



An
Coimisiún
Pleanála

Inspector's Report ACP-323638-25

Development	Modifications to the temporary construction site layout previously permitted under planning application Reg. Ref. 17/1170
Location	Regeneron Ireland DAC , Ballycummin Raheen Business Park , Raheen Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2560480
Applicant(s)	Regeneron Ireland DAC
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Tom Ryan
Observer(s)	None on file
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 is located on and adjacent to the Regeneron campus, in Raheen Business Park. It comprises part of the campus, including the contractors car park at the south end, and the contractors compound at the north-west end, which has an access onto Roche's Avenue. It also includes a piece of land to the north, adjacent to the College of Further Education and Training building, fronting onto Cloughkeating Avenue. This land, measuring c. 8,000 sqm, is under grass, with long grasses and small bushes and multi-stem trees. Drain covers in the road on Cloughkeating Avenue indicate mains foul and storm drainage.
- 1.2. The Regeneron campus is c. 20 hectares, in the centre of the 120-hectare business park. The business park is c. 5 kilometres from Limerick city centre, south of the N18 ring road, north of the M20, bordered by residential suburbs to the north and north-east, and by rural lands to the south, south-east and west.

2.0 Proposed Development

- 2.1. The proposed development is an amendment to planning application reg ref 17/1170. No amendment is proposed to the building as permitted.
- The proposal comprises an expansion of the red line boundary to allow for a new temporary contractors compound (c. 9,000 sqm) to the north of the site, on lands owned by the neighbouring College of Further Education and Training, fronting onto Cloughkeating Avenue.
 - Permission for temporary access for heavy goods vehicles (through the new contractor's compound) from Cloughkeating Avenue.
 - A temporary security hut

Permission 17/1170 is a ten-year permission, granted 10 April 2018, and the above proposal is expected to remain in place for the duration of the permission. It would then be regrassed.

3.0 Planning Authority Decision

3.1. Decision

Grant permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Two reports, dated 11/07/25 and 29/08/25

- First report noted site context and site history, and requested botanic survey as further information.
- Second report noted contents of botanic survey, and comments of Council Ecologist. Grant recommended subject to conditions.

3.2.2. Other Technical Reports

- Council Ecologist – report dated 29/08/25, botanical survey considered accurate and robust, high quality habitat of high biodiversity value in a local context, not analogous to annex quality habitat. No objection subject to conditions on protection, restoration, and replanting.

3.2.3. Conditions

- Condition 2 – terms of permission 17/1170 apply, expiry of both on 09/04/2028.
- Condition 3 and 4 concerned surface water run off.
- Condition 7 required a revised Construction Management and Delivery Plan.
- Condition 8 required mitigation measures for ecology – a protective membrane under the access road, restoration following decommissioning, replanting using locally sourced seed (not imported seed mixes), and management of the area as a high nature value, dry calcareous grassland.

3.3. Prescribed Bodies

TII – comments received, planning authority should have regard to DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications.

3.4. Third Party Observations

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

4.0 Planning History

No history files were supplied by the Local Authority. The following are referred to in other documents in the file.

Numerous applications on the wider Regeneron site, of relevance are:

- Reg Ref 13/745 permission granted for a 10-year permission for change of use of computer manufacturing facility to biopharmaceutical manufacturing facility, including extension and alteration of building, installation of ancillary external utilities, undergrounding of overhead wires, and all associated site works. (PL.13.243065 Appeal withdrawn).
- Reg Ref 17/1170 permission granted for a 10-year permission for an extension (12,707 sqm) to the existing manufacturing facility, with associated alterations to services and site. (ABP-301042-18 application for leave to appeal was refused).
- Reg Ref 18/1098 permission granted for a 10-year permission for works including an administration and laboratory building, multi-storey car park, conversion of temporary contractor related facilities to permanent use, with associated alterations to services and site.

An application on the ETB site as follows:

- ABP ref PL 13.233039, Reg ref 082231 Permission granted for extension to FÁS premises with car parking on current site.

5.0 Policy Context

5.1. Limerick Development Plan 2022-28

- 5.1.1. 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.”*
- 5.1.2. 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 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.

5.2. Natural Heritage Designations

Lower River Shannon SAC 002165 – 2.4 kilometres north

River Shannon and River Fergus Estuaries SPA 004077 – 2.9 kilometres northwest

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. 570 metres west of the Barnakyle_020 (IE_SH_24B050600), and within that sub basin (IE_SH_24B050600). The site is located on top of the ground water body Limerick City Southwest (IE-SH_G_141). The status of this waterbody is good, but it is at risk of not achieving its objective. Stormwater from the business park is conveyed through the Loughmore Canal to the Barnakyle River.
- 5.4.2. The proposed development comprises amendments to the red line boundary of a permitted development, and the creation of a new construction compound and heavy goods vehicle access.
- 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 a new temporary construction compound on fallow ground.
- the details of the development subject to the parent permission, which included construction management, 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 Maigne 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 council planner did not give sufficient consideration to the submitted water testing report.
- This development discharges to the Loughmore Canal, and the applicant also discharges stormwater to a percolation area, with no planning permission or site assessment report, in an area with extremely 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 investigation now in its fifth year.
- High to Extreme groundwater vulnerability due to the karst landscape is not being considered in the current application, with no control measures to protect groundwater. The applicant has misconnections in their facility and

numerous stormwater management issues highlighted in the recent EPA report (which failed to address discharge to groundwater).

- The application description is misleading and inaccurate, referring to the construction of Building 18, which is in operation with production line 12. It is not clear why an additional HGV access is required, unless to carry out works which do not have the benefit of permission.
- 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

None on file.

6.3. Planning Authority Response

No further comments, refer to planner's reports.

6.4. Observations

None on file.

6.5. Further Responses

None on file.

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

- Flood risk
- Water pollution

7.2. Nature and extent of the development

- 7.2.1. This is an amendment to an existing permission for the extension of the facility, reg ref 17/170. That application was submitted with an Environmental Impact Assessment Report; an Appropriate Assessment Screening Report; a Flood Risk Assessment; a Civil Drainage Report; and an Outline Construction Environmental Management Plan.
- 7.2.2. The Local Authority attached a number of conditions to the existing permission regarding drainage and construction, and the applicant has made a number of compliance submissions, including resubmitting the Outline Construction Environmental Management Plan.
- 7.2.3. 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 or stormwater disposal of the permitted development.
- 7.2.4. The proposed development is the use of a fallow field adjoining the factory campus, and in neighbouring ownership, as part of the building site associated with the new extension, and a new site entrance from Cloughkeating Avenue (an internal road in the business park). The appellant has raised a large number of issues regarding the existing permitted and operational development. This assessment is limited to an assessment of the impacts of the development as proposed: the new construction compound and vehicular entrance.

7.3. Flood risk

- 7.3.1. The appellant states that there are long established concerns regarding flooding as a result of the growth of the Industrial Estate, although no detail is put forward to substantiate this.

- 7.3.2. The Strategic Flood Risk Assessment (SFRA) undertaken and published as Volume 4 of the Development Plan shows areas in Cloughkeating and Rootiagh townlands at risk of flooding from the Barnakyle stream, as well as areas further west in the Clarina area. This SFRA also states that zoned land to the south-west of the business park in Rootiagh townland have been developed for attenuation purposes ancillary to the operation of the Business Park, and that there are no suitable alternative lands to provide attenuation.
- 7.3.3. A recent report by the EPA Office of Environmental Enforcement *An Assessment of Stormwater Quality at EPA-licensed sites in Raheen Business Park: A report to Limerick City & County Council 3 June 2025* sets out that stormwater from the licenced sites in the business park discharges into the Loughmore Canal, and from there into the Barnakyle River, and then into the Mague River to join the Shannon Estuary. This report is publicly available (labelled Raheen Business Park Stormwater Assessment 3 June 2025) on the EPA Licence and Enforcement Access Portal (Leap).
- 7.3.4. There is also evidence (discussed further below) that stormwater on the Regeneron site is disposed of via soakaways.
- 7.3.5. The planning application contains limited information regarding surface water management, and regarding proposed changes to surfaces. While this is an application for a temporary use, it is a large site, which is likely to involve a considerable amount of hard standing. I note the previously permitted temporary contractor's compound has large tracts of tarmacadam and concrete.
- 7.3.6. No drainage drawings are submitted. The EIA Screening Report states (Section 6.2.2 Hydrology) *Stormwater during construction will consist of rainwater runoff only* and states that measures will be taken to prevent stormwater contamination.
- 7.3.7. Objective IN O12 of the Development Plan contains numerous subsections, of which h is an objective to *"Require all planning applications to include surface-water design calculations to establish the suitability of drainage between the site and the outfall point and require all new developments to include SuDS, to control surface water outfall and protect water quality in accordance with the requirements of Chapter 11: Development Management Standards of the Plan*. No such calculations have been submitted, and no SuDS measures are proposed. In the section of the application

form pertaining to Proposed Surface Water Disposal, the applicant has ticked 'Not Applicable'.

- 7.3.8. Conditions are proposed by the Roads Section regarding surface water run off, to prevent flooding in the interest of traffic safety. However, no report is on file from Water Services, and while the planner's report notes that no part of the site is in an identified flood zone, it does not address the issue of potential for downstream flooding, or consider the development in light of Objective IN O12, referring only to objectives from Chapter 5 *A Strong Economy*.
- 7.3.9. Given the large area of the proposed contractor's compound, the current undeveloped nature of this part of the site, the precedent for the use of impermeable surfaces and the cumulative impacts of incremental changes to the site surfaces, and the requirements of Objective IN O12(h), I consider the lack of detail on stormwater drainage unacceptable. While conditions might typically be attached regarding permeability of surfaces, in my view, that would not satisfy the obligations of Objective IN O12(h) to provide calculations regarding drainage.

7.4. Water pollution

- 7.4.1. 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. The Commission will be aware of the judgment of *Ryan v ABP & Analog [2025] IEHC 111* which sets out some of the history of attempts by the EPA and Limerick City and County Council to identify the source of unexplained periodic flows to the business park stormwater system, and the source of elevated concentrations of zinc and phosphorous to the Loughmore Canal.
- 7.4.2. As noted above, this assessment is limited to the proposed development, and the issue of any existing misconnections within the business park is for the relevant enforcement authorities to address. Similarly, the appellant refers to existing percolation areas on the site which do not have the benefit of planning permission; again, any non-compliance with previous permissions is an enforcement issue, and not within the remit of the commission.
- 7.4.3.

7.4.4. The appellant states that stripping of soil will reduce the natural protection of the vulnerable aquifer, and that there are no control measures in the current application to protect groundwater, in an area of high to extreme groundwater vulnerability. The EIA Screening Report states that best practice construction methodologies will be employed, as set out in the parent permission CEMP (Jacobs, 2017). I have consulted the outline Construction Environmental Management Plan submitted with permission reg ref 171170 (and which was subsequently submitted to comply with condition no 6 of that permission), and it sets out measures regarding storage of temporary construction fuel oil, storage of chemicals, water protection, protection of groundwater monitoring wells, and the disposal of construction waste water by tanker. I consider these measures acceptable and satisfactory.

7.5. Other issues

- 7.5.1. The appellant says there is no need for the revised construction compound, as the extension has been constructed and is operational, and that it may be used for unauthorised works. The applicant states that it will be used for cabins and a laydown area, and is required to accommodate continuing construction work on B18.
- 7.5.2. I noted the construction site was active on the day of my site visit. The outline CEMP submitted with reg ref 17/1170 stated that Phase 1 Process Fit-Out and Phase 2 Process Fit-Out would continue for several months after construction of the shell building. A search of the National Building Control Management System (BCMS) shows a commencement notice was submitted by the applicant for *“Building 18 Phase 2 Fit Out - construction of new production facilities within an existing fallow space in Building 18”* on 3 July 2025, with construction due to commence on 17 July 2025. I am satisfied that construction is ongoing, and that the revised location of the construction compound is associated with permitted development.
- 7.5.3. I note the condition regarding restoration of the site to its current habitat type and quality following completion of the development; in my view, given the zoning of the site, the lack of any special conservation status accorded to it in the development plan, and the previous grant of development on the site, this appears to me to be both an onerous condition and (given the nature of the existing temporary

contractor's compound, with extensive poured concrete and tarmac) unlikely to result in a successful reversion to a natural state.

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 use of lands as a construction compound. 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 that permission be refused for the proposed development for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the limited information regarding drainage of the proposed development, which, while temporary in duration, is substantial in area, and has potential for large tracts of impermeable surfaces with significant stormwater runoff, and having regard to the requirements of Objective IN O12(h) requiring all planning applications to include surface water design calculations and requiring all new development to include SuDS to control surface water outfall, it is considered that the proposed development materially contravenes this objective of the development plan. The proposed development would, therefore, constitute a poor precedent and

would not be in accordance with the proper planning and sustainable development of the area.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Natalie de Róiste
Planning Inspector

18 December 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-323638-25
Proposed Development Summary	Modifications to construction site layout
Development Address	Regeneron Ireland DAC, 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	

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

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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3) <i>[Delete if not relevant]</i>
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i>

Inspector: _____ Date: _____

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-323638-25
Proposed Development Summary	Modifications to construction site layout
Development Address	Regeneron Ireland DAC, 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).	Use of green area as construction compound, new vehicular access, erection of site hut, all on a temporary basis.
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: _____