



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Seirbhísí Dearaidh agus Soláthair,
Cornhairle Cathrach agus Contae Luimnigh,
Ceanncheathrú Chorparáideach,
Cé na gCeannaithe,
Luimneach

Design and Delivery Services,
Limerick City and County Council,
Corporate Headquarters,
Merchants Quay,
Limerick

Department of Housing, Planning and Local Government
Custom House
Dublin 1
D01 W6X0

EIRCODE V94 EH90

t: +353 (0) 61 557 180

Planning Referral

Section 226 of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended

Limerick City & County Council proposes to seek approval from An Bord Pleanála for the following proposed development:

King's Island Flood Relief Scheme

19th December 2019

Dear Sir/Madam ,

An **Environmental Impact Assessment Report (EIAR)** and a **Natura Impact Statement (NIS)** have been prepared in respect of the proposed development. The application plans and particulars, the EIAR and NIS may be viewed at or downloaded from the following website: <http://mypoint.limerick.ie>

Submissions or observations may be made in writing only to An Bord Pleanála ('the Board') 64 Marlborough Street, Dublin 1, D01 V902 in respect of:

- I. The implications of the proposed development for proper planning and sustainable development in the area concerned, and
- II. The likely effects on the environment of the proposed development, if carried out, and
- III. The likely significant effects of the proposed development on a European site, if carried out.

Any submissions / observations must be received by the Board not later than 5.30 p.m. on **14th February 2020**.

Such submissions or observations must include the following information:

1. The name of the person, authority or body making the submission or observation, the name of the person, if any, acting on behalf of that person, authority or body, and the address to which any correspondence relating to the application should be sent,
2. The subject matter of the submission or observation, and
3. The reasons, considerations and arguments on which the submission or observation is based in full.

Yours Sincerely,

Kieran O'Gorman
Senior Executive Engineer
Design & Delivery Services



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Design and Delivery Services,
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Merchants Quay,
Limerick

Southern Regional Assembly
Assembly House
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Luimneach

Design and Delivery Services,
Limerick City and County Council,
Corporate Headquarters,
Merchants Quay,
Limerick

The Heritage Council
Áras na hOidhreachta
Church Lane
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Kieran O'Gorman
Senior Executive Engineer
Design & Delivery Services

Appendix D

EIA Portal Confirmation Notice

From: EIAportal <EIAportal@housing.gov.ie>
Sent: 19 December 2019 16:15
To: Bernadette OConnell <Bernadette.OConnell@jbaconsulting.ie>
Subject: Automatic reply: Kings Island, Limerick - EIA portal form

This email acknowledges receipt of your email.

* If your email is a notification to the EIA Portal, subject to checking of the information provided and once this has been completed you will receive a further Confirmation Notice email. We will contact you if clarification of the information provided, or any further information, is required. Please note that notification to the EIA Portal is not complete until we send you a Confirmation Notice email, advising that the notification has been uploaded to the EIA Portal with an associated Portal ID number.

* If your email is in relation to any other matter or query, a reply will issue in due course.

EIA Portal team

An Roinn Tithíochta, Pleanála agus Rialtais Áitiúil
Department of Housing, Planning and Local Government

Teach an Chustaim, Baile Átha Cliath 1, D01 W6X0
Custom House, Dublin 1, D01 W6X0

T +353 (0) 1 888 2000 DD +353 (0) 888 2873 / 2710

www.housing.gov.ie

Is faoi rún agus chun úsáide an té nó an aonán atá luaite leis, a sheoltar an ríomhphost seo agus aon comhad atá nasctha leis. Má bhfuair tú an ríomhphost seo trí earráid, déan teagmháil le bhainisteoir an chórais.

Deimhnítear leis an bhfo-nóta seo freisin go bhfuil an teachtaireacht ríomhphoist seo scuabtha le bogearraí frithviorais chun viorais ríomhaire a aimsiú.

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JBA Consulting, Unit 8, Greenogue Business Plaza, Greenogue Business Park, Rathcoole, Dublin, D24 CY64. Telephone: +353 1 685 5595

And visit our website www.jbaconsulting.ie for more information on what we can do for you.

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Appendix E

Copy of letter of 25th June 2019
from LCCC to ABP

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

25th June 2019

Dear Sir/Madam,

King's Island (Limerick) Flood Relief Scheme

Limerick City and County Council (LCCC), in conjunction with the Office of Public Works, are proposing a flood relief scheme for King's Island in Limerick City. Having undertaken an extensive evaluation of the flood risks, considered a number of alternative options and having consulted widely with the public and relevant stakeholders, LCCC now wishes to advance a preferred scheme through the necessary statutory consent processes.

Preliminary discussions with the Foreshore Section of the Department of Housing, Planning and Local Government, have indicated that the location of part of the proposed development, is on the foreshore. Having evaluated the proposed scheme in the context of the relevant legislation, for the reasons outlined in this letter, LCCC is of the opinion that the project consent application should be made to An Bord Pleanála under Sections 226 of the Planning and Development Act 2000 (as amended), where development is proposed to be carried out wholly or partly on the foreshore by a local authority that is a planning authority.

The following sets out the background to the project and LCCC's evaluation of the requirements for consent under the relevant legislation.

Background and Need for Scheme

King's Island lies in the heart of Limerick City and is surrounded by the River Shannon and the Abbey River. Both rivers are tidal at this location and the island is susceptible to both tidal and fluvial flood risk. There is a history of flooding in King's Island, the most recent events recorded in 1999, 2002, 2009 and 2014. Prolonged rainfall, spring tides and storm surges have been the source of severe flooding. King's Island and the surrounding area was badly flooded in early 2014, when there was an extremely high tide that overtopped the existing embankments around the Island and caused them to fail in one location.

Major improvements to the flood defences are required to try to prevent re-occurrences of such flood events. The overarching objective of the project is to *'to assess, develop and design an appropriate viable, cost-effective and sustainable flood relief scheme which aims to minimise risk to human beings, the existing community, social amenity, environment and landscape character.'*

The scheme is being developed primarily to protect the affected areas against fluvial and tidal

flooding. In addition, consideration has also been given to the potential impact of any flood relief scheme on groundwater and pluvial flood risk. This scheme has been designed to provide protection to properties in the study area from the 0.5% AEP tidal flood event.

King's Island is a valuable asset to the city due to its historical importance, its ecological and archaeological significance, and its tourism potential. The island also contains a residential and community area with a large housing estate (St. Mary's Park) to the north and various terraces of houses to the south. The landscape of the island is urban with a low-lying area of wetland (circa 15 hectares) edging the north eastern part of the island.

King's Island is situated between the River Shannon and the Abbey River. The Abbey River is a smaller watercourse that flows along the eastern and southern boundaries of the island before re-joining the Shannon adjacent to Merchant's Quay and the Courthouse.

The surrounding waterbodies and some eastern portions of the island are designated on ecological grounds as a Special Area of Conservation (SAC). The SAC applicable to King's Island is titled 'Lower River Shannon' (Site Code: 002165) and is of ecological interest as it contains habitats and species listed on Annexes I and II of the E.U. Habitats Directive.

King's Island has 28 structures listed for protection in the Record of Protected Structures (RPS). In addition, there are 10 structures currently recognised on the National Inventory of Architectural Heritage (NIAH) of Limerick City.

Proposed Development

The proposed development includes a series of flood defences positioned around King's Island comprising both new and upgraded floodwalls (incorporating glass panels in the urban areas) and embankments, plus associated townscape improvements. The northern part of the island is the more residential part of the island and currently has a level of flood protection primarily provided by embankments, although walls also contribute to the perimeter protection. One of the key constraints of this area is the Lower River Shannon Special Area of Conservation (SAC) and the proximity of its boundary relative to the proposed flood relief options. This southern part is the more commercial part of the study area. Where there is flood protection, it is in the form of quay walls. However, there is currently no defence provision around the Potato Market and civic buildings on Merchant's Quay. Further details of the proposed development can be found on the project website at <http://www.kingsislandfrs.ie/>

Classification of Development under Schedule 5 of the Planning and Development Regulations 2001 and requirement for an EIA.

Limerick City and County Council is of the opinion that the proposed development is of the class specified in Section 10 (f) (ii) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) and that the proposed development exceeds the relevant quantity, area or other limit specified in that Part for the following reasons.

Section 10 (f) (ii) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 is development consisting of *'Canalisation and flood relief works, where the immediate contributing sub-catchment of the proposed works (i.e. the difference between the contributing catchments at the upper and lower extent of the works) would exceed 1,000 hectares or where more than 20 hectares of wetland would be affected or where the length of river channel on which works are proposed would be greater than 2 kilometres.'*

As the proposed Scheme is limited to works on King's island itself, the immediate contributing sub catchment area is significantly less than 1000 hectares and therefore does not exceed this threshold.

The proposed scheme may affect the wetland area (falling within the SAC designation). However, the area of this wetland is circa 15 hectares and therefore does not exceed the threshold.

However, the proposed Scheme will include the construction of circa 3.5km of flood defence walls and/or embankments, the majority of which will be constructed on or immediately adjoining the banks of the Shannon and/or Abbey Rivers. Whilst the majority of the defences will not require in-channel construction, it is considered that such works fall within the definition of '*river channel on which works are proposed*' and is '*greater than 2 kilometres*'.

Therefore, in accordance with Section 172 (1) of the Planning and Development Act 2000 (as amended), LCCC considers that an Environmental Impact Assessment is required to be undertaken.

Local Authority Development on Foreshore

The proposed Scheme is predominantly located inward of the foreshore line. However, a number of elements lie within the foreshore. These include some flood defences, new surface water outfalls and access arrangements for river users (including fishermen).

Accordingly, LCCC considers that it is required to apply to the Board for approval of the proposed development under Section 226(1) of the Planning and Development Act 2000 (as amended).

In accordance with Section 226(3), LCCC notes that the provisions in Section 175 apply to the proposed development, subject to the modifications outlined in Section 226. Specifically, LCCC understands that a separate application for approval under subsection (3) of Section 175 is not required.

LCCC considers that it is not required to seek the opinion of the Board, under Section 226(6)(a) for its determination on the question of whether the development would be likely to have significant effects on the environment, as in accordance with subsection 226(6)(b), the proposed development falls within a particular class of development identified for the purposes of Section 176, i.e. flood relief works under Section 10 (f) (ii) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended).

In accordance with Subsection (9)(a), Section 226 is deemed to apply as the proposed development is development '*that, if carried out wholly within the functional area of a local authority that is a planning authority, would be subject to the provisions of section 175*'.

Appropriate Assessment of certain development carried out by or on behalf of local authorities.

Given the presence of surface water, groundwater and land and air pathways and the potential impacts posed by the proposed Scheme on the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA, it is concluded by our consultants that it is not possible to rule out (screen out) likely significant impacts on these Natura 2000 sites. Therefore, it is proposed that the King's Island FRS should be brought forward to the second stage of the Appropriate Assessment process, i.e. the preparation of a NIS.

Accordingly, under Section 177AE (3), LCCC considers that it is required to apply to the Board for approval and that the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.

In accordance with subsection 177AE (16), LCCC notes that *'Where a proposed development to which this section applies is also required to be submitted to the Board under section 226, it shall be sufficient for the applicant to make one application to the Board provided that the applicant complies with this section and section 226 and in such a case the Board shall issue one decision in relation to the application under this section and section 226'*

Definition of the Scheme as 'strategic infrastructure development'

LCCC notes that Section 2 of the Planning and Development Act 2000 (as amended) defines 'strategic infrastructure development' as including *'any proposed development by a local authority referred to in section 175(1) or 226(6)'*.

Applicable Fee

We understand that the applicable fee for an Application by a local authority under Section 226 of the Planning and Development Act 2000 (as amended) is €30,000.

No facility for Pre-application consultation

We understand that there is no facility for pre-application consultation for development applications by a local authority under Section 226.

Conclusion and Next Steps

The Scheme documentation is currently being prepared. An EIAR Scoping pack has been issued to statutory consultees with responses now received and collated. We are currently considering same in the finalisation of the documentation including EIAR and NIS.

It is anticipated that LCCC will lodge an application to An Bord Pleanála in Q3 2019.

LCCC is writing to provide advance notice of the intention to make the aforementioned application and to provide the Board the opportunity to provide any direction if it considers that the process set out above is incorrect.

We would be happy to accommodate and clarify any queries you may have, in which case you are invited to contact the undersigned.

In the absence of any response, we will assume the approach outlined above to be appropriate and intend to lodge on that basis, unless directed otherwise.

Yours faithfully,

Joe Delaney
Acting Director, Capital Investment Directorate

Appendix F

Letters of Support from Relevant Stakeholders



To whom it may concern,

King's Island Flood Relief Scheme
Letter of support to lodge planning application with An Bord Pleanála

Dear Sir/Madam,

Shannon Heritage is the operator of King John's Castle and advises that there is an emergency exit at Castle Lane which exits directly onto proposed site of works named above. Shannon Heritage has been in discussion with Limerick City and County Council and has agreed with the Council that this emergency exit will be maintained at all times during the construction of the Flood Defence Scheme. Shannon Heritage very much welcomes the King's island Flood Protection Scheme as a key project for the protection of residential and business community in the immediate area.

Shannon Heritage supports the King's Island Flood Relief Scheme planning application to An Bord Pleanála.

Name Niall O'Callaghan
Position Managing Director

Signature
Date

Niall O'Callaghan
23/10/2019



An tSeirbhís Chúirteanna
COURTS SERVICE


To whom it may concern

King's Island Flood Relief Scheme
Letter of Consent and Support to lodge planning application with An Bord Pleanála

Dear Sir/Madam,

The Courts Service occupies the Courthouse at Merchant's Quay, outlined in blue on the attached drawing and the area between the Courthouse and the railings around the Courthouse. The Courts Service has been in discussions with Limerick City and County Council over the optimum design of flood protection measures around the Courthouse. The Courts Service is in agreement with the proposed layout, which includes vehicular access for prison van to north side of Courthouse, repositioning of railings along the north and west sides of the Courthouse and the decommissioning of foul sewer pumping station to a new gravity sewer.

The Courts Service has in the past been impacted by flooding in this area and would support any measures to mitigate/eradicate the possibility of flooding in this area in the future.

Name	Eamonn Kiely
Position	Regional Manager
Signature	
Date	18 th of November 2019