p>The information relied upon includes the following:</p> <ul style="list-style-type: none">• Natura Impact Statement (NIS) prepared by Panther Environmental Solutions Ltd.• National Parks and Wildlife Service Conservation Objectives Supporting Documents for the SAC and SPA and related publications.• Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).• Managing Natura 2000 sites, The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (European Commission, 2019). <p>I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.</p>

Submissions/observations

The third party appellant noted that the submitted NIS accepts that there is a risk to water quality during construction, but noted that there was pollution of the adjacent stream during phase 1 of the construction works (application ref. 22/1013). The submission also raises concern that the mitigation measures do not consider the geology or groundwater protection.

Lower River Shannon SAC (002165)

Summary of key issues that could give rise to adverse effects (from screening stage):

- Water quality deterioration (construction phase)

Qualifying Interest features likely to be affected	Conservation Objectives (Targets and Attributes)	Potential adverse effects	Mitigation Measures (summary)
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	To restore the favourable conservation condition defined by, inter alia, maintaining the distribution within the Cloon River, Co. Clare, the restoration of the population size to 10,000 adult mussels and restore the water quality to high ecological status with low nutrient concentration.	Deterioration in water quality during the construction phase has the potential to impact the conservation objectives of the QI species.	<ul style="list-style-type: none">• Construction methodology in accordance with best practice measures and Inland Fisheries Ireland guidelines.• Removal of drainage ditch prior to commencement of construction works.• Closing the start of the culvert prior to commencement of infill works.• Silt fencing next to stockpiles

			<ul style="list-style-type: none"> • Maintaining of a 10 metre buffer zone from all watercourses. • Designated area for storage of hydrocarbons / inspected regularly. • Spill kits available onsite
Petromyzon marinus (Sea Lamprey) [1095]	To restore the favourable conservation condition which is defined by, inter alia, no decline in extent or distribution of spawning beds.	Same as above	Same as above
Lampetra planeri (Brook Lamprey) [1096]	To maintain the favourable conservation condition which is defined by, inter alia, no decline in extent or distribution of spawning beds.		Same as above
Lampetra fluviatilis (River Lamprey) [1099]	To maintain the favourable conservation condition which is defined by, inter alia, no decline in extent or distribution of spawning beds.	Same as above	Same as above
Salmo salar (Salmon) [1106]	To restore the favourable conservation condition which is defined by, inter alia, no decline in extent or distribution of spawning redds due to anthropogenic causes and water quality targets of at least	Same as above	Same as above

	4 (Q value) at all sites sampled by the EPA.		
Tursiops truncatus (Common Bottlenose Dolphin) [1349]	To maintain the favourable conservation condition which is defined by, inter alia, human activities occurring at levels that do not adversely affect the species population.	Same as above	Same as above
Lutra lutra (Otter) [1355]	To restore the favourable conservation condition which is defined by, inter alia, no significant decline in the distribution or terrestrial/river habitat.	Same as above	Same as above
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]	To maintain the favourable conservation condition which is defined by, inter alia, low concentration of nutrients and no decline in habitat distribution.	Same as above	Same as above
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],	<i>Having regard to the location of these qualifying interests at a significant distance downstream and to the pressures and threats associated with these QIs as set out in the NPWS' Article 17 Habitat Conservation Assessments 2019, it is considered there will be no likely significant effects on the conservation objectives of these QIs.</i>		

Vegetated sea cliffs of the Atlantic and Baltic coasts [1230], Salicornia and other annuals colonising mud and sand [1310], Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330], Mediterranean salt meadows (Juncetalia maritimi) [1410], 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]			
<u>River Shannon and River Fergus Estuaries SPA (004077)</u>			
Summary of key issues that could give rise to adverse effects (from screening stage): <ul style="list-style-type: none">Water quality deterioration (construction phase)			
Qualifying Interest features likely to be affected	Conservation Objectives (Targets and Attributes)	Potential adverse effects	Mitigation Measures (summary)
Cormorant (Phalacrocorax carbo) [A017], Whooper Swan (Cygnus cygnus)	To maintain the favourable conservation condition of the bird species which is defined by, inter	Deterioration in water quality during the construction phase has the potential to impact the	<ul style="list-style-type: none">Construction methodology in accordance with best practice

<p>[A038], Light-bellied Brent Goose (<i>Branta bernicla</i> hrota) [A046], Shelduck (<i>Tadorna tadorna</i>) [A048], Teal (<i>Anas crecca</i>) [A052], Pintail (<i>Anas acuta</i>) [A054], Scaup (<i>Aythya marila</i>) [A062], Ringed Plover (<i>Charadrius hiaticula</i>) [A137], Golden Plover (<i>Pluvialis apricaria</i>) [A140], Grey Plover (<i>Pluvialis squatarola</i>) [A141], Lapwing (<i>Vanellus vanellus</i>) [A142], Knot (<i>Calidris canutus</i>) [A143], Dunlin (<i>Calidris alpina</i>) [A149], Black-tailed Godwit (<i>Limosa limosa</i>) [A156], Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157], Curlew (<i>Numenius arquata</i>) [A160], Redshank (<i>Tringa totanus</i>) [A162], Greenshank (<i>Tringa nebularia</i>) [A164], Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179], Wigeon (<i>Mareca penelope</i>) [A855], Shoveler (<i>Spatula clypeata</i>) [A857], Wetlands [A999]</p>	<p>alia, no significant decrease in their distribution.</p>	<p>conservation objectives of the QI species.</p>	<p>measures and Inland Fisheries Ireland guidelines.</p> <ul style="list-style-type: none"> • Removal of drainage ditch prior to commencement of construction works. • Closing the start of the culvert prior to commencement of infill works. • Silt fencing next to stockpiles • Maintaining of a 10 metre buffer zone from all watercourses. • Designated area for storage of hydrocarbons / inspected regularly. • Spill kits available onsite
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Assessment of issues that could give rise to adverse effects:

Deterioration in water quality

During in-stream works during construction, there is potential for water quality deterioration through the release of suspended solids which can result in excessive eutrophication leading to deoxygenation of water and subsequent asphyxia of aquatic species. An increase in sediments has the potential to impact fish species by damaging gravel beds required for spawning, smothering fish eggs and interfering with the gills of fish. The release of hydrocarbons from construction plant and equipment can also affect water quality potentially resulting in toxic conditions for aquatic flora and fauna and de-oxygen of waters. The release of uncured concrete would alter the pH of the waterbody, potentially leading to aquatic flora and fauna mortality.

Mitigation Measures and conditions

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses during the construction phase. The measures proposed are set out in Section 8 of the submitted NIS and include:

- The construction works adhering to industry best practice construction standards including CIRIA and IFI guidelines.
- Excavation and earth moving activities taking place outside periods of heavy rainfall.
- The removal of the drainage ditch prior to the start of construction works.
- The closing off the start of the culvert prior to the commencement of infilling works.
- Placement of silt fencing around stockpiles.
- The maintaining of a 10 metre buffer zone from all watercourses where no construction works will take place.
- If water is encountered during excavation works, this will be pumped to a silt control feature and will be filtered before discharging.
- Storage of hydrocarbons in a designated area.
- Keeping of spill kits onsite.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has considered a number of projects within the vicinity of the site and demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is no potential for in-combination effects.

Findings and Conclusions

The applicant determined that following the implementation of mitigation measures, the construction of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of the European sites. Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Regarding indirect impacts, mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Lower River Shannon SAC or River Shannon and River Fergus Estuaries SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appendix 3: Water Framework Directive (WFD) Screening

Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	322560-25	Townland, address	Raheen Business Park, Ballycummin, County Limerick
Description of project		Construction of a storage and distribution warehouse building with associated site works.	
Brief site description, relevant to WFD Screening,		<p>The characteristics of the site comprise of spoil and bare ground consisting of topsoil areas that occupy the majority of the site and dry meadows grassland with wet grassland where the slope of the land allows for accumulation of water. There is a drainage ditch that runs along the east and south boundary of the site. It is culverted under the road to the south where it then connects into the Barnakyle River to the west of the development site. The closest point of the Barnakyle River is approximately 85 metres to the south of the development site.</p> <p>The surface water drainage system of the existing business park outfalls into the Loughmore Canal which is located approximately 920 metres to the north of the development site. Accordingly, as the proposed development seeks to connect into this existing infrastructure, the site will be hydrologically connected to this Canal at operational stage. The Canal is also hydrologically connected to the Barnakyle River via drainage ditches.</p>	
Proposed surface water details		Surface water from roofs and hardstanding areas will be managed via a variety of SuDS features including a bioretention pond, permeable paving, grasscrete paving, swales, rain gardens and green roofs. The surface water will pass through a bypass interceptor prior to the bioretention pond and a hydrobrake will	

	be installed downstream of the pond. The bioretention pond is designed to facilitate infiltration of rainwater and to serve as a storage system to manage surface water at the site. Excess surface water will be directed to the existing surface water drainage infrastructure which discharges to the Loughmore Canal.					
Proposed water supply source & available capacity	Drinking water will be supplied via the public mains.					
Proposed wastewater treatment system & available capacity, other issues	Wastewater will be discharged to the existing wastewater mains which serves the Limerick Wastewater Treatment Plant.					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	85 metres	Barnakyle_020	Moderate	At risk	Urban Run-off Agriculture (https://gis.epa.ie/EPAMaps/Water)	The site is hydrologically linked to the waterbody via an existing drainage ditch onsite (which is proposed to be filled in) and

						during the operational phase will be connected via the existing surface water drainage system of Raheen Business Park which discharges into Loughmore Canal (which is hydrologically connected to the Barnakyle River).
Groundwater waterbody	Underlying site	Limerick City Southwest IE_SH_G-141	Good	At risk	Agriculture	The site is underlain by 'Cut Peat' and has moderate subsoil permeability (Geological Survey Ireland data). It is classed as a locally important aquifer that is highly vulnerable. Additionally, there is a turlough located within close proximity of the Loughmore Canal (as identified by the submitted Tetra Tech environmental report and Geological Survey Ireland data).

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no)	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Barnakyle_020	Existing drainage ditch	Siltation, pH (Concrete), hydrocarbon spillages	The culvert will be closed off before infill works to the drainage ditch takes place. No works will take place within 10 metres of a watercourse Standard construction measures / conditions	No	Screened out
2.	Ground	Limerick City Southwest IE_SH_G-141	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions During excavation works, if water is encountered it will be pumped to a silt control feature. There is no downstream hydrological	No	Screened out

					connection to the Turlough within Loughmore Canal during the construction phase.		
OPERATIONAL PHASE							
1.	Surface	Barnakyle_020	The existing drainage system of Raheen Business Park and Loughmore Canal.	None. Surface water will be treated via a bypass interceptor, bioretention pond and hydrobrake device. Only clean water will be discharged.	None	No	Screened out
2.	Ground	Limerick City Southwest IE_SH_G-141	SuDS features The existing drainage system of Raheen Business Park to the Turlough within Loughmore Canal.	None. Same as above.	None	No	Screened out