



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319334-24

#### Development

The development at Site No. 1 (Units 1 & 2), Pearce Road, Raheen Business Park, Raheen, Limerick, V94 K163. The planning application seeks to construct a single storey ESB substation combined with MV & LV rooms within the floor space of the existing units.

#### Location

Site No. 1 (Units 1 & 2), Pearce Road, Raheen Business Park, Raheen, Limerick, V94 K163

#### Planning Authority

Limerick City and County Council

#### Planning Authority Reg. Ref.

2360947

#### Applicant(s)

Cadmin Limited

#### Type of Application

Permission

#### Planning Authority Decision

Grant Permission

#### Type of Appeal

Third Party

#### Appellant(s)

Tom Ryan

#### Observer(s)

None

**Date of Site Inspection**

23 September 2024

**Inspector**

Claire McVeigh

## **1.0 Site Location and Description**

- 1.1. The subject site, stated as 0.85ha, is located within Raheen Business Park, positioned in the south of Limerick City & Suburbs and to the northwest of the M20, accessing onto Pearce Road. An embankment runs immediately to the rear of the buildings.
- 1.2. The existing building with a stated floor area of 4,199 sq. m. Planning permission was granted by Limerick City and County Council (LCCC) for the amalgamation of units 1 and 2 and a change of use from manufacturing to light industrial use<sup>1</sup>.
- 1.3. In the submission from the applicant in response to the third-party appeal it is stated that the applicant also owns the adjoining unit no. 3 where permission was sought and granted for a change of use from manufacturing to light industrial use (please refer to planning history at section 4.0 of my report).

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the construction of a single storey ESB substation combined with MV (Medium voltage) & LV (Low Voltage) rooms (total floor area of 56sq.m) within the floor space of the existing unit, (site no. 1 units 1 and 2). It is proposed to incorporate the substation into the existing building at the northeast corner. It is proposed to removed sections of the existing cladding and replace with a light grey insulated cladding system proposed double doors to the substation, MV room and LV room are proposed to be finished in steel.
- 2.2. Existing water supply and existing public mains are indicated on the application form. Surface water disposal is via the public sewer/drain.

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<sup>1</sup> "light industrial building" means an industrial building in which the processes carried on or the plant or machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit (Article 5 (1) of the Planning and Development Regulations, 2001).

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On the 14 March 2024 the planning authority granted permission subject to 4 no. conditions, the conditions are of a standard nature.

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

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

Initial report

- The development would not be likely to have a significant effect individually or in combination with other plans or projects on a European Site.
- The development is not of a type included in Schedule 5 of the Planning and development regulations for EIA, a screening determination is not required in this instance.
- The proposed ESB substation to facilitate the use of the units is in line with the land use zoning in place for the site.
- Site is not within a flood zone.
- Seeks further information on the need for the ESB substation and what the MV and LV rooms will be used for.

Report following receipt of further information

- The development of an electricity sub-station in association with a manufacturing plant in Raheen Business Park by reason of its layout and extent of works on appropriately zoned lands, the nature of development on surrounding lands, the size, scale and mass is considered acceptable and in line with the policies and objectives of the Limerick Development Plan 2022-2028.
- Development contributions recommended for substation/switch room of €2000.

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

- Fire Authority no objection to this application.
- Mid-West National Roads Design Office has no observations to make in relation to the application.

### 3.3. Prescribed Bodies

Transport Infrastructure Ireland (TII) has no observations to make.

### 3.4. Third Party Observations

One third party observation received from Tom Ryan; in summary the concerns relate to the following:

- Clarification on the proposed use of the currently unoccupied units and a justification required for the need for additional power supply.
- Identifies that the Loughmore Canal and Barnakyle stream enters the Barnakyle river through his lands and that this water course is the outfall for storm water from the Raheen Industrial Estate.
- Concerns about overdevelopment in the Raheen Industrial Estate and inadequate infrastructure to serve same. Highlights the long running investigation into pollution in Raheen Business Park, recommend that no further planning permissions can be granted in the current circumstances.

## 4.0 Planning History

*Site No. 1 (Units 2 and 3)*

23/60142: Planning permission granted (August 2023) for the development of Units 1 & 2, Site No.1, PEARCE ROAD, Raheen Business Park, Raheen, Co. Limerick, Eircode V94K163. The development comprises of the amalgamation of Units 1 and 2 into a single unit, the change of the existing planning permission, (reference P16/1206) from part warehousing and part light industrial to light industrial use. In addition, planning permission is sought for the following: provision of internal two storey administration, staff facilities, including toilets, offices, canteen etc., changes to the building elevations. Other works include the provision of disabled carparking

spaces, EV charging areas, motorbike parking spaces, secure bicycle parking spaces, refuse/storage yard, building signage, with all ancillary landscaping and associated site works and services

16/1206: Planning permission granted (May 2017) for the proposed change of use of part of the existing premises from warehouse to light industrial which comprises an activity requiring a waste facility permit on a site at Pearce Road, Raheen Business Park, Ballycummin TD, Co. Limerick.

00/764: Planning permission granted (September 2000) for the construction of extensions to 2 no. warehouses at site no. 1.

98/1964: Planning Retention permission granted (February 1999) of altered front facade and side and rear extension to 2 no warehouse units.

96/1606: Planning permission granted (July 1996) for the relocation of previously approved warehouses & change of boundaries of site No. 1

96/174: Planning permission granted (February 1996) for the construction of 2 no. warehouses.

#### *Adjacent Site No. 2 (Unit 3)*

23/60141: Planning permission granted (August 2023) for the development at Site No.2, (Unit No. 3) PEARCE ROAD, Raheen Business Park, Raheen, Co. Limerick, Eircode V94P628. The planning application seeks permission for the change of use from warehousing to light industrial use. In addition, planning permission is sought for the following: a) Provision of internal two storey administration, staff facilities, including toilets, offices, canteen etc., b) Changes to the Building elevations. Other works include the provision of disabled carparking spaces, EV charging areas, motorbike parking spaces, secure bicycle parking spaces, refuse/storage yard, building signage, with all ancillary landscaping and associated site works and services.

## **5.0 Policy Context**

### **5.1. Limerick Development Plan 2022-2028**

Land use Zoning 'High Tech/Manufacturing'

Objective: 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. Purpose: To facilitate opportunities for high technology, advanced manufacturing including pharmaceutical and food production, major office, regional distribution/ logistics, and research and development-based employment, within high quality, highly accessible, campus style settings. The zoning is for high value-added businesses and corporate facilities that have extensive/specific land requirements, such as those located at Raheen Business Park and the National Technology Park. These businesses are generally not accessible to members of the public. Retail warehousing will not be acceptable in this zone. The uses in this zone are likely to generate a considerable amount of traffic by both employees and service vehicles. Sites should be highly accessible, well designed and permeable with good pedestrian, cyclist and public transport links. The implementation of mobility management plans will be required to provide important means of managing accessibility to these sites.

(Excerpt from) Table DM6: Design Guidelines for High Tech/Manufacturing, Warehousing, Business Park, Enterprise and Employment Centres.

Utilities structures • The location of new utilities infrastructure such as electricity substations, communication equipment cabinets, should not be located forward of the main/front building line, or on areas of open space visible from the public road. Such structures should be sensitively designed to assimilate with the design of the overall development and maintained to a high standard by the relevant service provider.

## **5.2. Natural Heritage Designations**

The subject site sits approximately 1.5km southeast from the Proposed Natural Heritage Area: Loughmore Common Turlough [Site Code: 000438] and 3.4km southeast from the proposed Natural Heritage Areas: Inner Shannon Estuary – Southshore [Site Code 000435] and approximately 3.3km south from Special Area of Conservation: Lower River Shannon SAC [Site Code 002165].

## **6.0 Environmental Impact Assessment (EIA) Pre-Screening**

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of my report.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The following is a summary of the grounds of third-party appeal:

- Considers that the nature of the manufacturing was not adequately disclosed as per the request of Limerick City and County Council (LCCC) for further information.
- There are no control measures in place for environmental protection from possible waste from these new businesses.
- The planner's report states that the stormwater for this development is discharged to a soak pit. Concerns are raised in respect to flooding and risk of contamination of groundwater taking into account ongoing investigation into pollution at Raheen Industrial Estate.

### **7.2. Applicant Response**

- Planning permission was granted by LCCC for change of use for both buildings under the same ownership by the applicant (Units 1 & 2 and Unit 3) from manufacturing to light industrial, the third-party appellant did not object to either of these applications.
- The power requirements to run the operations exceed the capabilities of the local ESB mini pillar installation. The building requires a new ESB substation to deliver the required amount of power to run the plant.



- The provision of an ESB substation and MV/LV rooms will result in the omission of the requirement for fossil fuel powered equipment for heating and cooling the facilities.
- The ESB substation will strengthen the ESB infrastructure in this area of the business park.
- Without the substation and associated MV/LV rooms these light industrial manufacturing processes cannot proceed, with a significant effect on the future industrial planning for this business.
- MV and LV rooms are essential to house and link the building electrical switchboards and fuses to the electrical power from the ESB substation.
- Under FI request to previous planning permissions relating to the change of use of units 1&2 and 3 a detailed storm water/foul sewer network for both sites has been designed and approved by LCCC. Stormwater from both units 1&2 and Uni3 discharge to an existing stormwater manhole within unit 3.
- All stormwater drainage from the carparking areas on both sites (Units 1 & 2 and Unit3) will be captured within the Class 1 oil interception. The design, including the other SuDS features will enormously enhance the quality and controlled measured flow of the stormwater discharge from both sites.
- Acknowledges the third party's concerns relating to pollution issues with the Raheen Business Park in general but highlights that this development will have a significant positive impact on the environment and is not related to the issues raised by the appellant.

### **7.3. Planning Authority Response**

- None received.

### **7.4. Observations**

- None.

## 8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development/use
- Flooding/surface water
- Waste management

### 8.2. *Principle of development/use*

The proposed development comprises the construction of an ESB substation with MV and LV rooms within the existing building envelope of a permitted building for light industrial use. As outlined in the planning history section of my report (please refer to section 4.0) permission was granted in August 2023 to change the use of units 1 and 2 into light industrial use and amalgamate both these units. As such, acknowledging the already approved light industrial use for units 1 & 2, I do not agree with the appellant that the applicant did not adequately respond to the further information request by LCCC. The planning authority sought further information on the need for the ESB substation rather than the intended nature of the manufacturing.

I note that the further information submission states that the applicant is working with ESB on the proposed ESB substation project, however, no evidence of same has been submitted. It is submitted by the applicant that the building requires a new ESB substation to deliver the required amount of power to run the plant and the power requirements to run the operations exceed the capabilities of the local ESB mini pillar installation. I consider that information submitted with the application and appeal documentation adequately justifies the need for the ESB substation in light of the redevelopment proposals of both site no. 1 (units 1 & 2) and site no. 2 Pearse Road by the same owner.

In conclusion on this point, I consider that the proposed ESB substation and MV and LV rooms will be ancillary to the already approved light industrial use and the

proposed design and position of same meets with the development management design guidelines for utility structures as set out in Table DM6 of the development plan.

### 8.3. *Flooding/surface water*

The appellant raises concerns in respect to ongoing pollution and risk of contamination of groundwater by reason of misconnections within the estate and stormwater discharges to ground. I note that the planner's report states that the surface water discharges to an existing soak pit. I consider that this to be stated in error given that the application form clearly indicates that surface water discharges to public sewer/drain in question 20 of that form. Furthermore, the applicant in response to the appeal has submitted a detailed stormwater foul sewer network design for both sites 1 (Units no. 1 & 2) and site 2 (Unit 3) drawing reference no. 22.107-PROP-025, which was submitted as part of planning register references 23/60142 and 23/60141 subsequent to a detailed CCTV survey on the inground services including stormwater and foul sewers. I note that this application is for development within the existing building envelope, however, given this application is for a proposed sub-station to serve the permitted light industrial uses I consider in the event that the Board is minded to grant permission that a condition tying this application to that of planning register reference 23/60142 would appropriately address the concerns raised with respect to the risk of flooding/groundwater pollution.

### 8.4. *Waste management*

As already addressed in section 8.2 of my report light industrial use has already been approved at the subject site and is subject to conditions relating to both a Construction Environmental Management Plan (Condition no. 8) and site-specific waste management plan (Condition no.9) as attached to planning register reference 23/60142. The current application under consideration is for a sub-station and ancillary MV and LV rooms to be constructed within the existing building envelope of the permitted light industrial buildings. I am of the view that if the Board is minded to grant permission that a condition tying this application to that of planning register reference 23/60142 would appropriately address the concerns raised with respect to waste management.

## 9.0 AA Screening

### 9.1. *Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)*

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the Lower River Shannon SAC 3.3 kms from the proposed development.

### 9.2. The proposed development is located within an established business park and comprises the construction of a single storey ESB sub-station combined with MV and LV rooms within the existing building envelope.

### 9.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

The reason for this conclusion is as follows:

- Small scale and domestic nature of the development
- The location of the development in a serviced urban area, distance from European Sites and developed nature of intervening habitats, absence of ecological pathways to any European Site.
- The planning authority's AA screening.

### 9.4. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## 10.0 Recommendation

I recommend that planning permission should be granted, subject to conditions for the reasons and considerations as set out below.

## 11.0 Reasons and Considerations

Having regard to the 'High Tech/Manufacturing' zoning of the site the proposed sub-station and ancillary MV and LV rooms meet with the design guidelines for utility structures in high tech/manufacturing zoned lands as contained in Table DM6 of the Limerick Development Plan 2022-2028. The proposed development built within the existing building envelope would not result in an increase in surface water discharges and, subject to condition, would not give rise to significant levels of construction waste.

## 12.0 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 received by the planning authority on the 21 day of February 2024, 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference 23/60142 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. 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.

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.

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Claire McVeigh  
Planning Inspector

10 February 2025

# Appendix 1: Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	319334-24		
<b>Proposed Development Summary</b>	The development at Site No. 1 (Units 1 & 2), Pearce Road, Raheen Business Park, Raheen, Limerick, V94 K163. The planning application seeks to construct a single storey ESB substation combined with MV & LV rooms within the floor space of the existing units.		
<b>Development Address</b>	Site No. 1 (Units 1 & 2), Pearce Road, Raheen Business Park, Raheen, Limerick, V94 K163		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	√
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			
<b>No</b>	√	I am of the opinion that the proposed individual ESB substation which aims to support a company <sup>2</sup> does not fall within a CLASS of development specified in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001.	No further action required

<sup>2</sup> Having regard to the European Commission: Directorate-General for Environment 'Interpretation of definitions of project categories of annex I and annex II of the EIA Directive', Publications Office of the European Union, 2024 <https://data.europa.eu/doi/10.2779/678985>

3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		N/A	N/A
No		N/A	N/A
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		N/A	N/A

5. Has Schedule 7A information been submitted?		
No	√	Pre-screening determination conclusion remains as above (Q1 to Q2)
Yes		

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_