

# **APPROPRIATE ASSESSMENT CONCLUSION STATEMENT**

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## **FOR THE ABBEYFEALE LOCAL AREA PLAN 2023-2029**

**for: Limerick City and County Council**

City Hall  
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Limerick  
County Limerick



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# Table of Contents

<b>Section 1</b>	<b>Introduction and Background.....</b>	<b>1</b>
1.1	Introduction.....	1
1.2	Legislative Requirements in relation to AA .....	1
1.3	AA Conclusion Statement .....	1
<b>Section 2</b>	<b>How the findings of the AA were factored into the Plan .....</b>	<b>3</b>
<b>Section 3</b>	<b>Consideration of Alternatives .....</b>	<b>8</b>
3.1	Limitations in Available Alternatives .....	8
3.2	Land Use Zoning Alternatives .....	8
3.3	Transport Infrastructure Alternatives.....	9
<b>Section 4</b>	<b>AA Determination.....</b>	<b>11</b>

## List of Tables

Table 1.1	Matters taken into account by the AA.....	1
Table 2.1	Measures that will protect European sites and their sustaining resources.....	3

# Section 1 Introduction and Background

## 1.1 Introduction

This is the Appropriate Assessment (AA) Conclusion Statement for the Abbeyfeale Local Area Plan. The obligation to undertake AA derives from Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC as transposed into Irish legislation by, inter alia, the Planning and Development Act 2000, as amended. AA is a focused and detailed impact assessment of the implications of a strategic action (such as a plan or programme) or project, alone and in combination with other strategic actions and projects, on the integrity of any European Site in view of its conservation objectives. This AA Conclusion Statement should be read in conjunction with the Plan and associated documents including the AA Natura Impact Report (NIR).

## 1.2 Legislative Requirements in relation to AA

In carrying out the AA for the Plan, Planning and Development Act 2000, as amended, requires, inter alia, that the Council considers the matters arrayed in the first column on Table 1.1 below. The second column identifies how these issues have been addressed.

**Table 1.1 Matters taken into account by the AA**

<b>Matter specified by the Regulations</b>	<b>How addressed by AA</b>
(a) the Natura Impact Report	An AA NIR accompanies this AA Conclusion Statement and the Plan.
(b) any supplemental information furnished in relation to any such report	This AA Conclusion Statement accompanies the NIR that provides additional detail on European Sites.
(c) if appropriate, any additional information sought by the authority and furnished by the applicant in relation to a Natura Impact Report	
(d) any information or advice obtained by the public authority	Submissions made during the Plan preparation/AA process that were relevant to the AA were taken into account by the AA.
(e) if appropriate, any written submissions or observations made to the public authority in relation to the application for consent for proposed plan or project	Proposed Material Alterations were screened for the need to undertake Stage 2 AA (Stage 2 AA was not required for the Alterations).
(f) any other relevant information	

In addition to the above, the Regulations require that the Council makes available for inspection a determination regarding the outcome of the assessment with respect to whether or not the Plan would adversely affect the integrity of a European site (a copy of this determination is provided at Section 4).

## 1.3 AA Conclusion Statement

Non-Statutory AA guidance (Department of Environment, Heritage and Local Government, 2009) states that (Section 4.14) it *"is recommended that planning authorities include a clear and discrete AA Conclusion Statement as a distinct section in the written statement of the plan separate to the SEA statement."* This guidance recommends that the following issues are addressed by the AA Conclusion Statement:

- Summary of how the findings of the AA were factored into the Plan (see Section 2);
- Reasons for choosing the Plan as adopted, in the light of other reasonable alternatives considered as part of the AA process (see Section 3);
- A declaration that the Plan as adopted will not have an adverse effect on the integrity of European Sites (provided at Section 4); and
- The NIR (the AA NIR is accompanied by this AA Conclusion Statement and has informed the AA Determination – see Section 4).

Furthermore, as stated in the Draft "Development Plans Guidelines for Planning Authorities" (Department of Housing, Local Government and Heritage, 2021):

*"....There is a similar requirement to publish a determination relating to the AA that may have been undertaken. Under Article 6.3 of the Habitats Directive the determination (often termed an 'AA Conclusion Statement') must state as to whether or not the Draft Plan would adversely affect the integrity of a European site. However as stated in Section 3.5, this determination must have been made prior to the adoption of the Draft Plan."*

This AA Conclusion Statement addresses the above issues, including the signed AA Determination included at Section 4.

## Section 2 How the findings of the AA were factored into the Plan

The SEA and AA team worked with the Plan-preparation team at the Council in order to integrate requirements for environmental protection and management into the Plan.

The Plan was prepared in an iterative manner whereby the Plan and AA documents have informed subsequent versions of the other. The findings of the AA were integrated into the Plan through mitigation measures. These mitigation measures ensure that the Plan will not affect the integrity of the European Sites, alone or in combination with other plans or projects.<sup>1</sup>

The Plan contains spatial land use zoning for the Plan area. The purpose of zoning is to indicate to property owners and the public the types of development, which the Planning Authority considers most appropriate at locations across the Plan area. Zoning is designed to reduce conflicting uses within areas, to protect resources and ensure that land suitable for development is used in the interest of sustainable settlements. The Land Use Zoning Map should be read in conjunction with the Objectives for the Land Use Zoning (see Chapter 10 of the Plan) and the Land Use Zoning Matrix (see Appendix I) which outlines a multitude of developments that may be considered appropriate or otherwise in each land use zone.

Environmental considerations, including those relating to the Lower River Shannon SAC have been informed the Local Area Plan's land use zoning, which is generally consistent with existing uses where overlaps occur. Regardless of the mapped land use zoning, all developments will be required to comply with the text based provisions of the Plan, including those relating to European sites e.g. Objective CH 04: Special Area of Conservation "d) No projects which will be reasonably likely to give rise to significant adverse direct or indirect or secondary impacts on the integrity of any Natura 2000 sites, having regard to their conservation objectives arising from reduction in species diversity, shall be permitted on the basis of this plan (either individually or in combination with other plans or projects).<sup>2</sup>"

Various text-based provisions have been integrated into the text of the Local Area Plan relevant to the protection of European sites through the Plan-preparation and AA and Strategic Environmental Assessment processes.

In addition to the individual provisions integrated into the text of the Local Area Plan, individual provisions relating to the protection of European sites have been integrated into the existing Limerick Development Plan 2022-2028.

The most relevant text-based mitigation measures from both the Local Area Plan and the Limerick Development Plan 2022-2028 are identified in Table 2.1 below.

**Table 2.1 Measures that will protect European sites and their sustaining resources**

<b>Component<sup>3</sup></b>	<b>Mitigation Measure(s)</b>
Alignment with Limerick Development Plan 2022-2028	As detailed under Section 10.1 "Land Use Zoning and Implementation", the overarching policies and objectives of the Limerick Development Plan 2022 -2028 and any replacement thereof also apply. All development requiring planning permission must adhere to the Policies, Objectives, Development Management Standards and other requirements of the Limerick Development Plan 2022-2028, or any replacement thereof. <b>Policy ED 1: Strategic Economic Development</b> Promote, facilitate and enable economic development and employment generating activities in Abbeyfeale on appropriately lands zoned lands, in a sustainable manner, in accordance with the Limerick Development Plan 2022 – 2028.
Natural Heritage and Biodiversity	<b>Objective CH 04: Special Area of Conservation</b> a) Protect and maintain the integrity of the Special Area of Conservation by the River Feale and protect the watercourses in Abbeyfeale, in accordance with the Semi-Natural Open Space zoning designation on the Land Use Zoning Map and the lands zoned Agriculture by the River Allaughan; b) Ensure the protection of a 20m riparian buffer zone on greenfield sites free from development. Proposals shall have cognisance of the contents of the Inland Fisheries Ireland document - Planning for Watercourses in Urban Environments. c) Ensure that appropriate wastewater infrastructure is available to support new developments to safeguard water quality.

<sup>1</sup> Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: (a) no alternative solution available; (b) imperative reasons of overriding public interest for the plan to proceed; and (c) adequate compensatory measures in place.

<sup>2</sup> Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: a) no alternative solution available; b) imperative reasons of overriding public interest for the plan to proceed; and c) Adequate compensatory measures in place.

<sup>3</sup> The measures generally benefit multiple environmental components i.e., a measure providing for the protection of water could beneficially impact upon the protection of biodiversity, flora and fauna, for example. All of the measures included in this table would benefit the protection of European sites.

Component <sup>3</sup>	Mitigation Measure(s)
	<p>d) No projects which will be reasonably likely to give rise to significant adverse direct or indirect or secondary impacts on the integrity of any Natura 2000 sites, having regard to their conservation objectives arising from reduction in species diversity, shall be permitted on the basis of this plan (either individually or in combination with other plans or projects) <sup>4</sup>.</p> <p>e) To seek to ensure the sustainable and responsible management of all leisure fishing and water-based activities within the Lower River Shannon SAC, in consultation with the National Parks and Wildlife Service and/or Inland Fisheries Ireland where relevant, and in compliance with the Salmonid River Regulations (SI No. 293/1988) and the Habitats Directive.</p> <p><b>Objective CH 05: Tree Protection and Nature Conservation</b></p> <p>a) Seek to protect natural stone boundary walls, ponds/wetlands, other natural features of local importance and mature trees, where possible. Development that requires the felling or harming of such trees will not generally be permitted, unless supported by a tree survey establishing that the subject trees are of no ecological or amenity value. Such report shall be undertaken by a suitably qualified and competent person.</p> <p><b>Objectives C4 Parks, Open Space and Recreation:</b></p> <p>b) Protect existing open space by not permitting development, which encroaches on such open space, and protect semi-natural open space from inappropriate development.</p> <p>e) Support equipment upgrade maintenance works to the Páirc Cois Féile and the development of the biodiversity park on Bridge Street, subject to resources.</p>
<p>Peatlands, wetlands and surface water courses</p>	<p><b>Objective CH 04: Special Area of Conservation</b></p> <p>a) Protect and maintain the integrity of the Special Area of Conservation by the River Feale and protect the watercourses in Abbeyfeale, in accordance with the Semi-Natural Open Space zoning designation on the Land Use Zoning Map and the lands zoned Agriculture by the River Allaughan;</p> <p>b) Ensure the protection of a 20m riparian buffer zone on greenfield sites free from development. Proposals shall have cognisance of the contents of the Inland Fisheries Ireland document - Planning for Watercourses in Urban Environments.</p> <p>c) Ensure that appropriate wastewater infrastructure is available to support new developments to safeguard water quality.</p> <p>d) No projects which will be reasonably likely to give rise to significant adverse direct or indirect or secondary impacts on the integrity of any Natura 2000 sites, having regard to their conservation objectives arising from reduction in species diversity, shall be permitted on the basis of this plan (either individually or in combination with other plans or projects) <sup>5</sup>.</p> <p>e) To seek to ensure the sustainable and responsible management of all leisure fishing and water-based activities within the Lower River Shannon SAC, in consultation with the National Parks and Wildlife Service and/or Inland Fisheries Ireland where relevant, and in compliance with the Salmonid River Regulations (SI No. 293/1988) and the Habitats Directive.</p>
<p>Water services, groundwater and water quality (WFD)</p>	<p><b>Policy CH 2 Water Framework Directive</b></p> <p>Implement changes to the management of water bodies, taking account of all aspects of the Water Cycle in accordance with the Water Framework Directive and the principal objective of the WFD to achieve at least good status in all waters and to ensure that status does not deteriorate in any waters.</p> <p><b>Objective IU 01: Water Supply Infrastructure</b></p> <p>c) Ensure that development proposals provide adequate water infrastructure to facilitate proposed developments. Evidence of consultation by developers with Uisce Éireann prior to submitting planning applications will be required.</p> <p>d) Ensures future development protects existing wayleave and buffer zones around public water services infrastructure.</p> <p>e) Promote water conservation and demand management measures among all water users, and to support Uisce Éireann in implementing water conservation measures such as leakage reduction and network improvements, including innovative solutions in specific situations.</p> <p><b>Objective IU 02: Wastewater Infrastructure</b></p> <p>b) Ensure adequate wastewater infrastructure is available to cater for existing and proposed development, in collaboration with Uisce Éireann, avoiding any deterioration in the quality of receiving waters and ensuring discharge meets the requirements of the Water Framework Directive. This includes the separation of foul and surface water through the provision of separate networks and nature-based rainwater management measures. Applications for development under the Plan must demonstrate that the proposal for development would not adversely affect a water body's ability to meet its objectives under the Water Framework Directive, individually as a result of the proposed development or cumulatively, in combination with other developments. Evidence of consultation by developers with Uisce Éireann, prior to submitting a planning application will be required.</p> <p>(c) Ensure compliance for infrastructure led-growth in accordance with the DHPLG Water Services Guidelines for Planning Authorities.</p> <p>(d) Facilitate improvements to the existing wastewater system to cater for the needs of an expanding population.</p> <p>(e) Ensure future development protects existing wayleave and buffer zones around public water services infrastructure.</p> <p><b>Objective IU 04: Surface Water Management and SUDS</b></p> <p>a) Maintain, improve and enhance the environmental and ecological quality of surface waters and groundwater, including reducing the discharges of pollutants or contaminants to waters in accordance with the Draft River Basin Management Plan for Ireland 2022-2027 (DHPLG) and associated Programme of Measures.</p> <p>b) Require all planning applications to include surface water design calculations to establish the suitability of drainage between the site and the outfall point.</p> <p>c) Require all new developments to include Sustainable Urban Drainage Systems (SuDS) to control surface water outfall and protect water quality.</p> <p>a) Require applicants to investigate the potential for the provision of porous surfaces, where car parking and hard landscaping is proposed.</p> <p>b) Protect the surface water resources of the plan area and in individual planning applications request the provision of sediment and grease traps, and pollution control measures, where deemed necessary.</p>
<p>Water abstraction</p>	<p><b>Objective IU 01: Water Supply Infrastructure</b></p> <p>It is an objective of the Council to:</p> <p>a) Ensure compliance for infrastructure led-growth in accordance with the DHPLG Water Services Guidelines for Planning Authorities.</p> <p>b) Facilitate improvements to the existing water supply system to cater for the needs of an expanding population.</p> <p>c) Ensure that development proposals provide adequate water infrastructure to facilitate proposed developments. Evidence of consultation by developers with Uisce Éireann prior to submitting planning applications will be required.</p> <p>d) Ensures future development protects existing wayleave and buffer zones around public water services infrastructure.</p>

<sup>4</sup> Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: a) no alternative solution available; b) imperative reasons of overriding public interest for the plan to proceed; and c) Adequate compensatory measures in place.

<sup>5</sup> Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: a) no alternative solution available; b) imperative reasons of overriding public interest for the plan to proceed; and c) Adequate compensatory measures in place.

Component <sup>3</sup>	Mitigation Measure(s)
	<p>e) Promote water conservation and demand management measures among all water users, and to support Uisce Éireann in implementing water conservation measures such as leakage reduction and network improvements, including innovative solutions in specific situations.</p> <p>f) Proposals for abstractions of water will be subject to the appropriate environmental assessments and demonstrate compliance with the requirements of Article 6 of the Habitats Directive and the Water Framework Directive.</p>
Tourism	<p><b>Objective ED 2: Tourism Objectives</b></p> <p>d) Require tourism projects to adhere to appropriate environmental and ecological assessment and to mitigate any adverse environmental, biodiversity and ecological impacts.</p> <p><b>Objective CH 04: Special Area of Conservation</b></p> <p>a) Protect and maintain the integrity of the Special Area of Conservation by the River Feale and protect the watercourses in Abbeyfeale, in accordance with the Semi-Natural Open Space zoning designation on the Land Use Zoning Map and the lands zoned Agriculture by the River Allaughan;</p> <p>b) Ensure the protection of a 20m riparian buffer zone on greenfield sites free from development. Proposals shall have cognisance of the contents of the Inland Fisheries Ireland document - Planning for Watercourses in Urban Environments.</p> <p>c) Ensure that appropriate wastewater infrastructure is available to support new developments to safeguard water quality.</p> <p>d) No projects which will be reasonably likely to give rise to significant adverse direct or indirect or secondary impacts on the integrity of any Natura 2000 sites, having regard to their conservation objectives arising from reduction in species diversity, shall be permitted on the basis of this plan (either individually or in combination with other plans or projects) <sup>6</sup>.</p> <p>e) To seek to ensure the sustainable and responsible management of all leisure fishing and water-based activities within the Lower River Shannon SAC, in consultation with the National Parks and Wildlife Service and/or Inland Fisheries Ireland where relevant, and in compliance with the Salmonid River Regulations (SI No. 293/1988) and the Habitats Directive.</p>
Built environment	<p><b>Policy TCF 1: Town Centre</b></p> <p>e) Ensure development proposals have given proper consideration to the urban design criteria of site context, built heritage, climate resilience, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking and detailed design.</p> <p><b>Objective ED 01: Enterprise and Employment Objectives</b></p> <p>a) Encourage the reuse and redevelopment of vacant units, brownfield, derelict and infill sites for employment creation, subject to normal planning and environmental criteria.</p> <p>e) Retain sufficient lands around the site boundaries where industrial, enterprise or distribution activities are proposed to accommodate landscaping to soften the visual impact and reduce the biodiversity loss of the development.</p>
Invasive species	<p>As detailed under Section 10.1 "Land Use Zoning and Implementation", the overarching policies and objectives of the Limerick Development Plan 2022 -2028 and any replacement thereof also apply. All development requiring planning permission must adhere to the Policies, Objectives, Development Management Standards and other requirements of the Limerick Development Plan 2022-2028, or any replacement thereof</p> <p><b>Limerick Development Plan 2022-2028 Objective EH 011 Invasive Species</b></p> <p>a) Work with and facilitate the work of agencies addressing the issue of terrestrial and aquatic invasive alien species (IAS), by implementing biosecurity measures, selected control measures and surveys, where appropriate.</p> <p>b) Address the presence of invasive alien species on derelict sites under the provisions of the Derelict Sites Act through the preparation of a management and eradication plan for these species.</p> <p>c) Require the submission of a control and management program for the particular invasive species as part of the planning process, if developments are proposed on sites where invasive species are present.</p> <p>d) Employ biosecurity measures to prevent the spread of invasive alien species and disease and to insist that all such measures are employed on all development sites.</p>
Agriculture	<p><b>Objective CH 04: Special Area of Conservation</b></p> <p>a) Protect and maintain the integrity of the Special Area of Conservation by the River Feale and protect the watercourses in Abbeyfeale, in accordance with the Semi-Natural Open Space zoning designation on the Land Use Zoning Map and the lands zoned Agriculture by the River Allaughan;</p> <p>b) Ensure the protection of a 20m riparian buffer zone on greenfield sites free from development. Proposals shall have cognisance of the contents of the Inland Fisheries Ireland document - Planning for Watercourses in Urban Environments.</p> <p>c) Ensure that appropriate wastewater infrastructure is available to support new developments to safeguard water quality.</p> <p>d) No projects which will be reasonably likely to give rise to significant adverse direct or indirect or secondary impacts on the integrity of any Natura 2000 sites, having regard to their conservation objectives arising from reduction in species diversity, shall be permitted on the basis of this plan (either individually or in combination with other plans or projects) <sup>7</sup>.</p> <p>e) To seek to ensure the sustainable and responsible management of all leisure fishing and water-based activities within the Lower River Shannon SAC, in consultation with the National Parks and Wildlife Service and/or Inland Fisheries Ireland where relevant, and in compliance with the Salmonid River Regulations (SI No. 293/1988) and the Habitats Directive.</p>
Flood Risk Management	<p><b>Objectives IU 05: Flood Risk Management</b></p> <p>a) Manage flood risk in accordance with the requirements of "The Planning System and Flood Risk Management Guidelines for Planning Authorities", DECLG and OPW (2009) and any revisions thereof and consider the potential impacts of climate change in the application of these guidelines.</p> <p>b) Ensure development proposals within the areas outlined as being at risk of flooding are subject to Site Specific Flood Risk Assessment as outlined in "The Planning System and Flood Risk Management Guidelines", DECLG and OPW (2009). These Flood Risk Assessments shall consider climate change impacts and adaptation measures including details of structural and non-structural flood risk management measures, such as those relating to floor levels, internal layout, flood-resistant construction, flood-resilient construction, emergency response planning and access and egress during flood events.</p> <p>c) Ensure that future developments in flood prone areas is generally limited to minor developments in line with the Circular PL 02/2014 and the Flood Risk Management Guidelines for Planning Authorities and ensure future development of lands within Flood Risk Zone A/B is in accordance with the plan-making Justification Tests in the SFRA.</p>

<sup>6</sup> Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: a) no alternative solution available; b) imperative reasons of overriding public interest for the plan to proceed; and c) Adequate compensatory measures in place.

<sup>7</sup> Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: a) no alternative solution available; b) imperative reasons of overriding public interest for the plan to proceed; and c) Adequate compensatory measures in place.



Component <sup>3</sup>	Mitigation Measure(s)
	<p>d) Developments on lands benefitting from Arterial Drainage Schemes shall preserve the maintenance and access to these drainage channels. Land identified as benefitting from these systems may be prone to flooding, as such site-specific flood risk assessments will be required as appropriate, at planning application stage.</p> <p>e) Seek to upgrade the culvert serving the Glórach stream to minimise the risk of flooding, subject to resources.</p> <p>f) Ensure the protection of a 20m riparian buffer free from development, on greenfield lands, in particular the lands zoned New Residential by the Glórach stream east of the Clash Road and west of Cedarville.</p>
Fisheries	<p><b>Objective CH 04: Special Area of Conservation</b></p> <p>a) Protect and maintain the integrity of the Special Area of Conservation by the River Feale and protect the watercourses in Abbeyfeale, in accordance with the Semi-Natural Open Space zoning designation on the Land Use Zoning Map and the lands zoned Agriculture by the River Allaughan;</p> <p>b) Ensure the protection of a 20m riparian buffer zone on greenfield sites free from development. Proposals shall have cognisance of the contents of the Inland Fisheries Ireland document - Planning for Watercourses in Urban Environments.</p> <p>c) Ensure that appropriate wastewater infrastructure is available to support new developments to safeguard water quality.</p> <p>d) No projects which will be reasonably likely to give rise to significant adverse direct or indirect or secondary impacts on the integrity of any Natura 2000 sites, having regard to their conservation objectives arising from reduction in species diversity, shall be permitted on the basis of this plan (either individually or in combination with other plans or projects) <sup>8</sup>.</p> <p>e) To seek to ensure the sustainable and responsible management of all leisure fishing and water-based activities within the Lower River Shannon SAC, in consultation with the National Parks and Wildlife Service and/or Inland Fisheries Ireland where relevant, and in compliance with the Salmonid River Regulations (SI No. 293/1988) and the Habitats Directive.</p>
Noise pollution	<p>Regulation of development and activities regarding noise pollution effects within the Plan area to European sites is provided for via objectives such as CH 04 (d), and the Limerick Noise Action Plan 2018 – 2023, and all Noise Action Plans which proceed from the current Noise Action Plan for the duration of this Plan.</p>
Extractive Industry	<p>As detailed under Section 10.1 "Land Use Zoning and Implementation", the overarching policies and objectives of the Limerick Development Plan 2022 -2028 and any replacement thereof also apply. All development requiring planning permission must adhere to the Policies, Objectives, Development Management Standards and other requirements of the Limerick Development Plan 2022-2028, or any replacement thereof</p> <p><b>Limerick Development Plan 2022-2028 Objective ECON 039</b></p> <p>It is an objective of the Council to:</p> <p>a) Recognise the potential of the extractive, mineral and mining industries to contribute to Limerick's economy and endeavor to protect access to these resources, where known.</p> <p>b) Minimise environmental and other impacts of mineral extraction through rigorous application of development management and enforcement requirements for quarry and other developments; and</p> <p>c) In particular, to have regard to visual impacts, methods of extraction, noise levels, dust prevention, protection of rivers, lakes and other water sources, impacts on residential and other amenities, impacts on the road network (particularly with regard to making good any damage to roads), road safety, phasing, re-instatement and landscaping of worked sites.</p> <p>d) Ensure that development for aggregates/mineral extraction does not significantly impact on County Geological Sites / Sites of geological interest.</p>
Climate change and air quality	<p><b>Policy CH 1: Climate Change</b></p> <p>Protect and enhance environmental quality and implement the climate action measures through the planning process to help address climate change.</p> <p><b>Objective CH 1: Climate Change</b></p> <p>a) Ensure climate-proofing measures are incorporated into the design, planning and construction of all developments, including utilities and their networks. The use of green infrastructure as a mechanism for carbon offsetting and surface water management is encouraged.</p> <p>b) Ensure that all residential and commercial developments are designed to take account of the impacts of climate change, including the installation of rainwater harvesting systems, and that energy efficiency and renewable energy measures are incorporated. In the case of large industrial, commercial or newly constructed public buildings, the incorporation of renewable technologies, such as solar energy in the design will be encouraged, subject to compliance with all relevant planning criteria.</p> <p>c) Support and promote climate smart and the NZEB standard of building or equivalent for all new developments.</p> <p>d) Promote and support development of renewable energy sources, which will achieve low carbon outputs and promote Abbeyfeale as a low carbon area.</p> <p>e) Support the development of low carbon and green technological businesses and industries.</p> <p>f) Promote responsible development and management of land, drainage systems and natural habitats and encourage development at appropriate locations, which minimise the use of fossil fuels and maximises the use of local or renewable resources.</p> <p>g) Promote the appropriate adaption of built heritage to respond to the effects of climate change.</p> <p>h) Protect and enhance environmental quality and implement current and future climate action measures and guidance that may be published during the life time of the plan through the planning process to help address climate change.</p> <p><b>Policy SMT P1: Integration of Land Use and Transport Policies</b></p> <p>Support and facilitate the integration of land use and transportation policies for Abbeyfeale, as a means of reducing the impact on climate change. The Council will ensure the delivery of a sustainable compact settlement, which can be served by various modes of transport with a focus on reducing the need to travel.</p> <p><b>Policy SMT P2: Transport and Movement - Promotion of Sustainable Patterns of Transport Use:</b></p> <p>Seek to implement in a positive manner, in cooperation with other relevant stakeholders and agencies, the policies of the NPF, RSES, the National Sustainable Mobility Policy (2022) and the Department of Transport's Active Travel publications, to encourage more sustainable patterns of travel and greater use of sustainable forms of transport in Abbeyfeale, including public transport, cycling and walking.</p> <p><b>Objective SM 1: Movement and Accessibility</b></p> <p>a) Enhance the walking and cycling networks through the town within the lifetime of the Plan and seek to improve direct pedestrian linkages, cycle networks and infrastructure throughout the town and improve connectivity to the town centre and existing services.</p> <p>d) Incorporate Sustainable Travel measures in all new developments in the town.</p>

<sup>8</sup> Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: a) no alternative solution available; b) imperative reasons of overriding public interest for the plan to proceed; and c) Adequate compensatory measures in place.



Component <sup>3</sup>	Mitigation Measure(s)
	<p><b>Objectives IU 06: Energy Generation, Telecommunication and Digital Infrastructure</b></p> <p>f) Promote and encourage the use of renewable energy sources, technologies, including district heating schemes and alternative energy retrofitting in existing and proposed developments, subject to consideration of environmental, conservation, residential and visual amenity. In the event of grid connection to the national road network proposals should demonstrate an assessment of all alternative grid connection route options have been undertaken by the developer as part of planning application process.</p> <p>h) Support and promote the NZEB standard of building or equivalent for all new developments.</p>
Green / Blue Infrastructure	<p><b>Objective CH 02: Blue Green Infrastructure</b></p> <p>b) Promote connecting corridors for the movement of species and encourage the retention and creation of features of biodiversity value, ecological corridors and networks that connect areas of high conservation value, such as woodlands, hedgerows, earth banks, watercourses, wetlands and designated sites where possible. In this regard, new infrastructural projects and linear developments in particular, will have to demonstrate at design stage, sufficient measures to assist in the conservation of and dispersal of species.</p> <p>c) Protect existing ecosystems and biodiversity assets, such as natural woodland, natural watercourses and riparian habitats, layered ecosystems supporting flora, fauna, pollinators, invertebrates, micro-organisms and mycelium, where possible.</p> <p><b>Objectives C2 New Amenity Areas, Walkways and Cycleways:</b></p> <p>c) Proposals for new Walkways/Cycleways, Greenways and Blueways will be subject to appropriate environmental assessments. Any development which would have adverse effect on the integrity of European sites or cause a net loss of bio-diversity will not be permitted.</p> <p><b>Objectives C4 Parks, Open Space and Recreation:</b></p> <p>a) Examine the feasibility of blue-way opportunities/potential along the River Feale and River Allaughan in Abbeyfeale, subject to appropriate ecological assessments.</p> <p><b>Objective CH 04: Special Area of Conservation</b></p> <p>a) Protect and maintain the integrity of the Special Area of Conservation by the River Feale and protect the watercourses in Abbeyfeale, in accordance with the Semi-Natural Open Space zoning designation on the Land Use Zoning Map and the lands zoned Agriculture by the River Allaughan;</p> <p>b) Ensure the protection of a 20m riparian buffer zone on greenfield sites free from development. Proposals shall have cognisance of the contents of the Inland Fisheries Ireland document - Planning for Watercourses in Urban Environments.</p> <p>c) Ensure that appropriate wastewater infrastructure is available to support new developments to safeguard water quality.</p> <p>d) No projects which will be reasonably likely to give rise to significant adverse direct or indirect or secondary impacts on the integrity of any Natura 2000 sites, having regard to their conservation objectives arising from reduction in species diversity, shall be permitted on the basis of this plan (either individually or in combination with other plans or projects) <sup>9</sup>.</p> <p>e) To seek to ensure the sustainable and responsible management of all leisure fishing and water-based activities within the Lower River Shannon SAC, in consultation with the National Parks and Wildlife Service and/or Inland Fisheries Ireland where relevant, and in compliance with the Salmonid River Regulations (SI No. 293/1988) and the Habitats Directive.</p> <p><b>Objective SM 1: Movement and Accessibility</b></p> <p>f) Support the progression of enhancing connectivity between the Limerick Greenway and the town centre by safe walkway/cycleway route, subject to the necessary environmental assessments.</p> <p><b>Objective SM 2: Modal Shift and Behavioural Change</b></p> <p>a) Encourage, promote and facilitate a modal shift towards more sustainable forms of transport in Abbeyfeale, including the Limerick Greenway.</p>
Waste Management	<p><b>Objectives IU 07: Waste Management</b></p> <p>a) Support the Regional Waste Management Office in implementation of the Regional Waste Management Plan and the EU Action Plan for the Circular Economy – Closing the Loop, to ensure sustainable patterns of consumption and production.</p> <p>b) Require all commercial and residential development to provide an adequate internal and external space for the correct storage of waste and recyclable materials.</p>

<sup>9</sup> Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: a) no alternative solution available; b) imperative reasons of overriding public interest for the plan to proceed; and c) Adequate compensatory measures in place.

## Section 3 Consideration of Alternatives

This section summarises the alternatives considered for the Plan during the preparation process. These alternatives have been incorporated into the Plan having regard to both:

1. The environmental effects (including those related to ecology and European sites) which are identified by the SEA (informed by the AA) and are summarised below; and
2. Planning - including social and economic - effects that also were considered by the Council.

### 3.1 Limitations in Available Alternatives

The Plan is required to be prepared by the existing, already in force, Limerick Development Plan 2022-2028 and the Planning and Development Act 2000 (as amended), which specifies various types of objectives that must be provided for by the Plan.

The alternatives available for the Plan are guided by the provisions of higher-level planning objectives, including those of the National Planning Framework, the Regional Spatial and Economic Strategy for the Southern Region and the Development Plan. These documents set out various requirements for the content of the Plan including on topics such as land use zoning and the sustainable development of settlements.

### 3.2 Land Use Zoning Alternatives

Limerick City and County Council in preparing a Draft Plan for public display developed the following alternatives for land use zoning in Abbeyfeale (there are various alternative components under each heading):

#### **Land Use Zoning Alternative 1 "More Consolidated, More Compact"**

Population growth targets for Abbeyfeale are already provided for under the Core Strategy of the Limerick Development Plan 2022-2028. The Local Area Plan is required to provide for the zoning of sufficient lands in order to meet this target. Land Use Zoning Alternative 1 "More Consolidated, More Compact" would zone sufficient lands to allow Abbeyfeale to reach population allocation, resulting in balanced orderly development and implementation of the core strategy as contained in Chapter 2 of the Limerick Development Plan 2022-2028.

The more compact, serviced/serviceable land and infrastructure assessment approach under this alternative would allow for water supply, waste water, compact growth, public transport and co-ordinated development considerations to be integrated into the Plan to the highest degree. Gaps in infrastructure are identified and new development must ensure appropriate protection of the environment.

Less new infrastructure would be required than would be the case for Alternative 2 "Less Consolidated, Less Compact" – reducing the occurrence of potential direct impacts from new infrastructure and potential shortfalls.

The development of the Town Centre would be more compact and more sustainable under this scenario and would support the longer-term viability of the settlement. 30% of Residential units would be expected on Town Centre lands. The quantum of New Residential lands would be significantly lower than would be the case under Land Use Zoning Alternative 2 "Less Consolidated, Less Compact". Furthermore, Enterprise and Employment zoned lands would be more compact and would be closer to existing infrastructure. The approach would avoid unnecessary greenfield development (and associated effects on components including soil, ecology, water and the landscape) in more peripheral locations and help to maximise opportunities for sustainable mobility (reducing emissions to air).

Opportunity sites would be identified with clear guidance on design and proposed uses identified – making successful applications for the sustainable, compact development of the town more likely.

The approach under Land Use Zoning Alternative 1 “More Consolidated, More Compact” would benefit the protection and management of various environmental components. Although potentially adverse effects associated with land use development would exist, they would be mitigated to a significant degree.

### **Land Use Zoning Alternative 2 “Less Consolidated, Less Compact”**

Population growth targets for Abbeyfeale are already provided for under the Core Strategy of the Limerick Development Plan 2022-2028. The Local Area Plan is required to provide for the zoning of sufficient lands in order to meet this target. Land Use Zoning Alternative 2 “Less Consolidated, Less Compact” would zone excess lands, allowing Abbeyfeale to reach the population target; however, the over provision of zoned lands would be likely to result in less balanced and less orderly development.

By not following a more compact, serviced/serviceable land and infrastructure assessment approach, this alternative would not allow for water supply, waste water, compact growth, public transport and co-ordinated development considerations to be integrated into the Plan to the highest degree. More new infrastructure would be required than would be the case for Alternative 1 “More Consolidated, More Compact” – increasing the occurrence of potential direct impacts from new infrastructure and potential shortfalls.

The development of the Town Centre would be less compact and less sustainable under this scenario and would not optimally support the longer-term viability of the settlement to the same degree as would be the case with Land Use Zoning Alternative 1. 30% of Residential units would be less likely to be achieved on Town Centre lands. The quantum of New Residential lands would be significantly higher than would be the case under Land Use Zoning Alternative 1. The additional New Residential lands would be on more peripheral, less well serviced lands. Furthermore, Enterprise and Employment zoned lands would be less compact, including additional lands to the north of Coláiste Íde agus Iosef and the town’s large supermarket. The approach would provide for unnecessary greenfield development (and associated effects on components including soil, ecology, water and the landscape) in more peripheral locations and help to maximise opportunities for sustainable mobility (reducing emissions to air).

The approach under Land Use Zoning Alternative 2 “Less Consolidated, Less Compact” would miss an opportunity to mitigate potentially adverse effects on various environmental components arising from land use development in Abbeyfeale.

**The Selected Land Use Zoning Alternative for the Draft Plan and the adopted Plan is Land Use Zoning Alternative 1 “More Consolidated, More Compact”.**

## **3.3 Transport Infrastructure Alternatives**

Limerick City and County Council in preparing a Draft Plan for public display developed the following alternatives for focusing on mitigation with respect to new transport infrastructure in Abbeyfeale:

### **Transport Infrastructure Alternative 1 “Focus on Mitigation at Plan and Project level”**

Alternative 1 would require transport infrastructure projects that are not already permitted or provided for by existing plans/ programmes to be subject to feasibility assessment and, where feasibility is established, a Corridor and Route Selection Process. Under Alternative 1 new transport infrastructure would be considered subject to environmental constraints, including those related to habitats and potential impacts (e.g. disturbance from lighting). This would include minimising river crossings, avoiding sensitive habitats, not increasing barriers to flood

waters and sustainable design and construction techniques. By focusing on mitigation at both plan and project levels, Alternative 1 would offer the most certainty for environmental protection and management and would be more likely to result in important individual projects (relating to sustainable mobility and emissions/energy objectives) receiving permission.

**Transport Infrastructure Alternative 2 “Focus on Mitigation at Project level only”**

The provision of new transport infrastructure, with all additional environmental mitigation left to be defined in the future, at project level (Alternative 2) would offer the least certainty for environmental protection and management and would be more likely to result in important individual projects (relating to sustainable mobility and emissions objectives) not been given permission.

**The Selected Transport Infrastructure Alternative for the Draft Plan and the adopted Plan is Transport Infrastructure Alternative 1 “Focus on Mitigation at Plan and Project level”.**

## Section 4 AA Determination

### **Appropriate Assessment Determination**

under  
Section 177V of the Planning and Development Act 2000, as amended,  
for the

### **Abbeyfeale Local Area Plan 2023-2029**

In order to comply with the requirements of Section 177V of the Planning and Development Act 2000, as amended, and pursuant to Article 6(3) of the Habitats Directive as to whether or not a plan or project would affect the integrity of any European site(s), this Appropriate Assessment determination is being made by Limerick City and County Council relating to the potential for the Abbeyfeale Local Area Plan 2023-2029 that is being adopted<sup>1</sup> to have effects on the integrity of European sites.

In carrying out this Appropriate Assessment (AA), the Council is taking into account the matters specified under Part XAB of the Planning and Development Act 2000 (as amended), including the following<sup>2</sup>:

- The Natura Impact Report prepared for the Draft Plan;
- The Screening for AA Report prepared for the Proposed Material Alterations;
- Written submissions made during the Plan preparation process; and
- Ongoing advice on AA from the Council's agents, including on further modifications.

As part of the AA, it was identified that the Plan may, if unmitigated, have significant effects on 2 (no.) European sites. Factors that could potentially affect the integrity of European sites include:

- Provisions for sectors such as housing, sustainable communities, economic development and tourism, sustainable mobility, climate action, environment and heritage and infrastructure and utilities; and
- Loading pressures from the operational phase of developments – these sources could result in disturbance effects and interactions with water quality.

The undersigned, having carefully considered the information referred to above agrees with and adopts the reasoning and conclusions presented and determines that:

- Implementation of the Plan would have had the potential to result in effects to the integrity of European sites, if unmitigated.
- The risks to the safeguarding and integrity of the qualifying interests, special conservation interests and conservation objectives of the European sites have been addressed by the inclusion of mitigation measures into the Plan that will, in addition to the measures already in force through the Limerick Development Plan 2022-2028, prioritise the avoidance of effects in the first place and reliably mitigate effects where these cannot be avoided. In addition, any lower-level plans and projects arising

<sup>1</sup> Incorporating: the Draft Plan; all and any alterations; and all and any further modifications considered by the AA process.

<sup>2</sup> A consolidated Natura Impact Report has also been made available, integrating relevant elements of these matters into one document.

through the implementation of the Plan will themselves be subject to AA when further details of design and location are known.

- In-combination effects from interactions with other plans and projects have been considered in this assessment and the mitigation measures have been incorporated into the Plan – these measures are robust and will ensure there will be no effects on the integrity of European sites as a result of the implementation of the Plan either alone or in-combination with other plans/projects.
- Having incorporated mitigation measures<sup>3</sup> and taking into account the measures already in force through the Limerick Development Plan 2022-2028<sup>4</sup>, the Plan is not foreseen to give rise to any effect on the integrity of any European site, alone or in combination with other plans or projects<sup>5</sup>. This evaluation is made in view of the conservation objectives of the habitats or species, for which these sites have been designated.

Signed:



Date:

13-9-2023

**Signatory: Vincent Murray**

**Director Planning, Environment and Place - Making**

<sup>3</sup> As detailed under the following reference numbers in the consolidated Natura Impact Report: Policy ED 1: Strategic Economic Development, Objective CH 03: Special Area of Conservation, Objective CH 04: Tree Protection and Nature Conservation, Objective C 04 Parks, Open Space and Recreation, Policy CH 2 Water Framework Directive, Objective IU 01: Water Supply Infrastructure, Objective IU 02: Wastewater Infrastructure, Objective IU 03: Surface Water Management and SUDS, Objective ED 02: Tourism Objective, Policy TCF P1: Town Centre, Objective ED 01: Enterprise and Employment, Objective IU 04: Flood Risk Management, Policy CH 1: Climate Change, Objective CH 01: Climate Change, Policy SMT P1: Integration of Land Use and Transport Policies, Policy SMT P2: Transport and Movement - Promotion of Sustainable Patterns of Transport Use, Objective SM 01: Movement and Accessibility, Objective IU 05: Energy Generation, Telecommunication and Digital Infrastructure, Objective CH 02: Blue Green Infrastructure, Objective C 02 New Amenity Areas, Walkways and Cycleways, Objective SM 02: Modal Shift and Behavioural Change and Objective IU 06: Waste Management.

<sup>4</sup> As detailed under the following reference numbers in the consolidated Natura Impact Report: Limerick Development Plan 2022-2028 Objective EH 011 Invasive Species; and Limerick Development Plan 2022-2028 Objective ECON 039. Furthermore, as detailed under Section 10.1 "Land Use Zoning and Implementation" of the Local Area Plan, the overarching policies and objectives of the Limerick Development Plan 2022 -2028 and any replacement thereof also apply. All development requiring planning permission must adhere to the Policies, Objectives, Development Management Standards and other requirements of the Limerick Development Plan 2022-2028, or any replacement thereof.

<sup>5</sup> Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: a) no alternative solution available, b) imperative reasons of overriding public interest for the plan to proceed; and c) Adequate compensatory measures in place.