



An
Coimisiún
Pleanála

Inspector's Report PL-500103-LK

Development	Retention of car park and car wash with all associated site works
Location	Ballycummin, Raheen, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2560800
Applicant(s)	Brian Geary Car Sales Ltd.
Type of Application	Retention
Planning Authority Decision	Grant Retention
Type of Appeal	Third Party
Appellant(s)	Tom Ryan
Observer(s)	None
Date of Site Inspection	16 th December 2025
Inspector	Clare Clancy

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1.0 Site Location and Description

- 1.1. The appeal site is located in the suburban area of Ballycummin, Raheen, at the southwestern periphery of Limerick city, approx. 5.0 km from the city centre. The subject site comprises of a Toyota dealership. It fronts onto the R526 with access to same via an existing access road which serves both the garage dealership and the adjoining Co-op Superstores by providing access onto the adjoining R526. The site is located within the 60 km/hr speed zone and the public road is served by footpaths and cycle lane infrastructure.
- 1.2. The appeal site comprises of a main car sales/servicing building at the front of the site and 4 no. sheds/workshops at the rear of the site. There is car parking along the front and lateral boundaries of the site and in the centre of the site. The hardstanding car parking area which is the subject of the appeal is located at the southeastern boundary of the site, to the rear of the 4 no. sheds the subject of retention.
- 1.3. The front boundary of the site is defined by a block wall with steel fencing mounted on top. The site is bounded to the northeast by the access road and the adjoining Co-op Superstore. A parcel of land adjoining the south western and south eastern boundaries of the site (within the blue line) separates the appeal site from the southeast. The southwestern boundary of the site is bounded by an undeveloped strip of land and a topsoil berm embankment defines the southeastern boundary of the hardstanding area. Further to the south, southwest and northeast of the site, Raheen Business Park occupies the lands between the R526 and the M20.

2.0 Proposed Development

- 2.1. Retention permission is sought for a new vehicle parking area c. 0.1394 ha accommodating 42 no. car parking spaces to the rear (south) of the existing car park, and 4 no. shed structures accommodating valet, car wash, car turntable facilities.
- 2.2. Permission for the completion of the vehicle parking area, including site lighting and ancillary site works.

From the planning application details, the following is noted:

- Area of site to which application relates – 0.991 ha.

- Gross floor area of work to be retained – 429 m²
- Justification for the new vehicle parking area is reserved for approved used stock vehicles. No expansion in staff or customer car parking spaces on site.
- The foul network on site connects to an existing IDA owned foul pumping station which connects to the existing Uisce Éireann wastewater network located at the Raheen roundabout.

2.3. The following reports are submitted in support of the application:

- Statement of Screening for Appropriate Assessment (Whitehill Environmental)
- Engineering Planning Report (Punch Consulting Engineers)
- Lighting Report and details of lighting fixtures (Woods PS)

3.0 Planning Authority Decision

3.1. Decision

By Order dated 06th October 2025, Limerick City and County Council decided to grant retention permission for the proposed development subject to 9 conditions. The following conditions are of note:

- Condition 3 – Pre-development condition requiring the submission of details related to delineating internal circulation routes.
- Condition 4 – Confirmation lighting has been installed in accordance with approved plans.
- Condition 5 – Pre-development condition regarding surface water/SuDS maintenance plan and Stage 2 Detailed Design Storm Water Audit and Stage 3 Completion Storm Water Audit to be submitted.
- Condition 8 – Pre-development conditioning required the submission of a revised Construction Management and Delivery Plan.
- Condition 9 – Pre-development condition requiring details of boundary treatments.

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:

- The planning authority (PA) determined that the application comprised of two elements, retention of ancillary surface car parking and retention of four sheds, which were considered to be ancillary to the use of the overall site as a car dealership.
- The new parking area for retention did not increase staff or customer car parking. The Roads Department did not object to the proposed development, subject to conditions.
- Noted the Engineering Planning Report (Punch) which sets out the proposed drainage system for the overall site using Sustainable Drainage Systems (SuDS), and infiltration testing carried out and proposed pollution mitigation measures was acceptable. Certification of the system's construction and performance will be required by condition.
- In regard to the 4 no. sheds, noted that the car wash operated on site since 2003 as per the previous permission. The roof the subject of retention was added in 2017.
- Run-off from the carwash will discharge to the foul sewer network which is separate to the stormwater system, and that no changes are proposed to foul or watermains infrastructure. There will be no increase in water demand.
- Site is located in Flood Zone C. The OPW flood maps and CFRAM data have no historical recording of flooding in the area. The proposed drainage system is designed to accommodate extreme rainfall events and have adequate capacity for attenuation and infiltration.
- Concluded that appropriate assessment was not required as there are no pathway-sources-receptors, the site does not encroach directly on a European site, and significant effects on the conservation status of any European site was unlikely.

- In relation to EIA, it was concluded that a screening determination was not required.

3.2.2. Other Technical Reports

- Roads Department – No objection subject to conditions in relation to road marking lines within the site, confirmation that lighting is installed to approved design, and conditions related to surface water and SuDS management for the site and construction management.

3.3. Prescribed Bodies

- Gas Networks Ireland – No objective raised.

3.4. Third Party Observations

One third party observation was made by Tom Ryan. The issues raised are similar to those raised in the grounds of appeal.

4.0 Planning History

Appeal Site

- P.A. Ref. 01/1768, ACP Ref. PL13.130051 – Permission granted for the construction of a new car showroom / retail and workshop unit (10th October 2002).
- P.A. Ref. 02/954 – Permission granted for the construction of foul and storm water, sewer extensions to the existing sewer system for two new sites (02nd October 2002).
- P.A. Ref. 03/1011 – Permission granted to erect advertising signage (04th September 2003).

5.0 Policy Context

5.1. Limerick Development Plan 2022-2028 (as varied)

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

- Objective EH O15 Ground Water, Surface Water Protection and River Basin Management Plans

This objective relates to the protection of ground and surface water resources taking account of the requirement of the Waster Framework Directive, implementing the provisions of the *River Basin Management Plan 2022-2028, the Limerick Groundwater Protection Plan*.

➤ **Chapter: 8 Infrastructure**

- Objective IN O12 Surface Water and SuDS

In summary, it is an objective to reduce water pollution, protect surface waters and prevent flooding by ensuring separation of foul and surface water discharges, maintaining and improving drainage infrastructure, promoting and requiring SuDS and Nature Based Solutions, and encouraging green roofs. In particular, the following is noted:

f) Address the issue of disposal of surface water generated by existing development in the area, through improvements to surface water infrastructure, including for example attenuation ponds, the application of sustainable urban drainage techniques, or by minimising the amount of hard surfaced areas, or providing porous surfaces as the opportunity arises.

h) Require all planning applications to include surface-water design calculations to establish the suitability of drainage between the site and the outfall point and require all new developments to include SuDS, to control surface water outfall and protect water quality in accordance with the requirements of Chapter 11: Development Management Standards of the Plan.

➤ **Chapter 11: Development Management Standards**

- Section 11.3.11 SuDS (Sustainable Drainage Systems)

In summary, the following is noted:

- Previously developed sites which are being redeveloped should aim to achieve greenfield run off rates.
- Storm Water Management Plans should have regard to Department of the Environment, Heritage and Local Government The Planning System and Flood

Risk Management (Nov 2009 – Guidelines for Planning Authorities); CIRIA Manual C753 – The SuDS Manual (2015); Greater Dublin Strategic Drainage Study - GDSDS (2005) and current best practise.

- A list of criteria will be considered in assessing proposals for surface water and SuDS schemes as part of planning applications.

➤ **Chapter: 12 Land Use Zoning Strategy**

- Land Use Zoning

Zoning – Retail Warehousing.

Objective: To provide for retail warehouse development.

Purpose: To facilitate the sale of bulky household goods such as carpets, furniture, electrical goods and bulky DIY items catering mainly for car-based customers, in high quality and accessible locations subject to the requirements of the Retail Planning Guidelines and the Retail Strategy for Limerick Shannon Metropolitan Area and County Limerick.

5.2. **Natural Heritage Designations**

The nearest sites are the following:

- pNHA: 000438 - Loughmore Common Turlough – approx. 313 m to the west.
- SAC: 002165 - Lower River Shannon SAC – approx. 2.36 km to the north, and approx. 6.73 km to the west.
- SPA: 004077 - River Shannon and River Fergus Estuaries SPA – approx. 3.29 km to the north and approx. 6.73 km to the west.
- pNHA: 000435 - Inner Shannon Estuary - South Shore – approx. 2.21 km to the north.
- SAC: 000439 - Tory Hill – approx. 8.5 km to the south.
- SAC: 002279 - Askeaton Fen Complex – approx. 11.7 km to the west.
- SAC: 000174 - Curraghchase Woods – approx 13.3 km to the west.

6.0 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.

7.0 The Appeal

7.1. Grounds of Appeal

One third party appeal from Tom Ryan was received against the PA's decision to grant permission, which may be summarised as follows:

- The appellant owns farm land where the Barnakyle stream enters the Barnakyle river through the lands. The watercourse is the outfall for storm water arising from the northern portion of the Raheen Industrial Estate and the Barnakyle river receives storm water from the southern end of the Raheen Industrial Estate.
- The subject application discharges storm water to the Loughmore Canal. It is a polluted watercourse and discharges to Barnakyle stream and river. These watercourses are part of the Maigne Estuary.
- There is a contractual agreement between the local authority and landowners in relation to the Loughmore Canal which have not been complied with.
- Livestock acquire unexplained illnesses and it is submitted that polluted waters flooding the grazing farmlands is responsible.
- The appeal site is over karst features and the development will have contaminated groundwater during construction.
- The Planning Authorities Appropriate Assessment screening determination is a false statement on the basis that the Loughmore Canal is constructed on a turlough and is hydrologically connected to the Shannon SAC. Turloughs are

protected under EU law. The planning authority failed to carry out a screening considering the turlough.

Flooding

- Concerns were raised regarding the capacity of the outfall in 1999 by the council's environmental staff and raised concerns regarding lands flooding that had not previously flooded. Despite this, planning applications were granted without control measures or proper flood risk assessments.
- The Shannon CFRAMS incorrectly assessed the Barnakyle river and consequently flooding occurred on farmlands.
- There is an ongoing investigation regarding discharges to storm water.
- The existing main foul and storm drainage system are in operation since the base of the Raheen Industrial Estate was built. Expansion and multiple connections resulted in misconnections in the foul and storm water network which Limerick City and County Council have acknowledged. This was proven by discharges in the storm water outfalls and by CCTV survey which showed discharges which were not storm water.
- It was requested that the council could consider the unique ground conditions associated with the turlough in Loughmore and the karst limestone in the area.
- The applicant has damaged the aquifer with disregard for planning laws.
- The Loughmore Canal does not have the capacity to support the current level of development.
- The council have allowed unauthorised development to continue.

Note to Commission:

The third party grounds of appeal refers to water testing carried out and a report prepared by Tetra Tech July 2025 appended to the appeal submission, however no such reports are included with the appeal submission.

7.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

Grounds of appeal no. 1

- The grounds of appeal implies without foundation that the proposed development is exacerbating an existing issue. No report or sampling results are provided.
- The proposed development does not increase surface water generated from the site.
- The proposed development includes for management attenuation and treatment of existing surface water and discharge by infiltration to grounds within the curtilage of the site through porous asphalt surface material, perimeter drain and bioretention areas for the express purpose of managing surface water. This relates to the new hard surface parking area and the 4 no. structures. The engineering planning report provided with the application (PUNCH Consulting Engineers) shows that this arrangement will effectively remove pollutants from surface water run off prior to infiltrating groundwater and with no exception of discharge to the public sewer network which was established under the parent permission ACP. Ref. PL13.130051.
- Car wash water will discharge separately to the foul sewer network.
- The reference to a contractual agreement between the local authority and the landowners regarding the Loughmore Canal does not have a material effect on the proposed development and does not form any material consideration in the assessment of the application.

Grounds of appeal no. 2

- The PA carried out an Appropriate Assessment (AA) screening of the proposed development which included for an assessment of European sites within the Zone of influence of the appeal site, in this case the Lower River Shannon SAC and River Fergus Estuaries SPA were examined.
- The Loughmore Common Turlough is identified as a proposed Natural Heritage Area (pNHA) and not a European designated site and therefore does not fall within the scope of the AA process.
- The AA Screening Assessment Report provided with the application acknowledged the wider hydrological regime of the area including the Loughmore Canal which is located approx. 198 m northwest of the site. The AA screening

report concluded that significant effects on any European site could be excluded and no further assessment was warranted. This was founded in the absence of any direct surface water hydrological linkages between the appeal site and the Lower River Shannon SAC. This conclusion is consistent with the determination of the PA in its AA screening determination.

- Filtered surface water from site operations is being discharged into the public surface water system which discharges to the Loughmore Canal c. 9 km up stream of the SAC.
- It is unlikely that significant effects arising from the construction of the structures on site, as there are no watercourses on the site that could have mobilised pollutants to the SAC.
- Surface water management measures were provided in the context of managing the retention and control of the flow of surface water to existing drainage systems. These measures are a response to best engineering practice appropriate to the characteristics of the subject development and development management standards to manage surface water runoff and are not mitigation measures to protect water quality downstream as a response to an issue raised in the AA screening.
- Surface water from the proposed development passes through the existing canal system before ultimately reaching the Loughmore Commons pNHA. The drainage design incorporates bioretention features and on site attenuation replicating Greenfield runoff rates. As a result it is not expected that the development would alter the hydrological or water quality regime of the turlough.

Grounds of Appeal 3

- The issues raised relate to outfall capacity, the Raheen Industrial Estate and flooding of the appellant's lands. No evidence is provided of a circumstantial link between the issues raised and the appeal site and the proposed development.

Grounds of Appeal 4

- The submission by the appellant that the applicant has damaged the aquifer is unfounded. The issues raised in regard to the main foul and storm pipes of the Raheen Industrial Estate and the ongoing investigations in relation to same are,

and the appellant makes no connection between the alleged effects to the aquifer by the subject development.

- The applicant is satisfied that the proposed potable, foul and surface water arrangements as detailed in the planning application reports, substantiate the sufficiency and suitability of the drainage system to support the proposed development, and will enhance the surface water regime of the existing operation.

Other Relevant Cases

- The appellant has lodged or has been party to other appeals that are comparable in nature to this appeal, and in some cases identical, against a range of other development proposals within and adjacent to the nearby Raheen Business Park. The appeals have consistently related to alleged impacts arising from the original development of the business park particularly in relation to stormwater discharge and flooding. It should be noted that the Commission has upheld the decisions of Limerick City and County Council and granted permission, notwithstanding the repetition of the same or similar grounds of appeal. Relevant Commission references include 318396-23, 316282-23, 314693-22, 314692-22.
- 316282-23 and 3183396-23 are two of the more recent decisions relating to developments within or adjoining the Raheen Business Park. It was concluded by the Commission that the proposed discharges to the existing foul and surface water systems would not result in deterioration of the water quality or impede the achievement of 'good status' Water Framework objectives in the adjacent waterbodies Loughmore Canal and the Barnakyle Stream/River, or give rise to a material increase in flooding.
- The applicant acknowledges the concerns raised in the appeal, but observes that these issues have been comprehensively assessed in previous comparable cases.
- Decisions of the Commission have taken into account detailed site specific surface water management proposals and technical analysis which demonstrated compliance with best practices such as Sustainable Urban Drainage Systems.
- The proposed development does not intend to increase discharge of surface water from the site.

7.3. **Planning Authority Response**

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

7.4. **Observations**

None.

8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Surface Water Disposal
- Flood Risk
- Other Matters

8.2. **Principle of Development**

8.2.1. The appeal site comprises of an established commercial car dealership on lands zoned 'Retail Warehousing' under the Limerick City and County Development Plan 2022-2028 (as varied). The Zoning Matrix is contained in Chapter 12 of the development plan. Having regard to same, I note that the use of a 'vehicle sales outlet' is a generally permitted use on lands zoned for Retail Warehousing, and that the use of a car park is also permissible on such lands, subject to it being ancillary to the primary use of the site. Having regard to the existing established use of the site, I consider that the development for which retention is being sought would be acceptable having regard to the nature and use of the site which is ancillary to the established main use of the site as a commercial car dealership, subject to compliance with all

relevant planning criteria. The substantive issues under consideration are surface water disposal and flood risk.

8.3. Surface Water Drainage

- 8.3.1. The substantive issues raised in the grounds of appeal relates to the impact on water quality arising from the discharge of surface water from the development on the Loughmore Canal. The appellant contends that the subject development discharges to the Loughmore Canal which is hydrologically connected to the Barnakyle River. The appellant has also highlighted ongoing issues with water quality of the Loughmore Canal stating that the water course has not been maintained and is polluted, including the Barnakyle stream and Barnakyle river.
- 8.3.2. The area of the site which is the subject of the appeal is located to the rear (southeast). I note that the existing car wash has operated at the site since 2003 which the PA in its assessment has confirmed. I noted at time of site inspection that the hardstanding area comprised of a gravel surface.
- 8.3.3. From a review of the file details and the Engineering Planning Report (Punch) submitted with the application I note that surface water generated by the subject development is piped to a public foul water drainage system and is also contained within the site.
- 8.3.4. The existing stormwater drainage within the overall site comprises of drains, a surface water pipeline inside the roadside boundary of the site, and a manhole connecting the drainage pipelines to same, and conveying runoff across the main road (R526) and discharging to Loughmore Common located to the north of the site (Figure 2-1 Engineering Planning Report).
- 8.3.5. In regard to the proposed stormwater drainage to facilitate the subject development, I note that it is proposed to manage all surface water generated from the hardstanding area by infiltration and discharge to groundwater within the curtilage of the site. This will be managed by infiltration to groundwater via Sustainable Urban Drainage Systems (SuDS). I note from the file details that infiltration testing was carried out on the site in 2020 in accordance with BRE Digest 365 – Soakaways (BRE, 2007) and CIRIA C753 (The SuDS Manual 2015) and based on those results, the proposed surface water drainage system for the site was designed in accordance with the

Department of Environment and Local Government's guidance document "Recommendations for Site Development Works for Housing Areas", "Greater Dublin Strategic Drainage Study", (GDSDS) and the Limerick Development Plan 2022-2028 drainage requirements. This would be consistent with Section 11.3.11 of the development plan which sets out the requirements of how surface water should be addressed.

8.3.6. Following this, the SuDS design proposes a porous asphalt to the car parking area with a fin drain around the car parking perimeter, the incorporation of permeable paving, bio retention areas and grasscrete in the corners of the site, all which will reduce the volume of run-off and provide to greenfield run-off rates. I note that the SuDS measures are designed to accommodate a 1 in 100-year storm event plus a 30% climate change allowance. These parameters are consistent with the criteria outlined Section 11.3.11 of the development. The report addresses pollution mitigation measures to ensure appropriate levels of treatment before run-off from the site is infiltrated to the ground. It is discussed in Section 2.3 of the Engineering Planning Report how the proposed SuDS measures will address pollution hazards, and the results as set out in Table 2.3 of the report demonstrate that the proposed porous asphalt and bio retention areas will effectively remove pollutants from runoff from the car parking area, prior to infiltrating to groundwater.

8.3.7. In relation to surface water runoff from the car wash facility, I note from Section 3.1 of the Engineering Planning Report that it discharges to the public foul sewer network. There is an existing foul pump station within the site and wayleaves are identified along the southwestern boundary and at the southern side of the R526 within the overall site. I note that these wayleaves relate to an existing wayleave agreement between the applicant and the IDA for the foul rising main line exiting the pumping station through the development site. The foul rising main connects to the existing Uisce Éireann wastewater network situated approx. 430 m from the site at the Raheen roundabout via the R526 north-eastwards in the direction of the city. As no alterations are proposed in relation to the existing car wash facility other than the retention of the car wash structure itself, I am satisfied there is no additional impact on the existing foul drainage arising from the site. Given the existing connection to the public foul drain, I consider that surface water arising from the car wash facility is appropriately managed.

- 8.3.8. The PA have not raised any concern regarding the proposals outlined. I note however condition 5 of the grant which is a pre-development condition requiring the submission of a maintenance plan for surface water / SuDS system, a Stage 2 Detailed Design Storm Water Audit, certification that the surface water / SuDs system was constructed in accordance with the approved design, and a Stage 3 Completion Storm Water Audit to demonstrate that SuDS measures and the surface water systems are installed and functioning as designed.
- 8.3.9. Having regard to the foregoing assessment and to all of the information on the file, I am satisfied that the applicant has demonstrated that the site can appropriately discharge surface water arising from the hardstanding area to groundwater by way of SuDS measures, and has proposed suitable site-specific measures that mitigate the impact of drainage arising from the proposed development. I therefore consider that the development the subject of retention is consistent with the provisions of Objective IN O12 of the development plan and that the measures proposed to manage surface water run-off are satisfactory and are acceptable. In relation to condition no. 5 of the PA's decision, I concur with the PA in including this condition. I recommend that the Commission includes the condition or similar to ensure that the surface water management of the appeal site is being carried out in accordance with the requirements of the PA.

8.4. Flood Risk

- 8.4.1. The grounds of appeal has raised that flooding has occurred due to the expansion of the Raheen Industrial Estate.
- 8.4.2. I have reviewed the Strategic Flood Risk Assessment (SFRA) as contained in Volume 4 of the development plan and I note that the appeal site is not located within Flood Zone A or Flood Zone B (Figure 7-5 Southern Environs pg. 40-41). Flood Zone C relates to all lands otherwise outside of Flood Zone A and B which includes for the appeal site. As such, no site-specific flood risk assessment is required. The PA noted that the site is located in Flood Zone C and that the proposed drainage system is designed to accommodate extreme rainfall events and includes sufficient attenuation and infiltration capacity.

- 8.4.3. I note that Flood Zone C relates to less than a 0.1% AEP or 1 in 1000 chance of flooding. I note that the impact of climate change was considered in regard to the subject development which is addressed in the storm water drainage design parameters in Section 2.3 of the Engineering Planning Report. I have examined the relevant mapping including OPW flood maps <https://www.floodinfo.ie/> and CFRAMS and I note that the site is not located in a flood risk area or area prone to flooding. As such I consider that the use of the site is acceptable in this regard.
- 8.4.4. Regarding the matters raised by the appellant in relation to flooding occurring due to the wider expansion of the Raheen Industrial Estate, in this case, the wider issues raised are outside of the scope of the assessment of this appeal.

8.5. Other Matters

Water Pollution

- 8.5.1. The appellant has raised matters in regard to ongoing water pollution concerning the Loughmore Canal, the Barnakyle stream and river to which the Loughmore Canal conveys to, and the consequent impacts to water quality. An Environmental Report (Tetra Tech) was submitted by the third party in his submission to the planning application. I note that the report was commissioned by the appellant and is a desk study to assess the condition of water, sediment and soil within and in the immediate vicinity of the Barnkyle stream against baseline conditions to determine if any impacts occurred.
- 8.5.2. It is raised by the appellant that water being discharged from Raheen Industrial Estate to the Loughmore Canal by existing main foul and storm lines which have been in situ since the industrial estate was built have impacted on water quality. It is also the appellant's contention that the subject development within the appeal site discharges to the Loughmore Canal and has contaminated the groundwater during construction, although no detail is put forward to substantiate this.
- 8.5.3. Having regard to the totality of information on the file, I am satisfied that surface water generated by the subject development is piped to the public foul water drainage system and is contained within the site managed by the SuDS measures proposed as part of the proposed development which I have already addressed in Section 8.3 above. It is my view that the matters raised regarding wider water pollution issues

related to the Raheen Industrial Estate are outside of the scope of this appeal and my assessment of the proposed development is limited to the impacts associated with the subject development. Other matters raised regarding misconnections to the foul and storm water network within the industrial estate or unauthorised development are for the relevant enforcement authority to address and are not within the remit of the Commission. The Commission will also be aware of the judgement of *Ryan v An Bord Pleanála and Others [2025] IEHC 111 (February 2025)* which relates to a separate site within the Raheen Industrial Estate and to some of the matters referred to in the grounds of appeal.

Appropriate Assessment Screening

- 8.5.4. The appellant submits that the determination made by the PA in its Appropriate Assessment Screening is false in respect of the absence of a pathway-source-receptor to the identified water body Loughmore Canal. It is noted by the appellant that Loughmore Canal is built on a turlough and turloughs are recognised as a priority habitat by EU law.
- 8.5.5. I have carried out an Appropriate Assessment Screening of the subject development which is appended to this report. I note that the turlough referred to is a designated proposed Natural Heritage Area (pNHA). I acknowledge the point being made however for the purposes of AA Screening, pNHAs do not come within the scope of AA Screening as they are not designated European Sites. The conclusion of the AA Screening carried out in Appendix 3 of this report is made on the basis of the information provided with the application and appeal including the applicant's AA Screening Report and in view of the conservation objectives for the identified European sites.

Conditions

- 8.5.6. The PA has included a number of pre-development conditions that require the submission of details. In this regard the following is relevant:
- Condition 3 – This is a pre-development condition requiring the submission of details related to delineating internal circulation routes, right-of-way arrangements, road markings and signage. I note the Proposed Site Plan and the SuDS Layout drawing Ref. 251162-PUNCH-XX-XX-DR-C-0 submitted with the application which has provided details on the car parking layout including

circulation routes and designated parking. I do not consider that a pre-development condition is warranted having regard to the enclosed nature of the site, however I recommend the inclusion of a condition to require all road markings and signage within the site to be in accordance with IS EN 1436 European Standard for Road Markings and the Traffic Signs Manual.

- Condition 9 – This condition relates to boundary treatments. I noted at time of site inspection that the north-western boundary and the south-eastern (rear) boundaries of the site are undefined. An earth embankment defines the hardstanding area of the rear of the site. I consider the inclusion of a pre-development condition to address the boundary treatments of the site is appropriate in this case and in the interest of orderly development, having particular regard to the strip of undeveloped land bounding the proposed car parking area at the rear of the site and to the south-west.
- Condition 4 – This is a pre-development condition which requires confirmation that lighting has been installed in accordance with approved plans. I consider that a pre-development is not warranted in this case, but recommend the inclusion of a condition requiring external lighting associated with the car parking area to be carried out in accordance with the details as submitted.
- Condition 8 – This a pre-development condition requiring the submission of a revised Construction Management and Delivery Plan. I consider that such a condition is appropriate and warranted having regard to the sites' context in terms of environmental sensitivities.

Having regard to the foregoing, I recommend that the Commission includes these conditions or similar, to ensure that the development is carried out to the requirements of the PA, in the event of a grant.

9.0 Recommendation

I recommend that retention permission and permission for the completion of the works is granted.

10.0 AA Screening

10.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lower River Shannon SAC (002165) or River Shannon and River Fergus Estuaries SPA (004077) in view of the Conservation Objectives for the sites, and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Scientific information provided in the AA Screening report;
- The details contained in the Engineering Planning Report;
- The nature and scale of the proposed development on fully serviced lands and having regard to the site context;
- The distance from and weak indirect connection to the identified European Sites;
- Possible impacts identified would not be significant in terms of site-specific conservation objectives for the Lower River Shannon SAC site and River Fergus Estuaries SPA and would not undermine the maintenance of favourable conservation status;
- Taking into account the AA Screening determination by the PA.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

10.2. I conclude, on the basis of objective information, that the development to be retained and completed would not have a likely significant effect on any European site, either alone or in combination with other plans or projects.

10.3. Likely significant effects are excluded and therefore Appropriate Assessment under Section 177V of the Planning and Development Act 2000, as amended is not required.

11.0 WFD Screening

- 11.1. The appeal site is located within development boundary of Limerick City.
- 11.2. I have assessed the proposed development which comprises the retention and completion of a car park and structures and all associated site works. I note that the nearest water and ground water bodies are the following:
- BALLYNACLOGH_010 (IE_SH_24B040800)
 - Limerick City Southwest (IE_SH_G_141)
- 11.3. 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.
- 11.4. 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.

12.0 Reasons and Considerations

Having regard to the zoning objective of the site and to the established use of the site, the provisions of the Limerick Development Plan 2022-2028 (as varied), it is considered that the proposed development would be appropriate within the context of the sites' existing use, would not be prejudicial to public health, and would be consistent with Objective IN O12 of the development plan. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>The development shall be retained and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and service. Within three months of the date of this Order, the developer shall submit the following for the written agreement of the planning authority:</p> <ul style="list-style-type: none">(a) A maintenance plan for the Surface Water/SuDS system.(b) A Stage 2 – Detailed Design Stage Stormwater Audit.(c) Upon completion of the vehicle parking area, a Stage 3 – Completion Stormwater Audit to demonstrate that Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction.(d) Upon completion of the vehicle parking area, certification confirming that the surface water / Sustainable Urban Drainage System measures are constructed in accordance with the approved design. No use of the parking area shall commence until certification is agreed in writing with the planning authority. <p>Reason: In the interest of public health and proper planning and sustainable development of the area.</p>

3.	<p>Within three months of the date of this Order, a scheme indicating boundary treatments shall be submitted to and agreed in writing with the planning authority. This boundary treatment scheme shall provide proposals for the south-western and south-eastern boundaries of the proposed car parking area, as indicated on the 'Proposed Site Plan' Drawing No.: PA_1-03.</p> <p>Reason: In the interest of orderly development.</p>
4.	<p>(a) All foul sewage and soiled water shall be discharged to the public foul sewer.</p> <p>(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system or soakpits.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Public lighting shall be provided in accordance with the scheme provided.</p> <p>Reason: In the interest of amenity and public safety.</p>
6.	<p>A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.</p> <p>Reason: In the interest of environmental protection [residential amenities, public health and safety and environmental protection</p>
7.	<p>Site development and building works shall be carried out between the hours of 07:00 am to 7:00 pm Mondays to Fridays inclusive, between 08:00 am to 2:00 pm on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p>

	<p>Reason: To safeguard the amenity of property in the vicinity.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

Clare Clancy

17th February 2026

Appendix 1 – Form 1 EIA Pre-Screening

Case Reference	PL-500103-LK
Proposed Development Summary	Retention of car park, 4 no. work shops sheds, lighting and all associated site works
Development Address	Brain Geary Car Sales Ltd, Ballycummin, Raheen, 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</p> <p>(b) (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-500103-LK
Proposed Development Summary	Retention of car park, 4 no. work shops sheds, lighting and all associated site works
Development Address	Brain Geary Car Sales Ltd, Ballycummin, Raheen, Co. Limerick
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	Briefly comment on the key characteristics of the development, having regard to the criteria listed.
<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>The appeal site has a stated area of 0.991 ha. The application relates to an area within an overall site the use of which is a car dealership which trades and services new and used vehicles. The car parking area is used to store approved used car stock. The 4 no. shed/workshop structures are used to prepare cars for sale (valet, car wash, car turntable facilities).</p> <p>The site is serviced by water and wastewater public infrastructure.</p> <p>Surface water is managed by SuDS including pollutants, via attenuation discharging to public foul drain.</p> <p>The development comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risk to human health.</p>
Location of development	Briefly comment on the location of the development, having regard to the criteria listed
<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,</p>	<p>The site is located within an established urban area with access to same off the R526. Surrounding land uses include other retail, commercial and industrial developments.</p> <p>The site is not located within or immediately adjacent to any designated European site. The subject development would use the public water and</p>

<p>cultural or archaeological significance).</p>	<p>wastewater services of Uisce Éireann upon which its effects would be marginal.</p> <p>There are no recorded monuments proximate to the site.</p> <p>The Loughmore Common Turlough pNHA is located approx. 340 m to the northwest.</p> <p>It is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans and projects, on any designated site.</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, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in Section 171A of the Act.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA – Not required</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	

There is a real likelihood of significant effects on the environment.	
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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-500103-LK	
Brief description of project	Retention of car park, 4 no. work shops sheds, lighting and all associated site works
Brief description of development site characteristics and potential impact mechanisms	<p>The appeal site has a stated area of 0.991 ha. The application relates to an existing hardstanding area within an overall site the use of which is a car dealership which trades and services new and used vehicles.</p> <p>The car parking area which is the subject of the appeal is used to store approved used car stock. The 4 no. shed/workshop structures are used to prepare cars for sale (valet, car wash, car turntable facilities).</p> <p>The site is serviced by water and wastewater public infrastructure and public storm sewer.</p> <p>There are no open drainage ditches traversing the site or within the site that would provide a tenuous link via surface water run off to the Baranakyle River located c. 2.6 km to the southwest of the site and 1.32 km to the south of the site proximate to Raheen Industrial Estate and the M20.</p> <p>There is an existing surface water drainage network within the site that connects with a 300 mm / 900 mm surface pipeline inside the northwestern boundary of the site that discharges to a public storm drain across the R526 and ultimately to Loughmore Common.</p> <p>Surface water generated from the hardstanding on site is proposed to be discharged to groundwater within the curtilage of the site via infiltration. As part of the SuDS design, porous asphalt is proposed throughout the vehicle parking area with a perimeter fin drain and bio retention areas and grasscrete in the corners of the site.</p> <p>The 4 No. shed structures have not resulted in an increase to hardstanding areas as the hardstanding area was in situ prior to construction of sheds, therefore there is no impact on stormwater drainage capacity. The covered car wash area is collected within the covered area and runoff collected</p>

	<p>for washing discharges to the public sewer network which is separate from the storm water drainage on site.</p> <p>The appeal site is not located within a European designated site however the closest sites are the following:</p> <ul style="list-style-type: none"> • Lower River Shannon SAC 002165 – c. 2.36 km to the north • River Shannon & River Fergus SPA 004077 – c. 3.29 km to the north <p>Loughmore Canal is located c. 300 m to the northwest of the site.</p> <p>Loughmore Common Turlough pNHA is c. 375 m to the northwest of the site. This site does not fall within the scope of AA.</p> <p>Key issues identified – discharge of surface waters from hardstanding areas and roofs via possible hydrological connection</p>
Screening report	<p>Yes (Whitehill Environmental)</p> <p>Limerick City & County Council screened out the need for AA.</p>
Natura Impact Statement	No
Relevant submissions	1 no. third party appeal submission from Tom Ryan

Step 2. Identification of relevant European Sites using Source-pathway-receptor model

The AA Screening Report provided with the application states identified 5 European sites that fall within the Zone of Influence (ZOI) of the project as per below, and rule out significant effects occurring to European designated sites 3, 4 and 5 below due to sufficient distance from the site.

1. SAC: 002165 - Lower River Shannon SAC – approx. 2.36 km to the north, and approx. 6.73 km to the west.
2. SPA: 004077 - River Shannon and River Fergus Estuaries SPA – approx. 3.29 km to the north and approx. 6.73 km to the west.
3. SAC: 000439 - Tory Hill – approx. 8.5 km to the south.
4. SAC: 002279 - Askeaton Fen Complex – approx. 11.7 km to the west.
5. SAC: 000174 - Curraghchase Woods – approx 13.3 km to the west.

The subject development will not result in any habitat loss to any European site, and is not directly connected with or necessary to the management of any European site.

There is no natural surface hydrological pathway from the subject site to the waterbodies Rivers Magiue, Barnakyle or the Shannon Estuary. However there is an indirect hydrological pathway via the Loughmore Canal from a surface water pipeline that takes run-off from the site.

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] • 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 maritimae</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] 	Approx. 2.36 km to the north, and approx. 6.73 km to the west	No direct connection, Possible weak indirect connection at construction and operational stage via surface water outfall due to potential hydrological connection via Loughmore Canal, Barnakyle River, Maigne River discharging to Lower River Shannon SAC site c. 9.0 km to the northwest of appeal site.	Y

	<ul style="list-style-type: none"> • <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [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] <p><u>Conservation Objectives</u></p>			
River Shannon and River Fergus Estuaries SPA (004077)	<ul style="list-style-type: none"> • Cormorant (<i>Phalacrocorax carbo</i>) [A017] 	Approx. 3.29 km to the north and approx. 6.73 km to the west	No direct connection Possible weak indirect connection at construction and	Y

	<ul style="list-style-type: none"> • Whooper Swan (Cygnus cygnus) [A038] • Light-bellied Brent Goose (Branta bernicla hrota) [A046] • Shelduck (Tadorna tadorna) [A048] • Wigeon (Anas penelope) [A050] • Teal (Anas crecca) [A052] • Pintail (Anas acuta) [A054] • Shoveler (Anas clypeata) [A056] • Scaup (Aythya marila) [A062] • Ringed Plover (Charadrius hiaticula) [A137] • Golden Plover (Pluvialis apricaria) [A140] • Grey Plover (Pluvialis squatarola) [A141] • Lapwing (Vanellus vanellus) [A142] • Knot (Calidris canutus) [A143] • Dunlin (Calidris alpina) [A149] • Black-tailed Godwit (Limosa limosa) [A156] • Bar-tailed Godwit (Limosa lapponica) [A157] • Curlew (Numenius arquata) [A160] 		<p>operational stage via surface water outfall due to potential hydrological connection via Loughmore Canal, Barnakyle River, Maigue River discharging to Lower River Shannon SAC site c. 9.0 km to the northwest of appeal site.</p>	
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	<ul style="list-style-type: none"> • Redshank (Tringa totanus) [A162] • Greenshank (Tringa nebularia) [A164] • Black-headed Gull (Chroicocephalus ridibundus) [A179] • Wetland and Waterbirds [A999] <p><u>Conservation Objectives</u></p>			
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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

The AA Screening Report states that there are no drains or streams within or adjacent to the application site. The closest watercourse is the Loughmore Canal (300 m northwest of the site) which forms part of the Loughmore Common Turlough pNHA. The canal drains towards Bernakyle River which is approx. 2.5 km west of the appeal site and which flows northwest until its confluence with the River Maigue which then flows into the Shannon Estuary at Carrigclogher.

The AA Screening Report also states that there is no hydrological connectivity between the appeal site and the above listed European sites. There are no surface watercourses on the site and no runoff into any watercourses that leads to the Lower River Shannon SAC and the River Fergus Estuaries SPA, either during construction stage or at operational stage.

It is highlighted in Appendix 4 WFD Screening that the Ballnaclogh River is located c. 1.9 km to the east of the appeal site. BALLYNACLOGH_010 (IE_SH-24B040800) flows into Limerick Dock, a transitional waterbody. Limerick Dock thereafter flows into Upper Shannon Estuary, also a transitional waterbody <https://www.catchments.ie/> This was not identified in the AA Screening report. Notwithstanding, having regard to the substantial terrestrial buffer which include a built-up urban area, Raheen Industrial Estate, and the M20 motorway between the appeal site and this waterbody, and distance of the subject site to same, I consider that any potential impacts from the subject development on the Lower River Shannon SAC via Ballnaclogh River can be screened out.

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

I consider that the project will not result in any direct effects on either the Lower River Shannon SAC or the River Shannon and River Fergus SPA.

In terms of indirect effects, it is stated in the AA Screening report provided by the applicant that there are no watercourses on the site, and there are no direct surface water hydrological

connections between the appeal site and the European sites. Surface water arising from the operation of the car wash facility is currently being discharged into the public storm drain network. There are no substantial construction works proposed as part of the subject development, other than the installation of lighting, EV car parking and the provision of a porous asphalt road surface to finish the hardstanding area as indicated on the drawings submitted.

There is an indirect pathway from the site to the Lower River Shannon SAC and River Fergus Estuaries SPA via the Loughmore Canal from discharge of run-off from the car park to groundwater. The canal is located c.300 m from the appeal site. Risk of any measurable pollution effects are very low having regard to the site-specific measures that mitigate the impact of drainage arising from the proposed development and to the separation distance between the Loughmore Canal and the Lower River Shannon SAC and River Fergus Estuaries SPA site (c. 7 km).

Having regard to the nature of the project and to the enclosed nature of the development within the site which is fully serviced and in the context of the urban environment whereby there is a significant buffer between the appeal site and the River Shannon, I consider that the project would not be expected to generate impacts and would therefore have a very limited potential zone of influence on any ecological receptors.

Site Name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
Site	Impacts	Effects
<p>Lower River Shannon SAC (002165)</p> <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] 	<p>Direct: None</p> <p>Indirect: There could be potential to cause downstream negative impacts to water quality and to habitats and species dependent on water quality on the SAC arising from emissions to surface water and groundwater watercourses during operational phase.</p>	<p>Construction and operational impacts may include a very low risk of surface water run-off containing contaminant or sediment reaching the SAC thereby diminishing water quality at construction and operational stage via stormwater drainage system discharging to the Loughmore Canal causing potential disturbance risks to aquatic species such as lamprey species and salmon.</p> <p>In the absence of water courses on the site, there are no direct surface water hydrological connections from the appeal site to the Lower River Shannon SAC.</p> <p>Surface water arising from the car wash element will discharge to the public foul water network. No issue arises.</p>

<ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia 39aritime</i>) [1410] • Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260] • <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] • <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] • <i>Petromyzon marinus</i> (Sea Lamprey) [1095] • <i>Lampetra planeri</i> (Brook Lamprey) [1096] 		<p>In terms of pollution hazards arising from the hardstanding area, this was addressed in Section 2.5 the Engineering Planning Report. Appropriate levels of treatment are proposed to address run-off from the site before it is infiltrated to groundwater. Table 2.3 indicates that the proposed porous asphalt and bio retention areas will effectively remove pollutants from the runoff from the vehicle parking area prior to infiltration to groundwater.</p> <p>In terms of the car wash, the existing foul water drainage serving the site receives foul water from the existing car showroom and the Cp-op Superstore to the east and the car wash. The carwash is in operation since 2003 (P.A. Ref. 03/1011). The existing foul water drainage serving the site connects to the existing Uisce Éireann wastewater network located approx. 430 to the north east in the direction of the city along the R526.</p> <p>It is noted that following construction of the structure for which retention is sought, it is confirmed by Punch Engineering that no impacts upon the storm water drainage capacity arose. Only clean runoff from roofs is discharged into the stormwater drainage system.</p>
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<ul style="list-style-type: none"> • Lampetra fluviatilis (River Lamprey) [1099] • Salmo salar (Salmon) [1106] • Tursiops truncatus (Common Bottlenose Dolphin) [1349] • Lutra lutra (Otter) [1355] 		
	Likelihood of significant effects from the proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	

Further Commentary / discussion (only where necessary)

None

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
Site	Impacts	Effects
River Shannon and River Fergus Estuaries SPA (004077) <ul style="list-style-type: none"> • Cormorant (Phalacrocorax carbo) [A017] • Whooper Swan (Cygnus cygnus) [A038] • Light-bellied Brent Goose (Branta bernicla hrota) [A046] • Shelduck (Tadorna tadorna) [A048] • Wigeon (Anas penelope) [A050] • Teal (Anas crecca) [A052] 	Direct: None Indirect: There could be potential to cause downstream negative impacts to water quality and to habitats and species dependent on water quality on the SAC arising from emissions to surface water and groundwater watercourses during operational phase.	Construction and operational impacts may include a very low risk of surface water run-off containing contaminant or sediment reaching the SAC thereby diminishing water quality at construction and operational stage via stormwater drainage system discharging to the Loughmore Canal causing potential disturbance risks to aquatic species such as lamprey species and salmon. In the absence of water courses on the site, there are no direct surface water hydrological connections from the appeal site to the Lower River Shannon SAC. Surface water arising from the car wash element will discharge to the public foul

<ul style="list-style-type: none"> • Pintail (<i>Anas acuta</i>) [A054] • Shoveler (<i>Anas clypeata</i>) [A056] • Scaup (<i>Aythya marila</i>) [A062] • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Lapwing (<i>Vanellus vanellus</i>) [A142] • Knot (<i>Calidris canutus</i>) [A143] • Dunlin (<i>Calidris alpina</i>) [A149] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] • Greenshank (<i>Tringa nebularia</i>) [A164] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Wetland and Waterbirds [A999] 		<p>water network. No issue arises.</p> <p>In terms of pollution hazards arising from the hardstanding area, this was addressed in Section 2.5 the Engineering Planning Report. Appropriate levels of treatment are proposed to address run-off from the site before it is infiltrated to groundwater. Table 2.3 indicates that the proposed porous asphalt and bio retention areas will effectively remove pollutants from the runoff from the vehicle parking area prior to infiltration to groundwater.</p> <p>In terms of the car wash, the existing foul water drainage serving the site receives foul water from the existing car showroom and the Cp-op Superstore to the east and the car wash. The carwash is in operation since 2003 (P.A. Ref. 03/1011). The existing foul water drainage serving the site connects to the existing Uisce Éireann wastewater network located approx. 430 to the north east in the direction of the city along the R526.</p> <p>It is noted that following construction of the structure for which retention is sought, it is confirmed by Punch Engineering that no impacts upon the storm water drainage capacity arose. Only clean runoff from roofs is discharged into the stormwater drainage system.</p>
<p>Likelihood of significant effects from proposed development (alone): No</p>		

	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p>
<p>Further Commentary / discussion (only where necessary) None</p>	
<p>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</p>	
<p>I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on any European Site.</p> <p>No mitigation measures are required to come to these conclusions.</p>	
<p>Screening Determination</p> <p>Finding of no likely significant effects</p> <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lower River Shannon SAC (002165) or River Shannon and River Fergus Estuaries SPA (004077) in view of the Conservation Objectives for the sites, and is therefore excluded from further consideration. Appropriate Assessment is not required.</p> <p>This determination is based on:</p> <ul style="list-style-type: none"> • Scientific information provided in the AA Screening report; • The details contained in the Engineering Planning Report; • The nature and scale of the proposed development on fully serviced lands and having regard to the site context; • The distance from and weak indirect connection to the identified European Sites; • Possible impacts identified would not be significant in terms of site-specific conservation objectives for the Lower River Shannon SAC site and River Fergus Estuaries SPA and would not undermine the maintenance of favourable conservation status; • Taking into account the AA Screening determination by the PA. <p>No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.</p>	

Appendix 4 – WFD Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-500103-LK	Townland, address	Brain Geary Car Sales Ltd, Ballycummin, Raheen, Co. Limerick
Description of project		Retention of car park, 4 no. work shops sheds, lighting and all associated site works	
Brief site description, relevant to WFD Screening,		<p>The appeal site has a stated area of 0.991 ha. The application relates to an area within an overall site the use of which is a car dealership which trades and services new and used vehicles. The car parking area is used to store approved used car stock. The 4 no. shed/workshop structures are used to prepare cars for sale (valet, car wash, car turntable facilities).</p> <p>The site is serviced by water and wastewater public infrastructure. Surface water is managed by SuDS including pollutants, via attenuation discharging to public foul drain.</p>	
Proposed surface water details		Proposed SuDS and existing connection to public storm sewer.	
Proposed water supply source & available capacity		Existing connection to mains.	

Proposed wastewater treatment system & available capacity, other issues	n/a
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 runoff, drainage, groundwater)
River	c. 1.9 km to the east of site	BALLYNACLOG H_010 IE_SH_24B0408 00	Moderate	Review	Not recorded	Potential for surface water drainage via storm drain

Groundwater Waterbody	Underlying site	Limerick City Southwest IE_SH_G_141	Good	At risk	Ag	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.	Completion of ground works to hardstanding area	BALLYNAC LOGH_010 IE_SH_24B 040800	Existing drainage on site that discharges to public storm sewer	Water Pollution by hydrocarbon, other spillage	Standard best construction; Construction, demolition and environmental management plan	No	Screened out

2.	Completion of ground works to hardstanding area	Limerick City Southwest IE_SH_G_1 41	Drainage through soil/bedrock	Surface water hardstanding and roofs	Standard best construction; Construction, demolition and environmental management plan	No	Screened out
OPERATIONAL PHASE							
3.	Surface	BALLYNAC LOGH_010 IE_SH_24B 040800	Storm Drain	Surface water run-off	Drainage collection and disposal measures (SUDS measures to collect clean storm water and discharge to storm water public drain)	No	Screened out
4.	Groundwater	Limerick City Southwest	None	Surface water run-off to groundwater	Infiltrate to groundwater via	No	Screened out

		IE_SH_G_1 41			SUDS measures		
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A