



An
Coimisiún
Pleanála

Inspector's Report

ACP-323636-25

Development

Alterations to an existing building which was previously granted Planning Permission under Planning Reference No. 18/662 and Planning Reference No. 20/1189.

Location

Bay Q , Ballycummin Avenue & Ashford Road , Raheen Business Park Limerick

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

2560674

Applicant(s)

Eastway Global Forwarding Limited

Type of Application

Retention

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Tom Ryan

Observer(s)

None

Date of Site Inspection

4 December 2025

Inspector

Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The site contains a large warehouse with a blank elevation onto the Ballycummin Road, constructed as an extension to an existing warehouse with ancillary office and service areas, in Raheen Business Park, Limerick. The site is located at the easternmost edge of the business park, with access onto Ballycummin Avenue and Raheen Gardens within the park. The site backs onto the Ballycummin Road, which forms the border between the Business Park and residential areas with low-density housing. A number of detached houses face directly onto the Ballycummin Road, with the entrance to the Church Hill Meadows housing estate, which also serves as a distributor road for a large area of housing, joining the Ballycummin Road opposite the south end of the site. An electricity pylon is located close to the road immediately south of the site, with overhead power lines running parallel to the site just south of it.
- 1.2. The business park is c. 5 kilometres from Limerick city centre, south of the N18 ring road, and north of the M20 motorway.

2.0 Proposed Development

- 2.1. It is proposed to retain amendments to the development permitted under 18/662, as amended under 20/1189. Amendments to be retained include the following:
 - A reduced floor area (reduction of 93 sqm, c. 3%)
 - Changes to elevations (1 no additional roller shutter door on the western elevation, facing the industrial estate)
 - An additional site access point for Fire Tenders from the Ashford Road (road internal to industrial estate),
 - Change to site services and associated site works necessitated by the above listed changes.

3.0 Planning Authority Decision

3.1. Decision

Grant retention permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- One report, dated 26.08.25. Issues considered included the site context, planning history, Development Plan policy, submissions and reports, and considered the development acceptable.

3.2.2. Other Technical Reports

- Fire & Building Control – no objections
- Roads Department – no objections subject to control of surface water.

3.2.3. Conditions

Four conditions, condition 3 and 4 relating to surface water.

3.3. Prescribed Bodies

- Uisce Éireann – no report
- NEHS (HSE) – no report

3.4. Third Party Observations

3.4.1. One, from the appellant, covering the same issues raised in the appeal. A report on water quality in the Loughmore Canal carried out by an Environmental Consultancy was included.

4.0 Planning History

- Reg ref 18/662

Permission was granted (following submission of further information) for an extension to the existing warehouse, remodelling of existing elevations, provision of railings, access points, vehicle entrance, and associated site works and signage, subject to 15 conditions.

The landscaping plan (submitted as further information) showed existing planting and trees being maintained to the west boundary, and a new hedgerow between the existing trees on the east (Ballycummin Road) boundary, with a hard standing area between these and the building. Condition 13 was for screen planting to be provided along the eastern boundary of the site, in the interest of biodiversity and visual amenity.

- Reg ref 20/1189

Permission and retention permission was granted for amendments to 18/662 including alterations to elevations, fenestration, building height, signage, revised landscaping and car park layout, relocation of bike shed, new solar panels, and a new fence enclosure to the service compound, subject to 2 conditions, including compliance with the conditions of the parent permission.

5.0 Policy Context

5.1. Limerick Development Plan 2022-28

The site is zoned High Tech/Manufacturing, with the 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.*”

- 5.1.1. The Plan goes on to say the purpose of 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.

Chapter 5: A Strong Economy

Objective ECON O17 Strategic Employment Locations city and Suburbs (in Limerick), Mungret and Annacotty

This objective of the Plan seeks to promote, facilitate and enable a diverse range of employment opportunities by facilitating appropriate development, improvement and expansion of enterprise and industry on appropriately zoned lands, accessible by public transport and sustainable modes of transport, subject to compliance with all relevant Development Management Standards and Section 28 Guidance at Strategic Employment Locations and other appropriately zoned locations in a sustainable manner. Raheen Business Park is identified as Strategic Employment Location.

Chapter 6: Environment, Heritage, Landscape and Green Infrastructure

Objective EH O10 Trees and Hedgerows sets out an objective to retain and protect trees and hedgerows, to require surveys prior to the removal of mature trees or hedgerows and the provision of mitigation planting, to require the planting of native plants and the creation of new habitats in all new developments.

Objective EH O12 Blue and Green Infrastructure sets out an objective to promote a network of blue and green infrastructure, promoting connecting corridors for the movement of species, and encouraging the retention and creation of features of biodiversity value.

Objective EH O15 Ground Water, Surface Water Protection and River Basin Management Plans relates to the protection of ground and surface water resources taking account of the requirement of the Water Framework Directive, implementing the provisions of the *River Basin Management Plan 2022-2028*, the *Limerick Groundwater Protection Plan*.

Chapter 8: Infrastructure

Objective IN O12 Surface Water and SuDS

This long multi-part objective seeks to reduce water pollution, protect surface waters and prevent flooding, by ensuring separation of foul and surface water discharges, maintaining and improving drainage infrastructure, promoting and requiring SuDS and Nature Based Solutions, and encouraging green roofs.

Chapter 11: Development Management Standards

Table DM 6: Design Guidelines for High Tech/Manufacturing, Warehousing, Business Park, Enterprise and Employment Centres

This table sets out standards and guidelines including for design, site coverage, boundary treatment open space and landscaping, surface water and waste management, and other matters.

5.2. **Natural Heritage Designations**

Lower River Shannon SAC 002165 – 2.5 km

River Shannon and River Fergus Estuaries SPA 004077 – 3 km

Loughmore Common Turlough pNHA 00438 – 0.9 Kilometres northwest

5.3. **EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

5.4. **Water Framework Directive**

- 5.4.1. The subject site is located in a built up area in the suburbs of Limerick city, c. 300 metres west of the Barnakyle_020 (IE_SH_24B050600), partly within that sub basin (IE_SH_24B050600) and partly within the Ballynaclogh_010 sub basin (IE_SH_24B040800). The site is located on top of the ground water body Limerick City Southwest (IE-SH_G_141). Stormwater from the business park is conveyed through the Loughmore Canal to the Barnakyle River.
- 5.4.2. The proposed development comprises amendments to a permitted development, to reduce the size of a permitted warehouse.
- 5.4.3. Water deterioration concerns were raised in the planning appeal.
- 5.4.4. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status

(meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

5.4.5. The reason for this conclusion is as follows:

- the nature and scale of the development, which consists of the retention of a reduction in size of a permitted development, and amendments to the landscaping
- the details of the development subject to the parent permission, which included water and drainage management and pollution control measures, which are unaffected by this development
- conditions attached to the parent permission, which addressed construction management, waste management, surface water management, and protection of Irish Water assets,

5.4.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal against the decision of Limerick City and County Council to grant permission. The grounds of appeal are summarised as follows:

- The appellant farms lands in Ballynoe, Mungret, Co. Limerick, through which the Barnakyle River flows. The Loughmore Canal and Barnakyle Stream conduct water from the northern portion of the Raheen Industrial Estate to the Barnakyle River. Stormwater from the southern end of the Raheen Industrial Estate also flows into the Barnakyle River.

- The Loughmore Canal is a polluted water course, and is polluting the Barnakyle stream and the Barnakyle River. Recent testing commissioned by the appellant (attached to the third party submission) confirms this. The water course has not been maintained as per the contractual agreements between the landowners and the Local Authority. The waters are part of the Maigue Estuary waterbody, acknowledged by the EPA as one of the worst in Ireland for water quality.
- Polluted waters flooding the grazing platforms are the likely cause of unexplained infertility, illness and tumours in the appellants livestock.
- The application is for retention of completed works, including siteworks, which will have undertaken trenching. No assessments were undertaken prior to the works. The inspector must review and assess the potential impacts on the vulnerable groundwater.
- Concerns raised by Local Authority staff in 1999 regarding flooding caused by inadequate outfall capacity were not heeded, and numerous planning applications have since been granted on the Industrial Estate without adequate flood risk assessments or control measures, leading to extensive flooding on the appellant's lands.
- The existing storm drains and foul drains are in operation since the inception of the Raheen Industrial Estate. Expansions and multiple connections have resulted in misconnections, proven by CCTV survey of the storm water network. The council have acknowledged the existence of misconnections, and issued Section 12 notices under the Water Pollution Act. There is an ongoing years' long investigation.
- Current infrastructure is inadequate for the level of development on site, with planning being granted despite rampant pollution, and disregard for the Habitats Directive and the Water Framework Directive. Hazardous substances are being discharged to water which is connected to drinking water supplies. An engineering solution is required to deal with the pollution.

6.2. Applicant Response

6.2.1. A response was received from the applicant's agent, summarised as follows:

- The retention application under appeal is a minor amendment to a permitted development, to reduce the footprint of the warehouse slightly, to avoid risk to an adjacent overhead power line during construction.
- All substantive issues regarding drainage were addressed under the parent permission (18/662)
- No new drainage pipes were introduced as part of the amendment, and their internal dimensions remain unchanged; the overall length of pipe has been reduced slightly due to the reduction in footprint. These are the advertised 'changes to site services'.
- The 'site works' advertised relate to the works required to create a new access and standing area for a fire truck at the north east corner of the site.
- As the planning authority's report noted, the site is well-serviced by existing infrastructure; the development is reduced in scale; and no additional demand is generated on existing drainage infrastructure. In fact, demand is reduced due to the smaller footprint.
- The appeal should be dismissed by the Commission as it is without substance or foundation. The content is not substantive insofar as the development under consideration is concerned.
- Additionally, the Commission cannot revisit the two earlier planning permissions made in 2018 and 2020 (to which the appellant did not object), which permitted the substantive works. The Commission should dismiss the appeal under Section 138(b), having regard to the previous permissions on the site.
- Should the Commission not be minded to dismiss the appeal, a timely grant of permission is respectfully requested.

6.3. Planning Authority Response

No further comments, refer to planner's reports.

6.4. Observations

None received.

6.5. Further Responses

None received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, 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:

- Nature and extent of the development applied for
- Impacts of the development on water quality

The applicants assert that the appeal should be dismissed under Section 138(1)(a) or Section 138(1)(b); however, planning issues have been raised in the appeal and it is appropriate to assess them.

7.2. Nature and extent of the development applied for

7.2.1. The development as advertised lists a number of alterations to a permitted development, the final one of which is 'change to site services and associated site works necessitated by the above listed changes'. The applicant's agent clarifies in the response to the third party appeal that this refers to minor changes to the drainage network, (due to the reduction in size of the warehouse), a new fire hydrant beside the loading bay, and the hard standing for the access point for fire tenders.

7.2.2. The drawings submitted (as confirmed on the site visit) show a number of alterations (relative to permission reg ref 20/1189, and parent permission reg ref 18/662) that were not specifically stated in the site notices, and that could not, in my view, be characterised as changes necessitated by or associated with the enumerated amendments. These include the omission of a bicycle shelter; the omission of screen planting to the Ballycummin Road which was required by condition 13 of reg ref

18/662; the removal of existing trees and hedging to the northern boundary, which was shown as 'existing trees and hedging to northern boundary retained' on the site plan for application reg ref 20/1189. The hedging remains, while trees have been removed.

- 7.2.3. No reference has been made in the body of the application to the omission of the cycle parking or the tree removal. Regarding the screen planting, the applicant has indicated in the body of the application (in the drawings, and the accompanying cover letter) that screen planting has not been, and will not be, executed in this area, due to the presence of underground services. The applicant says it is the preference of Uisce Éireann that no planting be undertaken. No submission has been received from Uisce Éireann on the issue, and this would not appear to comply with the spirit of their published Tree Protection Guidance, available on their website. The Commission may wish to seek the views of Uisce Eireann on the matter, should they wish to consider the matter further.
- 7.2.4. In my view, these alterations (the tree removal, lack of screen planting, and omission of the cycle parking) are material, have not been adequately advertised, and as such cannot be considered as part of the current application. A note or condition clarifying the extent of the permission should be attached to any grant of permission by the Commission. Any enforcement action is a matter for the council.
- 7.2.5. The site plan and contiguous elevations also indicate an 'existing temporary display model' adjacent to the loading bay; this was not in evidence on the date of my site visit.

7.3. Impacts on water quality

- 7.3.1. The appellant notes ongoing issues with water quality being discharged from the Industrial Estate into the Loughmore Canal, and from there to the Barnakyle River, and issues with flooding due to water volumes discharging from the Industrial Estate. However, I note the nature of the development which consists of largely minor amendments to a permitted development, a warehouse extension. The building is reduced slightly in its footprint, to set it back from existing overhead lines; it has an additional door; the vehicular entrance for the fire tender has an area of hard standing made out of gravel, while the remainder of the area between the building

and Ballycummin Road is grassed, as it was on application reg ref 20/1189. There are no proposed changes to the surface water infrastructure permitted under the earlier permissions, which were assessed as part of those proposals, and were satisfactory to the Local Authority. There are no changes proposed to the internal plumbing or to foul water disposal. There is no likelihood of any impacts on water quality or quantity emanating from the site as a result of this development.

7.4. Other issues

- 7.4.1. The development to be retained consists of a very minor reduction in floor space, with negligible changes to the bulk, size, and scale of the warehouse, particularly when viewed from the public road and the residential areas opposite. I note the issues raised in the original planner's report (reg ref 18/662) regarding potential for impacts on the amenity of residents opposite, and the requirement for screening in the interests of visual amenity, and I consider that these issues are unaffected by the minimal reduction in length of the warehouse and remain outstanding.

8.0 AA Screening

- 8.1. I have considered the development to be retained in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located in an existing business park. The proposed development comprises the retention of amendments to a permitted development (reduction in floor area and resulting amendments to site works). Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site due to the nature of the development, the distance from the nearest European site, and the lack of any connections between them.
- 8.3. I conclude, on the basis of objective information, that the development to be retained would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.4. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend a grant of permission.

10.0 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 development to be retained is acceptable and would not have a significant impact on surface water discharge from the subject site. The development is, therefore, in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be retained, 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.

Reason: In the interest of clarity.

2. This permission does not include any tree removal, cycle parking removal, or the omission of screening planting.

Reason: to clarify the extent of the permission, in line with the development as advertised, in compliance with the Planning Regulations 2001 (as amended).

3. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference 18/662 and 20/1189 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 permissions.

4. The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

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.

Natalie de Róiste
Planning Inspector

15 December 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-323636-25
Proposed Development Summary	Retention of amendments to permitted development
Development Address	Bay Q, Ballycummin Avenue & Ashford Road, Raheen Business Park, Limerick.
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Urban development – 10 hectares Industrial estate development projects – 15 hectares</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3) <i>[Delete if not relevant]</i></p>
<p>No <input type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i></p>

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-323636-25
Proposed Development Summary	Retention of amendments to permitted development
Development Address	Bay Q, Ballycummin Avenue & Ashford Road, Raheen Business Park, Limerick.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Reduction in size of permitted development
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Within the existing business park, connected to existing services.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	No potential for significant effects.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA <i>[Delete if not relevant]</i>

There is no real likelihood of significant effects on the environment.	EIA is not required.
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Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)