



An
Coimisiún
Pleanála

Inspector's Report

PL-500031-LK

Development	Demolition of existing structure, construction of discount food store and associated site works. The application was accompanied by a Natura Impact Statement (NIS)
Location	Sheehy's Hardware Store, Killarney Road, Abbeyfeale, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2560705
Applicant(s)	Lidl Ireland GmbH
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Lidl Ireland GmbH
Observer(s)	None
Date of Site Inspection	31 st December 2025
Inspector	Clare Clancy

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1.0 Site Location and Description

- 1.1. The appeal site comprises of a brownfield site occupied by a hardware store and associated yard and warehousing storage structures. It has a stated site area of 1.15 ha and is located approx. 1 km to the south of Abbeyfeale town centre on the northern side of the N21 Killarney Road. There is an existing access serving the site. The River Feale is located approx. 22 m to the west of the site.
- 1.2. There is an agricultural field adjoining the site to the north and a row of dwellings on individual sites to the southwest along the Killarney Road. Abbeyfeale WasteWater Treatment Plant is located to the rear of the site with access to same via an existing entrance and access road off the N21 along the northeastern boundary of the appeal site. Ground levels within the site fall in a north westerly direction.
- 1.3. The site is located within the 60 km/hr speed limit zone. There is a public footpath along the front of the site, and the bus stop is located adjacent to the site. The lateral and rear boundaries of the site are defined by fencing and trees and hedgerow.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a discount food store supermarket with ancillary off-licence sales area, detail as follows:
 - Site area – 1.15 ha.
 - Demolition of existing buildings 1,390 m².
 - Part single, part two storey building, measuring 2,258 m² with a net retail sales area of 1,342.2 m². Food sales area 1,073 m², ancillary non-food 269 m².
 - Vehicular access and egress via existing access from the N21, existing access to be relocated further to the southwest.
 - Surface car parking (81 no. spaces), trolley bay shelter, hard and soft landscaping, boundary treatments, surface water drainage infrastructure, free standing pole signage at entrance, and building mounted signage, connections to services / utilities, upgrade of potable water supply pipe and connection on the N21.

- Wastewater – Existing connection, proposed foul network connection to public sewer on N21. Confirmation of Feasibility by Úisce Éireann 10th April 2025 without infrastructure upgrade (Appendix E of Engineering Planning Report Tobin).
- An NIS accompanies the application.

The following supporting documents were provided:

- Letter from the Roads Department, Limerick City and County Council advising of no objection to the inclusion of lands in the charge of the council for the purposes of the planning application.
- Planning Report, Retail and Sequential Assessment (TBP)
- Viability Assessment (CBRE)
- Design Statement (Clarman Partnership Ltd)
- Traffic and Transportation Assessment (Tobin)
- Mobility Management Plan (Tobin)
- Engineering Planning Report (Tobin)
- Ecological Impact Assessment (EclA) (Altemar Marine & Environmental Consultancy)
- Appropriate Assessment Screening & Natura Impact Statement (Altemar Marine & Environmental Consultancy)
- Arboriculture Impact Assessment (Arobr Care)
- Flood Risk Assessment (Tobin)
- Construction & Demolition Waste Management Plan (Tobin)
- Outline Construction Environmental Management Plan (CEMP) Altemar Marine & Environmental Consultancy)
- Energy Efficiency & Climate Change Adaptation Design Statement
- Lighting Impact Assessment Report (Lawler Consulting)
- Noise & Vibration Impact Assessment Technical Report (CLV Consulting)

- Glint & Glare Assessment Report (Lawler Sustainability)

3.0 Planning Authority Decision

3.1. Decision

By Order dated 11th November 2025, Limerick City and County Council decided to refuse permission for the following reasons:

1. The proposed development, comprising a Discount Food Store with a gross floor area of 2,258m² on lands zoned for 'Enterprise & Employment' under the Abbeyfeale Local Area Plan (2023–2029), is not considered to be in accordance with the land use zoning objective for this site. Objective ED 01 (Enterprise and Employment) seeks to promote employment-generating uses appropriate to the zoning, such as enterprise and industrial activity. The proposed retail use, being a large-scale convenience retail development, does not align with the intended function of the zoning and is therefore considered to materially contravene the land use zoning and be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of its location outside Abbeyfeale Town Centre and any designated Local or Neighbourhood Centres identified in the retail hierarchy of the Limerick City and County Council Retail Strategy (2022–2028), is considered contrary to Objective RL 01 (Retail Development), which prioritises the town centre as the primary location for retail activity. Therefore, it is considered that the development would undermine the vitality and viability of the town centre and conflict with Policy TCF P1 (Town Centre) of the Abbeyfeale Local Area Plan (2023–2029), which promotes a Town Centre First approach. Furthermore, the proposal is inconsistent with the Ministerial Guidelines for Planning Authorities on Retail Planning (2012), issued under Section 28 of the Planning and Development Act 2000 (as amended), which require a sequential approach to retail development.
3. The proposed development is contrary to Policy TR P12 (Safeguard the Capacity of National Roads) and Objective TR O39 (National Roads) of the Limerick Development Plan (2022-2028) where it is the policy to avoid the

generation of increased traffic from existing direct access/egress points to the national road network, to which speed limits greater than 60km/h apply. The proposal is also contrary to Objective SM 01(Movement and Accessibility) of the Abbeyfeale Local Area Plan, where it is an objective to protect the capacity of the national road network from inappropriate development, having regard to all relevant Government guidance and Objective TR O39 (National Roads) of the Limerick Development Plan 2022-2028, and to ensure development does not compromise the performance of the network or future improvements to the network. Therefore, the proposal would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

One planning report forms the basis of the assessment and recommendation. The following is noted:

- Principle of the development under the zoning objective 'Enterprise and Employment' not in line with the zoning objective for the site or Objective RL 01 Retail Development which emphasises that the town centre is the primary shopping location.
- Existing use of buildings on site as hardware store could be considered as retail warehousing and open for consideration having regard to the land use zoning matrix.
- The provision of a retail discount store which is retail convenience is 'not generally permitted' on lands zoned 'Enterprise and Employment'. Hardware stores are referenced as 'retail convenience' in Section 2.2.5 of the Retail Planning Guidelines. The proposed use of the site could not be considered similar to the existing hardware use in terms of operations, products, target customers etc.
- The proposed development would undermine the vitality and viability of the town centre and would be contrary to objective TCF P1 Town Centre of the Abbeyfeale Local Area Plan.

- Access – the Road Safety Audit (RSA) identified the proposed right turn lane adjacent to existing residential entrances as an issue and that the layout should reflect the audit's recommendations.
- Notes the submission received from Transport Infrastructure Ireland (TII) that the proposal is inconsistent with national policy on development affecting national roads, insufficient data to demonstrate the proposed development will not negatively impact the safety, capacity or operational efficiency of the N21. In particular this issues raised in the RSA with regard to (i) the conflict between the proposed right-turn land and adjacent residential properties, (ii) the absence of pedestrian crossing facilities, (iii) the requirement of Design Report under TII publication DN-GEO-03030 to be completed and approved prior to a decision. The proposed development did not comply with Objective SM 01 (Movement and Accessibility – Part H) of the development plan.
- No provision made for cycle storage or EV charging points.
- The proposed development would be contrary to Policy TR P12 Safeguard the Capacity of National Roads, Objective TR O39 National Roads, and Objective SM 01 Movement and Accessibility.
- Retail Impact – concluded that an out-of-centre discount food store does not align with Town Centre First policy as per Section 4.1 of the Abbeyfeale Local Area Plan by undermining policy relating to revitalisation of the town centre through compact growth, place making, public realm enhancement aimed at creating vibrant, walkable and a sustainable urban core. Notwithstanding the existing use of a retail hardware store, the proposed would intensify the use of the site and bypasses the sequential approach to retail development which prioritises town centre sites first and is contrary to policy TCF P1 Town Centre of the Abbeyfeale Local Area Plan.
- Surface water disposal not addressed in accordance with the requirements of the Limerick City and County Council (LCCC) Surface Water & SuDs specifications.
- A Natura Impact Statement was submitted and noted it concluded that likely significant effects arising from the proposed development should not give rise

to significant effects on the conservation status of any European site, due to absence of pathway-source-receptors.

- EIA screening determination not required as it is not a type of development listed in Schedule 5 of the Planning and Development Regulations 2001, as amended.

3.2.2. Other Technical Reports

Roads – Recommended further information (FI) in relation to the following:

- Revised details in regard to the proposed right turn lane vis a vis the existing residential entrance directly opposite the proposed entrance and the right turn lane pocket.
- Revised location of the pedestrian crossing point at the main entrance off the N21.
- Adequate footpath links, safe crossing adjacent to car parking and appropriate pedestrian route (1.8 m min. width) within the site not provided.
- Minimum of 20% of car parking to be provided for Electric Vehicles (EV).
- Identify staff car parking.
- Revised details in regard to lighting of the site in accordance with LCCC public lighting specification.
- Revised drawings and details in regard to compliance with LCCC Surface Water and SuDs Specification, including Stage 1 Storm Water Audit.

Ecology – No objection subject to the following conditions:

- The installation of swift boxes/bricks and the installation of callers.
- The implementation of mitigation measures outlined in Table 6 of the EclA and Table 2 of the CEMP
- The provision of perimeter fencing fitted with mammal passes, particularly at the rear of the site towards the River Feale and neighbouring woodland.
- Landscape planting to give priority to native species.

Archaeology – No objection raised.

Environment Section – No objection subject to the submission of a Refurbishment Demolition Asbestos Survey and a Resource Waste Management Plan (RWMP).

Fire Authority – No objection raised.

Active Travel Section – Issues raised in regard to layout not facilitating cyclists, additional bike spaces required including EV bike parking in accordance with development plan standards, and the submission of a Mobility Management Plan.

3.3. Prescribed Bodies

3.3.1. Transport Infrastructure Ireland (TII)

- Insufficient data to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.
- Problem 2.1 of the Road Safety Audit identified conflicts arising from the proposed right turn lane opposite private house entrances on the opposite side of the N21. The recommendation of the audit requires the layout to be amended to reduce the risk of collisions at this location. While some modifications were made to the proposed right turn lane, it remains that there is a private residential access directly opposite the proposed Lidl access and opposite the right turn lane turning pocket. The designers do not appear to have fully implemented the recommendations of the RSA. This matter is required to be resolved prior to any decision on the application, in the interest of safety of all road users.
- No pedestrian crossing provided which the council should consider.
- A Design Report in accordance with the requirements of TTI publication DN-GEO-03030 is required having regard to the modifications proposed to the N21 the extent of which are significant. The approval of a Design Report may result in modifications to the proposed access arrangements. TII recommend that this requirement is addressed and resolved in advance of any decision on the application, and an approved design can be incorporated into conditions in any decision to grant permission.

3.3.2. Department of Housing, Local Government and Heritage – No objection raised subject to the following:

- All mitigation measures outlined in the AA screening being fully implement, with specific reference to watercourses and runoff arising from the proposed development, to prevent run off and siltation occurring to the River Feale down gradient of the site.
- Perimeter fencing to provide adequate spaces for mammals to pass free under the fence (otter, badger, foxes, hedgehogs etc).

3.3.3. HSE – No objection raised.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

Appeal Site

- P.A. Ref. 93/294 – Outline Permission granted for 4 no. dwellings (08th April 1993).
- P.A. Ref. 97/1766 – Permission granted for 2 no. dwellings, retail outlet, stores and entrances (22nd May 1998).
- P.A. Ref. 01/1615 – Permission granted for extension to existing retail outlet, new signage at road entrance, retention permission granted for 2 no. storage sheds and garden centre (27th March 2003).

5.0 **Policy Context**

5.1. **Ministerial Guidelines**

5.1.1. **Retail Planning Guidelines for Planning Authorities – Department of Environment Community and Local Government (April 2012).**

- The Guidelines acknowledge that the retail sector is a key element of the national economy in terms of employment, economic activity and the vitality of cities and towns. A key aim of the Guidelines is that the Planning Authority planning system should promote and support the vitality and viability of city and town centres in all their functions.

- Section 2 outlines five key objectives which are intended to guide and control retail development while Section 4.4 contains guidance on the sequential approach to retail development. It outlines an order of priority for retail development, directing the retail development should be located in city and town centres (and district centres if appropriate) and that edge-of-centre or out-of-centre locations should only be considered where all other options have been exhausted.
- Section 4.11.1 Large Convenience Goods Store
 - Large convenience stores comprising supermarkets, superstores and hypermarkets should be located in city or town centres or in district centres or on the edge of these centres and be of a size which accords with the general floorspace requirements set out in the development plan/retail strategy. The guidelines define a supermarket as a single level, self-service store selling mainly food, with a net retail floorspace of less than 2,500sqm.
 - In certain limited circumstances however, it may not be possible to bring forward suitable sites in or on the edge of a city or town centre because of the site requirements of large convenience goods stores, heritage constraints in historic towns, or because the road network does not have the capacity to accommodate additional traffic and service vehicles. In these cases, the sequential approach should be used to find the most preferable sites.

Retail Design Manual

The companion document to the Retail Planning Guidelines promotes high quality urban design in retail development, to deliver quality in the built environment. It sets out 10 principles of urban design to guide decisions on development proposals.

5.1.2. **Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012)**

Section 2.5

- The Guidelines Set out planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions, outside the 50-60 km/hr speed limit zones for cities, towns and villages.

- In relation to development plan policy the guidelines require that in relation to lands adjoining national roads to which speed limits greater than 60 apply km/h, The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 km/h apply.

5.1.3. Design Phase Procedure for Road Safety Improvement Schemes, Urban Renewal Schemes and Local Improvement Schemes DN-GEO-03030 (April 2021) – Guidance on minor improvements to national roads.

- Provides guidance for Preliminary Design Reports (PDR) to be submitted to TII for approval for schemes under €5 million in relation to minor improvements on national roads, safety enhancements and incorporating DMURS for urban renewal.

5.2. Limerick Development Plan 2022-2028

5.2.1. Volume 1 Written Statement

The relevant policy and objectives of the current development plan include the following:

➤ Chapter 2: Core Strategy

Table 2.4 Limerick Settlement Hierarchy – Abbeyfeale Level 3 Town (> 1,400 population)

➤ Chapter 5: A Strong Economy

• Section 1: Retail

Table 5.1a The Retail Hierarchy for Limerick – Tier 3 – Town Centres – Level 1 – Abbeyfeale (Service Town).

• Section 5.7.10 County Towns and Villages

Recognises that the retail sector is a key element of the vitality of the towns and villages in county Limerick providing for convenience shopping either in small supermarkets or comparison shopping or small-scape shops in the areas of hardware, pharmacies and clothes shops.

Objective ECON 012 County Towns and Villages

It is an objective of the Council to strongly support the strengthening of the vitality and viability of town and village centres to enhance economic growth, enterprise and employment opportunities.

➤ Chapter 7: Sustainable Mobility and Transport

Policy TR P12 Safeguard the Capacity of National Roads

It is a policy of the Council to:

- a) Protect the capacity of the national road network, having regard to all relevant Government guidance and associated junctions, including DoECLG Spatial Planning and National Roads Guidelines (DoECLG, 2012) in the carrying out of Local Authority functions and;
- b) Ensure development does not prejudice the future development, or impair the capacity of, the planned national roads, which includes the N/ M20 Cork to Limerick Scheme and Foynes to Limerick Road (including Adare Bypass) projects and other schemes referenced in Section 7.4;
- c) Continue to engage, at an early stage, with relevant transport bodies, authorities and agencies in respect of any plans or projects that are located in proximity to national road infrastructure.

Objective TR O39 National Roads

It is an objective of Council to:

- a) Prevent, except in exceptional circumstances and subject to a plan-led evidence-based approach, in consultation with Transport Infrastructure Ireland, in accordance with the Section 28 Ministerial Guidelines Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012), development on lands adjacent to the existing national road network, which would adversely affect the safety, current and future capacity and function of national roads and having regard to reservation corridors, to cater for possible future upgrades of the national roads and junctions;

- b) Avoid the creation of any new direct access points from development, or the generation of increased traffic from existing direct access/egress points to the national road network, to which speed limits greater than 60km/h apply;
- c) Facilitate a limited level of new accesses, or the intensified use of existing accesses, to the national road network on the approaches to, or exit from, urban centres that are subject to a speed limit of between 50km/h and 60km/h. Such accesses will be considered where they facilitate orderly urban development and would not result in a proliferation of such entrances;

➤ Chapter 11: Development Management Standards

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

Road Safety Audits are required for development 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. Guidance on the methodology of the road safety audit are available in the TII publications Road Safety Audit Guidelines GE-STY-01027, 2017.

- Parking – Table DM 9(a) provides the requirement standards for Car and Bicycle Parking in Limerick City and Suburbs (in Limerick) Mungret and Annacotty.

5.3. **Retail Strategy for Limerick-Shannon Metropolitan Area and County Limerick 2022-2028 (Volume 6 Limerick Development Plan)**

- Abbeyfeale is identified as a Tier 3 -Town Centre – Level 1 Service Town in Table 2.3 Limerick City and County Retail Hierarchy.
- Major Town Centres and Town Centres (Tiers 2 and 3, Levels 1 and 2) Policy ED 14:

It is the policy of Limerick County Council, in relation to Major Town Centres and Town Centres outside of the Metropolitan Area of Limerick to:

1) Town Centre, Tier 3, Level 1 (Abbeyfeale)

- a) Support the improvement of retail facilities so as to improve the service they provide to their local catchment population;

- b) Encourage the provision of tourism and visitor orientated retail provision to capitalise on the inherent potential in this centre.
- Section 2.3.1.7 Abbeyfeale Local Area Plan 2014-2020 (Extended until 2024)
Abbeyfeale is classed as a Tier 3, Level 1 Town in the retail hierarchy. The town has over 8 ha. designated for Town Centre which seeks to improve retail to enhance the Town Centre. The Great Southern Trail is part of a national designated cycling and walking route, which is in close proximity to the town which will attract tourists to the area. It is an objective of the LAP to:
 - a) Support the improvement of retail facilities so as to improve the service they provide to their local catchment population;
 - b) Encourage the provision of tourism and visitor-orientated retail provision to capitalise on the inherent potential in this centre outlet capable of supporting a main food shopping trip in or on the edge of the Town Centre

5.4. **Abbeyfeale Local Area Plan 2023-2029**

➤ Chapter 3 Development Strategy

Overall Strategic Development Objectives:

- 2) Promote sustainable economic development, including enterprise and employment opportunities, while, prioritising the town centre, as the primary location for retail and services.

➤ Chapter 4 Town Centre First

- Section 4.2 Town Centre First Approach and the '10 Minute' Town Concept
- Policy TCF P2 Town Centre First and '10 Minute' Town Concept

It is policy of the Council to:

- a) Implement the 10 Minute Town Concept in Abbeyfeale ensuring that future development including residential, community and educational facilities, employment centres are within a 10-minute walk or cycle from the town centre and/or accessible by public transport services connecting to settlements, including Limerick City, North Kerry, West Limerick and North Cork.

- b) Prioritise the town centre as the most appropriate location for future development of the town. Planning applications for future development will be assessment as per the zoning objectives of this Plan and considered sequentially in relation to the town centre zoning.
- Section 4.4 Retail and Commercial
 - The council supports the sequential approach for the provision of retail as promoted by Government policy and the Retail Strategy, when assessing planning applications.
 - Out-of-centre locations for retail business and services are generally not permitted in efforts to consolidate the existing retail centre, encourage the reuse of vacant units within the centre and provide services close to the existing development.
 - The LAP anticipates that additional retail development in Abbeyfeale will be achieved through the redevelopment of vacant units or the change of use of existing units. All retail development will be subject to compliance with the Retail Strategy which forms part of the Limerick Development Plan.

Policy RL 3: Retail Strategic Policy

It is an objective of the council to:

To support the sustainable long-term retail growth of Abbeyfeale as a Tier 3 Level 1 Small Town, in accordance with the Limerick Development Plan and the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick 2022 – 2028.

Objective RL 01: Retail Development

It is an objective of the council to:

Enhance the vitality and viability of Abbeyfeale as a retail service centre and to improve the quantity and quality of retail provision in the town by:

- a) Emphasising the town centre as the primary shopping location.
- b) Encouraging the upgrade and expansion of existing retail units and the development of new units in the town centre.

- c) Ensuring that proposals with retail development elements comply with the provision of the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick 2022 – 2028 in relation to site suitability and the sequential approach and ensure proposals which would undermine the vitality and viability of Abbeyfeale town centre will not be permitted.
- d) Encourage proposals at ground floor level within the town core for commercial uses.
- e) Prohibit the proliferation of uses in the town centre which would detract from the amenities, or the vitality and viability of the area such as fast-food outlets, amusement arcades, off-licences, bookmakers and other non-retail uses. Storage use is not permitted as the primary use of ground floor units.
- f) Encourage the use of upper floors in retail premises for commercial or residential uses.
- g) Enhance the physical environment of the town centre as a location for shopping and business through measures aimed at improving conditions for pedestrians.
- h) Encourage the upgrade and refurbishment of existing retail units and the maintenance of original shopfronts, or the reinstatement of traditional shopfronts, where poor replacements have been installed, and discourage the use of external roller shutters, internally illuminated signs or inappropriate projecting signs.

➤ Chapter 6 Economic Development & Tourism

Objective ED 01 Enterprise and Employment Objectives:

- a) Encourage the reuse and redevelopment of appropriately zoned vacant units, brownfield, derelict and infill sites for employment creation, subject to normal planning and environmental criteria.
- b) Ensure any proposals for the lands zoned for Enterprise and Employment adjoining the N21 include a Traffic and Transport Assessment, to ensure that the local road network and associated junctions with the regional road have sufficient capacity to facilitate the extent of the development planned. The costs of implementing mitigation measures arising from the assessment shall be

borne by the developer. Any proposals on these sites shall ensure the provision of a minimum 20m landscaped buffer zone between propose.

- c) Ensure any proposal for part of the lands zoned Enterprise and Employment does not preclude the development of the remaining zoned lands. Any proposal submitted on these lands shall include an indicative layout which allows for a coordinated development at Mountmahon.
- d) Retain sufficient lands around the site boundaries where industrial, enterprise or distribution activities are proposed to accommodate landscaping to soften the visual impact and reduce the biodiversity loss of the development.
- e) Early engagement with all utilities providers, including Uisce Eireann is strongly advised.
- f) Promote inter-urban linkages and partnerships across county boundaries, capitalising on collective strengths to attract investment in Abbeyfeale, the wider West Limerick /North Kerry region and the Atlantic Economic Corridor

➤ Chapter 7 Sustainable Mobility

Objective SM 01 Movement and Accessibility

- d) Incorporate Sustainable Travel measures in all new developments in the town.
- h) Protect the capacity of the national and regional road network from inappropriate development, having regard to all relevant Government guidance, Objective TR O39 National Roads and Objective TR 041 Strategic Regional Roads of the Limerick Development Plan 2022-2028 and ensure development does not compromise the performance of the network or future improvements to the network. Road Safety Audits and Traffic Impact Assessments will be required to demonstrate implications of development proposals on the national and regional road network.

➤ Chapter 10 Land Use Framework, Zoning Matrix and Settlement Capacity Audit

Zoning

- The appeal site is zoned Enterprise and Employment.
- Objective: To provide for and improve general enterprise, employment, business and commercial activities

- Purpose: Provides for enterprise, employment and general business activities and acknowledge existing/permitted retail uses. This land use zone may accommodate light industry, low input and emission manufacturing, logistics and warehousing and office developments. The form and scale of development on these sites shall be appropriate to their location, having regard to surrounding uses and scale. A proliferation of retail uses will not be permitted. Proposals may generate a considerable amount of traffic by both employees and service vehicles and traffic assessments may be required. Sites should be highly accessible, well designed and permeable with good pedestrian, cyclist links to the town centre and public transport. The implementation of mobility management plans will be required to provide important means of managing accessibility to these sites

5.5. Natural Heritage Designations

The nearest designated sites are:

- SAC: 002165 - Lower River Shannon SAC – 22 m to the west (rear of site).
- SAC: 002351 - Moanveanlagh Bog SAC – approx. 10.7 km to the northwest.
- pNHA: 000374 - Moanveanlagh Bog - – approx. 10.7 km to the northwest.
- SPA: 004161 - Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA – approx. 3.3 km to the north and 5.5 km to the southeast.

6.0 The Appeal

6.1. Grounds of Appeal

One no. first party appeal against the PA's decision to refuse permission has been received. The appeal is accompanied by a report prepared by Tobin to address the third reason for refusal and other issues raised by the PA. For completeness, I propose to consolidate the substantive issues raised in the grounds of both submissions under the following headings:

The grounds of appeal can therefore be summarised as follows:

Reason 1 and Zoning

- The proposed retail use is not incompatible with the zoning and objectives for the area. The immediate area relative to the site is characterised by residential development, small local shops, petrol filling stations including Centre and Applegreen which facilitate the local area and passing trade.
- The proposed development will generate 30 permanent jobs at operational stage. This is in line with the zoning objectives and is important in a town with relatively high unemployment in comparison to other parts of the county Limerick.
- The primary use of the site is as a hardware shop open to the public. There is a headstone shop on the site and possible other ancillary uses to the rear. A hardware shop is a retail use for the purposes of the land use classification, therefore the reuse of the site for retail does not conflict with the existing use.
- The zoning objective acknowledges existing retail on the site and does not differentiate between one form of retail use and another. The PA infers that the hardware shop can be categorised as 'retail warehousing' referencing a Lidl decision in Cabra Dublin that somehow its presence does not set a precedent for the proposed food store.
- Retail is a form of displaying and selling goods for the public. Both hardware shops and food stores carry out the same function.
- Technically there is no evidence on any available planning file that the hardware shop could not be used for the sale of any type of retail goods today or in the future including food sales.
- The proposed development is not contrary to the proper planning and sustainable development of the area given its location relative to existing residential sites, serviced residential lands identified in the Local Area Plan.
- The site is the only suitable, viable and available site for the proposed development in the town as per the findings of the sequential approach.

Reason 2 and Objective RL 01 and Policy TCF P1

- Policy TCF P2 of the LAP promotes the 10 minute town concept for Abbeyfeale. The application site is well within 10 minute walking and cycling times from the southwest side of the town centre (figure 3.0 of appeal submission).
- In reference to Policy ED 14 Town Centre Volume 6 of the Retail Strategy, the plan does not prohibit out or edge of centre retail, which should be read in the context of the wider policy which seeks to improve retailing in the town in general, and the lack of viable, suitable and available sites in the town centre.
- The Abbeyfeale Town Centre First Plan 2023 does not prohibit or prevent out-of-centre retail.
- The last sentence in the second reason for refusal infers that a sequential approach in relation to the proposed development was not provided, notwithstanding that the planning assessment carried out such an assessment in the Retail Impact Report provided with the application. In this regard, the appraisal of the PA of the Retail Impact Report acknowledges the arguments presented in the sequential approach, retail need and retail impact, but disregards those in preference for the Town Centre First approach, leaving no room for any reasonable case to be made.
- The sequential approach carried out by the applicant accords with the Retail Planning Guidelines for Planning Authorities and the proposed development accords with this and an out of centre location can be considered.
- Detailed assessments were carried out as part of the Retail Impact Report of other sites. A separate report (CBRE) was provided of a site next to Tesco and considered by the applicant but has several constraints and remains undeveloped.
- The TBP report identifies that locals leave Abbeyfeale town and the catchment to available of discount stores e.g. Castleisland, Newcastle West, Listowel.
- The town would not be in competition with a single modest discount food store but rather in competition with other competing towns and keep spending in the town.
- Food retail in the town and other competing towns is car dependent, which is the nature of retail services available to rural areas. The proposed development

would reduce the number of length of trips generated from Abbeyfeale to other catchment areas to access discount stores.

- Regarding Policy TCF P1 Town Centre which seeks to implement the Town Centre First strategy, it is unclear how the council can conclude that the proposed development would undermine the town centre's vitality and viability.

Reason 3 and Policy TR P12 / Objective TR O39 / Objective SM 01

- The applicant has no objection to funding the TII's proposal to provide a pedestrian crossing over the N21 which would be a traffic signal crossing given the status of the road. Proposals for same are attached to revised drawing provided in appendix A of Tobin response drawing 12106-2020-Rev P0.
- The key issues in the reason for refusal relate to protection of the carrying capacity of the N21 which is undermined by the need for a pedestrian crossing.
- The appeal site is located within the 60 km/hr speed zone (Figure 2-1), therefore objective TR O39 does not apply to the site.
- Road Safety Audit problem 2.1 raised the conflicts arising from the proposed right turn lane opposite the private house entrance. This matter was addressed in the design. Mitigation was also provided which required that the ghost island was amended with broken edge lines delineating the domestic access points and a yellow box installed in the right turn lane across from the domestic junction location (revised drawing provided in appendix A of Tobin response drawing 12106-2020-Rev P0).
- The ghost island has been amended with broken edge lines delineating the domestic access points, and a yellow hatch box installed in the right turn lane across from the existing dwelling entrance.
- In regard to a Design Report in accordance with TII publication DN-GEO-03030 as requested by TII, a report can be completed and submitted to TII as a condition of a grant of permission, and amendments if any can be incorporated into the final design.
- Mobility Management Plan (MMP) – a MMP was submitted with the planning application which contained the proposed mobility actions to support sustainable travel for employers and staff. Targets were also provided (Figure

4.1) in line with the NTA's guidance on achieving effective workplace travel plans.

- Issued raised by TTI:
 - The Traffic and Transport Assessment (TTA) and Road Safety Audit (RSA) was completed in accordance with the guidelines set out within the TII publication Traffic and Transport Assessment Guidelines PE-PDV-02045 (May 2024).
 - The PICADY results indicated that the proposed development junction is forecast to operate well within capacity for all traffic streams both am and pm peak periods for 2026 and 2031 design year scenarios.
 - A minor increase in both delays and queuing is indicated between the design years analysed for all traffic streams, but the junction is projected to continue to operate well within capacity. Queue length does not exceed 1 vehicle and junction 1 will operate well below the maximum desirable 0.85 RFC.
 - Regarding the modifications proposed to the N21, it is submitted that a Design Report can be completed and submitted to the TII as a condition of a grant of planning, and amendments if any can be incorporated into the final design.

Other Matters Raised by the PA

- Bicycle storage will be facilitated in the Lidl warehouse which is secure.
- Additional 20 no. customer cycle parking spaces are proposed on DWG Ref. 01-04 (appendix 3).
- 16 no. additional EV parking spaces are proposed which will be wired for future EVs which demand requires. DM 11 EV of the development plan does not provide any indication of when such spaces need to be available in new developments or type of charging required. Such details should be addressed as compliance to a grant of permission.
- Surface Water and SuDs Management – Revised details provided including proposals to relocate the proposed attenuation tank further to the north on the

site and introduce permeable paving to the car parking spaces located to the north of the store.

6.2. **Planning Authority Response**

Response received from the PA noted no further comments to make outside of the assessment of the planning application.

6.3. **Observations**

None.

7.0 **Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, 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 Development
- Impacts on Vitality/Viability of Existing Town Centre
- Impact on N21 National Primary Road
- Material Contravention
- Other Matters

7.1. **Principle of Development**

- 7.1.1. From the outset, the PA raised the matter of compliance with the zoning objective for the site and the first reason for refusal refers to the principle of the proposed development and the land use zoning objective for the site. The PA further considered that the proposed development would not be in line with Objective RL 01 Retail Development and Objective ED 01 Enterprise and Employment objectives as set out in the development plan and the Abbeyfeale Local Area Plan (LAP).

- 7.1.2. The first party argues that the proposed retail use is not incompatible with the zoning and objectives for the area. The zoning objective acknowledges the existing retail use of the site and does not differentiate between retail uses. It is submitted that the primary use of the site is as a hardware shop which is a retail use and the proposed development seeks to reuse the site for a retail use and thus does not conflict with the existing use.
- 7.1.3. The appeal site is occupied by Sheedy's Hardware Store which provides products and services typical of a hardware store including building, fuel, paint, gardening and DIY goods. This in my view represents comparison retail. The proposed development entails the redevelopment of the site to provide exclusively for a discount food store with a gross floor area of 2,258 m². Abbeyfeale is designated as a Tier 3, Level 1 Service Town in both the Limerick Development Plan 2022-2028 and the Retail Strategy for Limerick-Shannon Metropolitan Area and County Limerick contained in Volume 6 of the development plan. The site is zoned 'Enterprise and Employment' the objective for which is '*To provide for and improve general enterprise, employment, business and commercial activities*'. I note that it is the only site on the southwestern side of the town zoned for this use. In summary, the purpose of this zoning is stated in the LAP as to provide for enterprise, employment and general business activities and acknowledge existing / permitted retailing uses, to accommodate light industry, low input and emission manufacturing, logistics and warehousing and office developments.
- 7.1.4. A generally not permitted use is defined in the Abbeyfeale LAP and in the development plan as a use that would be incompatible with the zoning policies or objective for the area, would conflict with the permitted / existing uses and would be contrary to the proper planning and sustainable development of the area. Having regard to Table 10.3 of the LAP, retail use is generally not permitted under the 'Enterprise and Employment' zoning objective. I note for the Commission that Retail Convenience >/1,800 m² nfa is also generally not permitted on lands zoned for 'Enterprise and Employment' having regard to the Land Use Zoning Matrix in Chapter 12 of the development plan.
- 7.1.5. It is the applicant's view that the proposed development would not be incompatible with the zoning policies or objectives for the area or contrary to the proper planning and sustainable development of the area on the basis that the site has an existing established retail use.

7.1.6. I note the provisions of Objective ED 01 of the Abbeyfeale LAP which seeks to encourage the reuse and redevelopment of appropriately zoned vacant units, brownfield, derelict and infill sites for purposes of employment creation related to sites zoned for Enterprise and Employment. Having regard to the purpose of the zoning objective for the site, while I acknowledge that the proposed development would provide employment, the zoning objective clearly seeks to provide employment related to enterprise and business type uses that are not associated with retail convenience provision. Having regard to the foregoing, it is my view that the proposed development is not a use that is permitted within this site zoned for Enterprise and Employment use. Therefore, the proposed development would be at variance with Objective ED 01 of the Abbeyfeale LAP and the development plan, and contrary to the land use zoning objective of the site and I recommend refusal on this basis. I note that the PA in its reason for refusal on this issue deemed that the proposed development would materially contravene the lands use zoning objective for the site. In regard to same, I proposed to address this matter separately in Section 7.4 below.

7.2. Retail Impact on Vitality/Viability of Existing Town Centre

7.2.1. The second reason for refusal relates to the impact that the proposed development would have on Abbeyfeale town centre, having regard to the location of the appeal site, thus conflicting with Policy TCF P1 which priorities Abbeyfeale town centre. The PA is of the view that the proposed development which is out-of-centre retail development, does not align with Section 4.1 of the LAP with regard to the revitalisation of the town centre as it would encourage car dependent travel drawing town centre footfall away from the core, and potentially weakening viability of existing town centre businesses.

7.2.2. Section 4.4 of the Retail Planning Guidelines 2012 (RPG's) addresses the 'Sequential Approach to the Location of Retail Development'. It sets out that the order of priority is to locate retail development in the town centre, and to only allow retail development in edge-of-centre or out-of-centre locations where all other options have been exhausted. Section 4.11.1 notes that large convenience goods store which include for supermarkets in certain limited circumstances, may not be possible to put forward a suitable site in or on the edge of a city or town centre due to sites requirements for

such retail stores and constraints in historic towns, or road network. In such cases the sequential approach should be used to identify a preferable site.

- 7.2.3. A Retail and Sequential Assessment prepared by TBP consultants was submitted with the application seeking to demonstrate that the proposed development can be accommodated at the proposed location with no detrimental impact on the vitality and viability of Abbeyfeale town centre.
- 7.2.4. It is the submission of the applicant that the appeal site is the only suitable, viable and available site to facilitate the proposed development. I note that a sequential appraisal was carried out of 7 no. sites, 6 of which relate to opportunity areas identified in Section 4.5 of the LAP and are located in or in close proximity of the town centre. Each were deemed unsuitable due to site constraints, land ownership issues, confliction zoning i.e. Residential, Open Space and Recreation. The remainder include sites that are zoned for Enterprise and Employment and in one case flood risk was raised as an issue. Separately, a viability appraisal was carried out of a site zoned Enterprise and Employment located at the rear of the existing Tesco store. I note that this site was ruled out due to site constraints including access, traffic impacts and was not financially viable due to additional costs arising from construction.
- 7.2.5. The PA are of the view that an out-of-centre discount food store does not align with Policy TCF P1 and it would appear that the PA considered that the Retail and Sequential Assessment submitted bypassed the sequential approach to retail development.
- 7.2.6. Retail leakage from Abbeyfeale town is addressed. In this regard, it is submitted that the town centre is significantly impacted by retail leakage and expenditure to other competing town centres for main discount grocery shopping i.e. Newcastle West, Listowel, Castleisland. This was identified in the Abbeyfeale Town Centre First Plan (Nov. 2023). Arising from an analysis of these three main competing towns with Abbeyfeale town in terms of main retail grocery shopping and expenditure, it is submitted that Abbeyfeale town and its dependent catchment area, cannot retain 75% of food shopping spending, as it lacks choice and quantum of floor space. The existing smaller convenience stores and filling stations bridge the gap between top-up shopping and the main weekly grocery shopping but do not address the substantial leakage of main food spending and car trips generated from Abbeyfeale town for basic

weekly food shopping to the other competing towns. I note that it was identified in a Lidl own customer survey that between 5% and 10% of shoppers in Lidl stores in the identified competing towns live in Abbeyfeale town.

7.2.7. The argument is made that the proposed development would recover regular food shopping trips made by shoppers from Abbeyfeale town and the rural catchment area to the appeal site. This would encourage shoppers to stay local and use other services, as opposed to using the same services in other competing towns. It is therefore submitted that this would enhance the vitality of the town centre.

7.2.8. I note that the Town Centre Health Check carried out in August 2022 within the LAP (Section 4.3) indicates a high vacancy rate of existing commercial and retail within the town centre and is amongst the 15 towns in Munster with the highest retail vacancy rates. I also note that convenience retail amounts to 4.2% of the breakdown of business in Abbeyfeale town. The policy response to this is address by Objective RL 01 whereby one of the main objectives is to emphasis the town centre as the primary shopping location. This is also reflected in Overall Strategic Development Objective 1 of the LAP. In light of this, I would have concerns regarding the quantum of retail proposed in the context of vacancy rates that currently exist in Abbeyfeale town centre, and the negative impact that the proposed development would have on the vitality and viability of the existing town centre. The applicant acknowledges the vacancy rate of the town centre and submits that this is due in part to competition from the other competing towns when locals leave Abbeyfeale town to avail of discount food stores in other towns and where they can avail of other retail services on the same journey. It is further contended that locals would return to shopping in Abbeyfeale town if a Lidl discount food store is granted on the appeal site, which would enable locals to avail of existing retails services in the town also.

7.2.9. Having regard to the Retail Impact Assessment and the sequential test carried out, I acknowledge that there is merit in the arguments put forward by the applicant in providing a discount retail convenience food store in some form in the town, offering retail choice and in retaining footfall within the town in availing of other retail services. However, the LAP does not support such proposals through its policy or land use zoning objectives. I note that the opportunity sites in the town as identified in the LAP were considered in the sequential test including sites with the same land use zoning as that of the appeal site. I further acknowledge that potential town centre sites have

limitations in terms of facilitating the scale of the proposed development and such circumstances is acknowledged by the RPGs in Section 4.11.1.

7.2.10. Notwithstanding the above, the Limerick City and County Council Retail Strategy as contained in Volume 6 of the development plan and the LAP are affirmative in the policies and objectives about protecting the town centre i.e. Objective RL 01 and Policy TCF P1. Therefore, taking into account the current town centre health check for Abbeyfeale town centre, I would have serious concerns that the proposed out-of-centre site and the scale of the quantum of retail floor space being proposed would further negatively impact the vitality and viability of the existing town centre. I am therefore not satisfied that the proposal fulfils the overarching policies and objectives to support the existing town centre and promote sustainable development which in my view is contrary to these objectives, and I recommend refusal on this basis.

7.3. Impact on N21 National Primary Road

7.3.1. Reason 3 of the decision relates to road traffic issues. The primary concern in the grounds of refusal relates to the increased impact of traffic that the proposed development will generate from the existing access onto the adjoining national route N21 Killarney road to which speed limits greater than 60 km/hr apply.

7.3.2. At the outset, I note that Spatial Planning and National Roads Guidelines for Planning Authorities set out planning policy considerations relating to development affecting national roads (including motorways, national primary and national secondary roads) outside the 50/60 kmh speed limit zones for cities, towns and villages. I note the provisions of Objective TR O39 of the development plan, and in particular (c) which seeks 'to facilitate the intensified use of existing accesses to the national road network where they facilitate orderly urban development and would not result in a proliferation of such entrances'. The appeal site is located within the development boundary of Abbeyfeale town. The proposed development seeks to utilise the existing entrance serving the site and not create a new one. I noted at time of site inspection that the appeal site is located between the 60 km/hr speed limit zone on the N21.

7.3.3. As part of the application, a Stage 1 Road Safety Audit April 2025 (RSA) was carried out and submitted with the Transport and Transportation Assessment. This includes a Trip Generation carried out from developments of a similar nature and a Traffic Count

was conducted September 2024. Based on the results as set out in 6.1.2 of the Traffic and Transport Assessment, overall, the findings indicate that it is anticipated that the junction with the N21 will operate well within capacity for all traffic streams during morning and evening peak periods for 2026 and a 2031, 2041 design year scenario. There will be limited increase in both delays and queuing, and queue lengths will not exceed 1 no. vehicle, but generally the junction is anticipated to operate well within capacity below the maximum desirable 0.85 RFC (Section 9.2 Junction Analysis). On the basis of the information provided in support of the proposed development, I am satisfied that the existing access onto the N21 can accommodate the additional traffic generated by the proposed development. I note that the Roads Section of the council did not raise any concerns in regard to the intensification of use of the existing access. Therefore, I am satisfied that the proposed development would not be contrary to the provision of Policy TR P12 and Objective TR O39 of the development plan both of which seek to safeguard the carrying capacity of national roads.

7.3.4. The submission of the TII is noted. It raises concerns in regard to the right turn lane positioned opposite an existing dwelling entrance which is located on the eastern side of the N21, potentially resulting in conflicting traffic movements. In this regard, it is submitted that drivers may access the right turn lane in the wrong direction when assessing the dwelling entrance on the opposite (eastern) side of the N21. The proposed continuous boundary lines around the central hatching as identified on DWG Ref. 12106-2006 may lead to confusion for drivers turning to and from the residential accesses in the area. This issue was raised in the Road Safety Audit carried out by the applicant. Consequently, the road layout was amended. The proposed line markings were updated to accommodate existing residential access points, and a continuous white line and arrows incorporated to the layout to provide clarity for road users. The TII noted the amendments but was not satisfied that the recommendations were fully implemented and require this to be resolved prior to any decision on the application, in the interest of safety of all road users.

7.3.5. In order to address this, the applicant in the grounds of appeal has submitted proposed amendments to the road layout by providing a yellow hatched box within the ghost island adjacent to the access serving the existing dwelling on the eastern side of the N21 (Appendix A). I note that this was not included in the 'Proposed Junction Layout' drawing DWG Ref. 12106-2006 as part of the initial application. I note that the RSA

also highlighted that the proposal to reduce the width of the existing hard shoulder on the west side of the N21 was less than 1.5 m to accommodate the right turn lane and raised that this may result in cyclists being forced onto the trafficked lane. This was addressed by the application by ensuring a minimum hard shoulder width of 1.5 m on both sides of the N21 which is shown on DWG Ref. 12106-2006.

7.3.6. I note that a swept path analysis has been carried which demonstrates that large vehicles (HGVs) will be cable of accessing, circulating within and egressing the site.

7.3.7. I note that TII also raised that a pedestrian crossing was required. Within the grounds of appeal, the applicant has provided proposals for a new signal controlled pedestrian crossing which is proposed to be located approx. 79 m to the northeast of the subject entrance (DWG Ref. 12106-2020) within the red line boundary. I note that the Roads Section also sought this facility. While noting that the location is indicative only and has not been agreed in principle by the Roads Section of the council or indeed TII, given the absence of such agreement in relation to same and the omission of any further details that may be required, and given the substantive reasons for refusal, it may not be necessary for the Commission to purse this matter further.

7.3.8. TII also require that the modifications proposed to be carried out to the N21 be accompanied by a Design Report that adheres to TII's technical standards and published guidelines, in this regard TII's Standard DN-GEO-03030. I note that this standard requires the preparation of a Design Report and its acceptance by TII prior to any works changing the layout of the national road taking place. This in my view is necessary for assuring the safety of road users and the enforcement of appropriate design and safety protocols in line with TII Publication DN-GEO-03030. In response the applicant submits that such a report can be completed and submitted to TII as a condition of a grant of permission, and amendments if any can be incorporated into the final design. TII emphasise that approval of any such Design Report may result in modifications to the proposed access arrangements and recommend that the council ensure this requirement is addressed in advance of any decision on the application, and an approved design can be incorporated as a condition in the event of a grant. In this case, the PA did not look for further information and no response to the first party appeal was made by the PA with regard to the proposed modifications to the road layout. It is therefore my view that addressing this concern is imperative prior to making any planning decision to ensure compliance with road safety standards. On the basis

of the information and proposals made through the grounds of appeal, it may also not be necessary for the Commission to pursue this matter further, having regard to the other substantive reasons for refusal as recommended.

7.4. Material Contravention

First Reason for Refusal

- 7.4.1. The PA in its first reason for refusal deemed that the subject development materially contravened the land use zoning objective of the site. The PA concluded in the report that the nature of the proposed use does not align with the intended purpose of the zoning objective, and consequently the proposed development materially contravened the land use zoning objective for the site under ED 01 Enterprise and Employment in the Abbeyfeale LAP.
- 7.4.2. I note the provisions of Section 34(6) of the Planning and Development Act 2000 (as amended) which enables circumstances in which permission can be granted by the PA in the case of a development that would contravene materially the development plan or local area plan. In this regard, I note for the Commission that the provisions of Section 37(2) of the Planning and Development Act 2000 (as amended) do not apply to a material contravention of a local area plan and not the development plan, and that the issue for the Commission is whether permission should be granted notwithstanding any such conflict. In this case, having regard to the nature of the use of the proposed development and to its scale, and notwithstanding the existing use on site and the provisions of the Abbeyfeale LAP, I consider that proposed development is contrary to the provision of the Abbeyfeale Local Area Plan 2023-2029 and recommend refusal for this reason.

Third Reason for Refusal

- 7.4.3. The report of the PA also raised that the proposed development in terms of access would materially contravene Policy TR P12 and Objective TR O39 of the Limerick Development Plan 2022-2028 however, I note that the third reason for refusal did not go as far as to say that the development would materially contravene these stated objectives.
- 7.4.4. Section 37(2)(b) of the Planning and Development Act 2000 (as amended) sets out the criteria that allows the Board to grant permission in the event of a material

contravention. As I do not consider that such a scenario arises in this case, I therefore submit that the Board is not constrained by the terms of Section 37(2)(b) of the Planning and Development Act 2000 (as amended).

7.4.5. Should the Commission not concur with my view on this matter and is minded to grant permission, I have carried out the relevant tests under Section 37(2)(b) of the Planning and Development Act 2000 (as amended).

7.4.6. Having regard to Section 37(2)(b) of the Planning and Development Act 2000 (as amended), the Commission may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the PA to whose decision the appeal relates, where:

- i. The proposed development is of strategic or national importance:

I do not consider that the proposed development is of strategic or national significance and as such Section 37(2)(b)(i) is not relevant.

Or

- ii. There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned:

All of the objectives in my opinion are clearly stated for the purposes of assessing this application. No conflicting objectives exist such that would warrant a material contravention in this case.

Or

- iii. Permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under Section 28, policy directives under Section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government:

I do not consider that the proposed development would be in conflict with the Regional Spatial and Economic Strategy for the Southern Region and with reference to retail provision or Section 28 Guidelines.

Or

- iv. Permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan:

I am not aware of examples of the pattern of development and permission granted in the area since the making of the development plan, and as such I do not consider that Section 37(2)(b)(iv) of the Act is applicable in this case.

Having regard to the third reason for refusal in the PA's decision, and having regard to the criteria under Section 37(2)(b) of the Planning and Development Act 2000 (as amended) as above, it is my view that a material contravention is not warranted in relation to the third reason for refusal.

7.5. Other Matters

- 7.5.1. The applicant has provided a response and revised proposals in the grounds of appeal to address issues raised by the PA in its planning assessment of the application, and in relation to issues highlighted by other council sections. This includes a response to each of the issues raised in relation to surface water management on foot of the proposed development which I note has been prepared in accordance with the requirements of Limerick City and County Council Surface Water and SuDS Specification. In regard to bicycle storage and bicycle parking and EV parking spaces, revised proposals are provided to address the shortfall as raised by the Roads Section and proposed actions to support sustainable travel for the site. Notwithstanding the details and proposals submitted, and having outlined the substantive issues and reasons for refusal in relation to the overall principle of the proposed development, the Commission may not deem it necessary to give further consideration to these matters.

8.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 appended to this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development,

therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

9.0 AA Screening

9.1.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Shannon SAC (Site Code 002165) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

9.1.2. 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 (Site Code 002165) 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.

9.1.3. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives or prevent or delay the restoration of favourable conservation condition for the Lower River Shannon SAC (Site Code 002165).

10.0 WFD Screening

10.1.1. The appeal site is located within development boundary of Abbeyfeale town approx. 1.0 km to the southwest of the town centre.

10.1.2. I have assessed the proposed development of a discount retail convenience supermarket and associated site works at Sheedy's Hardware Store Abbeyfeale. I note that the nearest water body to the appeal site is the River Feale which is approx. 22 m to the west of the rear boundary of the site. The following are relevant:

- River Waterbodies IE_SH_23F010310

- WFD River Sub Basins FEALE_050
- Ground Waterbodies IE_SH_G_001

10.1.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water 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 water bodies either qualitatively or quantitatively.

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

11.0 Recommendation

I recommend that permission is refused for the reasons and considerations set out below.

12.0 Reasons and Considerations

1. The proposed development is located on lands zoned for 'Enterprise and Employment' use as set out in the Abbeyfeale Local Area Plan 2023-2029 and the proposed development of a retail discount food store would conflict with Table 9 'Purpose and Objective of Each Land Use Zoning' and the Land Use Zoning Matrix of the Abbeyfeale Local Area Plan 2023-2029, which does not generally permit proposals for retail use. The proposed development would, therefore, contravene the zoning objective of the site which seeks to provide and improve general enterprise, employment, business and commercial activities, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to Objective RL 01 of the Abbeyfeale Local Area Plan 2023-2029 which seeks to promote the vitality and viability of the retail role of Abbeyfeale town and ensure proposals will not undermine the vitality and viability of the town centre, it is considered that the overall quantum of retail proposed would not be justified at this out-of-centre location having regard to the vacancy rate that currently exists within the designated town centre and would therefore have a detrimental impact on the vitality and viability of Abbeyfeale town centre. The proposed development would, therefore, be contrary to Objective RL 01 of the Abbeyfeale Local Area Plan 2023-2029 and to the proper planning and sustainable development of the area.

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

Clare Clancy

20th January 2026

Appendix 1 – Form 1 EIA Pre-Screening

Case Reference	PL-500031-LK
Proposed Development Summary	Demolition of existing structure, construction of discount food store and associated site works. The application was accompanied by a Natura Impact Statement (NIS)
Development Address	Sheehy's Hardware Store, Killarney Road, Abbeyfeale, Co. Limerick
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p> <p>Schedule 5 Part 2 Class 10 (B) – Infrastructure Projects:</p> <p>(iii) Construction of a shopping centre with a gross floor space exceeding 10,000 sqm threshold.</p> <p>(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	

Inspector: _____ Date: _____

Appendix 2 – Form 2 EIA Preliminary Screening

Case Reference	PL-500031-LK
Proposed Development Summary	Demolition of existing structure, construction of discount food store and associated site works. The application was accompanied by a Natura Impact Statement (NIS)
Development Address	Sheehy's Hardware Store, Killarney Road, Abbeyfeale, Co. Limerick
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</p> <p>The appeal site has a stated site area of 1.15 ha and is a brownfield site. The proposed development entails the demolition of the existing hardware store and warehousing storage buildings on the site and the construction of a part single, part two storey building, measuring 2,258 m², provision of surface car parking, use of existing access off the adjoining N21 Killarney Road.</p> <p>At construction phase, the proposed development would generate construction and demolition waste during demolition, excavation and construction. However, given the moderate size of the proposed building I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phases due to the limited size of the site and the nature of the proposed use.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The site is located within an established urban area comprises of residential development and commercial / retail uses.</p> <p>The subject site is not located within any designated site and is located approx. 22 m from the Lower River Shannon SAC. There is a hydrological connection to the River Feale via the storm drain adjacent to the N21 which the existing development is connected to and which the new development is proposed to be connected to. The storm drain discharges to the River Feale at the rear of the site. I have carried out an Appropriate Assessment and determined that in the event of a grant, that subject to the implementation of mitigation measures, the proposed development would not likely result in a significant effect on this European Site.</p>

	<p>A NIS has been submitted with the application documentation and has been considered within Appendix 3 and 4 of this assessment.</p> <p>The appeal site is located outside of Flood Zones as per the development plan. No archaeological recorded monuments in proximity of the site.</p> <p>The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. The site is served by a local urban road network and a national road.</p> <p>The site is situated on zoned serviced lands within the development boundary of Abbeyfeale town and is at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the Limerick Development Plan 2022-2028 and Abbeyfeale LAP 2023-2029.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Having regard to the type and characteristics of the proposed development which would be consistent with the existing urban environment, I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA – Not required

<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	
<p>There is a real likelihood of significant effects on the environment.</p>	

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3 – Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Case File: PL-500031-LK				
Brief description of project	Normal Planning Appeal			
Brief description of development site characteristics and potential impact mechanisms	Demolition of existing structures and the construction of discount food store 2,258 m ² and associated site works and all associated site works.			
Screening report	Yes (Altamar) Limerick City & County Council screened out the need for AA.			
Natura Impact Statement	Yes (Altamar)			
Relevant submissions	Dept. Housing, Local Government & Heritage notes the following: <ul style="list-style-type: none"> • All mitigation measures outlined in the AA screening being fully implement, with specific reference to watercourses and runoff arising from the proposed development, to prevent run off and siltation occurring to the River Feale down gradient of the site. • Perimeter fencing to provide adequate spaces for mammals to pass free under the fence (otter, badger, foxes, hedgehogs etc). 			
Step 2. Identification of relevant European Sites using Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lower River Shannon SAC (002165)	<ul style="list-style-type: none"> • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] 	Approx. 22 m	Direct and Indirect Connections <ul style="list-style-type: none"> • Proximity to water body River Feale via direct hydrological pathway 	Y

	<ul style="list-style-type: none"> • 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 (Glauco-Puccinellietalia maritimae) [1330] • Mediterranean salt meadows (Juncetalia 46aritime) [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 		<p>during construction and operational stage via Surface water outfall</p>	
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	<p>(Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <ul style="list-style-type: none"> • 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>Conservation Objectives</p>			
Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161)	<ul style="list-style-type: none"> • Hen Harrier (Circus cyaneus) [A082] • Conservation Objective 	Approx. 3.14 km	No direct connection Indirect connection – proximity	N
Moanveanlagh Bog SAC (002351)	<ul style="list-style-type: none"> • Active raised bogs [7110] • Degraded raised bogs still capable of natural 	Approx. 10 km	No direct connection or Indirect connection	N

	regeneration [7120] <ul style="list-style-type: none"> Depressions on peat substrates of the Rhynchosporion [7150] Conservation Objectives			
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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
 3 if no connections: N

Further Commentary / Discussion

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

It is stated in the AA Screening report provided with the application that the existing surface water drainage network which service the site ultimately discharges to the River Feale. There is a hydrological pathway from the appeal site by the discharge of surface water from hardstanding areas and roof runoff within the site which is currently directed to an existing storm sewer that runs along the front of the site adjacent to the N21. I note that this ultimately discharges surface water to the River Feale at the rear of the site. As such, in the absence of mitigation, there is potential for silt or contaminated surface water runoff to enter the existing onsite drainage system and the proposed new drainage system and cause downstream impacts on the SAC.

At operational stage, it is proposed to discharge surface water to an upgraded storm drainage system that will collect runoff by channel drains and precast concrete gullies, will pass through a petrol interceptor before discharge to the existing stormwater network on the N21. As such there is an indirect hydrological pathway to the SAC via surface water drainage during operation. The mitigation measures are required to prevent silt or contaminated surface water drainage entering this network and causing significant downstream impacts.

AA Screening Matrix

Site Name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
Site	Impacts	Effects
Lower River Shannon SAC (002165)	Direct:	Surface Water In the absence of control or mitigation measures, potential

<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>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritima</i>) [1410] • Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] • <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] 	<p>There could be potential to cause downstream impacts on the SAC.</p> <p>Emissions to water due to the proximity of the appeal site to the SAC via Abbeyfeale River which is located at rear of site. Arising from construction phase, there is a risk of negative impacts on surface water/water quality including increased sedimentation and construction related pollution including spillages entering the watercourse due to proximity of the River Feale to the site. The AA Screening submitted by applicant identifies impacts arising from onsite foul wastewater facilities during construction stage.</p> <p>At operational stage, there is a risk of emissions from surface water pollutants via surface water drainage collected from roofs, hardstanding areas. There is potential for airborne dust (demolition works) and light disturbance.</p> <p>Indirect: Surface water contaminants Potential for airborne dust (demolition works), e.g. silt, onsite foul sewer emissions and contaminants reaching the SAC via the Abbeyfeale River.</p>	<p>effects arising from surface water drainage borne pollutants e.g. silt, dust, pollution and runoff during construction and operational stage entering the SAC resulting in potential damage to the qualifying interests species dependent on water quality, and impact of sufficient magnitude could undermine the sites conservations objectives.</p> <p>Disturbance (Ex-situ effect) No otter holts were recorded during site surveys, but potential exists for otters to be present.</p> <p>There is potential for disturbances to occur on otters during the construction stage, and operational phase of the development. Mitigation measures would be required to lessen impacts i.e. via noise, vibration, lighting.</p>
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<ul style="list-style-type: none"> • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] • <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] • <i>Petromyzon marinus</i> (Sea Lamprey) [1095] • <i>Lampetra planeri</i> (Brook Lamprey) [1096] • <i>Lampetra fluviatilis</i> (River Lamprey) [1099] • <i>Salmo salar</i> (Salmon) [1106] • <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349] • <i>Lutra lutra</i> (Otter) [1355] 		
	Likelihood of significant effects from the proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	

Further Commentary / discussion

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

It is not possible to exclude the possibility that the proposed development alone would result in significant effects on the Lower River Shannon SAC (Site Code 002165) from impacts associated with surface water drainage.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

Proceed to AA.

Screening Determination

Significant effects cannot be excluded

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 it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on the Lower River Shannon SAC (Site Code 002165) in view of these sites conservations objectives. Appropriate Assessment is required.

Appendix 4 – AA and AA Determination

Appropriate Assessment

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.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of a discount retail food store supermarket with ancillary off-licence and all other associated site works in view of the relevant conservation objectives of the Lower River Shannon SAC (Site Code 002165) based on scientific information provided by the applicant.

The information relied upon includes the following:

Stage 1 Screening for Appropriate Assessment prepared by Altemar

Natura Impact Statement prepared by Altemar

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.

Submissions/observations

Dept. Housing, Local Government & Heritage

- All mitigation measures outlined in the AA screening being fully implement, with specific reference to watercourses and runoff arising from the proposed development, to prevent run off and siltation occurring to the River Feale down gradient of the site.
- Perimeter fencing to provide adequate spaces for mammals to pass free under the fence (otter, badger, foxes, hedgehogs etc).

Lower River Shannon SAC (Site Code 002165):

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

[examples]

- (i) **Water quality degradation (construction and operation)**

Refer to Table 5 in NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted) A full list of conservation objectives, targets and attributes is available on the following link: Conservation Objectives Lower River Shannon SAC (002165)	Potential adverse effects	Mitigation measures (summary)
Sandbanks which are slightly covered by sea water all the time [1110]	To maintain the favourable conservation condition of Sandbanks which are slightly covered by sea water all the time	Potential impact due to a potential deterioration in water quality during construction.	Mitigation measures outlined in NIS Table 6 will be carried out to ensure that no significant silt or pollution enters watercourses or is allowed to travel downstream of the proposed

			works from the construction or operation phases of the proposed project and create localised pollution.
Estuaries [1130]	To maintain the favourable conservation condition	Potential impact due to a potential deterioration in water quality during construction.	<u>Construction Phase measures include:</u> <ul style="list-style-type: none"> • Best practice pollution control measures that include inter alia for silt traps, fuel storage in bunded area, stockpiling of loose material to be kept a minimum of 20 m from drains and the River Feale • Application of industry standard controls to address air and dust, noise and vibration, light emissions. • Comprehensive Construction Environmental Management Plan (CEMP) • Local waterbodies (incl. onsite drainage ditch) and drains will be protected from dust, silt and surface water throughout the works through silt traps and other measures • Supervision by project ecologist.
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide	Potential impact due to a potential deterioration in water quality during construction.	
Coastal lagoons [1150]	To restore the favourable conservation condition of Coastal lagoons	Potential impact due to a potential deterioration in water quality during construction.	
Large shallow inlets and bays [1160]	To maintain the favourable conservation condition of Large shallow inlets and bays	Potential impact due to a potential deterioration in water	

		quality during construction.
Reefs [1170]	To maintain the favourable conservation condition of Reefs	Potential impact due to a potential deterioration in water quality during construction.
Perennial vegetation of stony banks [1220]	To maintain the favourable conservation condition of Perennial vegetation of stony banks	Potential impact due to a potential deterioration in water quality during construction.
Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	To maintain the favourable conservation condition of Vegetated sea cliffs	Potential impact due to a potential deterioration in water quality during construction.
Salicornia and other annuals colonising mud and sand [1310]	To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand	Potential impact due to a potential deterioration in water quality during construction.
Atlantic salt meadows (Glaucopuccinellietalia)	To restore the favourable conservation condition of Atlantic salt meadows (Glaucopuccinellietalia)	Potential impact due to a potential deterioration in water

Operational Phase:

- A project ecologist will be appointed to inspect the bypass separators on site post construction.
- Bypass will be inspected by every 6 months to ensure oil levels are maintained at low levels.
- Bypass separators will be monitored and maintained in accordance with the installed product's service specifications.
- A post construction light spill assessment will be carried out to ensure compliance with the lighting plan.

Puccinellietalia maritimae) [1330]		quality during construction.
Mediterranean salt meadows (Juncetalia maritimi) [1410]	To restore the favourable conservation condition of Mediterranean salt meadows (Juncetalia maritimi)	Potential impact due to a potential deterioration in water quality during construction.
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]	To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation	Potential impact due to a potential deterioration in water quality during construction.
Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]	To maintain the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt laden soils (Molinion caeruleae)	Potential impact due to a potential deterioration in water quality during construction.
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	To restore the favourable conservation condition of Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)	Potential impact due to a potential deterioration in water quality during construction.

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	To restore the favourable conservation condition of Freshwater Pearl Mussel	Potential impact due to a potential deterioration in water quality during construction.
Petromyzon marinus (Sea Lamprey) [1095]	To restore the favourable conservation condition of Sea Lamprey	Potential impact due to a potential deterioration in water quality during construction.
Lampetra planeri (Brook Lamprey) [1096]	To maintain the favourable conservation condition of Brook Lamprey	Potential impact due to a potential deterioration in water quality during construction.
Lampetra fluviatilis (River Lamprey) [1099]	To maintain the favourable conservation condition	Potential impact due to a potential deterioration in water quality during construction.
Salmo salar (Salmon) [1106]	To restore the favourable conservation condition of Salmon	Potential impact due to a potential deterioration in water quality during construction.
Tursiops truncatus (Common	To maintain the favourable conservation condition of Bottlenose Dolphin	Potential impact due to a potential deterioration in water

Bottlenose Dolphin) [1349]		quality during construction.
Lutra lutra (Otter) [1355]	To restore the favourable conservation condition of Otter	Potential impact due to a potential deterioration in water quality during construction, noise and vibration, light overspill during construction and operational stages.

Assessment of issues that could give rise to adverse effects in view of conservation objectives

(i) Water quality degradation

In the absence of mitigation measures, contaminated groundwater / surface water runoff on site during construction or operational phases, may lead to silt or contaminated materials and other water pollutants travelling downstream to the Lower River Shannon SAC. Concrete, silt or pollutants would enter the River Feale via the storm water drainage system existing on site which discharges to the River Feal at the rear of the site via a drain from the storm sewer along the N21. Also, the use of plant and machinery as well as the construction and demolition waste and associated temporary storage of construction materials, oils, fuels, chemicals and onsite foul pollutants could lead to pollution on site or in the adjacent watercourse. The storage of topsoil, construction materials, or concrete mix on site could lead to dust, soil or silt laden runoff entering the surface water drainage network thus entering the adjacent watercourse.

Given the nature of the works, all of these effects would be expected to be localised in nature restricted to the immediate vicinity of the site. However, out of an abundance of caution, without the presence of mitigation measures there is a potential for downstream effects if significant quantities of pollution or silt were introduced into the watercourse or allowed to travel downstream.

There is potential for significant effects from the works on the above listed qualifying Interests in the absence of mitigation measures. This would include the contamination of watercourses which could directly or indirectly impact on the species listed above.

Ex-Situ Habitat:

Otters (*Lutra lutra*) are a QI of the Lower River Shannon SAC, and utilise the Shannon watercourse network for foraging, commuting and resting and are protected under Annex II and IV of the Habitats Directive Assessment. Female otters can have territories of 7.5 ± 1.5 km in length and male otters 13.2 ± 5.3 km with a high degree of variability. There is potential for otters to be proximate to the subject site during construction and operation phases. No otter holts were recorded during site surveys but potential exists for otters to be present. Therefore mitigation measures are required to prevent noise, vibration and pollution impacts on otter species protected by the SAC.

Mitigation measures and conditions

The mitigation measures outlined in Table 6 of the NIS will be carried out to ensure that no significant silt or pollution enters watercourses or is allowed to travel downstream of the proposed works from the construction or operation phases of the proposed project and create localised pollution. I note that a petrol interceptor is also required to be fitted before surface water is discharged to the foul sewer along the public road. They will also ensure that air and dust, noise and vibration and lighting overspill at both construction and operational phases will be controlled and managed.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS (Section 4.8). The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures that the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European site considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary and localised in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related

pollutants. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

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 (Site Code 002165). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Shannon SAC (Site Code 002165) in view of the conservation objectives of the site and that Appropriate Assessment under the provisions of S177U was required.

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 (Site Code 002165) 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 and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring.
- Application of planning conditions to ensure application of these measures.

- The proposed development will not affect the attainment of conservation objectives or prevent or delay the restoration of favourable conservation condition for the Lower River Shannon SAC (Site Code 002165).

Appendix 5 – WFD Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-500031-LK	Townland, address	Sheehy's Hardware Store, Killarney Road, Abbeyfeale, Co. Limerick
Description of project		Construction of a discount food store supermarket with ancillary off-licence and all other associated site works.	
Brief site description, relevant to WFD Screening,		The site has a stated area of 1.15 ha and is located on a brownfield site at the western end of the settlement boundary of Abbeyfeale town. The existing site comprises of a hardware store and ancillary warehousing storage buildings. The ground levels on site fall from the N21 to the north in the direction of the River Feale. There is a wastewater treatment plant to the rear of the site. The site is approx. 1.0 km to the southwest of Abbeyfeale town centre. The immediate area is characterised generally by residential development and the adjoining lands to the north is a greenfield site currently in agricultural use.	
Proposed surface water details		Proposed SuDS and connection to mains.	
Proposed water supply source & available capacity		Proposed connection to mains.	

Proposed wastewater treatment system & available capacity, other issues		Proposed connection to mains sewer. Pre-connection enquiry response from Úisce Éireann indicates capacity within the existing wastewater treatment plant without infrastructural upgrades.				
Others?		None.				
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 e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River	Approx. 22 m to west of site	FEALE_050 EU_CD IE_SH_23F0103 10	Good	Not at risk	None	Potential for surface water drainage via storm drain
Groundwater Waterbody	Underlying site	Abbeyfeale IE_SH_G_001	Good	Not at risk	None	Surface water run-off to groundwater

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/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Site clearance /construction	FEALE_050	Hydrological pathway via existing storm drain along N21	Water Pollution by siltation and/or hydrocarbon, chemicals spillage	Standard best construction; Construction, demolition and environmental management plan (condition)	No	Screened out
2.	Site clearance /construction	Abbeyfeale IE_SH_G_001	Drainage through soil/bedrock	Hydrocarbon and other spillages	Standard best construction; Construction, demolition and environmental	No	Screened out

					management plan (condition)		
OPERATIONAL PHASE							
3.	Surface	FEALE_050	Storm Drain	Surface water run-off	Drainage collection and disposal measures (silt collector / petrol bypass, SUDS measures to collect clean storm water and discharge to SW main drain)	No	Screened out
4.	Groundwater	Abbeyfeale IE_SH_G_001	None	Surface water run-off to groundwater	Drainage collection and disposal measures (silt collector / petrol bypass, SUDS measures to collect clean	No	Screened out

					storm water and discharge to SW main drain).		
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A

