An Coimisiún Pleanála

Inspector's Report

PL-500698-LK-26

Development	Lattice communications tower measuring 36 m in height, equipment shelter, fencing and associated works
Location	St. Mary's Rugby Football Club, Grove Island, Corbally, Co Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2461207
Applicant(s)	St. Mary's Rugby Football Club
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Daniel McManus
Observer(s)	None
Date of Site Inspection	29th April 2026
Inspector	Clare Clancy

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1.0 Site Location and Description

1.1. The appeal site is located in the south eastern corner of St. Mary's RFC which is c. 780 m to the northeast of Limerick city centre, as the crow flies. The rugby grounds are bounded to the north by Grove Island neighbourhood centre and residential apartment blocks. Residential apartment blocks bound the site to the west and the Park Canal adjoins the site to the south. The Pa Healy Rd is located to the east of the site.

1.2. The site comprises of a disused piece of grounds that it overgrown and cordoned off from the rest of the site. It is located between the perimeter fencing of the astro turf pitch which is to the west and palisade security fencing that extend along the perimeter of the sports grounds. There is a pedestrian pathway along the eastern boundary of the site connecting to the Park Canal recreational walking route to the south. There is floodlight on site and a ball net along the southern boundary of the site, adjacent to the subject site.

2.0 Proposed Development

2.1. Permission is sought for a 36 m high lattice communications tower, equipment shelter, fencing and associated site works.

2.2. The appeal site has a stated area of 0.020 ha (red line). The application site is located within the landholding identified by the blue line.

2.3. Vehicular access to the proposed site is via an existing access serving the rugby grounds off the Gove Island road. A proposed access route identified in yellow from the existing vehicular entrance to the appeal site is shown on DWG Ref. Site Layout Plan. Both the existing access and the proposed access route are not located within the red line application boundary. A proposed temporary access to the site will be opened at the rear for construction phase.

2.4. Documents lodged with the application include:

- Technical Justification Report (Tiger Telecoms Consulting)
- Statement of Screening for Appropriate Assessment Screening (Una Philpott Environmental Scientist)

2.5. In response to a request for further information (FI) dated 05th February 2025, the following documents were received by the PA on 29th October 2025:

- Visual Impact Assessment & drawings/ photomontages
- Updated Technical Justification Report
- Access road details
- Updated Appropriate Assessment Screening Report (Una Philpott Environmental Scientist)
- Natura Impact Assessment (NIS)
- Construction Environmental Management Plan (CEMP)

2.6. The applicant sought an extension of time on 05th August 2025, and the PA granted same up until 05th February 2025.

2.7. On 30th October 2025, the PA notified the applicant and prescribed bodies significant FI was received on 29th October 2025. Revised public notices were received on 06th November 2025.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By Order dated 07th January 2026, Limerick City and County Council decided to grant permission subject to 6 no. conditions. The conditions are generally standard and include for surface water management and the sites reinstatement when the structure is no longer required. The following condition is of note:

- Condition 2 – Relates to mitigation and monitoring measures in both plans and particulars and in the Natura Impact Statement.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

<u>First Planning Report (19/04/2024)</u>

- Telecommunications infrastructure is 'open for consideration' on lands zoned Open Space and Recreation'.
- The technical justification submitted was deemed to be insufficient as it did not address coverage of existing structures within the vicinity.
- Noted the existing structures at Garvey's Supervalu adjacent to the site.
- Noted the third party submission and agreed that proliferation of telecommunications structures was a concern within the surrounding area.
- Access – no issues were raised by the Roads Department regarding the existing access serving the rugby club through which the site would be accessed from. Regarding the proposed access route from the existing entrance to the appeal site, it was unclear if this access route is pedestrian or vehicular.
- Further information required in regard to the Appropriate Assessment Screening and it was concluded that an EIA screening determination was not required.
- Site is located within Flood Zone A. Telecommunication structures are not a vulnerable class of development, however all M&E equipment is raised above the flood zone level.
- Recommended FI in relation to visual impact assessment to address key strategic viewpoints within the surrounding area.

Second Planning Report (06/01/2026)

- Visual impact – the proposal was considered acceptable having regard to its location in a developed area, at a lower point that the adjoining Pa Healy road, and existing floodlighting and netting poles in the adjoining grounds.
- Technical Justification – it was accepted that no suitable support structures were available to share, and no sites were available to share or cluster having regard to the appraisal provided and to Section 4.5 of the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (DECLG 1996). The proposal was acceptable and a condition recommended to make the structure available to third party Mobile Telecommunications Operators (MTOs).
- Proposed access road indicated in yellow – the intended access road is for pedestrian access only. During construction, temporary vehicular access to the

compound will be facilitated from Pa Healy Road through the main site entrance which was considered acceptable.

- Revised Appropriate Assessment Screening Report and an NIS submitted – warranted revised public notices.
- Appropriate Assessment – This was deemed to be required due to a direct hydrological pathway to the European designated sites; Lower River Shannon SAC (002165) and the River Shannon and River Fergus Estuaries SPA (004077) via a drainage ditch on the northern boundary, giving rise to the potential for contamination of surface water runoff and dust during construction stage. It was concluded that subject to the implementation of mitigation measures outlined in the NIS, the construction and presence of the proposed development would not be deemed to have a significant impact. On foot of the report received from LCCC's Ecologist, the planning officer recommended permission be granted.

3.2.2. Other Technical Reports

- Roads Department (27/01/2025) – No objection in principle, recommended FI regarding details on surface water management.
- Ecologist (18/12/2025) – Noted that a habitat map was not provided despite being requested. Overall, following consideration of the response to the FI request was satisfied that the issues raised in relation to the potential issues arising from the proposed development vis a vis the relevant European sites were adequately addressed and recommended conditions in the event of a grant. Conditions on mitigation measures recommended relate to spoil heaps being covered, all mitigation measures outlined in the NIS being implemented in full, all external lighting for construction or operational phases being sensor controlled or turned off when not in use.

3.3. **Prescribed Bodies**

- Irish Aviation Authority – No objection.

3.4. **Third Party Observations**

One Third Party observation was received from Phoenix Tower International. The issues raised are similar to those raised in the grounds of appeal and include the following:

- No supporting documentation to verity that the club was approached by multiple mobile networks and broadband companies.
- The use of the proposed structure is to avoid unnecessary duplication of infrastructure in the area. No information provided by the applicant to discount existing structures in the vicinity of the subject site.
- Gavey's Supervalu is located 200 m to the north and covers most of what would be achieved by the proposed development in the vicinity. It is an existing 5G site.
- The proposed development would resulting in over proliferation of telecommunicate structures in the area, given exiting converge.

4.0 Planning History

Appeal Site

- None recent.

5.0 Policy Context

5.1. National and Regional Policy

Climate Action Plan (CAP) 2025

- CAP 2025 to be read in conjunction with CAP 2024, the relevant part being Section 11.2.4.
- Section 10.1.8: Digital Transformation. The CAP supports the national digital transformation framework and recognises the importance of this transformation to achieve Ireland's climate targets.
- The transition towards green and digital societies is highlighted throughout the CAP 2025, as an overarching aim to achieve decarbonisation and net zero commitments.

- Section 15 of the Climate and Low Carbon Development Act 2015 as amended (the Climate Act), obliges the Board to make all decisions in a manner that is consistent with the current CAP.

Harnessing Digital. The Digital Ireland Framework.

- Section 2.1: Enable the physical telecommunication infrastructure and services delivering digital connectivity in line with the National Broadband plan.

National Planning Framework 'Project Ireland 2040'

- First Revision (April 2025)
- National Policy Objective 31: Support and facilitate delivery of the National Broadband Plan as a means of developing further opportunities for enterprise, employment, education, innovation, and skills development for those who live and work in rural areas.
- National Policy Objective 62: In co-operation with relevant Departments in Northern Ireland, develop a stable, innovative and secure digital communications and services infrastructure on an all-island basis.

National Development Plan 2021-2030

- The government recognises that access to quality high speed broadband is essential for today's economy and society.

National Broadband Plan 2020

- The National Broadband Plan (NBP) is the Government's initiative to improve digital connectivity by delivering high speed broadband services to all premises in Ireland, through investment by commercial enterprises coupled with intervention by the State in those parts of the country where private companies have no plans to invest.

5.2. Regional Spatial & Economic Strategy for the Southern Region 2040

- Section 4.7: Guiding principles for enterprise include the availability of different types of infrastructure including telecommunications.

- Section 6.2: Telecommunications infrastructure is essential to ensure digital connectivity.

5.3. Section 28 Guidelines

Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996

These guidelines were published in 1996 and provide general guidance on planning issues so that the environmental impact is minimised, and a consistent approach is adopted by the various planning authorities.

Circular Letter PL 03/2018

This Circular provides a revision to Chapter 2 of the Development Contribution, Guidelines for Planning Authorities, 2013 and specifically states that the waiver provided in the Development Contribution, Guidelines for Planning Authorities, 2013 should apply not only to the provision of broadband services but also to mobile services.

Circular Letter PL07/12

Circular Letter PL 07/12, dated 19th October 2012, sets out to revise Sections 2.2 to 2.7 of the Guidelines. The Circular was issued in the context of the rollout of the next generation of broadband (4G). It sets out elements of the 1996 Guidelines that required being revised. Broadly these are:

- Cease attaching time limiting conditions to telecommunications masts, except in exceptional circumstances;
- Avoid inclusion in development plans of minimum separation distances between masts and schools and houses;
- Omit conditions on planning permission requiring security in the form of a bond/cash deposit;
- Register or database of approved structures;
- Reiterates advice not to include monitoring arrangements on health and safety or to determine planning applications on health grounds; and

The circular also states that future development contribution schemes to include waivers for broadband infrastructure provision.

The Planning System and Flood Risk Management Guidelines, Guidelines for Planning Authorities (November 2009)

The purpose of the Guidelines is to provide planning authorities with detailed procedural and technical guidance needed to properly assess flood risk at development level, and to ensure all planning decisions comply with national policy of avoiding or managing flood risk. The Guidelines set out how flood risk must be assessed and integrated into planning decisions, and ensure that planning authorities follow the risk-based sequential approach.

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

5.4.1. Chapter 3: Spatial Strategy

- **Objective CGR O9 Building Heights**

This objective seeks to ensure that tall buildings in Limerick city center are of exceptional design quality, located primarily in designated city centre clusters, protect the city's character, skyline and key views, and are supported by comprehensive environmental visual architectural and technical assessments, in line with the building height strategy.

Table 3.2 Urban Character and Objectives-

- The appeal site is located in UCA 1 City Centre. The specific objectives relate to the historic area of the city centre which is appeal site is not located in.
- Specific Objective (e) is relevant to the proposed development which states the following:

New buildings within the City Centre should respond closely to the fundamental character and general scale of existing buildings and streetscape. The Building Height Strategy shall guide development within this area, particularly taller buildings.

5.4.2. Chapter 6 Environment, Heritage, Landscape and Green Infrastructure

- **Objective EH O1 Designated Sites and Habitats Directive**

It is an objective of the Council to ensure that projects/plans likely to have significant effects on European Sites (either individually or in combination with other plans or projects) are subject to an appropriate assessment and will not be permitted under the Plan unless they comply with Article 6 of the Habitats Directive.

- **Policy EH P8 Landscape Character Areas**

It is a policy of the Council to promote the distinctiveness and where necessary safeguard the sensitivity of Limerick's landscape types, through the landscape characterisation process in accordance with the Draft Guidelines for Landscape and Landscape Assessment (2000) as issued by the Department of Environment and Local Government, in accordance with the European Landscape Convention (Florence Convention) and with A National Landscape Strategy for Ireland – 2015-2025. The Council shall implement any relevant recommendations contained in the Department of Arts, Heritage and the Gaeltacht's National Landscape Strategy for Ireland, 2015 – 2025.

- Map 6.1 Landscape Character Assessment – Indicates that the site is located in an area designated 'City'.

5.4.3. Chapter 8: Infrastructure

- **Policy IN P1 Strategic Infrastructure**

It is a policy of the council to:

a) Secure investment in the necessary infrastructure (including digital technology, ICT, telecommunications networks, water services, surface water management, waste management, energy networks), which will allow Limerick to grow and realise its full potential.

b) Fulfil Limerick's ambition as a contemporary City and County in which to live, work, invest and visit, with supporting infrastructure, whilst complying with the relevant EU Directives and national legislation, including the protection of the environment.

Section 8.4.2 Telecommunications Support Structures, Antennae and Domestic Satellite Dishes:

- The Council recognises the importance of high-quality telecommunication infrastructure as a prerequisite for a modern society and economy. While the advantages of a high-quality ICT infrastructure is acknowledged, these must be balanced with the need to safeguard both the urban and rural landscape, which can be significantly impacted due to the physical nature of telecommunication structures. Visual impact should be kept to a minimum, with detailed consideration of design, siting and the scope for utilising landscaping measures effectively. In considering planning applications, regard shall be had to Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities, DECLG, 1996, Circular Letter PI07/12 and the Planning and Development Regulations 2001 (as amended). These guidelines and regulations encourage the sharing or clustering of sites, as reflected in this chapter.
- **Objective IN O5 Telecommunication Support**

  It is an objective of the Council to:

  a) Promote shared telecommunications infrastructure in all new developments to facilitate multiple network providers.

  b) Work closely with the telecommunications industry during the development and deployment phase of telecommunications infrastructure to carefully manage Limerick's road networks and minimise future road infrastructure works.

  c) Require co-location of antennae support structures and sites where feasible. Operators shall be required to submit documentary evidence as to the non-feasibility of this option in planning applications for new structures.

  e) Require best practice in both siting and design in relation to the erection of communication antennae and support infrastructure, in the interests of visual amenity and the protection of sensitive landscapes. There is a presumption against the location of antennae support structures where they would have a serious negative impact on the visual amenity of sensitive sites and locations.

  f) Require the de-commissioning of a telecommunications structure and its removal off-site at the operator's expense when it is no longer required.

  h) Ensure orderly telecommunications development in accordance with requirements of the Telecommunications Antennae and Support Structures,

Guidelines for Planning Authorities, DECLG, 1996, except where they conflict with Circular Letter PL07/12 which takes precedence and any subsequent guidelines.

Chapter 9 Climate Action, Flood Risk and Transition to Low Carbon Economy

- *Section 9.3 Flooding, Flood Risk Management and Water Management*

  The Section 28 Planning Guidelines The Planning System and Flood Risk Management (DHPLG/OPW, 2009) and associated Technical Appendices and Circulars, are the basis of the Council's policy in relation to development and flood risk management. It plays a key part in informing zoning decisions and decisions on individual planning applications, where flood risk is identified as a factor. The guidelines ensure that the key principles of flood risk management and sustainable planning are adopted. The sequential approach to managing flood risk within the planning system is one of the first aspects to consider and where uncertainty exists, the precautionary approach is taken.

- **Objective CAF O20 Flood Risk Assessments**

  It is an objective of the Council to require a Site-Specific Flood Risk Assessment (FRA) for all planning applications in Flood Zones A and B and consider all sources of flooding (for example coastal/tidal, fluvial, pluvial or groundwater), where deemed necessary. The detail of these Site-Specific FRAs (or commensurate assessments of flood risk for minor developments) will depend on the level of risk and scale of development. The FRA will be prepared taking into account the requirements laid out in the SFRA, and in particular in the Plan Making Justification Tests as appropriate to the particular development site. A detailed Site-Specific FRA should quantify the risks, the effects of selected mitigation and the management of any residual risks. The assessments shall consider and provide information on the implications of climate change with regard to flood risk in relevant locations.

Chapter 10 Sustainable Communities and Social Infrastructure

- **Objective SCSI O19 Protection of lands zoned for Open Space and Recreation**

  It is an objective of the Council to:

a) Protect existing open space, by not permitting development which encroaches on open space and would result in reducing the recreational value to the public.

b) Protect semi-natural open space areas from inappropriate development in the interest of recreational enjoyment, community health and well-being, flood protection and biodiversity.

- **Objective SCSI O20 Protection of Sports Grounds/Facilities**

  It is an objective of the Council to:

  a) Ensure that adequate playing fields for formal active recreation are provided for in new development areas.

  b) Protect, retain and enhance existing sports facilities and grounds.

Chapter 12 Land Use Zoning Strategy

- Land Use Zoning

  Zoning – Open Space and Recreation

  Objective: To protect, provide for and improve open space, active and passive recreational amenities.

  Purpose: To provide for active and passive recreational resources including parks, sports and leisure facilities and amenities including greenways and blueways. The Council will not normally permit development that would result in a loss of open space.

5.5. Natural Heritage Designations

- SAC: 002165 - Lower River Shannon SAC – Adjoins the site.
- SPA: 004077 - River Shannon and River Fergus Estuaries SPA – approx. 1.16 km to the south – Approx. 1.5 km to west.
- pNHA: 002048 - Fergus Estuary And Inner Shannon, North Shore – approx. 1.16 km to the south – Approx. 1.5 km to west.

6.0 EIA Screening

6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination). Refer to Form 1 appended to this report.

7.0 The Appeal

7.1. Grounds of Appeal

One Third Party appeal was received from Phoniex Tower International. The substantive issues raised in the grounds of appeal may be summarised as follows:

Principle of Development

- The site is zoned 'Open Space and Recreation' the objective for which is to protect such areas, and Objectives SCSI O19 (Protection of Lands Zoned for Open Space and Recreation) and SCSI O20 (Protection of Sports Grounds/Facilities) also seek to protect such zoned areas. The proposed development would be in contravention of these objectives in particular Objective SCSI O19(a) as there would be a loss of public open space resulting in a reduction of the recreational value of the existing facilities to the public.
- The proposed development at 36 m in height will act as a major disincentive to some users of the sports grounds.
- The zoning objective purposes allows a degree of flexibility, however the development plan does not provide guidance on when such flexibility might be allowed and in the absence of same, the scope for the application of this limited flexibility is effectively removed. Where the Commission considers that a degree of flexibility may be applied, it is submitted that the scale of the proposed development would be over dominant in the area removing any flexibility that would be applied in this case.

Flood Risk

- The subject site lies adjacent to Flood Zone A and two areas of the site are within Flood Zone B (Figure 1 & 2 of submission).
- It is submitted in this case the 'avoid' and 'precautionary approach' principles as per Section 3.1(2) and 3.1(5) of the Planning System and Flood Risk Management Guidelines for Planning Authorities should be applied having regard to the flood risk identified for the site.
- Telecommunications structures clearly fall within the definition of 'highly vulnerable development (including essential infrastructure)' as detailed in Table 3.1 of the Guidelines.
- As the proposed development would be for a 'highly vulnerable development' partly within Flood Zone B and is adjacent to Flood Zone A, even if the 'avoid' and 'precautionary approach' principles are not applied, the application of the Justification Test is required.
- The application of the Justification Test is required as set out in paragraph 3.7 of the Guidelines. Given the site context and the sites zoning, it is unlikely that the proposed development would pass Box 5.1 Justification Test of Development Management.
- Section 7.2 of the Strategic Flood Risk Assessment, Volume 4 of the Limerick Development Plan primarily addresses the King's Island area located to the northwest of the subject site. This is relevant to the subject site as much of the area surrounding King's Island residential area is for open space and recreation and should be retained.
- The proposed development is contrary to Policy CAF P5 (Managing Flood Risk) due to being contrary to the Guidelines in terms of the 'avoid' and 'precautionary approach' principle and the likelihood of failure of the justification test, and also it would be contrary to Section 7.2 of the Strategic Flood Risk Assessment.

<u>Technical Justification</u>

- The Grove Island Shopping Centre site provides very good coverage as indicated on the Comreg Coverage Maps appended to the submission.

- There will be no material difference in the coverage provided for the area where the development is proposed. All operators use the latest 5G equipment which indicates the importance of this site for operators which is a high traffic/ high demand site.
- Moving the site will not address any coverage issues in the area.
- No details of support from Mobile Network Operators (MNOs) were not provided by the applicant.
- Section 4.3 (Visual Impact) of the Telecommunications Antennae and Support Structures and Antennae Guidelines 1996 is relevant to the site context in this case as the coverage to be provided by the proposed development is already provided by the existing structure at Grove Island Shopping Centre. To permit the proposed development would be contrary to Section 4.3 of the Guidelines where the preference for the use of existing structures over freestanding structures is expressed.
- Easy access to this site is available.

Appropriate Assessment

- It is questioned if the mitigations measures outlined of the Natura Impact Statement (NIS) submitted with the application can be adequately discharged at construction stage in terms of the River Shannon SAC due to proximity to the European site.
- In regard to the River Shannon and River Fergus Estuaries SPA, it is acknowledged by the applicant in the NIS that the proposed structure at 36 m in height can present a collision risk to bird life. It is submitted that the proposed mitigation measures are not conclusive that the potential risks will be adequately mitigated.
- Objective EH O1 (Designated Sites and Habitats Directive) of the development plan requires that proposed developments must comply with the Article 6(3) of the Habitats Directive which requires that competent authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned. It is submitted that it is not possible for the Commission to

ascertain that the proposed development will not adversely affect the integrity of the aforementioned European sites.

7.2. Applicant Response

A response to the grounds of appeal was received by the applicant. The response to the grounds of appeal may be summarised as follows:

Principle of Development

- The zoning objective for the site is Open Space and Recreation. Whilst the objective seeks to protect recreational lands, it also supports the continued use and enhancement for community benefit.
- Proposals for telecommunications infrastructure are 'open to consideration'.
- The proposed structure does not alter the primary recreational use of the lands, is ancillary infrastructure within an established sports campus, and supports the long-term sustainability of the club through a stable income stream.
- Such structures are increasingly co-located within sports grounds and community facilities across Ireland.
- The proposed structure will be located in a peripheral part of the site that is not used for active recreation and is sperate from main playing areas and will not result in any loss to playing pitches, trees, habitats and will be located on disturbed ground.
- The proposed development would not discourage parents, spectators or members to attend the playgrounds on visual dominance grounds and no submissions to the planning applicant were made by third parties who were not associated with a telecommunications operator. A visual impact assessment was undertaken and the PA concluded that the development was acceptable.
- The proposed development aligns with the broader development plan objectives in supporting sustainable communities and the continued viability of community facilities.

Flood Risk

- Parts of the wider area are identified within Flood Zones A and B, however national flood risk policy does not treat flood mapping as an automatic prohibition on development. The proposed development has been designed to incorporate flood resilience measures in a manner that is proportionate to the nature of the proposed development.
- The proposed development is small in scale and has a very limited footprint and there is no permanent occupation. Therefore it does not give rise to life-safety exposure typically associated with vulnerable uses.
- The proposed equipment accommodation incorporates a raised entrance and elevated internal floor which elevates sensitive equipment above ground level.
- A shallow drainage area is provided adjacent to the hardstanding areas to facilitate natural soakaway and attenuate clean surface water runoff which will not increase runoff or flood risk elsewhere.
- It does not involve significant land raising, extensive hardstanding or works that would be likely to impede flood conveyance or displace flood storage and consequently the potential for the proposed development to give rise to increased flood risk elsewhere is limited.
- The PA did not raise flood risk as an issue and considered the proposed development acceptable.
- The appeal has not introduced a site-specific analyses demonstrating that the development would materially increase flood risk or give rise to impacts.

Technical Justification

- It is submitted by PTI and EnTrust that the Grove Island 14 m high rooftop site with restricted rights will meet the same coverage objectives and future coverage of MNOs as the proposed development. This assertion is incorrect.
- There is no record that planning permission was granted for the structure at Grove Island and exemptions from planning do not apply mixed use developments with a residential component. Grove Island is predominantly residential in nature and planning permission is required.

- The technical justification submitted identified increased demand for 5G infrastructure. The PA assessed the technical justification and the suitability of existing nearby infrastructure and noted that the rooftop 14 m above ground level (AGL) structure at Grove Island Shopping Centre was limited in terms of expansion capacity, equipment footprint and line-of-sight constraints.
- Other nearby sites and infrastructure including single-operator sites were deemed unsuitable for accommodating a multi-operator infrastructure.
- The PA had regard to the Guidelines in the context of where suitable structures were not available and standalone installations may be required, and was satisfied that an appropriate level of technical justification was provided and granted the development. A condition was included requiring the structure be made available to third-party MNOs.
- The appeal does not introduce new technical evidence that would undermine the conclusions of the PA.

Appropriate Assessment

- An Appropriate Assessment Screening and an NIS were carried out.
- The NIS identified potential risks and set out mitigation measures in response in terms of construction controls and pollution safeguards. Given the modest scale of the development, the proposed measures reflect a precautionary and proportionate approach to protecting European sites.
- The potential for bird collusion was addressed and the physical presence of the proposed structure was not identified as giving rise to adverse effects.
- The PA and the council's ecologist concluded that The habitats present are largely ruderal in nature and that the report adequately addressed potential ecological impacts.
- The appeal does not introduce new ecological surveys or technical evidence that would undermine the findings of the NIS or the conclusions of the council ecologist and consequently, there is no evidential basis to depart from the planning authorities conclusion that the proposed development would not adversely affect the integrity of European sites.

7.3. **Planning Authority Response**

None.

7.4. **Observations**

None.

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

- Principle of Development
- Justification for Development & Location
- Visual Impact
- Flood Risk
- Material Contravention
- Other Matters

8.1. Principle of Development

8.1.1. The site is located on lands zoned for 'Open Space and Recreation'. The objective for this zoning is 'To protect, provide for and improve open space, active and passive recreational amenities'. The purpose of this zoning is 'To provide for active and passive recreational resources including parks, sports and leisure facilities and amenities including greenways and blueways'. Development that would result in a loss of open space will not normally be permitted. Section 12.4 (Land Use Zoning Matrix) of the development plan indicates that proposals for telecommunications structures are open for consideration on such lands. It is also indicated in Section 12.4 that a use which is 'open for consideration' may be considered acceptable where the form of development

proposed would be compatible with policies and objectives for the zone, will not conflict with existing uses or the proper planning and sustainable development of the area.

8.1.2. The grounds of appeal have raised that the requirement of the zoning objective for the site and Objectives SCSI O19 (Protection of lands zoned for Open Space and Recreation) SCSI O20 (Protection of Sports Grounds/Facilities) is to protect these zoned areas, and the direct loss of part of an open space area would be the converse of protecting it. It is also submitted that the zoning objective purpose allows a degree of flexibility, but that the development plan does not provide guidance on such flexibility and in the absence of same, the scope for the application of this limited flexibility is removed. It is further contended that the proposed development would discourage the public from using the facility.

8.1.3. Section 10.10 (Sports and Recreation) of the development plan sets out the policy rational for the protection and commitment by the council for protecting, providing and enhancing public open space, sports and recreational facilities in Limerick city and county. Objective SCSI O19 (a) seeks to protect lands that are zoned for open space and recreation by not permitting development that would encroach on and would result in reducing the recreational value to the public. In my view, I would submit to the Commission that the recreational value to the public would be the usefulness of a place to enable patrons to engage in recreational, leisure or sporting activities that would contribute to physical activity, general health overall and to enhance quality of life. In regard to Objective SCSI O20 (b), I note that the objective is to protect, retain and enhance existing sports facilities and grounds. In this regard, I would submit to the Commission that this objective is unspecific and sets out a more general objective of the council in terms of supporting its strategic policy as set out in Section 10.10 of the development plan.

8.1.4. The appeal site has a stated area of 0.020 ha. It is triangular in shape and is located in the south eastern corner of the rugby grounds, between the existing all weather pitch and the permitter fence along the eastern boundary of the site. The proposed development will result in a loss of an area of open space at this location which is a confined awkward space that is likely to be conducive to usable active space. Having regard to the location of the proposed development relative to the wider site context, the loss of this open space would in my opinion be negligible, due to the site constraints

of the area. Its use as it currently stands is limited, and the overall recreational value that it contributes to the sports grounds, in particular to the adjacent astroturf playing pitch is minimal and insignificant.

8.1.5. I acknowledge the point made by the appellant in regard to the absence of guidance on flexibility in regard to consideration of such proposals on lands zoned 'Open Space and Recreation', however proposals for telecommunication infrastructure are open to consideration, and the development plan does not exclusively preclude the use and allows for sufficient discretion to consider the proposal. I therefore consider the proposed development to be acceptable in principle, which will be assessed on its individual merits and in accordance all other policies, objectives and standards of the development plan. I note that the Planning Authority (PA) considered the proposed development acceptable in principle also.

8.1.6. In regard to the matter raised that the proposed development would materially contravene the aforementioned objectives of the development plan, I propose to address the issues raised under Section 8.5 later in this report.

8.2. Justification for Development & Location

8.2.1. It is argued in the grounds of appeal that the proposed structure is unnecessary because adequate coverage is already provided by the existing facility at Grove Island Shopping centre, which is fully equipped with the latest 5G technology. Investment by operators suggests confidence in the this site, making the proposed site of development unjustified as it would not improve coverage.

8.2.2. In regard to site selection, I note that Objective IN O5 (Telecommunication Support) of the development plan encourages shared telecommunications infrastructure, requires co-location of antennae support structures where feasible, and facilitate the public and private sector where possible to ensure coordinated delivery of telecommunications infrastructure. The provision of Objective IN O5 under (c) require operators to submit documentary evidence as to the non-feasibility of co-location of antennae support structures or other sites, where feasible.

8.2.3. The Commission will note that the Telecommunication Antennae and Support Structures: Guidelines for Planning Authorities 1996 (the Guidelines) also require justification for site selection where proposed within urban centres. This is referred to

as the 'last resort test'. In this regard, for developments proposed in city suburbs, the Guidelines state that '*operators should endeavour to locate in industrial estates or in industrially zoned land*' and other possibilities should be explored such as commercial or retail areas (e.g. rooftop locations, locating "disguised" masts), existing ESB substations. Preference is also given to the use of tall buildings or other existing structures over a new independent support structure. The Guidelines further note that if these areas, or alternatives provided are not available, then they may be located in residential areas or beside schools.

8.2.4. I note that the applicant's justification refers to the technical requirements for locating at the site. In response to an FI request, the applicant provided details on the operational need for the proposed development. In this regard, the rational of the justification is linked to the need to improve 2G, 4G and 5G service converge in the Grove Island and wider Limerick area. The proposed installation aims to improve mobile coverage for surrounding residential and commercial areas. The site was selected to address existing coverage gaps affecting homes, businesses and local amenities. It will provide reliable voice services and high speed mobile data (4G and 5G). Without a suitably elevated new site, network performance to remain limited, especially during peak usage. The location offers an optimal coverage footprint, ensuring consistent service across the target area. Overlapping signal coverage will reduce cell shrinkage during busy periods. The structure will support current connectivity needs and enable future network both for both residents and businesses.

8.2.5. Coverage maps were provided with the application. I note from the publicly accessible coverage maps[1] that 2G and 4G coverage for all listed service providers as presented in the target area, shows as 'good' to 'very good' and 5G coverage is shown as 'good' for the majority of listed service providers.

8.2.6. The applicant also provided a survey of existing telecommunications infrastructure within a 5 km radius of the site. This investigated 3 specific sites relative to the appeal site. I note that a neighbouring site at Park Road is a single operator structure and is a roadside development but was discounted due to limited height, design and the inability to provide radio coverage beyond a localised footprint and to accommodate additional radio link dishes.

[1] Service Coverage - Commission for Communications Regulation

8.2.7. The Grove Island Shopping Centre facilitates a 3 no. operator rooftop site providing coverage locally by ballast mounted rooftop antennas located at 14 m above ground level (ABL). It has several limitation weaknesses compared to the proposed site of development, including restricted antenna height and coverage, and signal obstruction from the building structure. Access to equipment is difficult and requires facilitation by the site provide. It is weather dependent, with no night time access available. The site relies solely on mains power, has limited battery backup, no generator provision, and cannot support renewable energy. Its low height and restricted space also prevent effective use of radio links and further expansion, making it unsuitable as a high capacity, reliable transmission site.

8.2.8. The telecommunications site at St. Mary's Cathedral is a single operator site utilised by one operator only. This site uses rooftop cabinets with antennas installed inside window openings of a historical structure. It has significant limitations compared to the proposed development, including difficult and restricted access, no night time access or generator backup is available. Antenna locations and orientations are constrained by the window design, limiting coverage, radio link options and future expansion. Because of these physical and heritage constraints, the site can only support a single operator and has limited battery backup, thereby reducing reliability during power outages.

8.2.9. The technical justification carried out identified the appeal site as the most appropriate in conjunction with the design of the mast to minimise obstruction and provide reliable mobile coverage across the local area. It will enable signal sharing by multiple operators providing uninterrupted 360 degree coverage from an optimal height and will facilitate the installation of multi frequency antennas to support network services at 2G, 4G and 5G and in meeting the need of overall network usage. In response to the grounds of appeal, the applicant further noted that the technical justification addressed the need for the structure on the basis of increased demand arising from population growth and 5G roll out. I note that the PA acknowledges that the existing structure at Grove Island Shooing Centre is limited by height making it less suitable. The PA was satisfied that the applicant had demonstrated that no suitable sites were available on other surrounding structures in the immediate vicinity.

8.2.10. Having regard to the information submitted in the applicant's technical justification, I am satisfied that it is reasonable to consider that the subject site is necessary to provide enhanced services and 5G for operators. I would also note that the delivery of increased 5G cover for all populated areas by 2030 is a key target of national policy Harnessing Digital – The Digital Ireland Framework. I am also satisfied that the applicant has reasonably assessed surrounding sites and alternative location options. Having regard to Objective IN O5 (Telecommunication Support) of the development plan which requires the submission of documentary evidence as to the non-feasibility of other antenna support structures and sites, and to all of the information on the file and to my assessment of the applicant's site section, I consider that the applicant has satisfied the requirements of this objection.

8.3. **Visual Impact**

8.3.1. While not specifically raised in the grounds of appeal, given the height of the structure and having regard to the surrounding urban context, I consider it appropriate to provide an appraisal for the Commission's consideration, given that it was raised by the PA and addressed by way of FI.

8.3.2. The proposed structure is of lattice design with a max height of 35 m. Due to the design and height of the structure, it will be visible from the immediate surrounding urban environs. The structure will be located in the south eastern corner of the rugby grounds. The Pa Healy Road adjoins the site to the east and there is a pedestrian pathway between the subject site and the main road which providing pedestrian linkages to the Park Canal recreational route and to O'Briens Park located on the southern side of the canal.

8.3.3. The subject site and the immediate area are located at a lower ground level than the Pa Healy Road with the proposed structure to be sited at 7.85 m Above Sea Level (ASL). There are apartment blocks to the western side of the rugby grounds, and to the north. Together, these apartment blocks and the Grove Island neighbourhood give the rugby grounds an enclosed nature. There is a belt of tall trees located along the boundary of the Park Canal, however it does not extend to the rear of the subject site.

8.3.4. In response to the FI request, the applicant provided a total of 4 viewpoints/ photomontages. Having carried out a site inspection, I consider that the vantage points provided would be the key viewpoints from the east of the site.

8.3.5. The area in which the site is located is designated as 'UCA 1 City Centre' (Table 3.2: Urban Character and Objectives Volume 1 of the development plan) which is a broad area covering the historic city centre. I note that there are no significant vertical landmarks identified within the vicinity of the site. Having regard to the Building Height Strategy for Limerick City (Volume 6 – Accompanying Strategies of the development plan), I note that the area in which the site is situated is not identified as a key gateway to the city. I note that a view from the Park Canal recreational walking route proximate to the south eastern corner of the appeal site in the direction of the city towards Charlottes Quay, is identified on Map 3.5: Key View and Landmarks of the Building Height Strategy as a significant view. Beyond that point to the east however, no other vantage points are identified that would encompass the appeal site and the proposed structure.

8.3.6. The topography of the immediate area and the city centre is relatively flat and low-lying, therefore longer views towards the appeal site are not likely from the approach roads to the east of the city or from the existing residential areas.

8.3.7. With regard to views from the local public road network, on the approach from the Pa Healy road as the road travels north and south, the proposed structure is likely to appear visually prominent, however long-range views would be intermittent and incidental due to the built form and urban fabric of the area, and therefore would not be seriously detrimental.

8.3.8. In terms of the existing residential amenities of the apartment blocks located to the north and to the west, the setback distances ranges from c. 144 m from the nearest apartment block located to the north, to c. 197 m to the apartment block on the western side of the sports grounds, to c. 178 m between the appeal site and the apartment block bounding the south western corner of the site. Having regard to these separation distances and to the presence of flood lighting infrastructure within the site, I consider that the proposed structure would not adversely impact the visual or residential amenities of these apartment blocks.

8.3.9. Overall, having regard to my site inspection and to the assessment above, I am satisfied that the proposed development would not be contrary to Objective CGR O9 (Building Heights) of the development plan and would therefore be acceptable.

8.4. **Flood Risk**

8.4.1. The appeal site is located in Flood Zone A and Flood Zone B. It is submission of the appellant that telecommunications infrastructure fall within the definition of 'highly vulnerable development' and in this case, it is reasonable to apply the 'avoid' and 'precautionary approach' principles as per the Planning System and Flood Risk Management Guidelines, Guidelines for Planning Authorities (November 2009). In addition, given the location of the site in a flood risk area, the justification test is required as per table 3.2 of the Guidelines.

8.4.2. I note that the PA determined the appeal site to be located within Flood Zone A and noted that telecommunications structures are not listed as a vulnerable class of development in the Guidelines, however assessed it on its individual merits and considered it to be acceptable subject to associated equipment being raised above Flood Zone A level so that it is resilient to the effects of flooding.

8.4.3. Having regard to the Planning System and Flood Risk Management Guidelines for Planning Authorities, I note that telecommunications structures are treated as part of essential infrastructure and assessed by their flood risk vulnerability but are not precluded outright. Telecommunications structures are also generally considered essential infrastructure as it supports public services and economic development. I note in the Guidelines that essential infrastructure is classed as 'water-compatible or less-vulnerable development', however this depends on the nature of the development and its sensitivity to flooding.

8.4.4. For Flood Zone A, the Guidelines define this as 'high probability of flooding' and indicates that highly vulnerable development should be avoided, however essential infrastructure including telecommunications structures may be permitted in exceptional circumstances, and where it cannot be located elsewhere. In such circumstances, the Justification Test is required to be applied, and such development must be accompanied by a site specific flood risk assessment. For Flood Zone B, the approach is similar in that the Guidelines indicate that the probability of flooding would be

moderate and that less-vulnerable and water-compactable development can be considered which would include for utilities infrastructure, subject to a site specific flood risk assessment.

8.4.5. I note that the appeal site is located in Flood Zone A with some limited parts of Flood Zone B overlapping, having regard to Figure 7-2 Limerick – North City Centre as contained in Volume 4 (Strategic Flood Risk Assessment) of the Limerick Development Plan 2022-2028. It is a specific requirement of Objective CAF O20 of the development plan that all planning applications in Flood Zones A and B require Site-Specific Flood Risk Assessment (FRA). I also note that the area is prone to flooding having reviewed the publicly available flood maps https://www.floodinfo.ie.

8.4.6. I note that a site specific flood risk assessment was not submitted with the planning application. The PA had recommended that all M&E equipment be raised above the flood zone level but did not address this as part of the FI request, or include a specific condition in its decision to grant permission. The applicant response to the grounds of appeal notes that flood risk was considered as part of the design process and proposed equipment accommodation structures incorporate raised entrance arrangements and an elevated internal flood. It is submitted also that the shallow drainage area adjacent to hardstanding areas will facilitate natural soakway and attenuation of clean surface water runoff.

8.4.7. Having regard to the Guidelines, while they do not preclude telecommunications structures in Flood Zone A or B, there is requirement to carry out a risk-based sequential approach to managing flood risk in such cases, and providing effective flood risk mitigation. This is a requirement of Objective CAF O20 (Flood Risk Assessments) of the development plan. I therefore consider that in the absence of a Site-Specific Flood Risk Assessment of the proposed development in accordance with Objective CAF O20 (Flood Risk Assessments), that there is insufficient information on file to enable the Commission to determine whether or not the proposal would give rise to possible displacement of flood waters from the site or flood risk else where, and that appropriate mitigation and resilience measures are incorporated into the design and layout of the proposed development. There is a requirement to consider the implications of climate change with regard to flood risk in relevant locations which also has not been addressed. I therefore recommend that permission is refused in this case

as the proposed development would be contrary to Objective CAF O20 (Flood Risk Assessments) of the development plan.

8.5. Material Contravention

8.5.1. There are two matters that arise which are raised in the grounds of appeal in regard to potential for a material contravention of the development plan; (1) the site's land use zoning objective Open Space and Recreation 'To protect, provide for and improve open space, active and passive recreational amenities', and (2) Objective SCSI O19 (Protection of lands zoned for Open Space) (a) to protect existing open space, by not permitting development which encroaches on open space and would result in reducing the recreational value to the public, and Objective SCSI O20 (Protection of Sports Grounds/Facilities) (b) to protect, retain and enhance existing sports facilities and grounds.

8.5.2. Firstly, the grounds of appeal submit that to permit the proposed development would be in direct contravention of the objective to protect open space and recreation areas as the direct loss of part of an open space would be the converse to its protection. The purpose of the zoning objective is stated as follows; '*to provide for active and passive recreational resources including parks, sports and leisure facilities and amenities including greenways and blueways. The council will not normally permit development that would result in a loss of open space*'. Telecommunications structures are identified as an 'open for consideration' use on land that is zoned 'Open Space and Recreation. The development plan therefore does allow for the proposed development to be considered, which in principle, can be considered in this case. The zoning objective is therefore, not in my view, sufficiently restrictive to warrant the conclusion that the proposed development would materially contravene the development plan.

8.5.3. Secondly, the matter of materiality is raised in respect of Objective SCSI O19 (Protection of lands zoned for Open Space and Recreation) (a) due to the presence of a 36 m tower adjacent to playing fields which would act as a disincentive to some users, thus reducing recreational value to the public. With regard to the provisions of this objective, as previously discussed in my assessment in Section 8.1 above, I have examined the principle of the proposed development in the context of this objective and have concluded that it would not diminish the recreational value of the overall site

to the public. It is therefore my opinion that the proposed development would not constitute a material contravention of the Limerick Development Plan 2022-2028 (as varied).

8.5.4. Similarly, Objective SCSI O20 (Protection of Sports Grounds/Facilities) (b) provides that it is an objective of the council to protect, retain and enhance existing sports facilities and grounds. I have considered this in the context of the wider strategic policy of the council as set out in Section 10.10 (Sports and Recreation) of the development plan, and I conclude that the aforementioned provision of the objective is a more general objective to support the council's strategic policy in relation to sports and recreation within Limerick city and county. It is therefore my opinion that the proposed development would not constitute a material contravention of the development plan in this case.

8.5.5. Having regard to the foregoing assessment, as the Planning Authority did not refuse permission in this case, and as I do not consider that a material contravention of the development plan arises, I therefore submit that the Commission is not constrained by the terms of Section 37(2)(b) of the Planning and Development Act 2000 (as amended).

8.6. **Other Matters**

Unauthorised Development

8.6.1. In the applicant's response to the grounds of appeal with specific reference to the Grove Island 14 m high rooftop site, whereby it is alleged that the existing development has no record of planning permission being granted for the structure, I would note that enforcement is a function of the local authority and that any matters associated with compliance with previous permissions or otherwise on site are a matter for the planning authority. Enforcement is outside of the scope of the Commission's functions.

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) and the River Shannon and River Fergus Estuaries SPA

(004077) 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 Appropriate Assessment Screening and Natura Impact Statement and all associated material submitted, I consider that adverse effects on site integrity of the Lower River Shannon SAC (Site Code 002165) and River Fergus Estuaries SPA (004077) 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 implementation of these measures.

9.1.4. 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) and River Shannon and River Fergus Estuaries SPA (004077).

10.0 Water Framework Directive

10.1. An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the Eastern/South Eastern River Basin Management Plan 2022–2027.

10.2. The receiving water environment has been identified and assessed, see Appendix 4 attached. Having regard to the nature, scale, and location of the proposed development, and the mitigation measures proposed as part of a Construction Environmental Management Plan (CEMP) it is concluded that the proposed development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;

- Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

10.3. Any residual risks are capable of being addressed through the proposed mitigation measures, and implementation as part of a CEMP. The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

11.0 Recommendation

Having regard to the foreign assessment, I recommend that permission is refused for the following reasons and considerations.

12.0 Reasons and Considerations

1. The proposed development is in an area which is at risk of flooding. The Commission is not satisfied, on the basis of the information lodged with the planning application and in response to the appeal, that the proposed development would not give rise to a heightened risk of flooding either on the proposed development site itself, or on other lands. The proposed development would be contrary to Objective CAF O20 (Flood Risk Assessments) of the Limerick Development Plan 2022-2028 (as varied), would be prejudicial to public health and would, therefore, be contrary 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way."

Clare Clancy

Planning Inspector

30th April 2026

Appendix 1 – Form 1 EIA Pre-Screening

Case Reference	PL-500698-LK
Proposed Development Summary	Lattice communications tower measuring 36 m in height, equipment shelter, fencing and associated works
Development Address	St. Mary's Rugby Football Club, Grove Island, Corbally, 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	**State the Class here**
☒ 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?	

☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	**State the Class and state the relevant threshold**
☐ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	**State the Class and state the relevant threshold**

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)?	
Yes ☐	
No ☒	

Inspector: _____ Date: _____

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-500698-LK**	
Brief description of project	36 m high lattice communications tower, equipment shelter, fencing and associated site works.
Brief description of development site characteristics and potential impact mechanisms	The appeal site forms part of a recreational sports grounds that is zoned 'Open Space and Recreation' and is located in Limerick city. It has a stated area of 0.020 ha. The Park Canal is located to south which conveys to Abbey watercourse which flows then in to the River Shannon. Site preparation work and construction works will require ground clearance works and excavation works for concrete foundations. Excavated material and soil will be temporarily stockpiled on site. Construction materials include steel, concrete, aggregate and prefabricated components all delivered to the site. No concrete mixing will take place on site. Permanent fencing will be erected around the perimeter of the site and landscaping will be reinstated post construction. A Construction Environmental Management Plan (CEMP) accompanies the appeal.
Screening report	• Yes – Revised Appropriate Assessment Screening Report dated Oct 2025 (Una Philpott Environmental Scientist) • Following a request for FI, the PA stated that an Appropriate Assessment was deemed to be required due to a direct hydrological pathway to the European designated sites.
Natura Impact Statement	Yes (Una Philpott Environmental Scientist)
Relevant submissions	• Ecologist Report Limerick City & County Council • Third party appeal

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

2 no. European sites are within a zone of influence of the proposed development. I note that the NIS identified a further 6 European sites (Glenomra Woos SAC, Tory Hill SAC, Danes Hole, Poulnalecka SAC, Clare Glen SAC, Ratty River Cave SAC, Slievefelim to Silvermines Mountains SPA) in a 15 km radius of the appeal site but can be ruled out on further examination due to distance and lack of/ weak ecological connections. Therefore I am satisfied that these sites can be excluded from further consideration.

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)	Habitats: • 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]	Adjoins/ Within site	Direct – Site is located within the Lower River Shannon SAC, direct land/ terrestrial, hydrological, hydrogeological, and air pathways between the proposed development and the SAC site. Indirect – Due to disturbance, disruption to migratory routes or sightlines, increased lighting and activity at site	Y

	• Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] • Mediterranean salt meadows (Juncetalia 41aritime) [1410] • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Species: • 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] <u>Conservation Objectives</u>			
River Shannon and River Fergus Estuaries SPA (004077)	Birds: • Cormorant (Phalacrocorax carbo) [A017] • Whooper Swan (Cygnus cygnus) [A038] • Light-bellied Brent Goose (Branta bernicla hrota) [A046] • Shelduck (Tadorna tadorna) [A048] • Wigeon (Anas penelope) [A050] • Teal (Anas crecca) [A052] • Pintail (Anas acuta) [A054]	Approx. 1.5 km to west	Direct – Site is located within the Lower River Shannon SAC, direct land/ terrestrial, hydrological, hydrogeological, and air pathways between the proposed development and the SAC site. Indirect – Due to disturbance, disruption to migratory	Y

	• 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] • Redshank (Tringa totanus) [A162] • Greenshank (Tringa nebularia) [A164] • Black-headed Gull (Chroicocephalus ridibundus) [A179]		routes or sightlines, increased lighting and activity at site	

	Habitats: • Wetland and Waterbirds [A999]			

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 <u>or</u> in combination) on European Sites

I note that the PA had identified a direct hydrological pathway to the SAC site via a drainage ditch on the northern boundary however It is unclear what area or indeed existing drainage ditch that is referred to as there does not appear to be any indicated on plans or drawings. Having reviewed the NIS, I note that the identified hydrological pathways are discussed in the context of surface water runoff and groundwater infiltration into the Park Canal which is within the Lower River Shannon SAC, however there is no specific mention of a drainage ditch on the northern boundary serving as direct pathway to the European site.

AA Screening Matrix

Qualifying Interests (QIs)/ Special Conservation Interests (SCIs)		**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
		Impacts	**Effects**
Site 1: **Lower River Shannon SAC (002165)**		Uncontrolled release of silt, sediment, by-products of concrete during site works via surface water runoff. Uncontrolled release of construction related compounds including hydrocarbons, oils to surface water	Potential disturbance risks to aquatic life – impede migration corridor (Park Canal is part of the migration route from estuary to spawning areas) up stream and down stream, impact spawning and breeding sites, habitats, & water
QI/SCI	**CO**		
1029 Freshwater Pearl Mussel *Margaritifera margaritifera*	To restore the favourable conservation condition of Freshwater Pearl Mussel in the Lower River Shannon SAC.		

1095 Sea Lamprey *Petromyzon marinus*	Maintain populations and habitat; ensure free passage	Construction noise, vibration, lighting impacts Post construction, surface water drainage from the development compound hardstanding areas, potential pollutants for maintenance of telecommunications equipment.	quality degradation, noise impacts, displacement from foraging areas, suspended sediment	
1096 Brook Lamprey *Lampetra planeri*	Maintain populations and habitat; ensure free passage			
1099 River Lamprey *Lampetra fluviatilis*	Maintain populations and habitat; ensure free passage			
1106 Atlantic Salmon *Salmo salar* (only in fresh water)	Restore favourable conservation condition; population targets, free spawning access			
1349 Bottlenose Dolphin *Tursiops truncatus*	Maintain population, habitat quality and usage pattern Stable; ~107 individuals (est.), highly site-faithful			
1355 Otter *Lutra lutra*	Maintain populations and habitat. Present and widespread in site			
1110 Sandbanks which are slightly covered by sea water all the time	Maintain favourable conservation condition. Stable, area: 1,353 ha			
1130 Estuaries	Maintain favourable conservation condition. Stable/increasing, area: 24,273 ha			
1140 Mudflats and sandflats not covered by seawater at low tide	Maintain favourable conservation condition. Stable/increasing, area: 8,808 ha			
1150 *Coastal lagoons	Maintain favourable conservation			

	condition. Poor conservation status nationally
1160 Large shallow inlets and bays	Maintain favourable conservation condition. Stable/increasing
1170 Reefs	Maintain favourable conservation condition. Stable distribution and area
1220 Perennial vegetation of stony banks	Maintain favourable conservation condition. No decline, stable/increasing area
1230 Vegetated sea cliffs of the Atlantic and Baltic coasts	Maintain favourable conservation condition. Maintain range and structure
1310 Salicornia and other annuals colonizing mud and sand	Maintain favourable conservation condition. Stable/increasing, 0.22 ha
1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	Restore favourable conservation condition. Target: increasing extent; 495.4 ha
1410 Mediterranean salt meadows (Juncetalia maritimi)	Restore favourable conservation condition. Target: increasing extent; 48 ha
3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-	Maintain favourable conservation condition. Maintain structure & supporting species

Batrachion vegetation	
6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)	To maintain the favourable conservation condition of Molinia meadows (Molinion caeruleae) in the Lower River Shannon SAC, the habitat must have stable or increasing area and distribution (subject to natural processes), a broadleaf herb:grass ratio of 40–90%, 30–70% of the sward between 10–80 cm high, at least 7 positive indicator species including one "high quality" species, no decline in notable species, negative indicator species collectively under 20% cover (none over 10%, and non-native invasives absent or controlled), specific limits on moss cover (bog moss under 10%, hair moss under 25%), woody species and bracken under 5% cover, and no more than 10% bare ground.
91E0 *Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion,	To restore the favourable conservation condition of alluvial forests with Alnus glutinosa and

Alnion incanae, Salicion albae)	Fraxinus excelsior (91E0) in the Lower River Shannon SAC by ensuring a stable or increasing area and distribution, diverse and native woodland structure with adequate regeneration and dead wood, protection of veteran trees and local distinctiveness, appropriate hydrology, and control of negative indicator (especially invasive) species.		

	Likelihood of significant effects from the proposed development (alone): Yes
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?

Table 4 of the NIS identifies the above qualifying interests of the SAC affected by the proposed development and whereby likely significant effects cannot be ruled out. In relation to 1029 Freshwater Pearl Mussel, it was concluded that there is no direct or indirect pathways to this species.
In relation to 1150 Coastal lagoons, 1110 Sandbanks, 1220 Perennial vegetation of stony banks, 1230 Vegetated seacliffs, 1310 Salicornia etc, 1330 Atlantic salt meadows, 1410 Mediterranean salt meadows, 3260 Water courses of plain to montane levels etc, 6410 Molinia meadows, 91E0 Allivial forests, it was concluded that there was no direct or indirect pathways to these habitats.

Qualifying Interests (QIs)/ Special Conservation Interests (SCIs)	**Possibility of significant effects (alone) in view of the conservation objectives of the site***		
	Impacts	**Effects**	**Effe**
Site 2 **River Shannon and River Fergus Estuaries (SPA 004077)**	Direct and Indirect impact on SPA listed bird species:	Direct hydrological and hydrogeological pathways via	

QI/SCI	CO			
Cormorant *Phalacrocorax carbo*	Maintain favourable conservation condition: stable breeding abundance, productivity, breeding distribution, prey biomass, connectivity, disturbance; stable or increasing long-term trend and non-breeding range/timing/intensity of use (see notes).	Release of silt and sediment during site works Release of construction related compounds including hydrocarbons to surface water Construction noise, lighting impacts Collision	surface water and groundwater. A decline in water quality could effect ex-situ species – wintering birds. Potential indirect pathway ex-situ disturbance effects noise, movement, vibration, localised disturbance to feeding, lighting.	
Whooper Swan *Cygnus cygnus*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity of use (non-breeding).			
Light-bellied Brent Goose *Branta bernicla hrota*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity of use (non-breeding).			
Shelduck *Tadorna tadorna*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity of use (non-breeding).	No physical encroachment		
Wigeon *Anas penelope*	Maintain favourable conservation condition: stable or increasing long-term			

	trend and stable range/timing/intensity of use (non-breeding).
Teal *Anas crecca*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity of use (non-breeding).
Pintail *Anas acuta*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity of use (non-breeding).
Shoveler *Anas clypeata*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity of use (non-breeding).
Scaup *Aythya marila*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity of use (non-breeding).
Ringed Plover *Charadrius hiaticula*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity

	of use (non-breeding).
Golden Plover *Pluvialis apricaria*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity of use (non-breeding).
Grey Plover *Pluvialis squatarola*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity of use (non-breeding).
Lapwing *Vanellus vanellus*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity of use (non-breeding).
Knot *Calidris canutus*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity of use (non-breeding).
Dunlin *Calidris alpina*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity of use (non-breeding).
Black-tailed Godwit *Limosa limosa*	Maintain favourable conservation condition: stable or

	increasing long-term trend and stable range/timing/intensity of use (non-breeding).
Bar-tailed Godwit *Limosa lapponica*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity of use (non-breeding).
Curlew *Numenius arquata*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity of use (non-breeding).
Redshank *Tringa totanus*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity of use (non-breeding).
Greenshank *Tringa nebularia*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity of use (non-breeding).
Black-headed Gull *Chroicocephalus ridibundus*	Maintain favourable conservation condition: stable or increasing long-term trend and stable range/timing/intensity of use (non-breeding).
Wetlands	Maintain favourable conservation condition of wetland habitat, with permanent area stable and not significantly less than 32,261 ha (other

	than due to natural variation).				
The NIS outlines that no direct habitat loss will occur as the site is fully terrestrial and would be confined to artificial ground above the tideline. Direct pathways exist via hydrology and hydrogeology pathways as a result of construction phase causing temporary localised disturbance to feeding or commuting birds using Canal Park/ Limerick Dock. Lighting disturbances at night could affect movement particularly for commuting bird swans, geese and roosting/ loafing waterbirds. Runoff from construction related activity could contaminate water quality and food supply.					

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

Based on the information provided in the appropriate assessment screening report and in the NIS, site visit, review of the conservation objectives and other supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the Lower River Shannon SAC (Site Code 002165) and River Shannon and River Fergus Estuaries (SPA 004077)

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.

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 will give rise to significant effects on the Lower River Shannon SAC (Site Code 002165) and on the River Shannon and River Fergus Estuaries (SPA 004077) in view of these sites conservations objectives. Appropriate Assessment is required.

It is therefore determined that appropriate assessment (Stage 2) [under Section 177V of the Planning and Development Act 2000 (as amended)] of the proposed development 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 i.e. a lattice, telecommunications structure measuring 36 meters in height, equipment shelter at ground level, fencing and all associated site works, in view of the relevant conservation objectives of the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA, based on scientific information provided by the applicant. The information relied upon includes the following: • An updated Stage 1 Screening for Appropriate Assessment prepared by Una Philpott Environmental Scientist. • Natura Impact Statement prepared by Una Philpott Environmental Scientist. 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 • Ecologist Limerick City and County Council

- Third Party appeal

Lower River Shannon SAC (Site Code 002165):

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

(i) Water quality degradation (construction and operation)

(ii) Disturbance effects

Refer to Table 2 in NIS

Qualifying Interest features likely to be affected	**Conservation Objectives** **Targets and attributes (summary- inserted)**	**Potential adverse effects**	**Mitigation measures** **(summary)** **NIS Table 4**
1095 Sea Lamprey	To restore favourable conservation condition which is defined by, inter alia, no decline in extend or distribution of spawning beds.	Key issue - integrity of migration corridor. Park Canal is part of the tidal migration route from estuary to spawning areas Temporal displacement of migrating adults - Construction noise/vibration during spring migration period (March-June) could temporarily	Temporal Restrictions (Critical) strict avoidance period: • No construction work between 1st March – 30th June • This covers the main adult migration period (March-May) and spawning season (May-July) • Sea lamprey migrate upstream from March when water temperatures reach 8-12°C

		disrupt access to spawning areas upstream, conflicting with the "restore >75% accessibility" objective Degradation of juvenile habitat - Risk of concrete/fuel contamination of fine sediment areas where ammocoetes burrow, potentially affecting the "≥1/m² juvenile density" target Water quality impacts - Uncontrolled sediment release could affect spawning habitat quality and juvenile survival, threatening the "no decline in spawning habitat" objective.	• Peak spawning occurs May-June when temperatures reach 15-20°C **Construction Environnemental Management Plan (CEMP)** Water Quality Protection • No wet concrete within 50m of Park Canal without full containment • Designated concrete mixing area ≥50m from watercourse with impermeable lining • Mobile catch nets beneath all concrete work near water • Pre-cast concrete preferred where possible to minimize on-site mixing • Concrete truck washout only at designated off-site facility • pH monitoring of any water discharge; target <8.5 pH units Fuel & Hydrocarbon Control • No refuelling within 50m of Park Canal

			• Double-bunded fuel storage with 110% capacity containment • Daily machinery inspections for leaks before start of work • Biodegradable hydraulic oils where practicable • Spill kits on site with 24/7 availability Sediment Control • Silt fences around all excavation areas draining toward canal • Installation: 15cm buried, stakes at 2m intervals, inspected weekly • Settlement ponds/silt traps for any pumped water discharge • Turbidity monitoring: NTU <25% above background at mid-channel • Stop-work trigger: If turbidity target exceeded Environmental Monitoring Programme • Water quality monitoring: pH, turbidity, dissolved oxygen at 2 locations

			• Frequency: Daily during construction, weekly post-construction • Fish kill monitoring: Daily visual inspection of 500m downstream • Reporting: Weekly reports to NPWS and IFI during construction Existing Habitat Conservation • No disturbance to fine sediment areas in Park Canal beyond minimum footprint • Maintain natural bed slopes and sediment transport pathways • Preserve riparian vegetation along canal margins where possible Licensing Requirements • IFI Section 14 License for any in-channel work or fish handling • NPWS Derogation License if required (unlikely with proper mitigation) • EPA discharge authorization for any treated water release.

1096 Brook Lamprey	To maintain favourable conservation of Brook Lamprey	• Temporary barriers to movement during construction • Chemical contamination making canal sections unsuitable • Physical disturbance of migration corridors	Temporal Restrictions: • No construction work 1st March – 30th June (covers spawning/early development period) Habitat Protection: • Maintain natural bed slopes and sediment transport • No disturbance to fine sediment areas beyond minimum footprint • Preserve connectivity along canal system Water Quality Controls (CEMP): • As above. Spawning Habitat Protection: • Water quality controls prevent upstream/downstream impacts

			• Sediment containment during all construction phases • No work during spawning season (April-June) Flow Regime Protection: • No alterations to natural flow patterns Maintain channel morphology
1099 River Lamprey	To maintain the favourable conservation condition of River Lamprey in the Lower River Shannon SAC	Park Canal migration corridor for adults returning from estuary to spawning areas. Construction could block/impede upstream migration during spawning runs • Temporary barriers to adult migration • Noise, acoustic impacts • Water quality degradation • Physical obstruction of channel during foundation works	Enhanced Temporal Restrictions: • Strict Avoidance: No construction work 1st March – 30th June (covers adult migration and spawning period) • River lamprey adults migrate earlier than Sea Lamprey (March-April vs April-May) Migration Corridor Protection • No in-channel works or temporary structures • Maintain full channel width and depth Water quality: As above & CEMP requirements

			• No concrete work during spawning (April-June) Flow Regime Protection: • No channel modifications that alter flow patterns • Maintain natural bed morphology • Emergency protocol: Immediate stop-work if spawning activity observed
1106 Atlantic Salmon (only in fresh water)	To maintain favourable conservation condition	Physical/acoustic barriers blocking upstream adult migration (spring-summer) Interference with downstream smolt migration (April-June) Construction noise deterring migrating adults/smolts Water quality degradation making migration corridor unsuitable	Critical Temporal Restrictions: Strict avoidance: No construction work 1st March – 30th September Covers adult upstream migration (March-August) Covers smolt downstream migration (April-June) Covers early spawning period (October starts) Enhanced Migration Protection: • No in-channel works or temporary cofferdams • Maintain full channel width and depth throughout

		Disruption of spawning migration routes Degradation of spawning gravel quality Reduced spawning success from disturbance Direct mortality from construction contamination Habitat degradation affecting fry survival Food web disrupti n from sediment/chemical impacts	• Lighting restrictions: No high-intensity lighting over water Smolt Migration Protection: • Absolute construction ban during smolt migration (April-June) • Migration Corridor Integrity: • No temporary structures in water during migration season • Maintain natural flow patterns and channel morphology • Emergency protocols for any smolt mortalities observed (ECoW) • Post-construction smolt monitoring using acoustic tagging Water Quality Protection (to be captured in CEMP) • Concrete and Cementitious Materials • Precast concrete to be used where possible. • No wet concrete or mixing allowed within 25 m of any open drains or canal

			linkage; all mixing and pours undertaken with full containment (impermeable trays or self-contained vehicles). • Concrete truck washout strictly at off-site, licensed facility. • No discharge of construction phase water to stormwater drains or canal. Fuel and Chemical Storage • All fuels/chemicals double-bunded, >25 m from any surface water. • All refueling to take place off-site. • Regular inspection of machinery for leaks. Sediment/Silt Control • All exposed soil covered or sealed immediately after excavation. • Silt fencing installed along any platform or compound edge that drains towards canal; checked and maintained after rainfall.

			• No discharge of site water to stormwater drains unless first passed through silt trap/bag. • Weather monitoring to ensure works do not take place in parallel with inclement wet weather.
1349 Bottlenose Dolphin	To maintain favourable conservation condition	• Acoustic displacement from construction noise • Temporary exclusion from foraging areas in upper estuary • Disruption of movement between core habitat areas • Activities such as aquaculture, shipping, and industrial operations within the estuary (including near Limerick City and Foynes) are subject to assessment. Recent environmental	Critical Temporal Restrictions: • No construction work during calving season (May-September) • Peak calving occurs June-August when mothers with newborns use upper estuary • Construction window: October-April only, with full mitigation measures. Acoustic Impact Mitigation: • Marine Mammal Observer (MMO) – or any suitably qualified individual - to be present during construction activities • Soft-start procedures for any impact activities (30-minute ramp-up)

		impact assessments have concluded that current and planned levels of such activities present low risk to the dolphins provided that regulatory mitigation is followed	• Real-time acoustic monitoring with stop-work triggers >120dB re 1µPa • Restrict all heavy/noisy works to daylight hours (08:00–18:00) to coincide with higher background urban activity, further reducing potential disturbance. • No simultaneous impulsive activities (max 1 noise source at any time) • In the unlikely event that a dolphin is observed in close proximity (within 100 m of the Dock/canal edge) during a high-noise activity, pause works and allow animal(s) to leave before recommencing. • The risk of significant displacement is **extremely low** due to the distance from core dolphin habitat. • The construction footprint and spatial/temporal scale of noise or pollution is negligible compared to industrial/harbour activity elsewhere in the estuary.

1355 Otter	To maintain favourable conservation condition	• Construction activities could disturb or block • established territorial routes • Water quality deterioration could make canal unsuitable for foraging • Noise/vibration can cause disturbance of holts within 200m radius • Water contamination can impact prey fish availability • Physical damage to any potential bank-side holt sites during excavation could occur.	Timing of works • Natal Den Season (May-September):Peak vulnerability when females with dependent cubs confined to dens • Absolute construction restrictions within 200m of any confirmed breeding site • Enhanced monitoring required if any signs of breeding activity detected General Activity Patterns: Peak activity: • Dawn and dusk (crepuscular) • Breeding: Can occur year-round but peak May-August • Territorial marking: Highest in spring (March-May) Pre-construction Otter Survey

			• Conduct a thorough survey within the site and a 200 m buffer before works begin to identify any active holts, couches, or key commuting routes. • Extend survey if evidence suggests holts could be nearby. Buffer Zones • Maintain a minimum 10 m no-works buffer along both sides of the Park Canal, where possible, to protect riparian habitat and minimize disturbance. Holt Protection Exclusion Zones • If a holt (resting or breeding site) is identified, work must halt to allow an ecologist to assess. • Derogation license as already mentioned. • Ecologist will determine if artificial holt/otter removal required.

1140 Mudflats & Sandflats	To maintain favourable conservation condition of mudflats and sandflats not covered by seawater at low tide	Water quality deterioration	CEMP – Water quality protection, fuel and hydrocarbon control, sediment control, environmental monitoring program Surface & groundwater management Monitoring
Other QIs		**Rationale for exclusion:**	
1130 Estuaries	Not at risk	Likely significant effects not anticipated. No direct habitat loss is expected.	
1140 Mudflats and sandflats not covered by seawater at low tide	Not at risk	Likely significant effects not anticipated. No direct habitat loss is expected.	
1150 Coastal Lagoons	Not at risk	Likely significant effects not anticipated dues to size and nature of proposed development and separation distance Likely significant effects not anticipated dues to size and nature of proposed development and separation distance	
1160 Large shallow inlets and bays	Not at risk		
1170 Reefs	Not at risk		

		Likely significant effects not anticipated dues to size and nature of proposed development and separation distance

River Shannon and River Fergus Estuaries (SPA 004077):

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

(i) Water quality degradation (construction and operation)

(ii) Disturbance effects

Refer to Table 2 in NIS

Qualifying Interest features likely to be affected	**Conservation Objectives** **Targets and attributes (summary- inserted)**	**Potential adverse effects**	**Mitigation measures** **(summary) NIS Table 4**
• A017 Cormorant, • A038 Whooper Swan, • A046 Light-bellied Brent Goose, • A048 Shelduck, • A050 Wigeon, • A052 Teal, • A054 Pintail, • A062 Scaup, • A137 Ringed Plover, • A140 Golden Plover,	To maintain the favourable conservation condition of Cormorant in the River Shannon and River Fergus Estuaries SPA	• No direct habitat loss, as site is fully terrestrial and all works are confined to artificial ground above the tideline. • Risk of indirect effects via: - Construction-phase noise, movement, and vibration may cause temporary, localised disturbance to feeding loafing or commuting birds using Park Canal/Limerick Dock.	Collision risk management • The open-lattice (rather than solid-panel) tower design. • Context: urban/industrial background, proximity to SPA, and flight behaviour of SCI birds (mostly strong, direct fliers or low-level waterbirds). • The tower's lattice structure minimizes physical collision

• A141 Grey Plover, • A142 Lapwing, • A143 Knot, • A149 Dunlin, • A156 Black-tailed Godwit, A157 Bar-tailed Godwit, • A160 Curlew, A162 Redshank, A164 Greenshank, • A179 Black-headed Gull, • A857 Shoveler		• Increased lighting at night could affect movement, especially for commuting swans/geese and roosting/loafing waterbirds. • Accidental sediment, pollutant or hydrocarbon runoff could affect prey/food supply or water quality at the immediate site or, minimally, downstream. • Collision Risk: A 36-m tall, open-lattice tower can present collision risk.	risk—there is no evidence that waterbirds (including swans, geese, and large waders) are disproportionately affected by such towers, especially in a visually cluttered, urban setting with similar structures present. • The tower can be painted with high visibility (ICAO-standard) contrasting colour bands on the upper section, and/or fitted with a low/medium-intensity, intermittent red aviation beacon (e.g. flashing at 20–60 fpm), and have no guy wires or other features known to increase avian risk. • No flocks of large birds are likely to be attracted to perch due to the absence of platforms, horizontal crossbars, and surface area; • Site managers are briefed to report any bird collision incidents to NPWS. **Disturbance management**

			• All heavy/noisy works restricted to daylight hours. • No high-lux, broad-beam or upward-directed lighting; all lighting to be downward-facing, low intensity, triggered by passive infrared (motion sensor) if possible. • Toolbox talk for all staff on bird / SPA sensitivities, especially regarding flocking wildfowl and waders. **Surface water and pollution control** – as per above and CEMP. **Visual or noise monitoring:** • Site management to monitor during works for unusual bird congregation, flushes or distress, and to halt/pause works temporarily as necessary if large flocks (esp. swan/geese/waders) are present.
A999 Wetlands	To maintain the favourable conservation condition of the wetland habitat in the River Shannon and River Fergus Estuaries SPA as a resource	No physical encroachment or loss of SPA wetland area due to location/footprint—site is on artificial substrate and outside intertidal boundary.	All CEMP, water and pollution control, and site-management provisions above.

	for the regularly-occurring migratory waterbirds that utilise it.	Likely significant effects low, but possible via water quality degradation. Temporary, localised decline in water or sediment quality from construction runoff, spills, or gross pollution, potentially inhibiting use of adjacent wetland resource.	

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

(i) Water quality degradation (construction and operation)

Water quality degradation is the main risk arising from unmanaged site works. During construction, there is potential for water quality deterioration through the release of suspended solids which can result in excessive sedimentation leading to deoxygenation of water and subsequent asphyxia of aquatic species. Increase sedimentation has the potential to impact fish and alter habitat quality for spawning grounds by damaging gravel beds requiring for spawning, smothering fish eggs and interfering with the gills of fish. The release of hydrocarbons from construction plant and equipment, can also affect water quality potentially resulting in toxic conditions for aquatic flora and fauna and dioxygen of waters. The release of concrete could alter the pH of the water body, potentially leading to aquatic flora and fauna mortality.

No discharge to the Park Canal during construction or operation is proposed. A drainage area is proposed to the west of the hard surface areas to attenuate clear water runoff from hard surfaces and roofs, and to enable natural soakaway within the site boundaries (DWG. No. SM-001 'Proposed Drainage'). During excavation of groundworks excavated topsoil and subsoil will be stockpiled at least 10 m from surface water drains or watercourse on level ground to prevent runoff. Perimeter silt fencing and straw bales will be installed downslope of stockpiles to prevent silt-laden runoff entering adjacent areas (CEMP).

(iii) Disturbance effects

Construction phase – there is protentional for construction phase noise, movement, and vibration to cause temporary localised disturbances to bird species feeding or commuting using Park Canal or Limerick Dock. Increase lighting at night could potentially

affect movement of bird species particularly for commuting, roosting and loafing waterbirds. Accidental sediment, pollutant or hydrocarbon runoff could affect prey/food supply or water quality at the immediate site or, minimally, downstream.
Given the height of the structure, collision risk could potentially occur, however it is noted from the NIS that large birds are unlikely to be attracted to perch on the structure due the absence of platforms, horizontal crossbars and surface areas. Past collision risk assessment in similar site contexts in Ireland have found negligible risk in such design/ siting conditions.

Mitigation measures and conditions

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into watercourses specifically Park Canal. This is to be achieved by design, supervision by Environmental Consultant, Ecological Clerk of Works (as outline in CEMP), application of specific measures and monitoring and implementation of the CEMP.

Mitigation measures outlined in Table 4 of the NIS will be carried out to ensure strict avoidance of construction works from 1st March – 30th September. The NIS outlines monitoring and emergency protocol to address incidents such as fuel spills and are addressed in the CEMP for the site in Section 6.

Wet concrete will not be permitted within 25 m of open drains or within 50 m of Park Canal without full containment. The CEMP outlines that concrete works will entail of ready-mixed concrete delivered to site.

To mitigate disturbances, all heavy noise works should be restricted to daylight hours. Light disturbance can be managed by no high-lux, broad-beam or upward-directed lighting; all lighting to be downward-facing, low intensity, triggered by passive infrared (motion sensor) if possible,

The lattice design of the structure will minimise physical collision. Paint consisting of high visibility contrasting colour bands can be applied to the upper section and/ or fitted with aviation beacon, and have no guy wires or other features.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS (Section 7.0 Table 5). 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 sites considered in the Appropriate Assessment. No direct impacts are predicted. Regarding Indirect impacts, therefore 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 and conditioned if permission is granted.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Lower River Shannon SAC (Site Code 002165) and River Shannon and River Fergus Estuaries (SPA 004077) sites. 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) and River Fergus Estuaries (SPA 004077) sites in view of the conservation objectives of the sites 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) and River Fergus Estuaries (SPA 004077) sites 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) and River Fergus Estuaries (SPA 004077) sites.

Appendix 4 – WFD Impact Assessment Stage 1

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-500698-LK-26	**Townland, address**	St. Mary's Rugby Football Club, Grove Island, Corbally, Co Limerick
Description of project		Lattice communications tower measuring 36 m in height, equipment shelter, fencing and associated works.	
Brief site description, relevant to WFD Screening,		The appeal site forms part of a recreational sports grounds that is zoned 'Open Space and Recreation' and is located in Limerick city. It has a stated area of 0.020 ha. The Park Canal is located to south which conveys to Abbey watercourse which flows then in to the River Shannon.	
Proposed surface water details		Proposed drainage area to west of hard surface area to attenuate clean water runoff from hard surfaces, roofs and allow for natural soakaway within site boundaries	
Proposed water supply source & available capacity		N/a (The site is connected to the existing public water mains)	
Proposed wastewater treatment system & available capacity, other issues		N/a (The site is connected to the existing public sewer).	

Others?	No

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 Waterbody	Located	SHANNON (LOWER)_060 IE_SH_25S012600	Moderate	Review	Not indicated	Via surface water run-off
Ground Waterbody	Underlying site	Limerick City East IE_SH_G_138	Good	At risk	Agriculture, DWTS	Via surface water run-off
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.	Surface	SHANNON (LOWER)_060 IE_SH_25S012600	Proposed drainage area to west of hard surface area to attenuate clean water runoff from hard surfaces, roofs and allow for natural soakaway within site boundaries	Siltation, hydrocarbon spillages	Standard Construction practice CEMP	No	Screened out
2.	Ground	Limerick City Southwest IE_SH_G_141	Proposed drainage area to west of hard surface area to attenuate clean water runoff from hard surfaces, roofs and allow for natural soakaway within site boundaries	Hydrocarbon Spillages	Standard Construction practice CEMP	No	Screened out
OPERATIONAL PHASE							
1	Surface	SHANNON (LOWER)_060 IE_SH_25S012600	Proposed drainage area to west of hard surface area to attenuate clean water runoff from hard surfaces, roofs and allow for natural	None	No	No	Screened out

			soakaway within site boundaries				
42	Ground	Limerick City Southwest IE_SH_G_141	Proposed drainage area to west of hard surface area to attenuate clean water runoff from hard surfaces, roofs and allow for natural soakaway within site boundaries	None	No	No	Screened out
DECOMMISSIONING PHASE							
1.	NA	NA	NA	NA	NA	NA	NA