

Ronan Megannety  
Executive Officer  
An Bord Pleanála,  
64 Marlborough Street  
Dublin 1

18/09/24

**RE: 320050-24 Substitute Consent**

Dear Ronan,

Please find attached Limerick City & County Council's response to your letter received on the 4<sup>th</sup> July with regards to the above application.

Kind regards,



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Áine Leland  
Executive Planner



**Section 177I Planning Report**  
**Limerick City & County Council**

**File No:** 24/320050  
**ABP Reference No:** 320050-24  
**Applicant:** O'Carroll Haulage & Crane Hire Ltd.  
**Location:** Court, Kildimo, Co. Limerick  
**Dev. Description:** Application for substitute Consent under Section 177E of works including raising of ground levels by filling of land, the provision of concrete surface on part of that filled area with the use of the filled area for storage of vehicles and materials and all associated site works. The application is accompanied by a remedial Natura Impact Statement.

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The following report is set out as per Section 177I (2) of the Planning and Development Act

**(a) Information relating to development (including development other than the development which is the subject of the application for consent) carried out on the site where the development the subject of the application for consent is situated, and any application for permission made in relation to the site and the outcome of the application;**

*Planning History of Site:*

21/190: O'Carroll Haulage and Crane Hire Ltd were refused permission for retention of extension of hardstanding area, security lighting and boundary fencing. The decision was appealed to An Bord Pleanála who upheld the Council's decision and refused permission on grounds of sites location within Flood Zone A, precedence the development would set and would militate against the proper development of nearby towns and villages. Furthermore, the Board were not satisfied that the development would not detract from the existing rural character of the area.

19/267: O'Carroll Haulage and Crane Hire Ltd applied for permission for the importation of soil & stone for the raising of an agricultural field in order to improve the agricultural output of the field. A Nature Impact Statement (NIS) has been prepared and will be submitted with the application. The application was withdrawn following a recommendation for refusal due to flooding concerns.

07/576: Walsh Road Cargo refused permission for construction of extension to rear of existing commercial unit due to intensification of an industrial use outside a defined settlement and due to lack of information submitted confirming that the site can be treated and drained satisfactorily.

98/718: Michael A O'Brien granted conditional permission for construction of warehouse and ancillary offices for the storage of parts and the servicing of equipment for the construction and mining industry

*Planning History of Adjacent Lands:*

21/101: Pat McCormack granted conditional permission for the construction of a 150sqm covered storage building and all ancillary site works. At further information stage the applicant was requested to submit a revised proposal that does not expand the site activities beyond the area of hardstanding permitted under 17/958.

17/958: Pat McCormack granted conditional permission for construction of a workshop extension to the rear of the existing workshop. Retention permission for external hardstanding yard and to retain existing workshop use from commercial to light industrial use. The external hardstanding area was deemed unsuitable given the lands being unzoned and subsequently was requested to be reduced from 3800sqm to 942sqm.

03/903: Derek Walsh refused permission for construction of 2 no. commercial crash repair units and waste water treatment system.

05/122: Derek Walsh granted conditional permission for renovation and extension to existing commercial repair unit, wastewater treatment system and all ancillary site services.

The Planning Statement as submitted notes that the adjacent third party premises to the south of the site has been allowed to increase overtime, including the external storage area to facilitate that established business. The Planning Statement fails to mention that while the premises was granted permission in 2005 for renovation and extension to the existing commercial repair unit, under the 17/958 application the external hard standing area was reduced, following further information request, from 3800sqm to 942sqm as it was deemed unsuitable given the lands being unzoned. Under the 2021 application at further information stage the applicant was requested to submit a revised proposal that does not expand the site activities beyond the area of hardstanding permitted under 17/958 again due to the sites location in an un-serviced rural area. It is therefore argued that the adjacent property has not been allowed to increase overtime, particularly the hardstanding/external storage area.

**(b) Information relating to any warning letter, enforcement notice or proceedings relating to offences under this Act that relate to the applicant for substitute consent;**

*Enforcement*

DC-040-20: Extension to car park. Court Proceedings Initiated under SC. 154

DC-050-14: Unauthorised sign. Case Closed

DC-082-14 – Erection of fingerpost sign. Case Closed.

DC-081-14 – Unauthorised fingerpost sign. Case Closed

**(c) Information regarding the relevant provisions of the development plan and any local area plan as they affect the area of the site and the type of development concerned;**

*Limerick Development Plan 2022-2028*

**11.6.7 Small Scale Home-based Businesses in Rural Areas**

In general, commercial activities should be accommodated in towns and villages where existing services and facilities are available. However, the Planning Authority recognises that there are circumstances where there is a need for self-employed and small-scale commercial activities, located adjacent to and/or within the curtilage of existing houses in the open countryside. The Planning Authority will therefore seek to balance the need for such proposals against the impact on existing residential amenity and the environment.

Proposals that involve the change of use or new development for purposes of homebased employment will be assess under the following criteria:

- The nature and operation of the use requires that it is located adjacent to the existing residence of the applicant;
- It is of an appropriate design and scale for its location and does not detract from the rural character of the area;
- It would not seriously injure the amenities of adjoining residences in terms of general disturbance, noise, traffic generation etc.;
- It does not adversely impact on traffic safety and capacity in the area.
- Adequate landscaping/screening is provided;
- Permission will be subject to normal environmental and planning criteria. Any subsequent change or proposed expansion of the business will need to be reconsidered by the Planning Authority to assess whether the premises or location would still acceptable.

**Objective ECON O35 Rural Development**

It is an objective of the Council to:

- a) Facilitate the development of acceptable rural enterprises and to minimise pollution from agricultural and industrial sources by means of development management and water pollution legislation.
- b) Encourage the redevelopment of vacant commercial units for enterprise and industry creation including Kantoher Business Park, Castlemahon and other identifiable rural commercial brownfield sites, subject to normal planning and environmental criteria.
- c) Promote the development of our rural Towns and Villages as an important focus of restaurant, leisure and evening uses – subject to the safeguarding of surrounding residential amenity and environmental criteria.

#### **Policy CGR P4 Revitalisation of Towns and Villages**

It is the policy of the Council to:

- a) Actively address issues of vacancy and dereliction in settlements across Limerick.
- b) Promote projects contributing to compact growth and the physical, social and economic revitalisation of the towns and villages throughout County Limerick

#### **Objective CGR O20 Town and Village Revitalisation**

It is an objective of the Council to:

- a) Promote and support the renewal and revitalisation of rural town and village centres to enhance the vitality and viability of settlements as attractive residential and service centres.
- b) Support and work with State Bodies, private landowners, community and voluntary groups to successfully achieve the renewal and revitalisation of Limerick's towns and village centres, including projects to re-use vacant premises and underutilised sites, enhance the unique characteristics and assets of main streets and improve the public realm.

#### **Objective CGR O17 Development within Level 5 Settlements**

It is an objective of the Council within these settlements to facilitate development, subject to compliance with the following:

- a) The scale of new residential schemes shall be in proportion to the pattern and grain of existing development and shall be located within the development boundary, thus avoiding 'leap frogging' of development and delivering compact growth and providing for the organic and sequential growth of the settlement. Infill and brownfield sites will be the preferred location for new development. In this regard, any development shall enhance the existing village character and create or strengthen a sense of identity and distinctiveness for the settlement.
- b) New commercial developments shall generally only be located within the core area and shall contribute positively to the village streetscape.
- c) New community and social facilities shall be provided in conjunction with residential development as required.
- d) The development of these centres shall provide for serviced sites and a variety of other house types and densities as appropriate.
- e) Where there is no treatment plant or limited capacity in the existing treatment plant, sewerage treatment shall generally be by means of individual treatment systems, subject to satisfactory site assessment and compliance with EPA guidelines. All systems shall be constructed so as to allow connection to public sewers in due course when capacity becomes available.

#### **Policy CAF P5 Managing Flood Risk**

It is a policy of the Council to protect Flood Zone A and Flood Zone B from inappropriate development and direct developments/land uses into the appropriate lands, in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 (or any subsequent document) and the guidance contained in Development Management Standards and the Strategic Flood Risk Assessment (SFRA). Where a development/land use is proposed that is inappropriate within the Flood Zone, but that has passed the Plan Making Justification Test, then the development proposal will need to be accompanied by a Development Management Justification Test and Site-Specific Flood Risk Assessment in accordance with the criteria set out under The

Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 and Circular PL2/2014 (and any subsequent updates). This will need to demonstrate inclusion of measures to mitigate flood and climate change risk, including those recommended under Part 3 (Specific Flood Risk Assessment) of the Site-Specific Plan Making Justification Tests detailed in the SFRA. In Flood Zone C, the developer should satisfy themselves that the probability of flooding is appropriate to the development being proposed and should consider other sources of flooding, residual risks and the implications of climate change.

#### **Objective CAF O20 Flood Risk Assessments**

It is an objective of the Council to require a Site-Specific Flood Risk Assessment (FRA) for all planning applications in Flood Zones A and B and consider all sources of flooding (for example coastal/tidal, fluvial, pluvial or groundwater), where deemed necessary. The detail of these Site-Specific FRAs (or commensurate assessments of flood risk for minor developments) will depend on the level of risk and scale of development. The FRA will be prepared taking into account the requirements laid out in the SFRA, and in particular in the Plan Making Justification Tests as appropriate to the particular development site. A detailed Site-Specific FRA should quantify the risks, the effects of selected mitigation and the management of any residual risks. The assessments shall consider and provide information on the implications of climate change with regard to flood risk in relevant locations.

#### **Objective EH O15 Ground Water, Surface Water Protection and River Basin Management Plans**

It is an objective of the Council to:

- a) Protect ground and surface water resources and to take into account the requirement of the Water Framework Directive when dealing with planning and land use issues.
- b) Implement the provisions of the River Basin Management Plan 2022 – 2028 and any succeeding plan. The filling of wetlands, surface water features and modifications and drainage of peatlands shall generally be prohibited.
- c) Implement the measures put forward in the Limerick Groundwater Protection Plan, in assessing planning applications and their consequences for ground water.
- d) The Blue Dot Catchments programme is a key action under the River Basin Management Plan for Ireland 2022- 2028. The aim of the programme is to protect and restore high ecological status to a network of rivers and water bodies in Limerick. In Limerick, the following rivers and water bodies are Blue Dot Catchments, Bleach Lough, the Ogeen River and the Behanagh River. The Council will take a precautionary approach to development which might affect water quality in these areas in line with requirements of the Water Framework Directive.

#### **Objective IN O12 Surface Water and SuDS**

It is an objective of the Council to:

- a) Ensure the separation of foul and surface water discharges in new developments through the provision of separate networks within application site boundaries.
- b) Work in conjunction with other public bodies towards a sustainable programme of improvement for riverbanks, back drains, etc.
- c) Maintain, improve and enhance the environmental and ecological quality of surface waters and groundwater, including reducing the discharges of pollutants or contaminants to waters, in accordance with the National River Basin Management Plan for Ireland 2018-2021 (DHPLG) and the associated Programme of Measures and any subsequent River Basin Management Plan.
- d) Ensure adequate storm water infrastructure to accommodate the planned levels of growth within the Plan area and to ensure that appropriate flood management measures are implemented to protect property and infrastructure.
- e) Cater for the future developments through public and private driven initiatives where discharge capacity permits.
- f) Address the issue of disposal of surface water generated by existing development in the area, through improvements to surface water infrastructure, including for example attenuation ponds, the application of sustainable urban drainage techniques, or by minimising the amount of hard

surfaced areas, or providing porous surfaces as the opportunity arises.

g) Protect the surface water resources of the Plan area and in individual planning applications request the provision of sediment and grease traps and pollution control measures where deemed necessary.

h) 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.

i) Promote SuDS and grey water recycling in developments and responsible use of water by the wider community, to reduce the demand for water supply.

j) Require SuDS schemes to be designed to incorporate the four pillars of water quality, water quantity, biodiversity and amenity to the greatest extent possible within the constraints of a given site.

k) Allow sufficient land take for SuDS when planning the site and consider the region as a whole, in association with adjoining lands and their requirements in designing SuDS. Developers may be required to set aside lands to cater for not only their own SuDS but also regional SuDS. l) Promote the provision of suitable blue and green infrastructure and Nature Based Solutions to the surface water disposal in new development, as a means to provide urban flood resilience. This approach capitalises on the potential of urban green spaces and natural water flows, subject to the other planning considerations such as amenity, maintenance, traffic safety, proper planning and sustainable development and environmental requirements.

m) To prohibit the discharge of additional surface water to combined (foul and surface water) sewers in order to maximise the capacity of existing collection systems for foul water. In areas where street scape enhancement or resurfacing is planned, seek to introduce NbSUDS to cater for rainfall run-off at source in order to maximize the capacity of existing collection systems for foul water.

n) Encourage green roofs for the following types of development:

- Apartment developments;
- Employment developments;
- Retail developments;
- Leisure facilities;
- Education facilities.

**(d) any information that the authority may have concerning:**

**(i) current, anticipated or previous significant effects on the environment, or on a European site associated with the development or the site where the development took place F849[or, where section 177E(2A)(b) applies, is proposed to take place] and, if relevant, the area surrounding or near the development or site, or**

**(ii) any remedial measures recommended or undertaken:**

The Heritage Officer has reviewed the proposal and associated documents and is in agreement with the findings of the AA screening and NIS in that effects on any Natura 2000 sites are unlikely with the exception of the Lower River Shannon SAC site and the River Shannon and Fergus estuary SPA. This is due to the presence of hydrological linkages and the lack of mitigation in the development as it stands at the moment.

It is noted that the petrol interceptor is to be provided as well as a forecourt separator which would contain any fuel spillages. In the AA screening (p.24) these are indicated as mitigation measures leading to the requirement for an NIS. These are not yet in place and would be expected to reduce the risk of pollution, not just to the downstream Natura 2000 sites (over 2km distant) but also to the local water courses shown in the NIS and the planning application maps and documentation.

It is also noted that an area will be allowed to revert to natural vegetation as a form of compensation for lost habitats. The planning report also mentions the loss of hedging. Any replacement hedging should be equal in length and composed of native species.



### **Recommendation:**

That the petrol interceptor and the forecourt separator be included as a planning condition.

That the content of Table 10 (pp. 79-80 of the NIS) dealing with mitigation measures be included in full as a planning condition.

That the area subject to natural re-vegetation also be included as a planning condition to ensure that it will be allowed to revert to more natural forms of vegetation.

### **Proposed Development**

The site is located on the corner of the N69 and the L8038 in the townland of Court and approximately 1.8km east of Kildimo village and occupied by O'Carroll Haulage and Crane Hire company. The proposal is for the retention of as constructed hardstanding areas comprising 0.16ha of concrete and 0.48ha of gravel. The concreted area is to the west of the site running adjacent to the L8038. A section of the gravelled area along the east boundary is proposed to be filled so that it can be returned to wild vegetation naturally. A hedgerow is to be reinstated along the north boundary and native hedge is proposed along the west boundary which will soften the appearance of the existing palisade fence. A number of flood lights are proposed along the north and northeast boundary of the site. The use of floodlighting is considered to be injurious to the rural character of the area.

### **Mitigation Measures**

The applicant is also proposing remedial and mitigation measures including the provision of surface water management measures to improve the quality of the existing permitted discharge and the proposed discharge of surface water from the site to existing boundary surface water drains including the provision of interceptor surface water drains, petrol interceptor, full retention forecourt type separator, attenuation tank and introduction of controlled rate of discharge prior to new discharge point to boundary surface water drains via a new precast concrete head wall. The new pipe work will connect with the existing surface water drain to the north on the N69. A bioretention area is proposed along the north, west and south east boundaries of the site. Roads Department have reviewed and are satisfied with the surface water proposals subject to conditions.

### **Principle of Development**

The site is located on unzoned land in a rural area. The proposal represents a large expansion of the site boundaries. It is Council policy as expressed in the Limerick County Development Plan 2022 to 2028 that: *"In general, commercial activities should be accommodated in towns and villages where existing services and facilities are available. However, the Planning Authority recognises that there are circumstances where there is a need for self-employed and small-scale commercial activities, located adjacent to and/or within the curtilage of existing houses in the open countryside. The Planning Authority will therefore seek to balance the need for such proposals against the impact on existing residential amenity and the environment"*. As the site is located in an un-serviced rural area the scale of the proposed development is not considered small-scale commercial activity and is therefore considered unacceptable from a land-use point of view. The development is considered to be at odds with Section 11.6.7 Small Scale Home-based Businesses in Rural Areas, Objective ECON O35 Rural Development, Policy CGR P4 Revitalisation of Towns and Villages, Objective CGR O20 Town and Village Revitalisation and Objective CGR O17 Development within Level 5 Settlements.

### **Flooding**

The site is identified as being on Flood Zone A lands in the JBA flood maps and on the latest OPW indicative fluvial flood mapping. I note that the application includes for a new attenuation tank to reduce peak surface water runoff from the site designed to the 1 in 100 year rainfall event threshold with additional designed capacity to accommodate climate change with controlled runoff rate at 3.1 l/s. A report from the Flooding Section notes that *the development entails an extension for retention of an existing commercial premises and may be considered Less Vulnerable in accordance with the Planning and Flood Risk Management Guidelines for Planning Authorities published by the then Department of Environment, Heritage and Local Government. The commensurate assessment of flood*



*risk submitted with the application notes that as the predominant flood risk to the development is tidal, raising of ground levels as per the proposed development for retention is unlikely to impact on important flow routes or result in a loss of compensatory storage that would increase flood risk elsewhere. It is also noted that the flood risk assessment states that a significant number of additional users will not be introduced to the site on account of the development.* The Flooding Department raise no objection on the grounds of flooding subject to an emergency flood access and egress plan being developed by the applicant by way of condition in any decision to grant planning permission.

### Discrepancies in Planning Statement

Section 3.1: the applicant notes that the existing business operates from an industrial premises authorised by way of planning permission granted by LCC dating back to the 1980's and mentions applications 98/718 and 07/576. Application 98/718 was for a warehouse of 626sqm on a site of 0.4ha. It should be noted that LCCC did not grant permission under 07/576 but rather refused permission due to intensification of an industrial use outside a defined settlement and due to lack of information submitted confirming that the site can be treated and drained satisfactorily.

The Planning Statement makes reference on a number of occasions that adjacent third party premises to the south of the site has been allowed to increase overtime, including the external storage area to facilitate that established business. The Planning Statement fails to mention that while the premises was granted permission in 2005 for renovation and extension to the existing commercial repair unit, under the 17/958 application the external hard standing area was reduced, following further information request, from 3800sqm to 942sqm as it was deemed unsuitable given the lands being unzoned. Under the 2021 application at further information stage the applicant was requested to submit a revised proposal that does not expand the site activities beyond the area of hardstanding permitted under 17/958 again due to the sites location in an un-serviced rural area. It is therefore argued that the adjacent property has not been allowed to increase overtime, particularly the hardstanding/external storage area. The argument that *the current proposal is consistent with the established pattern of development on the applicants premises as well as the adjacent commercial premises which has been granted planning permission by Limerick City & County Council as lately as 2010* is therefore incorrect.

Section 7.1 of the Planning Statement notes that the commercial activities and the commercial areas of the existing premises and the adjacent premises are comparable in scale, form and function. I would disagree entirely with this statement. As noted above the site adjacent was granted permission for a hardstanding area with a maximum gfa of 942sqm. The hardstanding area associated with the subject site is 0.74ha in size which is substantially larger than that associated with the adjacent property. To state that the premises are comparable in scale is unreasonable. Furthermore, under planning application 98/718 Michael O'Brien was granted the construction of a building of 626sqm on a site of 0.4ha. The overall site is now 1.23ha in size which is substantially larger than that previously permitted and not comparable in size to the adjacent site.

I note that the applicant makes reference that there was no acknowledgement by An Bord Pleanála of the authorised planning permission ref. 98/718 which relates to the existing warehouse and hardstanding storage area in their assessment of application 21/190. I would consider that the existence of a prior permission does not override the need to evaluate new proposals on their own merits, particularly in light of updated development plans, environmental considerations, flooding impacts etc. Historical permission do not grant carte blanche for future developments, especially when they may no longer fully align with current objectives for sustainable development and land use.

**(e) the opinion, including reasons therefor, of the F850[chief executive] as to—**

**(i) whether or not substitute consent should be granted for the development, and**

**(ii) the conditions, if any, that should be attached to any grant of substitute consent.]**

While I note that the application has incorporated mitigation measures, including a reduction of the hardstanding area by 0.13 hectares, and that the Heritage Officer, Roads Department, and Flooding Team are satisfied subject to certain conditions, I still hold the view that the proposal represents a significant expansion of site boundaries on unzoned land within a rural area.

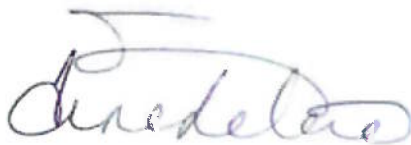
The scale of the proposed development does not align with the concept of small-scale commercial activity and is therefore considered unacceptable from a land-use perspective.

The development appears to be inconsistent with several key planning policies, namely:

1. Section 11.6.7: Small-Scale Home-based Businesses in Rural Areas – The scale and nature of the development go beyond what is envisaged for rural home-based businesses.
2. Objective ECON O35: Rural Development – The proposal undermines the objective of fostering balanced and sustainable development in rural areas.
3. Policy CGR P4: Revitalisation of Towns and Villages – The development is contrary to efforts aimed at concentrating growth and revitalisation within established settlements.
4. Objective CGR O20: Town and Village Revitalisation – The proposal, by expanding a rural site, runs counter to policies aimed at promoting development in towns and villages.
5. Objective CGR O17: Development within Level 5 Settlements – The development inconsistent with the scale and type of development expected in lower-tier rural settlements.

Based on the above I recommend that planning permission is refused for the following reason:

The proposed development, by reason of its scale and expansion of site boundaries onto unzoned land within a rural area, is not considered to constitute small-scale commercial activity appropriate to its location. The scale of the development undermines the rural character and setting of the area. The development is considered contrary to Policy CGR P4, Objective ECON O35, Objective CGR O17, and Objective CGR O20, of the Limerick Development Plan 2022-2028 to provide for industrial/commercial development in or adjacent to settlements. The development would militate against the proper development of nearby towns and villages where commercial development would be more appropriately located and would be contrary to the proper planning and sustainable development of the area.

<b>Executive Planner</b>	<b>Aine Leland</b>	<b>Date: 24/06/24</b>
<b>Signature:</b>		

## **Appendix 1 – Internal Reports**

### **1.0 Roads Department**



## Planning Application Internal Report

**Planning Ref:** 24320050

**Applicant:** O'Carroll Haulage & Crane Hire Ltd.

**Development Address:** Court, Kildimo, Co. Limerick

**Development Description:** A Substitute Consent Application to An Bord Pleanála - Development consisting of: 1. The retention permission of works including (a) the raising of ground levels by filling of land, (b) the provision of concrete surface on part of that filled area (c) the use of part of the filled area for hard standing storage of vehicles, materials and plant associated with the established and permitted use of the existing premises; including the provision of a security fence and lighting and 2. provision of remedial and mitigation measures associated with including: (a) the cessation of use of part of the fill area and facilitating the natural regeneration of that area and (b) The provision of surface water management measures to improve the quality of the existing permitted discharge and the proposed discharge of surface water from the site to existing boundary surface water drains. These measures include provision of interceptor surface water drains, petrol interceptor, full retention forecourt type separator, attenuation tank and introduction of controlled rate of discharge prior to new discharge point to boundary surface water drains via new precast concrete head wall

**Report Prepared By:** Tony Carmody

**Date:** 23.08.2024

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### Comments:

#### 1. Roads

- (a) The Applicant shall provide staff and customer/visitor car parking.
- (b) A minimum of 10% of car parking spaces on the site shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. The details of proposals relating to the installation of electric vehicle ducting and charging stations/points should also be provided.
- (c) The Local Road L8038 fronting the development shall be reconstructed in order to cater for expected HCV & crane turning movements prior to any other works commencing onsite. The area of road to be reconstructed shall be over the full width of the road and the length shall be across the 2 no. existing entrances and 15m either side of the centre point of the 2 no. existing entrances. Full details including a detailed cross section of the said works showing construction build up with clear specification shall be submitted agreed with Limerick City and County Councils Road Section prior to the commencement of the development. These works will require a Road Opening Licence.
- (d) Road Markings are to be in accordance with "IS EN 1436 European Standard for Road Markings" & in accordance with the "Traffic Signs Manual". Road Signs are to be in accordance with "IS EN 1436 European Standard for Road Markings" & in accordance with the "Traffic Signs Manual". All road markings and signage shall be kept maintained by the developer.

## **2. Surface Water & SuDS Management**

- (a) Drawings and supporting information for the following items showing compliance with Limerick City and County Council's Surface Water & SuDS Specification shall be submitted for the written agreement with the Planning Authority prior to the commencement of the development to include the following:
- Show a drainage channel across both of the entrances where it meets the road edge shown connected to the internal surface water system to prevent surface water discharging onto the public road.
  - Revised Surface Water calculations are required.
    - i. Show climate change of 30% plus 10% for urban creep;
    - ii. All online controls & storage systems;
    - iii. Minimum pipe velocities 1.0m/s.
- (b) The Applicant must submit documentation that there is a contract in place for a minimum period of 5 years with a 'Licenced Contractor' to remove the build-up of oils in the interceptor for the written agreement with the Planning Authority prior to the commencement of the development.
- (c) An alarm/messaging system shall be added to the interceptor and housed in a kiosk. Full details to be submitted for the written agreement with the Planning Authority prior to the commencement of the development.
- (a) The Applicants Consulting Engineers shall submit certification for the Surface Water/SuDS Specification that it has been constructed as designed upon completion of works.
- (d) Prior to commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 – Detailed Design Stage Storm Water Audit.
- (e) Upon completion of any phase of the development and prior to any occupation, a Stage 3 Completion Storm water Audit to demonstrate Sustainable Urban Drainage System measures and the proposed surface water system have been installed, and are working as designed and that there are no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted for written agreement.
- (f) All surface water run-off from the public road, which flows into the site, shall continue to be accommodated within the site unless alternative arrangements acceptable to the Planning Authority are carried out. Full details of any such alternative arrangements shall be submitted to the Planning Authority and agreed prior to commencement of development.

Reason – To prevent flooding on the public road in the interest of amenity and traffic safety.

- (g) All surface water run-off from roofs, entrances and parking areas within the site shall be collected and disposed of within the site to surface water drainage system and shall be discharged to soakaways. No such surface waters shall discharge onto adjoining properties or the public road.

Reason- In the interest of public health and to prevent flooding in the interest of traffic safety and amenity.

## **3. CONSTRUCTION MANAGEMENT**

- (a) During construction of the proposed development, the following shall apply-

- No work shall take place on site outside the hours of 8.00 a.m. to 8.00 p.m. Monday to Friday and 8.00 a.m. to 4.00 p.m. Saturday, or on Sundays or public holidays, unless otherwise agreed in writing by the Planning Authority.
- Deliveries shall be off peak.
- No surface water run-off shall be discharged onto public roads, foul sewers or adjacent property.
- Adequate car parking facilities shall be provided on site for all workers and visitors.

Reason – To protect the residential amenities of the area in the interest of proper planning and sustainable development.

- (b) The wheels and underside of all construction traffic leaving the site shall be cleaned, as required, to prevent soiling of public roads. A wheel washing facility, including water jets or other approved cleansing method shall be provided close to the site exit. In the event that any public roads become soiled by construction traffic from the site, these roads shall be cleaned immediately.

Reason - In the interest of the proper planning and sustainable development of the area, road safety and to protect the amenity of the area.

- (c) Prior to commencement of works, a Construction Management and Delivery Plan for the construction of the development shall be submitted and agreed in writing with Planning Authority, which shall include noise, dust, vibration, wheel washing facilities and Site Specific Temporary Traffic Management Plans TTMP (plans shall also be in drawing format).

Reason- In the interests of public safety and residential amenity.

**Recommendation:**

*Approval subject to conditions*

**Signed**



**Tony Carmody**

**Date:** 23.08.2024

**2.0 Heritage Officer**



Comhairle Cathrach  
& Contae **Luimnigh**

**Limerick City**  
& County Council

## **Planning Application Internal Report**

**Planning Ref:** 24 320050

**Applicant:** O Carroll Haulage.

**Development Description:** Expansion of hardstanding area.

**Report Prepared By:** T O Neill Heritage Officer.

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**Comments:** I would agree with the findings of the AA screening and NIS in that effects on any Natura 2000 sites are unlikely with the exception of the Lower River Shannon SAC site and the River Shannon and Fergus estuary SPA. This is due to the presence of hydrological linkages and the lack of mitigation in the development as it stands at the moment.

It is noted that the petrol interceptor is to be provided as well as a forecourt separator which would contain any fuel spillages. In the AA screening (p.24) these are indicated as mitigation measures leading to the requirement for an NIS. These are not yet in place and would be expected to reduce the risk of pollution, not just to the downstream Natura 2000 sites (over 2km distant) but also to the local water courses shown in the NIS and the planning application maps and documentation.

It is also noted that an area will be allowed to revert to natural vegetation as a form of compensation for lost habitats. The planning report also mentions the loss of hedging. Any replacement hedging should be equal in length and composed of native species.

**Recommendation:**

That the petrol interceptor and the forecourt separator be included as a planning condition.

That the content of Table 10 (pp. 79-80 of the NIS) dealing with mitigation measures be included in full as a planning condition.

That the area subject to natural re-vegetation also be included as a planning condition to ensure that it will be allowed to revert to more natural forms of vegetation.

Should any lighting be installed it is to be shrouded to prevent light spill beyond the bounds of the site.

**Signed**            T O Neill

**Date:** 29/8/2024

### **3.0 Flooding Department**

**Planning Application Internal Report**

**Pre Planning Ref:** 24/320050

**Applicant:** O'Carroll Haulage & Crane Hire Ltd.



**Development Description:** A Substitute Consent Application to An Bord Pleanála - Development consisting of: 1. The retention permission of works including (a) the raising of ground levels by filling of land, (b) the provision of concrete surface on part of that filled area (c) the use of part of the filled area for hard standing storage of vehicles, materials and plant associated with the established and permitted use of the existing premises; including the provision of a security fence and lighting and 2. provision of remedial and mitigation measures associated with including: (a) the cessation of use of part of the fill area and facilitating the natural regeneration of that area and (b) The provision of surface water management measures to improve the quality of the existing permitted discharge and the proposed discharge of surface water from the site to existing boundary surface water drains. These measures include provision of interceptor surface water drains, petrol interceptor, full retention forecourt type separator, attenuation tank and introduction of controlled rate of discharge prior to new discharge point to boundary surface water drains via new precast concrete head wall

**Development Address:** Court, Kildimo, Co. Limerick

**Report Prepared By:** PPM (Darragh Ryan, A/SEE)

**Comments:**

PPM has reviewed the Substitute Consent Application to An Bord Pleanála (for retention permission) with regard to flood risk and makes the following observations;

- ☐ The site is located within Flood Zone A as per the Limerick Development Plan 2022-2028 flood extent mapping. It is noted that predominant flood risk to the development is tidal in nature with a predicted 0.5%AEP flood level of 4.31mOD (node label 01BAR02688) within the Barnakyle River which is a tributary of the Maigue;
- ☐ The development entails an extension (for retention) of an existing commercial premises and may be considered Less Vulnerable in accordance with The Planning and Flood Risk Management Guidelines for Planning Authorities published by the then Department of Environment, Heritage and Local Government, 2009
- ☐ The commensurate assessment of flood risk submitted with the application notes that as the predominant flood risk to the development is tidal, raising of ground levels as per the proposed development for retention is unlikely to impact on important flow routes or result in a loss of compensatory storage that would increase flood risk elsewhere. It is also noted that the flood risk assessment states that a significant number of additional users will not be introduced to the site on account of the development.
- ☐ It is recommended that an emergency flood access and egress plan is developed by the applicant by way of condition in any decision to grant planning permission.

**Recommendation:**

Subject to the above, PPM raise no objection on the grounds of flood risk.  
Signed: Darragh Ryan (A/SEE) Date: 30/08/24