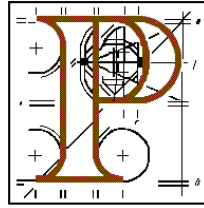


An Bord Pleanála



INSPECTOR'S REPORT

DEVELOPMENT: Demolition of two vacant dwellings and construction of a car park

LOCATION: Coolrahee, Askeaton, Co Limerick

PLANNING APPLICATION

Planning Authority: Limerick City and County Council

Planning Authority Reg. Ref.: 15/1057

Applicant: Wyeth Nutritional Ireland Ltd

Type of Application: Permission

Planning Authority Decision: Grant with Conditions

PLANNING APPEAL

Type of Appeal: Third Party

Appellant(s): Cyril Ryan & Other

Observers / Public Reps: None

DATE OF SITE INSPECTION: 10th June 2016

INSPECTOR: Mary Crowley

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site with a stated area of 0.77 ha forms part of the existing 10.75 Wyeth Nutritional Ireland Limited facility which is located c 5km to the north of Askeaton and is accessed off a minor road (L1252) north of the junction with the N69 Limerick to Tarbert road. The site is bounded by the River Deel to the east, agricultural land to the south, a local road to the west and agricultural land to the north. The site is on the opposite side of the public road that runs adjacent to the western boundary of the existing site and comprises two uninhabited residential units and associated gardens.
- 1.2 A set of photographs of the site and its environs taken during the course of both site inspections is attached. I also refer the Board to the photographs of the appeal site and environs available to view throughout the appeal file.

2.0 PROPOSED DEVELOPMENT

- 2.1 Permission is sought for the construction of a car park to replace a portion of the existing car parking area on the Wythe. The development comprises the following:
- Site clearance to formation level with retention where feasible of the existing site boundary elements (walls / hedgerows)
 - Demolishment of the two single storey dwellings and any domestic outhouses
 - Construction of a surface car park to accommodate 156 car parking spaces together with ancillary car parking elements including but not limited to car park lighting, public road pedestrian crossing, access control barriers and CCTV to secure the car park area, landscaping
 - Modifications to the existing Wyeth site boundary for a new pedestrian entrance and turnstiles
- 2.2 The applicant was accompanied by a Planning Statement Report, AA Screening and Mobility Management Plan.

3.0 OBJECTIONS / OBSERVATIONS / PUBLIC REPRESENTATION TO THE PLANNING AUTHORITY

- 3.1 There are a number of objections recorded on the planning file from (1) Tom & Catherine Fitzgerald, The Beeves, Toomdeely North, Askeaton, Co Limerick, (2) Cyril Ryan, Ryan & Roberts Marine Services, Toomdeely North, Askeaton, Co Limerick, (3) Doris & Andy Sheehy, Toomdeely North, Askeaton, Co Limerick, (4) Cecelia Sheehy, Toomdeely North, Askeaton, Co Limerick, (5) Teresa Sheehy,

Toomdeely North, Askeaton, Co Limerick, (6) Jim Sheehy, Toomdeely North, Askeaton, Co Limerick, (7) Lorraine & Gerard O'Dwyer, New Quay, Toomdeely North, Askeaton, Co Limerick, (8) Keith Blackwell, New Quay, Askeaton, Co Limerick, (9) Harry Blackwell, New Quay, Askeaton, Co Limerick, (10) Phyllis Fitzgerald, New Quay, Askeaton, Co Limerick, (11) Denise Fitzgerald, New Quay, Askeaton, Co Limerick, (12) Maeve & Thomas Hayes, New Quay, Toomdeely North, Askeaton, Co Limerick and (13) Liam McCarthy & Audrey Solley, Coolrahee, Askeaton, Co Limerick.

3.2 The issues raised may be summarised as follows:

- Impact on traffic, pedestrian, cyclist and equine safety
- Poor exiting traffic management of traffic entering and existing the factory
- Forklifts unloading deliveries on the road without proper safety management
- History of poor management of road works
- The high volume of daily traffic interferes with local residents entering and leaving their homes. Location of proposed car park and entrance will lead to a greater concentration of vehicles in a small area
- The location and design of the proposed pedestrian crossing is poor
- Further expansion of the factory will have an adverse effect to all residents in close proximity of the proposed car park in relation to health and safety, devaluation of property, disruption to living standards and privacy. Concern with the implications from management, that this is a progression to future expansion on the opposite side of the road to the factory making this an isolated community.
- Proximity to the Wyeth facility means that what happens in Wyeth affects local residents on a daily basis.
- The proposed zebra crossing would increase the waiting times for factory employees prohibiting residents being able to get in or out of their own gates
- Plant operates a 4 cycle shift pattern which could entail as much as 1200 movements daily in and out of the planned car park which means the same amount of pedestrian crossings which will totally inconvenience the community living north of the Wyeth premises and allow the factory to effectively take control of the public road. If this development is permitted it will mean local residents will be driving or walking through a factory as it will be a factory road run by Wyeth factory not a public road.
- Concerns for employees pedestrian safety
- Queried if the possibility of a tunnel was discussed instead of a zebra crossing. Pedestrian tunnel or bridge to facilitate all future potential development of the factory for both the residents of this community and the staff of Wyeth particularly as Wyeth have expressed an interest in purchasing more land across the public road to facilitate their future expansion plans
- The existing traffic system is inadequate and is getting more and more dangerous to navigate the public road that is treated as an extension of the Plant
- Wyeth have seven exits onto the local road at the factory side plus a truck and trailer park at the opposite side all of which cause disruption to residents

4.0 TECHNICAL REPORTS

4.1 **Gas Networks Ireland** (GNI) state that there is a gas transmission pipeline in the subject vicinity and that the GNI wayleaves are normally 14m wide. No objection is raised. However it is requested that no excavation may take place within any such wayleaves, that access to the GNI above ground installation in the vicinity must not be obstructed and the development must complete all works in the vicinity of the gas transmission pipeline in compliance with the GNI Code of Practise 2015.

4.2 The **SEE Travel and Transportation** states that they are happy with the proposal subject to the following condition:

An elevated tabletop ramp should be located on the Northern approach road of the pedestrian crossing to help calm speeds. This tabletop should be adequately lighted and signed. Details to be agreed with Roads prior to construction.

4.3 The **Area Engineer** is satisfied that the sightlines and stopping distance are achievable in both directions. However the report notes that the location of the proposed crossing is within the 60kph zone though quite close, within 10m to the start of an 80kph zone. It is indicated that a Traffic Audit is required showing traffic counts at various times as the plant operates a 4 cycle shift pattern 7 days a week. Also recommended that adequate road gullies are to be provide to cater for surface water off the road.

4.4 **Transport Infrastructure Ireland** (TII) state that they will rely on the Planning Authority to abide by official policy in relation to the development on / affecting national roads as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

4.5 **Irish Water** has no objections to the proposed scheme.

4.6 The Local Authority **Planner** is recommended that permission be granted subject to conditions. The notification of decision to **grant** planning permission issued by Limerick City and County Council reflects the recommendation of the Planner.

5.0 PLANNING AUTHORITY DECISION

5.1 Limerick City and County Council issued notification of decision to **grant** planning permission subject to 8 generally standard conditions summarised as follows:

Condition No 1 – Compliance with plans and particulars lodged

Condition No 2 – No pollutants to enter the Shannon

Condition No 3 – Car parking to comprise dust free permeable surface

Condition No 4 – Parking are for parking of vehicles only (no storage)

Condition No 5 – Elevated table top ramp to be located on the northern approach in advance of the pedestrian crossing

Condition No 6 – Smarter Travel

Condition No 7 – No excavation within the 14m Gas Network's Ireland Wayleave

Condition No 8 – Surface water

6.0 PLANNING HISTORY

6.1 There is no evidence of any previous planning appeal on this site. According to the Planning Statement accompanying the application the original application for the initial development was made on the 5th December 1972 and since that date 44 no planning approvals have been received from Limerick County Council, with 43 of these for development on the Askeaton site. It is further stated that in general these approvals were for the original factory and site facilities, expansions of the original factory or internal modifications to existing buildings.

7.0 POLICY CONTEXT

7.1 The operative plan for the area is the **Limerick County Development Plan 2010 – 2016**. The Limerick City and Council website states that in September 2015, in accordance with Section 28 of the Electoral, Local Government and Planning and Development Act 2013, the Planning Authority proposed not to commence the review of the Limerick County Development Plan 2010 - 2016 and the Limerick City Development Plan 2010 - 2016. *Therefore the County Development Plan will continue to have effect until a new Development Plan for Limerick City and County is prepared.*

8.0 GROUNDS OF APPEAL

8.1 The third party appeal has been prepared and submitted by Cyril Ryan & Others, Ryan & Roberts Marine Services, Toomdeely North, Askeaton, Co Limerick against the decision of Limerick City and County Council to grant permission. The issues raised may be summarised as follows:

8.2 No objection to the car park proposed or the expansion of jobs. Objection to the use by Wyeth's of the public road way to access their factory from the proposed car park

by way of a pedestrian crossing and associated elevated table top on safety grounds.

- 8.3 Objector's access is now cut off by a factory crossing and speed ramp but not on the factory access side where staff racing to their shift work on a daily basis are not impeded.
- 8.4 Concern is raised that the table top ramp was never part of the planning application as Limerick City and County Council have requested details to be submitted to them before the development can commence.
- 8.5 Concerns is raised for safety on the public roadway and implications for the local community and businesses having their access severely restricted by up 1200 movements across this country road daily both day and night have been ignored by Limerick City and County Council in their decision.
- 8.6 Stated that in March 2016 Wyeth announced a €25 million R&D expansion.
- 8.7 The proposed car park is directly opposite Wyeth's factory and can be safely and properly access by a road tunnel which is considered to be an affordable alternative. The current proposal is short sighted and at worst dangerous.

9.0 RESPONSE OF THE PLANNING AUTHORITY

- 9.1 Limerick City and County Council state they have no further comments to make on the above appeal.

10.0 FIRST PARTY RESPONSE TO THE APPEAL

- 10.1 The first party response to the third party appeal was received outside the appropriate period of 4 weeks and was therefore returned.

11.0 OBSERVATIONS / PUBLIC REPS TO AN BORD PLEANÁLA

- 11.1 No observations are recorded on the appeal file. A letter from Cllr Adam Teskey was invalid and was therefore returned.

12.0 ASSESSMENT

- 12.1 Having regard to the information presented by the parties to the appeal and in the course of the planning application and my site inspection of the appeal site I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Traffic Safety
- Other Issues

13.0 PRINCIPLE / POLICY CONSIDERATIONS

- 13.1 This is an application for the construction of a replacement surface car park and associated landscaping, fencing, signage and site development works on lands under the ownership of Wyeth Nutritional Ireland Limited across the road from the existing site at Askeaton. It is stated that manufacturing at the site started in 1974 and that over the years a number of extensions and additional buildings have been constructed in addition to the original industrial buildings. Car parking on the site is provided toward the southern end of the site primarily between two of the main industrial buildings. It is stated that the replacement car park is required to replace a portion to the existing car park area on the Wyeth site which will allow for a proposed expansion on site and that the parking numbers or traffic to the site will not increase due to this car park.
- 13.2 The operative plan for the area is the Limerick County Development Plan 2010 – 2016. There is no specific zoning objective for the proposed site but it is noted that the appeal site is immediately south and east of an area zoned for industrial park under the amendments to the Limerick County Development Plan 2010 – 2016 following the adoption of variation No 3 on the 25th May 2015. It is stated that *it is the objective of the Council to ensure that the 97.76 ha site at Askeaton, which is owned by Shannon Development, is safeguarded for the accommodation of large establishments of regional importance* (Map 5.1 Askeaton Industrial Park Variation No 3 refers). While the appeal site is out with this zoned industrial land Objective ED O25: Expansion of Existing Industrial or Business Enterprises in the Countryside states that it is *the objective of the Council to normally permit development proposals for the expansion of existing industrial or business enterprises in the countryside where:*
- a) *the resultant development is of a size and scale which remains appropriate and which does not negatively impact on the character and amenity of the surrounding area; and*
 - b) *the proposal demonstrates that it has taken into account traffic, public health, environmental and amenity considerations and is in accordance with the policies, requirements and guidance contained in this plan.*
- 13.3 Overall I agree with the local authority planner that the Development Plan as amended recognises the important employment role that industry, such as Wyeth

Nutritionals Ireland Limited plays within the Limerick region and that the Planning Authority will continue to support the future expansion of such facilities in order to safeguard and enhance present and future employment in the area. On balance and having regard to Objective ED O25 I consider the proposed development of ancillary car parking to serve Wyeth Nutritional Ireland Ltd at this location to be acceptable in principle subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

- 13.4 In addition to the proposal to develop ancillary car parking the proposed development also proposes the demolition of two unoccupied detached dwelling houses. It is stated that the houses have been vacant for a number of years. Neither of the dwellings to be demolished are listed on the record of protected structures and nor is the site located within a designated conservation area. Further, neither of the dwellings, in my view has any distinctive architectural merit and do not contribute beneficially to the area in terms of visual amenity, character, or accommodation type. Accordingly there is no objection to the proposed demolition of these dwelling houses.

14.0 TRAFFIC SAFETY

- 14.1 The pertinent issue raised in the appeal is the concern regarding the impact on traffic, pedestrian, cyclist and equine safety and the consideration of a tunnel instead of a table top ramp and pedestrian crossing.
- 14.2 However according to the Area Engineer the location of the proposed crossing is within the 60kph zone though quite close, within 10m to the start of an 80kph zone. It is stated that there will be no additional traffic generated as a result of this car park application. The Planners report notes that other means of crossing the road were assessed but it was felt that a pedestrian crossing was appropriate for what is a rural setting along a minor road leading to a cul de sac.
- 14.2 While there is evidence that the factory has been in existence for over 40 year it is also evident that during this time it has continued to expand and that there are plans to expand further in the near future. However having regard to the rural the location of the factory it is my view that this proposed ancillary car park together with any future expansion requires careful and sensitive consideration. While the principles of good urban design would advocate the approach taken in this application it is also the case that this is not an urban setting but rather a rural setting with a large factory that has grown incrementally over several decades and where a different approach is required to protect the rural characteristics and ensure traffic safety is paramount for both local residents and employees using the proposed facilities. Accordingly the local public road must take priority over the needs of the factory. It is also my view that the future expansion proposals for the parent factory together with the provision of adequate car parking facilities should form part of an overall Masterplan for the

site. Only when the complete picture is revealed can all the car parking options including a pedestrian tunnel be addressed and considered adequately through the rigours of the planning process. A piecemeal approach as in this case is not acceptable having regard to the location and potential negative impact on residents and traffic safety.

- 14.3 Having regard to the rural location of the proposed ancillary car park, it is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional pedestrian crossing movements and traffic turning movements the development would generate on this local primary road. It is also my view that the excessive works proposed would militate against the preservation of the rural environment and compromise the safety and free flow of traffic on this local primary road. Refusal is recommended.

15.0 OTHER ISSUES

15.1 Appropriate Assessment

- 15.2 The AA Screening Report that accompanied the planning application identified 6 Natura Sites within 15km of the site. The report considered that only two of the 6 identified Natura Sites are of relevance to the proposed development i.e. River Shannon and River Fergus SPA which is located approximately 150m to the east of the proposed development site and the Lower River Shannon cSAC which is located approximately 1.37km north of the site. This conclusion was based on the distance to, and lack of connectivity with, the remaining sites and the low potential for foraging by species of the Natura 2000 sites. Based on the information provided and by applying the precautionary principle, the applicant was of the opinion that it was possible to rule out likely significant impacts on the any Natura 2000 site and that it is not necessary to undertake any further stage of the Appropriate Assessment process. The bat survey report (Appendix B of the AA Screening Report) also stated that *the onsite and immediate off-site habitats are poor for bats*, therefore it was considered that the site is of little foraging value for bats. No evidence of current, regular or long term bat presence was found onsite. The report concluded that the proposed removal of the disused buildings will have no negative impact on bats.
- 15.3 As documented by the applicant there is potential for an indirect pathway to the River Shannon and River Fergus SPA and hence to the Lower River Shannon cSAC via the proposed storm water drainage system. The applicant stated that the proposed stormwater drainage system serving the proposed car park will drain to the existing Wyeth Nutritional Ireland Limited facility site drainage network which, in turn, drains to the River Deel under IPPC licence. The River Deel is part of the river Shannon and river Fergus Estuaries SPA and ultimately discharges to the Lower River Shannon cSAC approximately 1.37km downstream. As part of the design of the proposed car park surface water drainage system, it is stated that a Class 1

hydrocarbon interceptor will be installed. It is also stated that during construction, the employment of good construction management controls will minimise the risk of pollution of soil, storm water run-off or groundwater and therefore it is unlikely that there will be any significant risk of pollution to the River Deel, the SPA and the cSAC as a result of surface water drainage for the car park.

- 15.4 As documented previously the appeal site of the proposed development is not directly connected with or necessary to the management of the above identified Natura 2000 sites. Having regard to the AA Screening Report submitted with the application, the nature and scale of the proposed development (including the demolition of the existing uninhabited houses) together with the availability of existing service infrastructure connections (surface water) which will service the site, the nature of the receiving environment and proximity to the nearest European site no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

15.5 Development Contributions

- 15.6 Limerick City and County Council has adopted a Development Contribution scheme under **Section 48** of the Planning and Development Act 2000 (as amended) in September 2013. Section 1.5 sets out the categories of development which will be exempted from the requirement to pay a development contribution under the scheme. The proposed scheme is a replacement surface car park that will serve the existing factory and therefore falls under exemption no (iii) "*ancillary surface car parking*" and is consequently exempted from the payment of a Section 48 Development Contribution. It is noted that the Planning Authority reached a similar conclusion.

15.7 Gas Networks Ireland (GNI)

- 15.8 GNI in their report to the planning authority states that there is a gas transmission pipeline in the subject vicinity and that the GNI wayleaves are normally 14m wide. While not no objection to the development is raised it is requested that no excavation may take place within any such wayleaves, that access to the GNI above ground installation in the vicinity must not be obstructed and the development must complete all works in the vicinity of the gas transmission pipeline in compliance with the GNI Code of Practice 2015. Should the Board be minded to grant permission it is recommended that a condition setting out the foregoing be attached.

16.0 CONCLUSION AND RECOMMENDATION

- 16.1 Having considered the contents of the application, the provisions of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my

assessment of the planning issues, I recommend that permission be **REFUSED** for the reasons and considerations set out below.

17.0 REASONS AND CONSIDERATIONS

1. Having regard to the rural location of the proposed ancillary car park, removed from the parent factory by reason of the adjoining local primary road, that also serves residential properties and agricultural lands in the area, it is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional pedestrian crossing movements and traffic turning movements the development would generate on this local primary road at a point where the 60kph speed limit applies. Further the works required to adequately facilitate safe access / egress from the site along this road would be considered excessive in this instance and would result in a high impact development at this rural location that would militate against the preservation of the rural environment and compromise the safety and free flow of traffic on this local primary road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Mary Crowley
Senior Planning Inspector
24th June 2016