



An
Bord
Pleanála

Inspector's Report

ABP-304114-19

Development	Logistic Centre Facility.
Location	Annacotty Industrial Estate, Annacotty, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	18/1002
Applicant(s)	Pobech Investments Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v. Grant
Appellant(s)	David and Chris Waldron and Adrian Cunneen.
Observer(s)	Residents of Clayduff
Date of Site Inspection	21 st June 2019
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The subject site is located on a corner plot within the established Annacotty Industrial Estate. The Industrial Estate is located approx. 2km south from the junction with the M7, approx. 1.5km south east of Annacotty village and approx. 9km east of Limerick City. It accommodates a number of existing warehousing, industrial and commercial uses.
- 1.2. The site has a stated area of approx. 2.9ha and is currently a greenfield site. It is bound to the north by a greenfield site, also within the ownership of the applicant and the Rich Hill Stream, to the south and east by an existing internal access road and to the south by an existing industrial warehousing building. The Limerick – Ballybrophy Railway line also runs to the west of the site.
- 1.3. Access to the industrial estate is from the R506 via a barriered entrance. There are a number agricultural landholdings and a significant number of houses located along the R506. Adjacent to the industrial estate the R506 has a speed limit of 60kph with no footpath or public lighting.

2.0 Proposed Development

- 2.1. It is proposed to construct a 4-storey Logistic Centre Facility with a gross floor area of 9,169sqm, incorporating warehousing and offices. It is a traditional industrial design with a rectangular shape and a flat roof. The external materials include vertical cladding at first to third floor with a rendered finish at ground floor level.
- 2.2. The proposed building is located approx. 12m from the southern boundary with the internal access road, approx. 40m from the eastern boundary with the internal access road, approx. 50 m from the northern with a greenfield site and approx. 13m from the western boundary with an existing industrial warehousing unit.
- 2.3. A heavy goods vehicular (HGV) route is proposed from both the southern boundary and the eastern boundary with the internal access road. With 8no. loading docks for the HGV's provided on the eastern elevation. An additional loading dock and unloading area is provided on the northern elevation.

2.4. A separate car parking access is proposed along the southern boundary approx. 25m from the HVG access. 28no. staff and visitor car parking spaces are proposed along the southern boundary. An internal footpath has been provided from the car parking area to the main entrance to the building on the southern elevation. 8 no. overnight HGV parking space are proposed along the eastern boundary.

2.5. A Design statement and a Transport Assessment and Engineering Report were submitted with the application

2.6. ***Further Information lodged 28th February 2019***

In response to the further information request the internal road layout was revised to provide 1no. combined HGV and car access along the southern boundary. The information submitted did not result in any modifications to the warehousing facility.

A report for Screening for Appropriate Assessment and an NIS, An EIA Screening Report, a Cultural Heritage Impact Assessment, a Design Statement, A Noise and Air Quality Assessment, Surface Water Disposal Report, Ecological Impact Assessment, and a revised Transport Assessment were submitted.

Revised public notices advertising significant information including an NIS were published on the 27th February 2019.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission was granted subject to 22 no. conditions. The relevant conditions are noted below:

Condition 1: Clarified that permission was granted for the scheme modified by way of further information.

Condition 3: The Construction Environmental Management Plan shall be agreed with the Planning Authority.

Condition 4 and 5: Related to the measures set out in the Appropriate Assessment Screening report and the EIA Screening Report.

Condition 7: Related to noise management

Condition 9: Required a Workplace Travel Plan to be agreed with the Planning Authority.

Condition 17: Archaeology condition.

Condition 20: Related to surface water management and disposal.

Condition 21: Required a Construction Management Plan to be submitted.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The initial Area Planners report raised a number of concerns regarding the proposed development and requested that further information be submitted regarding the following:

- With reference to Schedule 5 of the Planning and Development Act, 2000 (as amended) the application was required to clarify if an EIA was required.
- Details of the end user and operation of the facility and
- Compliance with car and bicycle parking standards.
- Appropriate Assessment Screening report
- A revised Traffic and Transport Assessment
- Details of surface water disposal
- Revised images of the building
- A landscaping plan
- A lighting plan
- Address concerns raised in the third party appeal submissions.

The Area Planners final report considered that the response to further information adequately addressed all concerns raised and recommended that permission be granted.

3.2.2. **Other Technical Reports**

Archaeologist Report: No objection subject to conditions

Environmental Services: No objection subject to conditions

Chief Fire Officer: No objection subject to conditions

Physical Development Department: No objection

Operations and Maintenance Service: Final report – No objection subject to conditions.

Heritage Officer: No report on file. Comments noted in Planners final report. No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water: A pre-connection agreement is required.

3.4. Third Party Observations

5no. third party submissions were received. The concerns raised are similar to those in the appeal.

4.0 Planning History

Subject Site

Reg. Ref. 07/33348: Permission was granted in 2008 for the clearing of approximately 70,000m³ of subsoil and 3,400m³ of topsoil and levelling of the site.

Adjoining sites

PL13.238732, Reg. Ref. 10/1195: Permission was refused in 2011 for a training academy, driving range and associated uses on lands to the north of the subject site. the reasons for refusal related to (1) the proposed use was incompatible with the zoning objective for the site and (2) traffic hazard.

PL13.232441, Reg. Ref. 08/1524: Permission was refused in 2009 for the construction of 32no. industrial buildings and associated works on a site with a stated area of 8.2ha located to the south of the subject site. The 4 no. reasons for refusal related to (1) the land was unzoned and outside of the settlement boundary, (2) traffic hazard, (3) visual amenity and (4) An EIA was not submitted to allow for the impact of the development to be fully assessed.

5.0 Policy Context

5.1. Limerick County Development Plan, 2010 – 2016 (as extended)

The subject site is located within an area zoned for the expansion of the existing Annacotty Business Park. The following policies are considered relevant:

Objective ED O8: Annacotty Business Park: It is the objective of the Council to facilitate the sustainable development of Annacotty Business Park, of a scale, phasing and character compatible with surrounding land uses, and road network. 42.38 hectares of land is zoned in and around the Business Park for this purpose, which is indicated on Map 5.2. All buildings and associated services shall be contained within this area, and a buffer zone, of width of 20 metres abutting the undeveloped north-western portion of the site, be suitably landscaped to screen development from dwellings on the Clyduff road. An appropriate buffer zone must be considered for any future planning application on these lands in the interests of protecting the residential amenity of the area.

Objective ED O25: Expansion of existing industrial or business enterprises in the countryside: 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.

Objective IN O15: Specific improvements and additions to the strategic regional road network: It is an objective of the Council to give priority to the protection and improvement of sections of the Strategic Regional road network including the following: d) R506 Annacotty industrial estate to Cappaghmore;

- Policy ED P9: Facilitation of range of sites for industry

- Objective ED O2: Location of industrial and enterprise land
- Objective EH O23: Noise
- Objective IN O47: Construction and Demolition Waste

Section 10.6.1 Industrial/Commercial Development of Chapter 10 – Development Management Guidelines is also considered relevant.

5.2. Natural Heritage Designations

The site is located approx. 1.5km east of the Lower River Shannon SAC (002165) and approx. 9km east of River Shannon and River Fergus Estuaries SPA (004077).

5.3. EIA Screening

An Environmental Impact Assessment Screening report was submitted by way of further information. Schedule 5 of the Planning and Development Regulations 2001, as amended, sets the thresholds for projects which would require an EIA. Class 10 *Infrastructure Projects* and Class 13 *Changes, Extensions, Development and Testing* of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) are considered to be relevant:

- *10(a) Industrial estate development projects, where the area would exceed 15 hectares.*
- *10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. This latter, 20 hectares is the relevant threshold in this case.*
- *13(a)(ii) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would: - result in an increase in size greater than: -*
 - *25 per cent, or*
 - *An amount equal to 50 per cent of appropriate threshold,*

Whichever is greater.

It is proposed to construct a 9,169sqm logistics facility on a site with a stated area of 2.9ha. The site is located within an existing Industrial Estate. The Annacotty Industrial Estate has an overall area of approx. 22ha. Having regard to the limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required.

Section 109(2) and (2A) – (2C) of the Planning and Development Regulations, 2001 (as amended) sets out the process for dealing with an appeal relating to a sub-threshold development where an EIAR has not been submitted. Article 109 (2)(a) requires the Board to carry out a preliminary examination. The relevant preliminary examination form is attached to the file and has been completed. The conclusion is that there is no real likelihood of significant effects on the environment arising from the proposed development. As per the legislation the Board, therefore, must conclude that an EIA is not required.

Notwithstanding the submission of information under Schedule 7A of the Planning and Development Regulations, 2001 (as amended) by the applicant, in response to a request for further information by the Planning Authority, it is my view, that in light of the conclusion under preliminary examination that a screening determination in this instance is not necessary.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was received from David and Chris Waldron and Adrian Cunneen. The issues raised are summarised below.

- The Planning Authority should not have zoned lands to double the size of Annacotty Business Park. No Environmental Impact Assessment was carried out as part of the re-zoning of the lands. There is no capacity on the R506 to accommodate traffic generated by the re-zoned lands. In addition, the impact on the rural setting has not been addressed.
- The proposed development would generate a significant number of HGV and car trips onto a substandard road. The level of trips generated cannot be

accommodated on the surrounding road network. In addition, the local road is too narrow to allow for two trucks to pass. The full impact of the traffic generated by the development has not been provided in the Transport Assessment.

- Permission was refused (08/1524) due to significant volume of traffic on to a substandard road.
- The development is premature pending the upgrading of the road network.
- The site is located in a rural area and alternative modes of travel for staff are not available. Concerns area also raised regarding an under provision of car parking on site.
- The development would lead to noise and light pollution for local residents.

6.2. Applicant Response

The applicant's response is summarised below:

- The development is wholly located within zoned lands of the Annacotty Business Park and is located approx. 230m from the nearest residential. In accordance with Policy ED08 a 20m buffer zone has been provided along the northern boundary. The buffer zone would be landscaped with woodland planting. Additional planting is also proposed within the site.
- It is noted that the site is located within the Limerick City Metropolitan Area and not a rural area.
- The development is in accordance with Policy ED09: Location of Industry or enterprise in brownfield sites.
- The Local Authority has confirmed that restoration and improvement works to the R506 between the M7 and Annacotty Business Park have been approved, with works beginning in September 2019.
- The Transport Assessment was carried out in accordance with best practice. The level of car parking proposed relates to the anticipated number of staff.
- The R506 is a regional road. Two-way traffic is currently operating on the road. The RSA data indicates only 3 no. collisions in the vicinity of the site on the R506 between 2005 and 2015. None of which involved a HGV.

- Issues relating to noise and light have been comprehensively addressed in the submission to the Planning Authority. Alleged noise and light pollution from a neighbouring site is not relevant to this application.

6.3. **Planning Authority Response**

None

6.4. **Observations**

An Observation was received from the Residents of Clyduff. The concerns raised are summarised below: -

- No acoustic survey has been carried out. Serious concerns regarding the impact of noise generated by the development on surrounding residential properties.
- There is no evidence that the development is not in accordance with Objective ED 08 of the Development Plan as full details of the buffer area have not been provided.
- Increase traffic volumes on the R506 would result in queuing and traffic congestion.
- There would be a negative impact on birds in the area.
- The development is out of character in a rural area.

6.5. **Further Responses**

None.

7.0 **Assessment**

7.1. The main issues in this appeal relate to the principle of the development, traffic and residential amenities. Appropriate Assessment requirements area also addressed. The main planning issues can be dealt with under the following headings:

- Principle of Development
- Traffic

- Residential Amenities
- Appropriate Assessment

7.2. ***Principle of Development***

- 7.2.1. The subject site is located in the Annacotty Industrial Estate. It is noted that in both the documentation submitted and the Current Development Plan the term Industrial Estate and Business Park are used interchangeably.
- 7.2.2. Concerns have been raised regarding the Planning Authorities decision to zone additional lands for the expansion of the Industrial Estate and the negative impact the proposed development would have on the rural character of the area.
- 7.2.3. Objective ED 08 and associated zoning map 5.2 aims to facilitate the sustainable development of Annacotty Business Park. The subject site is located within the development zone. It is also a requirement of Objective ED 08 that a 20m wide buffer zone be provided along the north west boundary of undeveloped lands within the Industrial Estate. The proposed layout includes a 50m buffer zone along the north west boundary of the site and landscaping proposals have been provided to protect existing amenities of adjoining properties.
- 7.2.4. The subject site is located approx. 220m from the nearest residential dwelling. Having regard to the zoning objective for the site and the provision of a 50m landscaped buffer zone along the north western boundary of the site, it is my view that the proposed use is compatible with the policy objective for the site and would not negatively impact on the character of the area.

7.3. ***Traffic***

- 7.3.1. Concerns have been raised in the appeal and observation that the additional vehicular trips generated by the proposed development, in particular HGV trips, cannot be accommodated on the R506 due to its substandard width and capacity.
- 7.3.2. The site is located approx. 2km from the M7, which is a strategic motorway route. The R506 links the Annacotty Industrial Estate to the M7 via a signalised junction with the R445. The R445 / R506 junction has recently been upgraded to a signalised junction and additional turning lanes were provided on the R445.

- 7.3.3. The subject site is located approx. 1.3m from the junction of the R506 / R445. From the junction with the R445, there is a public footpath and public lighting located along the eastern side of the R506 for approx. 850m. For an additional 220m there is a substandard pedestrian route, provided along sections of either side of the road, abutting residential properties. There is no footpath or lighting provided for approx. 230m from the entrance to the Annacotty Industrial Estate. The R506 varies in width from approx. 14m at the junction with the R445 to approx. 9m in width outside the Annacotty Industrial Estate. It is a Policy Objective (IN O15) of the current Development Plan to protect and improve the R506 from the Annacotty Industrial Estate to Cappaghmore. In the response to the appeal the applicant has stated that the Planning Authority has secured funding to upgrade the R506 between the junction with the R445 and the Annacotty Industrial Estate.
- 7.3.4. The proposed development comprises a warehousing facility for distribution and storage with associated overnight parking for HGV's. It is envisioned that the existing Fusion Logistics operation located within the Industrial Estate would relocate to the proposed premises when completed. The core logistics of the company is bottled water and baby formula. It is envisioned that the company would expand to the distribution of household items to the retail sector (supermarkets). The proposed hours of operation are 07.00 to 18.30 for both office and logistics staff.
- 7.3.5. The TRICS database estimated the number of trips potentially generated by the development based on the floor area and the location of the site. The trip generation rate has been expressed in passenger car units, therefore it is unclear how many of these trips are HGV's. TRICS estimated that the proposed development would generate a total of 18 no. trips (13 no. arriving and 5 no. departing) in the AM peak and 16 no. trips (5 no. arriving and 11 no. departing) in the PM peak. This indicates a very low level of trips generated by the development and would be insignificant on the surrounding road network.
- 7.3.6. The revised Transport Assessment was submitted by way of further information assessed 3 no. junctions (1) the R445 / R506, (2) the R506 and L51522 (Clybuff Road) and (3) the R506 and the internal access road to the Annacotty Industrial Estate in the AM peak (07.30 – 08.30) and PM peak (16.15 – 17.15). The impact of the proposed development was assessed for the opening year (2019), 5 years after

opening (2024) and 15 years after opening (2034). The assessment showed that all arms of the R445 / R506 junction and the R506 / L51522 junction work within capacity during the AM peak and PM peak and no queuing is expected both with and without the development in the opening year (2019) and in 2024 and 2034. With regard to the Annacotty Business Park / R506 junction it showed that the Annacotty Business Park internal estate road would experience capacity issues in the PM peak in both 2024 and 2034. The assessment shows that the proposed development has an insignificant impact on the capacity of the junction and that the potential queuing is a worst-case scenario. In addition, any queuing would be within the Annacotty Business Park, a private road, and would not impact on the road network.

- 7.3.7. The Traffic Assessment states that 2 no. trucks would deliver to the site at 05.30 on defined mornings and that the majority of HGV movements would occur outside of the peak hours. However, no details of the envisioned number of HGV movements generated by the development or of those currently generated by Fusion Logistics have been provided in the Traffic Assessment.
- 7.3.8. The evidence submitted indicates that the level of traffic generated by the proposed development would have an insignificant impact on the surrounding road network during the peak periods. No information has been submitted regarding movements outside of the peak periods. Having regard to the nature of the use it is considered that information regarding the number of HGV trips generated by the development would be appropriate to fully assess the impact of the development throughout the day. However, it is noted that the Planning Authority agreed the parameters of the Traffic Assessment and that due to the size of the proposed development it does not require a mandatory Traffic Assessment. Having regard to the proposed end user, who currently operates from within the Industrial Estate, it is considered that, in this instance, the information provided is sufficient to fully assess the impact on the surrounding road network.
- 7.3.9. Notwithstanding the proposal to upgrade the R506, there is a section of the road without a footpath or public lighting and there are a significant number of dwellings adjoining the road. However, having regard to the regional status of the road, its width, proximity to the M7 and the recent improvement works to the R445 / R506 junction, it is my view that additional traffic generated by the proposed development

can be accommodated on the road network and would not result in a traffic hazard or any road safety issues.

7.4. Residential Amenities

- 7.4.1. Concerns have been raised that the proposed development would negatively impact on existing residential amenities in terms of noise and light disturbance.
- 7.4.2. A noise and air quality impact assessment was submitted by way of further information. The report provides a baseline noise environment in the vicinity of the site and identifies the likely significant noise impacts of the development. It notes that construction related noise would be variable throughout the construction period, particularly during site preparation, earthworks and foundation stand. With regard to the operational phase it is noted that the facility includes mechanical plant, which would operate on an on-going basis. The nearest receptors to the proposed development are residential dwellings located approx. 230m to the north of the site. The applicant has stated that the development would operate in accordance with typical EPA noise limits and the impact of the operation on the noise environment would be undetectable. The report also provides a number of mitigation measures to ensure the noise levels are in accordance with all appropriate standards and guidelines.
- 7.4.3. With regard to light pollution, a Lighting Plan, Drawing No. POB-ARP-X-00-DR-E-1002 was submitted by way of further information and indicates the extent of the light spread. Having regard to the distance of the proposed development from the nearest residential property, it is considered that, the proposed development would not result in undue light pollution.
- 7.4.4. Having regard to the existing uses within the Industrial Estate, the distance from residential properties and the relatively small nature and scale of the proposed development, it is considered that upon completion, it would not adversely impact on the existing residential amenities.

7.5. Appropriate Assessment

7.5.1. Stage 1 Screening

The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites.

The only European site that could potential be affected by the proposed development is the Lower River Shannon SAC

Conservation Objectives: to maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.

European Site	Site Code	Relevant QI's and CI's	Distance
Lower River Shannon SAC	002165	Sandbanks Estuaries Mudflats and Sandflats Coastal Lagoons Large Shallow inlets and bays Reefs Perennial vegetation Vegetated sea cliffs Salicornia and other annuals Salt meadows Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation Monlinia meadows Alluvial forests Freshwater Pearl Mussel Lamprey Salmon Bottlenose Dolphin Otter	1.5km

Potential indirect effects on the Lower River Shannon SAC relates to sediment laden surface water run off entering Rich Hill Stream, located along the northern boundary of the site, and ultimately entering the Lower River Shannon SAC via the Mulkear River. In the absence of mitigation measures, it is not possible to rule out impacts on water quality which could negatively impact on water sensitive qualifying interests of the SAC, in this regard Freshwater Pearl Mussel, Lamprey, Salmon and Otter.

On the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is not possible to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site 002165, or any other European site, in view of the site's Conservation Objectives. A Stage 2 Appropriate Assessment is therefore, required.

7.5.2 Appropriate Assessment – Stage 2 NIS

A Natura Impact Statement was submitted to the Planning Authority in response to a request for further information.

Lower River Shannon SAC

The Lower River Shannon SAC stretches for over 120km through counties Clare, Limerick and Kerry. The site is of great ecological interest as it contains a high number of habitats and species listed on Annexes I and II, including the priority habitats lagoon and alluvial woodland, Bottle-nosed dolphin and lamprey. The proposed development would not be located within the SAC and there would be no direct effects as a result of the works.

The Rich Hill stream, which is located at the northern boundary to the site, provides a hydrological link via the Mulkear River to the SAC. The Applicants Screening report describes the stream as being heavily modified and canalised with very little habitat or natural river bed. The river channel is very straight and quite silty. Due to the size and modified nature of the stream it is unlikely to provide significant habitat for fish. It was also noted that upstream of the subject site the stream is culverted for a significant distance.

Surface water run-off associated with the construction stage and operational phase could potentially enter the Rich Hill Stream and ultimately the SAC. Therefore, in the absence of mitigation measures, there is potential for indirect effects on surface water quality during site preparation and earthworks. The NIS noted that sedimentation and pollution control measures would be implemented as part of a Construction Environmental Management Plan (CEMP) to control any run off from the site and to prevent and run off potentially contaminated with sediment or hazardous materials from reaching Rich Hill Stream during the construction phase. It is also proposed that surface water generated during the operational phase of the proposed development would be attenuated and discharged to Rich Hill Stream in accordance with best practice guidelines.

Potential Effects

Freshwater Pearl Mussel: Freshwater pearl mussel are highly susceptible to changes in hydrology, and in particular from sedimentation and pollution. Any deterioration water quality due to an increase in suspended sediments could undermine the vitality of the population. They are also reliant on salmon as a host fish, so the potential for indirect impacts on salmon is also a concern.

The full implementation of mitigation measures and adherence to best practice would ensure that downstream water quality is protected, with no adverse effects on this Qualifying Interest species anticipated.

Fisheries

Salmon: the viability of salmon populations is strongly influenced by water quality. Any impact on the watercourses has the potential to adversely affect the salmon population, in particular spawning and juvenile habitats. Access to spawning habitat is a fundamental requirement. In addition elevated levels of suspended solids can clog the respiratory structures of salmon.

Lamprey: Changes to water quality from sediment releases could impact the species, either directly or indirectly through the deterioration of clean gravels at spawning grounds.

The full implementation of mitigation measures and adherence to best practice would ensure that downstream water quality is protected, with no adverse effects on these Qualifying Interest species anticipated.

Otter: A deterioration of water quality and consequent reduction of fish stock and prey on which the otter depends, could present a threat to the population.

The full implementation of mitigation measures and adherence to best practice would ensure that downstream water quality is protected and commuting routes along watercourses would not be affected. Therefore, no adverse effects on this Qualifying Interest species anticipated.

Notwithstanding the presence of an aquatic connection to a European site via the Rich Hill stream, it is my view that the nature and scale of the development, the distance to the SAC, the nature of the qualifying interests and the conservation objectives and to the poor quality of Rich Hill Stream the proposed development would not have the potential to affect the SAC and its conservation objectives, subject to full implementation of the mitigation measures and compliance with best practice methodologies during the construction and operational phase.

7.5.3 *In-combination effects.*

Having regard to the nature and limited scale of the proposed development it is considered that it does not have the potential for in-combination effects, after mitigation measures are applied, to undermine the integrity of a European Site.

7.5.4 *AA Conclusion*

I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site 002165, or any other European site, in view of the site's Conservation Objectives.

8.0 Recommendation

It is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning objective of the subject site, its location within an existing Industrial Estate and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 28th day of February 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:
 - a. Proposals for the suppression of on-site noise

- b. Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.
- c. Proposals for the suppression of dust on site.
- d. Monitoring of ground and surface water quality, levels and discharges.
- e. Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: In order to safeguard local amenities.

- 3. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Natura Impact Statement and associated documentation, and in the document entitled 'EIA Screening Report' are implemented in full, save as may be required by conditions set out below.

Reason: In the interest of protection of the environment

- 4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

5. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development are made available for occupation.

Reason: In the interest of public safety and visual amenity.

6. Proposals for a development name, numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of visual amenity and legibility.

7. Water supply and drainage arrangements, including the [attenuation and] disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

9. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

10. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Elaine Power
Planning Inspector

31st July 2019