

20th November 2017

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**To: The Cathaoirleach and Each Member of the Municipal District
of Cappamore-Kilmallock**

**Re: Part VIII Planning Report for Junction Improvement Works at Lynch's Corner,
Caherconlish, Co. Limerick**

A Chomhairleoir, a chara,

I enclose herewith report prepared in accordance with Section 179 of the Planning and Development Act 2000 (as amended) and Part VIII of the Planning & Development Regulations 2001 (as amended).

In accordance with Section 179 (4) (b) of the above Act, it is proposed to proceed as indicated in this report.

Is mise le meas,



Gordon Daly
Director of Services

**PLANNING REPORT IN ACCORDANCE WITH
SECTION 179 3(a) OF THE PLANNING & DEVELOPMENT
ACT 2000 (as amended)**

Re: **Permission for the following:**

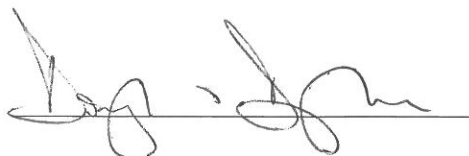
PERMISSION for a junction realignment, new footpaths, road surfacing, build outs, pedestrian crossings, tabletop construction and associated drainage and services in the village of Caherconlish, Co. Limerick. The scheme also include for works to existing bridge.

At: Lynch's Corner, Caherconlish Co. Limerick

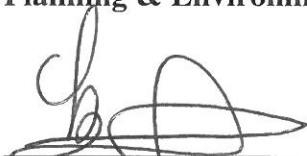
Planning Reference No. 17/8000



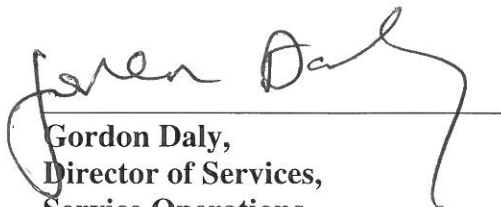
**Darragh Ryan,
Assistant Planner,
Planning & Environmental Services**



**Donogh O'Donoghue,
A/Senior Executive Planner,
Planning & Environmental Services**

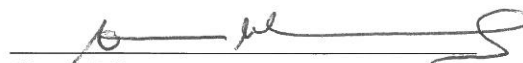


**Stephane Duclot,
A/Senior Planner,
Planning & Environmental Services**



**Gordon Daly,
Director of Services,
Service Operations**

Pursuant to Section 179 3(a) of the Planning & Development Act 2000 (as amended) this report is submitted to the members of Limerick City & County Council. In accordance with Section 179(4) (b) of the above Act, it is proposed to proceed as indicated in Section 5 of this report.



**Conn Murray
Chief Executive
Limerick City & County Council**

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1.0 Foreword

This planning report has been prepared pursuant to Section 179 of the Planning & Development Act 2000 (as amended), and Part 8 of the Planning & Development Regulations 2001 (as amended).

2.0 Description of the nature and extent of the proposed development

The proposed development is on the R513, Limerick to Mitchelstown Road. The scheme will involve the widening of an existing bridge over the River Groody, which passes under the L5096 east of the junction. The crossroads will be re-aligned to become a staggered junction as a road safety improvement measure.

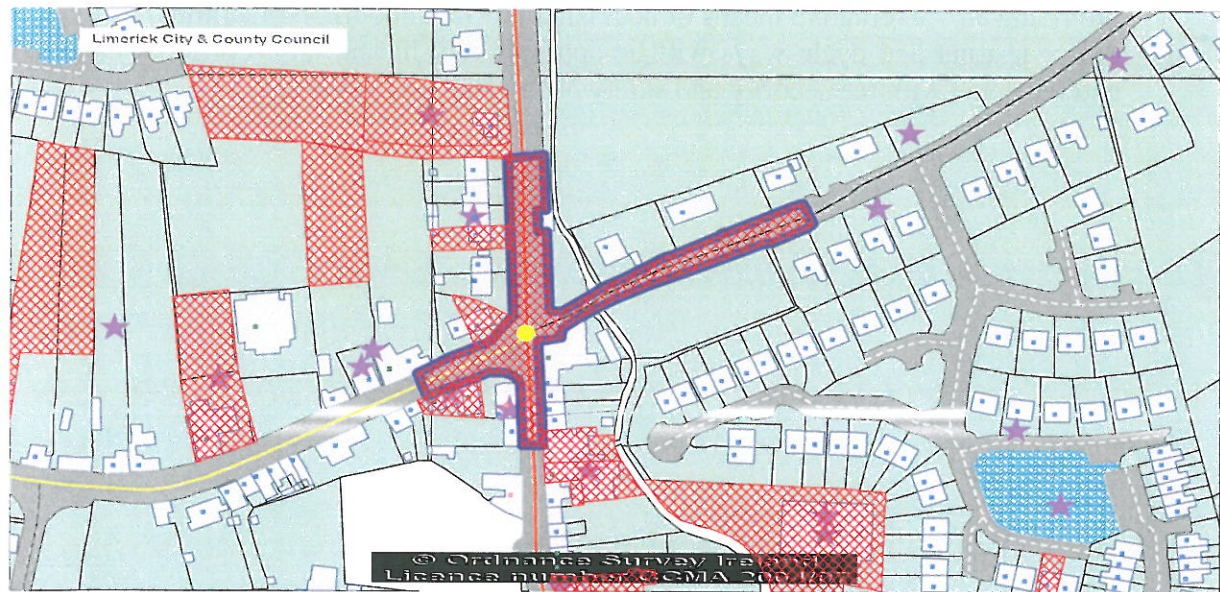
The site is bounded by a number of residential and commercial developments.

Under this planning application the Applicant, Limerick City & County Council, proposes the following:

The scheme will involve the widening of an existing bridge over the River Groody, which passes under the L5096 east of the junction. The crossroads will be re-aligned to become a staggered junction as a road safety improvement measure. The scheme entails construction of new footpaths on both sides of the road, carriageway resurfacing and realignment, a new zebra crossing, a new raised speed table with an uncontrolled pedestrian crossing, modifications to drainage and underground services. New raised table top surface at the junction, new bridge parapets, new boundary treatments, new road lighting, road markings, new road signage, new street furniture and accommodation works.

The plans and particulars went on public display from Monday 9th January 2017 to 20th February 2017. Submissions and observations had to be submitted by 6th March 2017.

Location:



3.0 Likely implications, if any, with respect to the proper planning and sustainable development of the area

Limerick County Development Plan 2010 -2016

Policy IN P7 (Road Safety and Capacity): “To seek the improvement of road safety and capacity throughout the County, through minimising existing traffic hazards, preventing the creation of additional or new traffic hazards in the road network and securing appropriate signage”.

Caherconlish Local Area Plan 2012 -2018

Objective T2: Network of Pedestrian and cycle facilities

It is an objective of the Council to encourage walking and cycling as the more convenient, popular and safe method of movement in Caherconlish; to facilitate the provision of an attractive and coherent network of off-road footpaths and cycle facilities and the enhance permeability. This will be achieved by the following measures:

- (a) A pedestrian network will be encouraged where identified in Appendix 1, map 2 linking existing and new residential areas to each other and to amenity areas to provide connections to the town centre.
- (b) Secure cycle parking facilities will be sought at appropriate locations as opportunities arise.
- (c) Combined off-road footpath and cycle –way links will be encouraged in the public open space network along the corridors where indicated in Appendix 1, map 2 linking existing and proposed residential areas to each other and the town centre and providing an alternative means of accessing key neighbourhood facilities.
- (d) All pedestrian and cycle ways will be appropriately lit and their corridors designed and managed with the security and safety of the public as priorities.

3.1 Habitats Directive Project Screening Assessment

Both construction and operating phases of the proposed development to be considered

<p>Construction Phase: The project consists of;</p> <ul style="list-style-type: none"> • Re-align crossroads at Lynchs corner • Widening of an existing bridge over River Groody • New footpath both sides of road, carriageway resurfacing and realignment • New zebra crossing, raised speed table and uncontrolled pedestrian crossing • Signage street furniture, and road lighting • Fencing • Road & drainage impact attenuation <p>Are effects significant? Yes</p> <p>Are substantial works required: Yes</p> <p>Are effects significant? Yes</p> <p>Operating phase effects: Are effects significant? Yes</p>	<p>Ex-situ effects: Are effects significant? No</p> <p>Run-off: Are effects significant? Yes</p> <p>Abstraction: Are effects significant? No</p> <p>Displacement: Are effects significant? Yes</p>
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Identification of Natura 2000 sites which may be impacted by the proposed development

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species e.g. bogs or otters -see abstraction/run off etc above.	Is the development in the relevant catchment of or immediately up/downstream of a watercourse that has been designated as a Natura 2000 site? Name of sites:	No
2	Impacts on terrestrial habitats and species.-see area and disturbance/displacement effects above.	Is the development within 1km of a SAC site with terrestrial based habitats or species? Name of site:	No

3	Impacts on designated marine habitats and species.	<i>Is the development located within marine or intertidal areas or within 5 km of a SAC site whose qualifying habitats or species include the following habitats: Salmonid, Lamprey Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i> Name of site: River Shannon SAC	Yes River Shannon SAC
4	Impacts on birds in SPAs-	<i>Is the development within 1km of a Special Protection Area</i> Name of site: No	No
5	Cumulative effects	Would consideration of a number of significant projects nearby such as forested areas, quarries, wind energy together with the proposed development significantly increase the impacts listed above:	No

An Appropriate Assessment Screening Report was prepared. The screening assessment concluded that the project will not have negative impacts or effects on any Natura 2000 sites.

Accordingly, the Planning Authority is of the view that the development will not have any significant impacts on any Natura 2000 sites. Therefore an Appropriate Assessment (AA) is not considered necessary in this case.

The development has been subject of an Appropriate Assessment Screening in accordance with Article 6 (3) of the EU Habitats Directive (Directive 92/43/EEC) and the Planning & Development Acts 2000 (as amended).

3.3 Conclusion

It is considered that the proposed development is in accordance with policies of the Limerick County Development Plan 2010 – 2016 (as extended) and Caherconlish Local Area Plan and is therefore acceptable as per the requirements of proper planning and sustainable development of the area.

4.0 Submissions with respect to the proposed development

A total of 9 x No. written submissions/observations was received and are listed below:

LIST OF SUBMISSIONS RECEIVED	
SUB REF:	FROM:
1.	Dave Sheehan, Chief Superintendent, An Garda Siochana Henry Street
2.	Mark Byrne, Regulatory & Administration Unit, Transport Infrastructure Ireland, Parkgate Business Centre, Parkgate Street, Dublin 8
3.	The Office of Public Works, South West Region Drainage Maintenance, Templemungret House, Mungret, Co. Limerick.
4.	Yvonne Nolan, Development Applications Unit, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Newtown Road, Wexford.
5.	Sarah McCutcheon, Archaeologist. Limerick City & County Council.
6.	Councillor Brigid Teeffy, Limerick City & County Council.
7.	Caherconlish Tidy Towns Group
8.	Caherconlish Residents' Group
9.	Lyons Designs Architectural Services on behalf of Lynch Family, Caherconlish.
10.	John Heelan (Jnr), Resident One Hundres Acres East, Caherconlish.
11.	Sarah Frances Byron, "Clu Elum", High Street, Caherconlish.
12.	John Byron, "Clu Elum", High Street, Caherconlish.

4.1 Submissions:

SUB (1) Dave Sheehan, Chief Superintendent, An Garda Siochana Henry Street, Limerick

In favour of proposal

Road Design Office Comments

Noted

Planning Authority Comment:

Noted

SUB (2) Mark Byrne, Regulatory & Administration Unit, Transport Infrastructure Ireland, Parkgate Business Centre, Parkgate Street, Dublin 8

No comment

Road Design Office Comments

Noted

Planning Authority Comment:

Noted

SUB (3) - The Office of Public Works, South West Region Drainage Maintenance, Templemungret House, Mungret, Co. Limerick.

Advises that approval is required from OPW for any proposed bridges/culverts on any watercourses under Section 50 of the 1945 Arterial Drainage Act. Advises that approval is required from OPW for any proposed alterations, re routeing or other works to any watercourses under Section 9 of the 1995 Arterial Drainage (Amendment) Act. Advises to refer to OPW website www.floodmaps.ie to check for historic flood events. Advises that Mr. Noel FitzPatrick is the OPW Resident Engineer for the area, who should be consulted with.

Road Design Office Comments

Approval will be sought from the OPW during the detailed design stage of the scheme for the proposed works to the bridge culvert. Detailed Design of the Scheme will commence following approval of the Scheme by Limerick City & County Council under Part 8 of the Planning & Development Regulations.

Planning Authority Comment:

The Planning Authority note the above comments and an appropriate action to apply.

SUB (4) Yvonne Nolan, Development Applications Unit, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Newtown Road, Wexford.

Advises that any hedgerows, drainage ditches or scrub may be potential habitats for protected species. If any such habitats are to be removed then they should be checked by a suitably qualified ecologist and if any species are found to be present the appropriate licences should be sought from National Parks and Wildlife Services. 2. Advises that LCCC should ensure no negative impacts on river and on the Shannon SAC downstream.

Road Design Office Comments

A screening for Appropriate Assessment has been carried out by MHL. No negative impacts on the river or on the downstream SAC have been indicated in the Screening Report.

Planning Authority Comment:

The Planning Authority note the above comments and an appropriate action to apply.

SUB (5) Sarah McCutcheon, Limerick City & County Council, Archaeologist.

- Visual impact of use of red coloured HRA surface and red tactile paving being garish.
- Concerns in relation to modification of old bridge structure, recommending use of heritage construction practice and a bat survey.
- Preservation of 'crow's foot' bench mark on southern bridge parapet.
- The new walls should take cognisance of the historic stone walls in the immediate vicinity.

Road Design Office Comments

Archaeological monitoring will be carried out during site clearance and earthworks excavations. MHL will be including a works item for same when preparing the tender documents under the Contractor's Works Requirements and Pricing Document. In relation to the other cultural considerations impacts commented upon we respond in the same order as follows:

- The red coloured HRA will be more like a deep "rusty red pigmentation" which is toned down, closer to a brown shade. The tactile paving must be red however it's use is suitably sparse.
- A Bridge Inspection survey will be undertaken along with a bat survey.
- The bridge parapet walls will be rebuilt using the existing stonework.
- All dismantled stone material will be reused in the construction of the new stonework walls. Any extra materials required will be sourced locally. Again this stipulation will be included by MHL when preparing the tender documents for procurement of a Contractor for the Works.

Planning Authority Comment:

The Planning Authority note the above comments and appropriate actions to apply.

SUB (6) Councillor Brigid Teefy, Limerick City & County Council.

Requests that essential traffic calming measures be put in place on the approach to the village from Herbertstown. Also voices residents' concerns over difficulty of turning movements for heavy goods vehicles, the large paved area and that if pedestrian crossing lights are red then they would cause huge traffic backlogs.

Road Design Office Comments

This scheme is focused on improvements to the junction between the R513 Main St., the L1149 High St. and the L5096 Boher Road. Traffic calming measures are proposed at the junction and on the northern approach from Limerick City. Any further traffic calming measures at the other end of the village are a matter for LCCC and available finances for this scheme. The main brief for the scheme design is the removal of the "blind" Lynch's Corner by staggering the L5096 northwards, thus creating an acceptable stagger with the L1149. The proposed junction layout can facilitate turning movements for all heavy goods vehicles. The proposed pedestrian crossing is a zebra crossing with flashing orange lights, not a set of traffic signals with "all red" time.

Planning Authority Comment:

Noted

SUB (7) Caherconlish Tidy Towns Group

Welcome the proposals and request the following additions to be included:

A list of proposed authorised waste collection permit holders to be employed

- A post and rail fence be erected along the riverbank at “Franklins Gardens”.
- That the riverbank behind the library be repaired
- That a pedestrian gate be erected for entrance to “Franklins Gardens”
- Suggests that a planter at north west corner of junction be rearranged or removed altogether.

Road Design office comments

A timber post and rail fence can be erected along the riverbank provided the owners give permission. An item to clean the riverbank behind the library can be included in the Works Contract tender documents, if access is made available to those lands. A pedestrian gate can be erected along the new boundary wall of the Boher Road and “Franklin Gardens”, subject to land owner permission. The existing planter will be removed and replaced with new planters, possibly relocated.

Planning Authority Comment:

The Planning Authority note the above comments and appropriate actions to apply

SUB (8) Caherconlish Residents’ Group

Welcome the proposals, but wish to raise concerns and request that some additions be included to address their concerns as follows:

- Extreme concern that proposals do not address the issue of speeding traffic on entry to village from Hospital/Herbertstown direction”. Request for a speed table on R513 prior to Riverfield estate, a pedestrian crossing with Belisha Beacons at The Square and another speed table on R513 at southern entrance to village from Hospital direction.
- HGV’s negotiating High St. from Main St. will have to encroach onto the path of oncoming vehicles. Request that the proposed paved areas be reshaped/redesigned.
- HGV’s negotiating right turn from Main St. onto Boher Road will have to encroach onto the path of oncoming vehicles. Request that the proposed paved area at Lynch’s Pub be reshaped/redesigned.
- HGV’s negotiating the left turn from Boher Road onto Main St. will have to encroach onto the path of oncoming vehicles. Request that the proposed junction shape (proposed paved area) be redesigned.
- All vehicles from High St. to Boher Road have a high probability of causing road traffic accidents due to the short distance between High St. exit and Boher Road right turn.
- Also request additional warning signage to warn drivers of a revised road layout.
- Request that the Zebra Crossing at Tasty Bites should be Traffic Lights and not flashing beacons.

Road Design office comments

- This scheme is focused on improvements to the R513 junction at Lynch's corner at the northern end of the village. Traffic calming measures are proposed at the junction and on the northern approach from Limerick City. Any further traffic calming measures at the southern end of the village and throughout the village on the R513 do not form part of this scheme.
- This is the case at present also. Large HGV's can only negotiate this junction when it is clear to do so. The proposed new layout means the HGV's will have to travel at a slower pace to negotiate this turning movement.
- This is the case at present also. Large HGV's can only negotiate this junction when it is clear to do so. The proposed new layout is safer as HGV's performing this movement will be able to see traffic approaching on the Boher Road before they commence their right turn movement. At present these vehicles have to commence this turning movement without a clear view up the Boher Road.
- This is the case at present also. Large HGV's can only negotiate this junction when the coast is clear. The proposed new layout is safer as HGV's performing this movement will be able to see traffic approaching on the R513 Main Street from the south (Hospital) before they commence their left turn movement. At present these vehicles have to commence this turning movement, pulling out onto the R513 without having any view up Main Street.
- At present there is no stagger for traffic travelling from High St. to Boher Road so traffic is tempted to travel straight through despite the poor sight lines to the south. The revised layout forces traffic through a left/right stagger, which means more deceleration necessitated and therefore a safer junction. Large HGV's will be able to negotiate this layout at reasonable speed.
- Additional warning signs will be implemented in the scheme at detailed design stage.
- A fully controlled crossing such as a pelican crossing (with "all red") will cause queuing on the R513, which could lead to traffic delay and congestion during peak traffic hours,

Planning Authority Comment:

Noted

Sub (9) Lyons Designs Architectural Services on behalf of Lynch Family, Caherconlish - – First Party affected Landowner

Supportive of the proposals but wish to make the following queries/requests:

- Is there any street lighting proposed as part of the scheme?
- What is the height of the proposed stone wall?
- Return of their disturbed lands to prior condition following completion of the proposed works?
- That their oak tree which is to be removed as part of the proposed works be cut into rings and left on site for removal/collection by the Lynch Family
- A vehicular entrance with a new gate to be constructed in lieu of reconstructing the existing agricultural access gate.

Road Design office comments

- Yes street lighting will be included in the scheme.
- A height of 1.2m is proposed for the stone boundary walls.
- This can be accommodated for in the Contract Works Requirements.
- This can be accommodated for in the Contract Works Requirement

Planning Authority Comment:

The Planning Authority note the above comments and appropriate actions to apply

Sub (10) John Heelan (Jnr), Resident One Hundred Acres East, Caherconlish – First Party affected Landowner

Makes the following Requests:

- That his water meter connection be relocated from its current location to outside his front wall
- That the trees opposite his house which block light and television reception be removed in full along with the boundary stone wall/sod & stone ditch removal.
Also offers opinion that the newly designed junction layout will not be able to accommodate articulated vehicles, agricultural machinery, milk trucks etc.

Road Design Office Comments

- This can be accommodated for in the Contract Works Requirements subject to agreement with Irish Water.
- It is intended that all these trees will be removed as part of the Works Requirements

Planning Authority Comment:

Noted

Sub (11) Sarah Frances Byron, Private Resident, “Clu Elum”, High Street, Caherconlish.

- That the raised table at the junction will be directly outside the driveway entrance to their home. They fear that this will compromise their ability to park on the road outside their house, compromise their vehicular access and also increase flood risk at this historically flood prone junction.
- That the realigned junction will be difficult to negotiate safely by heavy goods and agricultural traffic.
- That the additional public amenity space outside Lynch’s Pub and Tasty Bites Takeaway will attract or lead to an increase in antisocial behaviour.
- Expresses the opinion that the increased space outside Tasty Bites which tightens up the space for large vehicles turning left will increase the potential risk for accidents
- That the bus stop locations could be optimised by locating the Limerick bound bus further up Main Street and the buses heading south could stop safely in the vicinity of the library.

Finally the resident stated that she welcomes the Council's decision to invest in improvement measures and offers further opinion on the need for traffic calming citybound traffic with speed ramps, particularly at the southern entrance to the village. Also believes that by placing traffic lights at Lynch's Corner would remedy the fundamental issues at a fraction of the cost.

Road Design office comments

- The junction table has been designed with the location of the pedestrian and vehicular accesses to "Clu Elum" in mind. The pedestrian gate is adjacent to the uncontrolled pedestrian crossing location, for convenience, and the driveway will access onto the raised area. The vehicular access will not be compromised. However parking of the car on the public roadway in front of the house is a road safety hazard given the proximity to the junction and should not be accommodated. It is Limerick City & County Council's prerogative to allow parking on a public road way in the urban area. There is no increased flood risk at this location. The Limerick City & County Council Area Engineers has responded to the alleged "historical flood prone junction" as follows: "There was an issue with flooding at this junction historically, up to 15 years ago. Then in 2000 approx. Limerick County Council carried out a Surface water system to eliminate the problem. A storm system using 300 mm diameter pipeline between the church on High Street and the R513 junction. Then a 450mm pipeline was placed across the R513 to the river. I confirm that there was no flooding incident since then. John Sheehan Area Engineer Limerick City & County Council"
- The junction has been designed to accommodate heavy goods vehicles and agricultural vehicles. The junction will be safer as the larger vehicles will have to negotiate the junction at a slower pace than they currently do.
- The additional public space is provided for amenity value. The proposed seating can be removed and more planters may be introduced in these areas. The existing planter on the northern side of High Street in front of Clu Elum can be removed altogether.
- Tightening of radii at junctions is good road design practice in accordance with DMURS (Design Manual for Urban Roads and Streets) as published by the Department of Transport. It forces traffic to slow down.
- It is proposed to relocated the bus stops to the north of the old library, as shown on the attached Drawing No. LCJI-PL-P01 RevA

Planning Authority Comment:

Noted

Sub (12) John Byron, Private Resident, “Clu Elum”, High Street, Caherconlish.

Offers his opinion that having viewed the proposals he believes that traffic lights would solve the problem.

Road Design Office Comments

A junction controlled by traffic signals would not be an appropriate junction type in such a rural type of village. The traffic flows of 6,000 AADT (Annual Average Daily Traffic) on the mainline and much lower on the side road would not warrant the use of traffic signals. Due to the unbalanced nature of the traffic flows between the major road and the minor arms traffic signal control would lead to major queuing and delay on the R513 Regional Road, ie. Delay to traffic passing through on Main Street.

Planning Authority Comment:

Noted

5.0 Action taken by Local Authority

It is proposed to proceed with the development in accordance with the information submitted on file dated the 9th of January, 2017 and the details and specifications contained in this report.

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, on the 9/01/17 and the reports received by the Planning Authority on 13/10/17, except as may otherwise be required in order to comply with the following conditions.

Reason - In order to clarify the development to which this permission applies.

2. Archaeological monitoring shall be in place for all ground disturbance associated with the development. The name of the archaeologist shall be submitted to the Planning Authority in advance of the commencement of any site works. Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The Department of Culture Heritage and the Gaeltacht shall be informed. The developer shall be prepared to be advised by the Department of Culture Heritage and the Gaeltacht with regard to any necessary mitigating action and shall facilitate the archaeologist in recording any material found. On completion, an archaeological report detailing the works shall be submitted to the Planning Authority and the Department of Culture Heritage and the Gaeltacht. Archaeological mitigation will be finalised on foot of result of Archaeological test trenching.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation of any remains that may exist within the site.

3. Prior to the commencement of development the applicant shall submit for approval in writing to the Planning authority any proposed alterations, re routing or other works to any watercourses as required under this scheme.

Reason: In the interest of proper planning and orderly development.

4. Details of all lighting shall be submitted and agreed to in writing with the Planning Authority prior to commencement of development. Road lighting shall be provided for the Scheme in accordance with Transport Infrastructure Ireland Standards.

Reason: In the interest of proper planning and orderly development.

5. Prior to the commencement of the development the applicant shall submit for the written approval of the planning authority all details of planters, seating and fencing along the riverbank

Reason: In the interest of proper planning & orderly development

6. Prior to the commencement of this development the site developer or appointed contractor shall submit to Planning and Environmental Services for agreement in writing a site specific waste management plan for the recovery/disposal of all wastes arising from the demolition, refurbishment and/or construction related activities of this development. The waste management plan shall include:
 - a. A list of proposed authorised waste collection permit holders to be employed
 - b. A list of the proposed waste facility permitted sites at which the wastes may be recovered or disposed of.
 - c. Estimates of the proposed tonnages of construction and demolition (C&D) wastes by type e.g. soil and stone, rubble, wood, metal and plastic. A template waste management plan can be found at: <https://www.limerick.ie/council/construction-and-demolition-waste>.
 - d. If asbestos containing materials have been identified as present, they shall be included in items a, b and c above.

Reason- In the interests of public safety and residential amenity

7. A Construction Management Plan shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise/vibration and traffic management measures and off-site disposal of construction/demolition waste.

Reason- In the interests of public safety and residential amenity

8. Prior to the commencement of development all hedgerow drainage ditches and scrub shall be checked for protected species by a suitably qualified ecologist and if any species are to be found to be present, the appropriate licences shall be sought from the National Parks and Wildlife Services

Reason: In the interest of bio diversity.