



An
Bord
Pleanála

Inspector's Report

ABP-314693-22

Development

Alterations to the Planning Permission previously granted 21/1637 (for the construction of a 550 sq. m. extension to the north-west of the existing production facility, to relocate the existing canteen facility, kitchen and storage areas and all associated external works.

Location

Raheen Business Park, Raheen, Co. Limerick

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

22808

Applicant(s)

Howmedica International S. De R.L

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Tom Ryan

Observer(s)

None

Date of Site Inspection

December 06th, 2023

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site lies within the established Raheen Industrial Estate, located to the south of Limerick City. The subject site comprises part of the established Stryker site within the Business Park. The subject site has a stated area of 0.443 hectares and the existing premises on site has a stated gross floor area of 11,666m².
- 1.2. The proposed extension is to be located on an area currently used for car parking.

2.0 Proposed Development

- 2.1. The proposal comprises alterations to the planning permission previously granted 21/1637 to include:
 - Relocation of canteen facility 9m to NE
 - Additional area of 93m² to canteen and link areas
 - Alterations to entrance of building
 - All associated site development works

This proposal will increase the overall canteen extension to approximately 643m² (when included with that previously permitted under Reg. Ref. 21/1637).

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 4 no. conditions

Condition No. 4 relates to the requirement to carry out a survey of the existing storm water network within the footprint of the premises and submit the results for the written agreement of the planning authority, prior to the commencement of any development on site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Reflects decision of planning authority; recommends grant of permission

3.2.2. Other Technical Reports

Environment Section- Conditions recommended in relation to carrying out of survey of existing storm water network and installation of flow monitoring devices on the storm network within the premises

Environmental Health Section- Conditions attached

Fire and Building Control Section- No objection, subject to conditions

3.3. Prescribed Bodies

Uisce Eireann: No objections, subject to conditions

3.4. Third Party Observations

The planning authority received one observation that raised issues similar to that contained in the third party appeal.

4.0 Planning History

There is quite a significant planning history relating to this subject site and I refer the Board to the relevant section of the Planner's Report in this regard. However, the most recent relevant history is as follows:

21/1637

Permission GRANTED for the construction of a of a 550 sq.m. extension to the north-west of the existing production facility, relocating the existing canteen facility, kitchen and storage areas and all associated site works. The works will also include a small 72 sq.m extension to an existing corridor within the facility to improve circulation

5.0 Policy Context

5.1. Development Plan

The Limerick Development Plan 2022-2028 applies.

Zoning:

High Tech / Manufacturing Campus which seeks 'to provide for office, research and development, high technology, regional distribution/ logistics, manufacturing and processing type employment in a high quality built and landscaped campus style environment'.

This zoning is afforded to the full Raheen Business Park.

The Raheen Business Park, together with the National Technology Park and the proposed Northside Business Campus are identified as Strategic Employment Locations under the Limerick Shannon Metropolitan Area Strategic Plan (MASP). The following policy objectives are relevant:

Objective ECON O17 Strategic Employment Locations City and Suburbs (in Limerick), Mungret and Annacotty: Seeks to facilitate and support the Raheen Business Park (and others) as strategic employment locations in accordance with MASP.

Objective ECON O18 Specific Site Requirements which relates to the preparation of a comprehensive framework plan for agreement with the Planning Authority in advance of development on the 'High Tech/Manufacturing' zoned lands to the west of Raheen Business Park.

Objective CAF O21 Identified Flood Risk: It is an objective of the Council to: a) Ensure that no development shall commence on the lands identified as being at flood risk adjacent to the Raheen Business Park in the townlands of Ballycummin/ Rootiagh, zoned for High Tech/ Manufacturing, until a Site-specific Flood Risk Assessment, including hydraulic model has been prepared for the lands, which demonstrates that the flood risk for the lands can be mitigated or that a less vulnerable use can be accommodated on site.

In terms of the above, the Board will note that the subject site lies to the north-east of the identified townlands, and at a distance of approximately 1km. It is also noted that the subject site comprises made ground and is not greenfield.

5.2. **Natural Heritage Designation**

The site is not located within any designated site. The nearest designated sites- the Lower Shannon SAC (Site Code 002165) and River Shannon and River Fergus Estuaries SPA (Site Code 004077)- are located approximately 2km from the subject site.

5.3. **EIA Screening**

Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) sets out the class of developments which provide that mandatory EIA is required.

The following classes are considered to be relevant:

- Class 10 Infrastructure Projects of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended):
 - o 10(a) Industrial estate development projects, where the area would exceed 15 hectares.
 - o 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.

Due to the site's location in a built-up area 10 hectares is the relevant threshold in this case.

- Class 13 Changes, Extensions, Development and Testing of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended):
 - o Class 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.

- Class 15 Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7. 5.3.2.

In terms of the above the Board will note that the existing buildings on the site extend to a stated floor area of 11,666m². The proposed development comprises the construction of an industrial building with a floor area of 93m² (over and above that previously permitted), on a site covering 0.443ha and all within the existing Raheen Business Park.

In terms of Class 13 and given the information presented, I concluded that the development is not of a scale or nature which would trigger the need for a statutory EIAR, on the basis that the proposed extension to the existing facility does not result in an increase in size greater than 25%. It is therefore considered that the development does not fall within any cited class of development in the P&D Regulations and does not require mandatory EIA.

The site is located within a designated development area of Limerick, on lands zoned for industrial purposes. Furthermore, as this proposal would fall below the relevant threshold, I conclude that, based on its nature and scale of the proposed development; its location within the established Raheen Industrial Business Park and the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended), there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

5.4 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development which is considered to be a relatively minor extension to an existing facility, the location of the site within an adequately serviced urban area in the established Raheen Business Park, the physical separation distances to designated European Sites, and the

absence of an ecological and/or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

6.0 The Appeal

6.1. Grounds of Appeal

The third party appeal may be broadly summarised as follows:

- The contractual agreements between the local authority and the landowners in relation to the Loughmore Canal have not been complied with and the watercourse has not been maintained.
- Capacity of the outfall concerns were raised in 1999 by the Local Authority's planning and environment sections yet permissions have been granted without control measures or flood risk assessments. This has led to extensive flooding of lands.
- Expansion of the Raheen Industrial Estate has resulted in misconnections in the foul and storm water network and there are on-going investigations into discharges which are not storm water. No further development can be permitted in the Estate on public health grounds.
- Storm water discharges through an SAC.
- Lands have been flooded and livestock suffered unexplained physical distortions as seen with exposure to chemical pollution.
- No further development should take place on these lands
- The appeal includes details of a Loughmore Canal Stakeholder Meeting dated 21st April 2022.

6.2. Planning Authority Response

None

6.3. Observations

None

6.4. Further Responses

None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the reports of the planning authority and prescribed bodies, the appeal submission received, together with having inspected the site, I consider that the main issues in this appeal are as follows:

- Principle of proposed development/policy context
- Third party issues
- Other matters

7.2 I highlight to the Board that the detail of this third-party appeal appears to relate to a single issue. The appellant has appealed a number of recent planning authority decisions in the Raheen Business Park on the grounds of impacts associated with the original development of the Business Park in terms of storm water discharges, flooding and its impacts, and suggested chemical pollution on livestock. A recent decision I refer the Board to is ABP-314692-22 (decision date September 2023), in which almost identical matters were raised by the same appellant for a development in close proximity to this subject site. The Board granted permission in that instance.

7.3 Principle of proposed development/policy context

7.4 The proposed development comprises alterations to a previously approved canteen development to the existing Stryker plant within the established Raheen Business Park (Register Reference 21/1637). This is considered to be a relatively minor extension of 93m² to an existing permitted facility which has a stated gross floor area in excess of 11,000m². The principle of an extension to the existing facility is considered to have been established by the planning authority under Reg. Ref. 21/1637.

- 7.5 The subject site lies at the south-western area of the Limerick City and Suburbs, on lands zoned High Tech / Manufacturing Campus. This zoning is afforded to the full Raheen Business Park. It is the stated objective of this zoning 'to provide for office, research and development, high technology, regional distribution/ logistics, manufacturing and processing type employment in a high quality built and landscaped campus style environment'. The proposed development accords with this zoning objective.
- 7.6 I am satisfied that the principle of the proposed development is acceptable at this location. There are numerous policies that support high tech/manufacturing development within the established Raheen Business Park contained within the operative Development Plan. All services to support the proposed development are in place in terms of access road, water services infrastructure and utilities. I am satisfied in this regard.
- 7.7 Third Party appeal
- 7.8 The matters raised in the appeal relate to the planning history of the wider site and not specifically the site the subject of this appeal nor the development proposed thereon. In summary, concerns raised relate to the management of surface and storm waters arising within the wider Business Park, and the impact on property along the Barnakyle River and the Loughmore Canal. It is the appellant's contention that previous engineering solutions proposed to attenuate water across the wider Business Park have not worked to date, and it is contended that development at Raheen Business Park impacts and exacerbates flooding on his, and other peoples, land. He also requests that permission for any further development within the Raheen Business Park be refused in the absence of controls in the discharge of stormwater from the estate to waterways.
- 7.9 I highlight to the Board that the applicant has submitted an Engineering Report, prepared by Arup, as part of the application documentation, together with associated drawings. This report sets out the existing and proposed foul and surface water drainage strategy. In terms of the existing surface water strategy, there is an existing 1500mm Shannon Development surface water sewer within the north and west Stryker boundaries, heading in a south-westerly direction. Run-off from existing carparks and roadway (where proposed canteen is to be located) connects to a

300mm drain traversing the site, which connects to an existing 1500mm Limerick County Council surface water sewer. Design standards and guidelines used in the design of the surface water drainage for the site, include the GSDSDS Vol. 2-New Developments and BRE Digest 365 and BS EN 752-Drains and sewer system outside buildings. The proposed surface water strategy is also set out which includes for SuDS measures including use of permeable pavements and by-pass petrol interceptors.

7.10 While I acknowledge the concerns raised by the appellant, I do not consider that a grant of planning permission in this instance will exacerbate any potential risk of flooding, given its very limited size and scale relative to that previously permitted. I would also accept the bone fides of the storm water management proposals presented by the applicant. The planning authority have not raised concerns in this regard, subject to condition (Condition No. 4 noted). I recommend that if the Board is disposed towards a grant of permission, that a similarly worded condition be attached to any such grant. The proposed development will connect to the existing public water services which are located within the Business Park. Uisce Eireann have not raised concerns in this regard. The site is not located within a flood zone. Overall, and having regard to the planning history of the subject site, I am satisfied that the proposed alterations to previously permitted extension to the existing building at this location within the Raheen Business Park is acceptable and would accord with the proper planning and sustainable development of the area.

7.11 Other Matters

7.12 I am satisfied that the proposal would integrate well with the existing and permitted development on site and within the wider Raheen Business Park. I have no information before to believe that the proposal would lead to the creation of a traffic hazard or obstruction of road users. The planning authority have not raised concerns in this regard.

7.13 Conclusion

7.14 Having regard to the layout, height and design solution put forward, I am satisfied that the proposed development is in accordance with the zoning objective of the Development Plan, which seeks “to provide for office, research and development, high technology, regional distribution/ logistics, manufacturing and processing type

employment in a high quality built and landscaped campus style environment', is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

8.0 Recommendation

8.1. I recommend that the decision of the planning authority be UPHELD and that permission be GRANTED, subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the planning history and the zoning objective of the subject site, its location within the existing Raheen Business Park 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. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The development shall comply with all conditions of Reg. Ref. 21/1637, save as may be amended by other conditions attached hereto</p> <p>Reason: In the interests of clarity</p>

3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>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. In this regard, prior to the commencement of any development on site, the developer shall</p> <p style="padding-left: 40px;">(a) carry out a survey of the existing storm water network within the footprint of the premises and submit results to the planning authority for their written agreement. Exact details relating to parameters of survey shall be first agreed with the planning authority</p> <p>Reason: In the interest of public health and to ensure a satisfactory standard of development.</p>
5.	<p>The applicant shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide, inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise and dust management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

7.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
8.	<p>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.</p> <p>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.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Lorraine Dockery
Senior Planning Inspector

17th January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála	ABP-314693-22		
Case Reference			
Proposed Development Summary	Alterations to the Planning Permission previously granted 21/1637 (for the construction of a 550 sq. m. extension to the north-west of the existing production facility, to relocate the existing canteen facility, kitchen and storage areas and all associated external works.		
Development Address	Raheen Business Park, Raheen, Co. Limerick		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	x
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	x		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No	x	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Lorraine Dockery_____ **Date: 17/01/2024**_____