



An  
Bord  
Pleanála

## Inspector's Report 305258-19

---

<b>Development</b>	Extended operating hours for Line 1 and Line 2 at existing bottling plant to 24 hours, seven days a week (including Saturdays, Sundays and Public holidays)
<b>Location</b>	Shelton Park, Ballyneety, Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	18/872
<b>Applicant(s)</b>	Ishka Irishspringwater Ltd.
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	ISHKA Irish Spring Water Ltd.
<b>Observer(s)</b>	Caroline Kirby
<b>Date of Site Inspection</b>	23 <sup>rd</sup> October 2019
<b>Inspector</b>	Mary Kennelly

## **1.0 Site Location and Description**

- 1.1.** Ballyneety is a rural village which is located to the south of the M7, to the east of the M20 and to the southwest of the N24 Tipperary road. It is a Tier 5 village, which is in a largely rural area located alongside the R512 (Kilmallock Road), just outside the built-up area of the city. The village is generally laid out around a crossroads with the R512 with most of the development stretching out along the regional road and the local road crossing it. The site is located at the north-western edge of the village, adjacent to a residential area which is accessed off the R512 and lies to the west of the regional road and to the north of the local road. It comprises an existing manufacturing plant (water bottling) which was established in 1999.
- 1.2.** The site area is given as 0.6156ha. and the gross floor area of existing buildings is 4,636sq.m. It is an elevated site and the gradient increases steeply from East to West. It comprises an industrial premises on an irregularly shaped site, which accommodates a bottling plant for spring water, Munster Soft Drinks. The appeal site is generally rectangular in shape with a long driveway leading from the R512 to the building. It has frontage to both roads but is accessed only from the R512 on its eastern boundary. The southern boundary is largely with the rear boundaries of residential dwellings fronting the local road.
- 1.3.** The observer's house is located immediately to the south of the main warehouse building. It is sited at a lower ground level to the appeal site and is separated by the internal access road serving the site and a mature line of trees and hedging.

## **2.0 Proposed Development**

- 2.1.** It is proposed to extend the hours of operation of the bottling plant to twenty-four hours a day, seven days a week. There are three production lines at the plant. The current permitted hours for Production Line 1 are 0800 to 2400 Mon-Fri (excluding Saturdays, Sundays and public holidays) and for Production Line 2 are 0800 to 1900 hours Mon-Fri with no operation on Sat./Sun./Public holidays. The hours for Production Line 3 are the same as those currently for Line 1.

**2.2.** It is stated that the proposed development to extend the hours of operation is due to increasing demand for the product, particularly during the summer heatwaves, freezing weather conditions with burst pipes, and emergency situations.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The planning authority decided to refuse permission for one reason:

Having regard to the scale and nature of the proposed development, proposing to run a commercial bottling plant 24 hours a day, seven days a week, it is considered that the proposed development would have the potential to seriously injure the amenities of property in the vicinity of the site by reason of potential noise impact and in turn depreciate the value of these properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The planning report (24/10/18) noted the submissions from the appellant and from the Environmental Services Dept. Issues of concern included noise emissions relating to the plant and to traffic and truck movements, increase in staff numbers, hours of operation, overdevelopment of the site, surface water disposal and impact on the residential amenities of the neighbours to the south.

A Further Information request based on the above was issued on 25/10/18 in the form of a Noise Impact Assessment, a Traffic Impact Assessment, information regarding daily truck movements, trip generation, clients serviced and staff numbers. Information was also sought in respect of a revised site Layout plan showing all buildings, boundaries, roads etc. and distances to existing dwellings in the vicinity of the site. The Area Planner pointed out that there was a concurrent application (18/761) relating to a proposed extension of the warehouse.

### **3.2.2. Other Technical Reports**

**Environmental Services** (17/09/18) – It was pointed out that the Dept. had received many complaints over the years regarding noise from the plant and the proposal to extend the premises raised concerns in this respect. FI was requested in the form of a Noise Impact Assessment. In particular, it was requested that the additional noise associated with the increased hours should be quantified; the mitigation measures to be clarified; and monitoring of the noise levels on a permanent basis.

### **3.3. Prescribed Bodies**

3.3.1 None.

### **3.4. Third party observations**

3.4.1. The observation from the third-party observer is generally similar to the submission made to the Board on the grounds of appeal. Issues raised principally related to hours of operation, noise emissions from the plant and unauthorised development.

### **3.5. Developer's Response to FI request**

- The further information submitted on **9<sup>th</sup> July 2019** included a Planning Statement, a Noise impact Assessment (INVC) and a Traffic and Transport Assessment as well as a revised dimensioned drawing 18FPC056-03 Rev A setting out all buildings, roads and boundaries.
- Traffic impact - The TIA took the worst-case scenario which included all part-time staff as full-time employees on a 24/7 hour basis.
- Noise Impact – This also took the worst-case scenario including the planned warehouse extension (18/761 – ABP.304956) and full-time staff on 24/7 basis.
- Operating hours and trips – these are detailed in the Planning Statement. It was pointed out that it is not the intention to operate the plant on a 24 hour/7 day basis throughout the year, but that flexibility is needed when circumstances dictate higher demands such as during a severe drought or freezing conditions.

### 3.5.1. P.A. Assessment of FI Response

**Area Planner** - The responses received were noted but the Area Planner was not satisfied with the justification for the increased hours of operation and refusal was recommended.

**Environmental Services (1/08/19)** – Serious reservations were expressed regarding the operation of the plant between 2200 and 0800 hours on the basis of the complaints received in the past. In the event that permission is granted, conditions were recommended in respect of tonal/impulsive noise, noise levels at certain hours of the day/night/week, restrictions on deliveries and a prohibition on the operating hours. In particular, the collection, service and delivery vehicles be restricted to between 0800 and 1800 M-F and that further noise impact assessments be carried out at intervals during the following 12 months.

## 4.0 Planning History

**4.1. PL91.245832 (P.A/ 15/284)** – Permission granted in March 2016 for retention of (i) a change of use from warehousing to a bottling production facility; (ii) provision of a water silo/tank; (iii) provision of a compressor room, tool shed, generator room to the rear of the site. Permission was also granted for (i) a new pump house to replace the existing pumphouse; (ii) a new porch to the front of the existing office building; and (iii) erection of a 24m high communication mast. Conditions 4, 5 and 6 related to control of noise emissions and/or hours of operation.

Condition 4 set the noise limits as measured at the nearest dwelling at 55dB(A) <sub>LAeqT</sub> (1 hour) daytime (0800-1900) Mon-Fri and 36dB(A) <sub>LAeqT</sub> (15 mins) at any other time. It specified that there should be no clearly audible tonal or impulsive component in the noise emissions from the development at any noise sensitive location.

Condition 5 required the submission and agreement of a noise abatement plan ensuring compliance with the above with the above condition and the agreed scheme to be fully implemented within 6 months.

Condition 6 restricted the hours of operation as follows:

Line 1 – 0800-2400 Mon-Fri/0800-1700 Saturdays only

Line 2 – 0800-1900 Mon-Fri and shall not operate on Saturday/Sunday/Public hols.

- 4.2. P17/372** – Permission granted for an extension to the existing bottling plant within the forecourt of the existing facility (north easterly), retention of two wells, a separate pump house and associated ancillaries and retention of the compressor room/generator house building (south easterly) and all associated works. This permission was for Line 3 and was granted subject to 6 conditions. Condition 3 reiterated the hours of operation as in Cond 6 imposed by the Board, but included Sundays and Public holidays for Line 1 0800-1700 hours. It also prohibited any further change to hours without a further grant of planning permission and required a further noise report certifying that Priority 1 and 2 measures had been fully completed. Condition 4 required all acoustic enclosures on compressors, pumps, generators to be upgraded and that all plant be configured to ensure maximum sound levels at NSLs of 55dBA LAeq15 from 0800-1900 M-F and 36dBA LAeq15 at all other times (readings to be taken at 3.5m from northern façade of residential properties to south) and a report confirming achievement of these measures within 2 months of decision.
- 4.3. Concurrent – P18/761** – Permission is sought to extend the warehouse at the rear and to alter the front façade, together with signage and all associated works.
- 4.4.** Several older permissions are referenced in the P.A. reports dating back to 1999 when permission was first granted for the construction of a spring water bottling plant with new entrance gates, road, treatment plant and ancillary site works (P99/1838). The other permissions related to various extensions at the plant.

## **5.0 Policy Context**

### **5.1. Limerick County Development Plan 2010-2016 (as extended)**

- 5.1.1.** Ballyneety is a Tier 5 Settlement in the Settlement Strategy. These are generally small settlements of 150-400 people with some essential infrastructure and a range of community services.
- 5.1.2.** Chapter 5 contains the policies and objectives relating to Economic Development including the following -

**ED P10** seeks to ensure that industry and enterprise are in appropriate location and form for their context, taking into account their likely impact on residential and other amenities, service and environmental carrying capacity.

**ED O2** seeks the protection of suitable lands from inappropriate development and ensure that the lands are appropriate to the respective area in terms of size, type of employment generating development, transport generating effects and that they would have no significant detrimental effect on the surrounding areas or the amenities of adjacent and nearby occupiers. In respect of the layout of developments and their plot ratios, the Council will seek to ensure that there is not over-development of sites, to allow for incidental amenities and parking for future expansion in situ. The Council will take into due consideration the context of the site, including the prevailing grain of development and mixture of uses in assessing development proposals, and the character and history of activity to which the proposal relates.

**5.1.3. Chapter 10 contains Development Management Standards.**

**10.6.1 Industrial/Commercial Development** – The standards for development include 40% site coverage.

**5.2. Natural Heritage Designations**

Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) lie approx. 5-7km to the northeast and northwest and Tory Hill SAC (000439) lies approx. 11km to the southwest.

**6.0 The Appeal**

**6.1. Grounds of Appeal**

The first-party appeal was submitted by HRA Planning on behalf of the appellant. It was accompanied by a revised Noise Impact Assessment carried out by Industrial Noise & Vibration Centre Ltd. (INVC). The main points raised may be summarised as follows:

- **Planning history** - The existing business as a bottling plant has successfully operated from the site since 1999 and as a storage and distribution centre since 2005. Further extensions were granted in 2012 (P11/763) for use as a warehouse/storage facility, in 2015 (P15/284, PL91.245832) for the retention of the operation of Line 2 and in 2017 (P17/372) for the retention of the operation of Line 3. There is a concurrent application to extend the warehouse before the Board (304956). Each proposal is a stand-alone project, which is required for separate reasons.
- **Locational need** – The plant is one of the most modern facility of its kind in a rural setting. It has a locational need on this site as the water is sourced there from their own Natural Spring. It provides full time employment to 28 staff and will shortly employ a further 6 people. The business is tied to the land and the resource beneath, and accordingly, there is a need to stay in this location.
- **Production lines** - The business currently has three production lines as follows
  - Line 1** – located in northernmost building. Water is filled into plastic bottles ranging from 250ml to 2 litres. The bottles arrive pre-made and the production process involves filling, labelling and packaging for distribution.
  - Line 2** – located in the southernmost building. 5 litre bottles are created from a mould on site and the bottles are then filled with water, labelled and packaged for distribution.
  - Line 3** – located in the middle and comprises a Kosme Block – an advanced unit which blows, bottles, fills, caps and labels all in the one process. The bottles are 250ml and 500ml in size.
- **Generators/compressors** - Two generators and one compressor are located adjacent to the western boundary, which generally service all three lines. There is an additional Compressor House 1 and Generator House 1 located on the southern boundary, which is very occasionally used to support activity on Line 1.
- **Hours of operation** - There are two separate time schedules being operated at the plant. Lines 1 and 3 operate two shifts from 0800 to 2400 Mon-Fri and



from 0800 to 1700 on Saturdays. Line 2 operates 0800 to 1900 Mon to Fri. The development as currently proposed seeks to extend the hours of operation of Line 1 and Line 2 to 24 hours, 7 days a week (i.e. including Saturdays, Sundays and Public Holidays).

- **Reason for proposed additional hours** - The purpose of the proposed extension of hours is to facilitate the operation of the production lines on a 24-hour basis when demand requires. It is pointed out, however, that the proposed extension of hours relates to the process lines only and that there will be no deliveries or collections from the site outside of day-time operating hours (19.00-0800), at weekends or on public holidays. Accordingly, the status quo of existing traffic movements on site shall be maintained.
- **Implications for use** – operation of the facility on a 24-hour basis would necessitate the introduction of an additional shift, which would require the employment of 10 additional people. The business has the potential to grow and expand, which requires alteration to the operating procedures on site. The plant is currently operating at capacity and no new client orders can be fulfilled. This means that the business cannot grow sustainably and cannot diversify its client base. Without growth, the business will stagnate and the ability to operate 24 hours a day, 7 days a week is essential.
- **Noise mitigation** – the NIA proposed that Priority 1 measures would be implemented first, and that only if required (following a further NIA), would Priority 2 measures be undertaken. However, it is now proposed that **both Priority 1 & 2 measures will be implemented** in full prior to the commencement of 24-hour operations on the site.
- **Noise impact** - The Noise Impact Assessment report is comprehensive and confirms that the current use operates within the permitted noise levels. It is emphasised that the P.A. has sought to refuse permission in the absence of any substantive evidence that there is excessive noise on site. The NIA also confirms that, in the event that hours are increased to 24hours/7 days, the noise levels, following implementation of Priority 1 measures, would be reduced to 36dB(A). It is submitted that the noise report (with application) has been misinterpreted by the P.A. It does not “fail to rule out the potential for

negative impacts” or require that “further tests be carried out”, but rather, that a regime to monitor sound levels would be established once the 24-hour operation is functioning, (as required by the FI request). It was only if the Priority 1 measures had not achieved the appropriate noise levels that Priority 2 would be introduced, but this has now been superseded by the appellants’ agreement to implement BOTH sets of mitigation measures prior to the increase to 24 hours 7 days a week.

## **6.2. Planning Authority Response**

The P.A. has not responded to the grounds of appeal.

## **6.3. Third Party Observation on grounds of appeal**

The third-party observation was submitted by Caroline Kirby. The following points are of note:

- **Development Plan Policy** – the site is not zoned for industry or enterprise and, as such, the business should operate at a scale and in a manner that takes full account of its location, which is a small Tier 5 village that is predominantly residential in character, and the site adjoins residential property. The developer has no regard for the dominant land use in the vicinity, which is contrary to ED P10 of the Development Plan. It should also comply with 10.6.1 which states that if it is a ‘bad neighbour’ it should not be permitted.
- **Site layout** - The developer has paid little regard throughout the years to the impact on the residential properties to the south with the access road leading to the delivery yards running alongside the southern (residential) boundary. Given the size of the site (3.375ha), the development could have been laid out so that a buffer zone could have been provided to protect the amenities of these residents. Instead it has been developed across the site towards the southern boundary, with industrial processes and noisy ancillary activities placed close to houses, and the siting of vehicular access/turning areas in the vicinity of these properties. The expansion to a 24-hour operation is of

particular concern as it would exacerbate the existing problems relating to the layout and operations of the site at present.

- **Planning history** - The Observer sets out the details of the planning history of the site. It is submitted that an examination of the planning history shows incremental growth at the facility with no apparent overall planning design approach. A more worrying trend in recent years appears to be to construct the developments first and then apply for planning permission to retain. It seems that the current application arose from an enforcement complaint regarding 24-hour operation of the plant.
- **Impact of the existing development on adjoining property** - The existing plant has generated noise complaints from the appellant over the years. There was a notable increase in noise following the grant of permission by the Board under 245832 (15/384). This commenced operations in 2014 and related to Line 2 processes close to the southern boundary. It differed from previous processes because it involved manipulation of plastic to form 5 litre bottles, which are then filled with water, whereas up until then, the bottles were pre-made. Notwithstanding the concerns raised by the Board Inspector regarding noise impact, the Board considered that “noise control could be addressed satisfactorily by means of condition”. The appellant confirms that the amenity and enjoyment of her house has been disturbed by noise, particularly in the last 4 years since Line 2 started up, within her house when the production line starts up and stops, due to incessant noise from the process and to the poor noise insulation. This is despite the conditions attached by the Board (245832) which had set noise levels of 55dB(A) daytime and 36dB(A) night time and had prohibited clearly audible tonal and impulsive components in the noise emissions at any sensitive location.
- **Compressor/generator and traffic** – these elements of the use are a further source of noise. The trucks using the speed ramps exacerbate the noise. It is not clear that the noise from the compressor/generator only relates to Line 2 as these have been causing noise even when this line is not in operation.
- **24-hour operation of the plant** – during the summer of 2018, the plant was being run on a 24-hour basis and caused incessant noise nuisance which was

intolerable. This arose from the processes and from associated traffic movements within the site. It is asserted that the conditions imposed by the Board have not been complied with. The developer has failed to show any consideration for the neighbours to date and the appellant is therefore sceptical of the current proposals to increase the scale and intensity of use. The Noise Report seems vague and relies on 'further testing and investigation work'. It does not inspire confidence and the developer should have implemented the noise abatement measures before any application was lodged for further development.

- **Scale and design of the development unclear** – the proposal represents 'job splitting' with no overall comprehensive approach to the development of the site. The company has a large site and could reconfigure the site with new warehousing alongside the northern boundary. The nature and extent of the proposed development is not clearly set out in the application. The implications regarding processes, numbers on site, noise, traffic etc. are not set out. The 24-hour operation would require additional warehousing at the very least.

## **7.0 Assessment**

It is considered that the main issues arising from the appeal are as follows:-

- Principle of development
- Impact on residential amenity of increased hours of operation

### **7.1. Principle of development**

- 7.1.1.** The Ishka Spring Water Co. business commenced in 1978, according to the submissions from the developer, and has grown incrementally since then. The bottling plant has been established on the site since 1999, and as a storage and distribution plant since 2005. Several planning permissions have been granted for extensions and alterations to the use on the site since, including the introduction of Line 2 under the permission granted by the Board in March 2016, and Line 3 under 17/372.

- 7.1.2.** Ballyneety is a Tier 5 settlement, which is a small village with a population of between 150 and 400 people. Tier 5 villages are described in the CDP settlement strategy (3.3) as generally compact villages with a traditional core and facilities such as a church, school, pub/shop, community hall etc. and that they also provide small scale employment uses. Ballyneety generally fits this description and also includes a golf course, a petrol station and shop, a pizza restaurant, a fuel and hardware store/garden centre, a Garda Station, a church and some other retail outlets. There are housing developments within the village as well as some one-off houses. The bottling plant is located within the development boundary of the village and is contiguous with existing development but is at the northern edge of the settlement.
- 7.1.3.** It is considered that the character and scale of the village is such that the water production plant is appropriately located at its northern edge. It is acknowledged that the use has generated complaints in respect of noise and nuisance in the past and that any permission to extend the use/development would require assurances that any such nuisance is addressed in terms of both the existing and proposed uses. However, it is also acknowledged that it is a long-standing business which provides employment in the area, is linked to this site by reason of the resource underneath, and that the business should be allowed to grow in order to stay competitive. The site is quite substantial with an area of 3.375ha and has plenty of space within which to expand.
- 7.1.4.** Having regard to the nature of the village, the location of the site on the outskirts of the village, the planning history and long established nature of the business as a production facility for bottled water, to the locational need proximate to the spring water source, and to the nature and scale of the development, it is considered that the proposed development is acceptable in principle. However, any such development must be capable of being carried out without giving rise to any undue increase in noise and disturbance to adjoining residential properties.

## **7.2. Residential Amenity**

- 7.2.1.** The main concerns raised in the reason for refusal relate to the likelihood of serious injury to the residential amenities of adjoining properties arising from a 24-hour operation of the plant. The observer has raised a range of issues which relate to the layout, scale and design of development on the site and to the planning history, with

particular reference to the alleged non-compliance with conditions of previous planning permissions restricting noise levels, implementing mitigation measures and hours of operation.

- 7.2.2.** It is accepted that the layout of the site, with the loading, deliveries and truck turning areas close to the southern boundary, (albeit removed from direct proximity to the residential properties to the south, is less than ideal. However, the current proposal is merely to increase the hours of operation of the plant and not to extend or alter the physical layout or built form on site. Furthermore, the developer has made it clear that it is not intended to carry out any deliveries, loading or unloading of product during the night (i.e. after 1900 hours). Thus, the impact of the proposed additional hours relates to the operation of the bottling plant, Lines 1 and 2, and any associated noise from the use of generators, compressors, pumps and from arrival/departure of staff for shift work.
- 7.2.3.** The issue of noise nuisance from these sources has been the subject of several conditions attached to previous permissions granted by the Board and by the P.A. The Board had stipulated, (part (a) of Condition 4), noise emission limits (generally 55dB(A) daytime and 36dB(A) at all other times), and restrictions on the hours of operation in respect of the production lines 1 and 2, which were generally repeated in the subsequent permission 17/372. In addition, the Board had also prohibited, (in Part (b) of the same condition), any clearly audible tonal or impulsive component in the noise emissions at any sensitive location. In the subsequent permission, (17/372), the P.A. went one step further by requiring the upgrading of all acoustic enclosures on compressors, pumps, generators, and restricted noise level emissions generally as for the production lines, (at a point 3.5m north of the facades of adjoining dwelling houses).
- 7.2.4.** The developer submits that, contrary to the observer's claims that the noise level restrictions have not been adhered to, that the limits imposed by part (a) of condition 4 (245832), have been (and are being) complied with, but admits that part (b) has not been fully addressed as yet. The Revised Noise Impact Assessment submitted with the grounds of appeal (26/08/19), states that the measured noise level at the appellant's property boundary is 49dB(A), and the predicted noise level, in the absence of any mitigation, is 42dB(A). With mitigation based on the implementation of Priority 1 measures, it is stated that the predicted level is close to or below

36dB(A), and that if additional mitigation is required, Priority 2 measures can be introduced.

- 7.2.5.** The significant noise sources identified were idling lorries, loading trailers, diesel generator 2, compressor 2 and auxiliaries and break-out noise from main factory (Line 2). It is noted that Generator1 and Compressor 1 were not operating at the time of the noise survey and it was stated that they are only used occasionally. It is proposed to carry out the following mitigation measures

Main building – Priority 1

Lagging of pipework, noise reduction measures to bottle blower, improve noise attenuation of external wall.

Diesel Generator 2 – Priority 1

Close the open side, Silenced cooling air system (if enclosure prevents circulation of cooling air).

Compressor 2 – Priority 1

Close and seal gaps/openings, Increase the attenuation of the louvres.

Diesel Generator – Priority 2

Introduce sound absorbent in the enclosure

Compressor 2 – Priority 2

Introduce sound absorbent in the enclosure

Noise control measures to the compressor

- 7.2.6.** The Noise Assessment states that with the Priority 1 mitigation measures, the noise levels from the water production facility, the generators and the compressors, can be reduced to 36dB(A) and the tonal and impulsive noise will be reduced, but could be reduced further with the implementation of Priority 2 mitigation measures, if deemed necessary. It is further stated that in respect of the noise levels from the idling trucks/loading lorries, the extension of the warehouse would not have an impact on night-time noise levels provided that no deliveries are performed in that period, and that the daytime levels are already being met (49dB(A) measured - which includes wildlife noise sources).

**7.2.7.** Significantly, the appellant has confirmed (letter dated 23<sup>rd</sup> August 2019 submitted with grounds of appeal), that all Priority 1 and Priority 2 Measures contained in Noise Assessment Report R8863A prepared by Industrial Noise and Vibration Centre Ltd. will be implemented prior to the commencement of any 24-hour operation on the site. It is considered that the implementation of these measures together with the noise restrictions as referred to above, would enable the facility to operate on a 24-hour basis without causing any significant loss of amenity to the residential properties to the south.

**7.2.8.** It is considered that should the Board be minded to grant permission for the additional hours, conditions should be attached to any such permission restricting the noise levels on site to those previously restricted, requiring the implementation of Priority 1 and 2 measures in advance of any 24 hour operation, and a prohibition of the use of the loading/turning areas at night time and at weekends.

### **7.3. Environmental Impact Assessment**

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **7.4. Appropriate Assessment**

Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) lie approx. 5-7km to the northwest and northeast and Tory Hill SAC (000439) lies approx. 11km to the southwest. There are no known hydrological links to the protected sites. Given the scale and nature of the development, the distances involved, that the site is located in an established area, it is considered that no appropriate assessment issues are likely to arise.



## 8.0 Recommendation

- 8.1 It is recommended that permission be granted for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

Having regard to the nature of the village and location of the site on its outskirts, the planning history of the site and long-established use as a water production facility, to the locational need of the development to be proximate to the spring water resource, and to 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 in accordance with the policies and objectives for the area as set out in the Limerick County Development Plan 2010-2016 (as extended) and would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted to the planning authority on the 9<sup>th</sup> day of July 2019, and to the Board on the 26<sup>th</sup> day of August 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. Prior to commencement of development, all measures stipulated as being “Priority 1” and “Priority 2” in the Noise Mitigation Plan submitted to the Board on 26<sup>th</sup> August 2019 shall be implemented by the developer and an updated Noise Assessment Report quantifying the reduction in noise levels attributable to these measures shall be submitted to and agreed in writing with the planning authority.

**Reason:** To protect the amenities of property in the vicinity of the site

3. The hours of operation hereby permitted shall relate to the bottling production lines 1 and 2 only. No deliveries to or collections from the complex shall take place, and the external loading and truck turning area shall not be used for any commercial activity outside the hours of 0800 to 1900 Monday to Friday inclusive and 0800 to 1400 on Saturdays and shall not be used at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** To safeguard the residential amenities of property in the vicinity.

4. The noise level shall not exceed 55dB(A) rated sound level, (that is corrected sound level for a tonal or impulsive component) as measured at the nearest occupied dwelling between 08.00 and 20.00 hours Monday to Friday inclusive and shall not exceed 36dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this order.

**Reason:** To protect the amenities of property in the vicinity of the site.

5. No fans, louvres, ducts or other external plant other than those shown on the drawings hereby permitted shall be installed unless authorised by a prior grant of planning permission.

**Reason:** In the interests of residential amenity.

---

Mary Kennelly  
Senior Planning Inspector

6<sup>th</sup> December 2019