

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

Re: Permission for the following:

- (i) The reuse of uncontaminated inert soil and stone material excavated as part of the Coonagh Knockalisheen Distributor Road project as landscape fill on lands bounding the scheme. The proposed finished ground levels of the proposed development will help to integrate the road embankment into the surrounding landscape at Ballygrennan.
- (ii) The overall landscape fill volume comprising of the excavated soil and stone is 26,000m³ within the original Compulsory Purchase Order boundary and 39,000m³ on lands outside the Compulsory Purchase Order. This is equivalent to approximately 47,000 tonnes within the original Compulsory Purchase Order boundary and approximately 72,000 tonnes outside the Compulsory Purchase Order.


At: Ballygrennan, Limerick




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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.



Dr. Pat Daly
Chief Executive
Limerick City & County Council

Date: 5.02.2020

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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 works will be carried out at Ballygrennan, as part of the Coonagh to Knockalisheen Distributor Road Scheme

Under this planning application the Applicant, Design and Delivery Services, Limerick City & County Council proposes the following:

- i. The reuse of uncontaminated inert soil and stone material excavated as part of the Coonagh Knockalisheen Distributor Road project as landscape fill on lands bounding the scheme. The proposed finished ground levels of the proposed development will help to integrate the road embankment into the surrounding landscape at Ballygrennan.
- ii. The overall landscape fill volume comprising of the excavated soil and stone is 26,000m³ within the original Compulsory Purchase Order boundary and 39,000m³ on lands outside the Compulsory Purchase Order. This is equivalent to approximately 47,000 tonnes within the original Compulsory Purchase Order boundary and approximately 72,000 tonnes outside the Compulsory Purchase Order.

The plans and particulars went on public display from 13th December 2019 to 20th January 2020. Submissions and observations had to be submitted by 3rd of February 2020.

Development Description

The lands are located to the south of the Limerick to Galway railway line and adjoining the Coonagh Knocklasheen Distributor Road Scheme in the townland of Ballygrennan. The approved distributor road at this location will be constructed on a raised embankment with the road level rising from the proposed Moyross Link Road Roudabout to a high point on the new Ballygrennan bridge over the Limerick to Galway railway line. The proposed road levels alongside the lands will vary from 3m up to 9m above the existing ground level. It is proposed to infill the area between the approved distributor road embankment running down to meet existing ground level which will help to blend the distributor road into the landscape as one approaches the road from the Moyross direction. All fill of land relates to inert material (by-product) from the approved distributor road only.

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

Limerick City Development Plan 2010 – 2016

The City Development Plan sets out the following with respect to acceptable development in the location in question:

- Land Use Zoning Map – the site is identified for Residential in the City Development Plan

Policy RG.5:

It is the objective of Limerick City and County Council to actively support the implementation of the objectives contained within the Physical Framework Strategy for each of the regeneration areas.

Moyross Framework Strategy

Moyross lies to the northwest of Limerick City. The Knockalisheen Road provides the main access to Moyross at two points, the first and main access point at Watch House Cross which is at the southern east corner of Moyross with the second approximately 750 metres further north on the same road into Castle Park, the most northerly point. There is a third access point via the Monabraher Road to the Ballynanty area. The Moyross regeneration boundary covers an area of approximately 200 hectares (494 acres) and spans almost 2 kilometres from west to east and 1.8 kilometres north to south. The predominant land use in the area is residential. Other land uses include Watch House Cross district centre and a community hub which contains the Corpus Christy Church, Corpus Christy primary school and the Moyross community centre.

The following are the key local objectives for Moyross:

To complete the Northern Distributor Road and to support the construction of the Coonagh - Knockalisheen bypass, providing a new western entrance to Moyross..

Policy TR.5 Enhancement of Road Infrastructure

It is the policy of Limerick City Council to maintain and enhance the planning, design and maintenance of the transportation and roads infrastructure in the City to ensure improved safety, promote economic growth, social inclusion and amenity for all road users.

Work with the Department of Transport, the National Roads Authority, Clare County Council and Limerick County Council to provide a northern distributor road for Limerick City with facilities for car based, freight, public transport, cycling and pedestrian traffic.

Policy CC.1 Limerick 2030

It is the policy of Limerick City and County Council to secure the goals and objectives set out in Limerick 2030 – An Economic and Spatial Plan.

Regional Spatial Economic Strategy – Southern Region Assembly

Limerick Shannon MASP Policy Objective 2

Support the regeneration and continued investment into Limerick City through initiatives such as Limerick 2030 and Limerick Regeneration and to further enhance Limerick City as a primary economic driver for the Southern Region.

Delivery of the Limerick Northern Distributor Road (LNDR) – a key strategic infrastructure priority for the Region.

3.1 Habitats Directive Project Screening Assessment

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

<p>Construction Phase: Yes</p> <p>Are effects significant? Yes</p> <p>Are substantial works required: Yes</p> <p>Are effects significant? No</p> <p>Operating phase effects: Are effects significant? No</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? Ye</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.	<p><i>Is the development in the relevant catchment of or immediately up/downstream of a watercourse that has been designated as a Natura 2000 site?</i></p> <p>Name of sites: <i>Lower river Shannon Sac site.</i></p>	Yes
2	Impacts on terrestrial habitats and species.-see area and disturbance/displacement effects above.	<p><i>Is the development within 1km of a SAC site with terrestrial based habitats or species?</i></p> <p>Name of site: <i>Lower river Shannon Sac site</i></p>	Yes
3	Impacts on designated marine habitats and species.	<p><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></p> <p>Name of site: <i>Lower river Shannon Sac site 900m</i></p>	Yes
4	Impacts on birds in SPAs-	<p><i>Is the development within 1km of a Special Protection Area</i></p> <p>Name of site: <i>Lower River Shannon SAC</i></p>	Yes
5	Cumulative effects	<p>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:</p>	No

An Appropriate Assessment Screening Report was submitted as part of this application prepared by Doherty Environmental. The report concludes the following:

- There is no potential for the proposed development to significantly impact on Natura 2000 Sites.
- The proposed development is not directly connected with, or necessary to the conservation management of any Natura 2000 sites.
- The proposed development, alone or in combination with other projects, is not likely to have a significant effect on Natura 2000 sites in view of their conservation objectives. It is the view of the planning authority that it is not necessary to undertake any further stage of the Appropriate Assessment process.

3.2 Environmental Impact Assessment Screening Report

An Environmental Impact Assessment Screening Report was submitted as part of this application prepared by Doherty Environmental. The report concludes that significant environmental effects are unlikely to arise from the proposed development for the following reasons:

- *The EIS Screening Report has concluded that the effects of the proposed development are not considered to be likely of significance, due to the minor development footprint, the characteristics and sensitivities of the receiving environment and design and environmental protection measures.*
- *The overall conclusion for this screening appraisal is that having considered the appropriate criteria, Environmental Impact Assessment for the project is not required.*

3.3 Land Acquisition

Limerick City & County Council is the owner of the site.

4.0 Submissions with respect to the proposed development

A total of 5 x No. written submission/observation was received and is listed below:

No.	Name	Address
1	Development Applications Unit	Dept. of Culture, Heritage and Gaeltacht, Wexford
2	Transport Infrastructure Ireland	Parkgate Business Centre, Parkgate Street, Dublin 8
3	Senior Track & Structures Engineer	Iarnród Éireann/Irish Rail, CCE Dept, Old Railway Station, Grace Road, Athlone, Co. Westmeath N37 C573
4	County Archaeologist	Limerick City & County Council
5	Water Services	Limerick City and County Council

Submission (1) Development Applications Unit, Department of Culture, Heritage and Gaeltacht

Submissions description: Nature Conservation

1. The site is approximately 250 m from a tributary of the Lower River Shannon SAC (Site Code: 2165). Limerick City & County Council must therefore ensure that they are satisfied that there will be no potential lowering of water quality in the Lower River Shannon SAC as a result of the proposal.
2. The development plan proposed in Section ‘‘2.8 Non-native Invasive Species’’ of the EIAR report must be followed.
3. It is recommended that if any habitat removal or cutting must take place, it should be done outside of the bird nesting season i.e. take place between September and February.

Design and Delivery comments:

All of the above are noted and comments are as follow:

- Excavated topsoil that will be used for completion of the CKDR project will be stored sufficiently far away from surface water features to avoid excessive sediment run-off. Temporary berms or silt fencing to prevent ingress of any surface water or dust emissions to water courses during the construction phase, a temporary silt trap and impermeable barrier will be placed around the perimeter of the project site with silt traps being installed at any points where water drains to a stream or open drain. There are no ‘*impact pathways between the project site and the surrounding European sites*’ (AA screening p.28) so this further reduces any possibility of effects on these sites.
- The treatment of Non–Native Invasive Species was undertaken as part of Advance Works Contract for Coonagh Knockalisheen Distributor Road and will also form part of the main contract. The biosecurity measure outlined in Section 2.8 Non-native Invasive Species of the EIAR will be adhered to.
- The stripping of topsoil will take place between March and August and the habitats present are improved agricultural grassland. This area is subject to grazing pressure and disturbance by horses. In advance of any removal of top soil, the site will be walked by the Heritage Officer to establish the presence of breeding birds or animals and any soil removal works will be adjusted accordingly to avoid disturbance to these species.

Planning Department comments:

- Noted and action to apply

Submission (2) Transport Infrastructure Ireland, Parkgate Business Centre, Parkgate Street, Dublin 8

Submission description:

- No specific comment

Design and Delivery comments:

- No issues for Transport Infrastructure Ireland

Planning Department comments:

- Noted

Submission (3) Senior Track & Structures Engineer, Iarnród Éireann/Irish Rail, CCE Dept, Old Railway Station, Grace Road, Athlone, Co. Westmeath N37 C573

Submission description:

- No observations or submissions

Design and Delivery comments:

- No issues for Iarnród Éireann/Irish Rail

Planning Department comments:

- Noted

Submission (4) Sarah McCutcheon Executive Archaeologist Limerick City & County Council

Submission description:

Project: Landscape filling on lands adjoining the Coonagh to Knockalisheen Distributor Road Scheme.

I have reviewed the scheme. An additional area has been acquired beyond the original CPO area for the road scheme in the townland of Ballygrennan. Inert material generated by the road construction will be hauled to this area and formed into an embankment. The embankment thus created will serve to integrate the road into the surrounding landscape. The current application goes right to the road edge so it includes some of the original CPO corridor as well as the newly acquired land, an area in excess of 1.5ha. While the embankment will not cover the entire area, it is likely that most of it will be top soil stripped to allow for storage of top soil and haulage of inert material and a general works area.

Advance archaeological testing was carried out under Ministerial Direction on the CPO corridor. A substantial area of ground was tested. Three sites (Ballygrennan 1, Ballygrennan 2 and Ballygrennan 3a & 3b) were discovered in the townland of Ballygrennan and were subsequently archaeologically excavated. Ballygrennan 1 is *circa* 60m to the south, Ballygrennan 2 would be bounding to the west and Ballygrennan 3a & 3b would be *circa* 90m to the north. These sites were interpreted as follows: Ballygrennan 1 (E4452) was a Middle Bronze Age Fulacht Fiadh; Ballygrennan 2 (E4453) was a multi-phase site incorporating a Middle Bronze Age Fulacht Fiadh, an Early Iron Age burnt stone spread & pit and an early medieval enclosure ditch; Ballygrennan 3 a & 3b (E4454) was an Early–Mid Bronze Age burnt stone spread and two troughs.

Given the number of archaeological sites found in the immediate area, advance archaeological works should be carried out, prior to the start of construction This could take the form of rigorous and extensive archaeological test trenching or an archaeologically monitored top soil strip (with immediate replacement) over the entire area. This work should be carried out sufficiently in advance of the construction contract to allow for the resolution (excavation/redesign) of any archaeological features revealed during the testing.

Design and Delivery comments:

Design and Delivery will carry out advance archaeological testing with a licenced archaeologist. This will involve the archaeological monitoring of topsoil stripping of the entire area and will be carried out in advance of commencement of construction on the Coonagh Knockalisheen Distributor Road.

Planning Department comments:

Noted

Submission (5) Water Services, Limerick City and County Council

Submission description:

- There are no obvious implications for Water Services

Design and Delivery comments:

- No issues for Water Services

Planning Department comments:

- Noted

Conclusion

The proposed development is considered to be acceptable in principle and shall be carried out in accordance with the actions for the Local Authority hereby attached. It is considered that the proposed development is in accordance with policies of the Limerick City Development Plan 2010-2016, as amended, and is therefore acceptable and in accordance with the proper planning and sustainable development of the area.

5.0 Action taken by Local Authority

It is proposed to proceed with the development with the information submitted on file dated 13th December 2019 and 04th February 2020 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 13th December 2019 and 04/02/2020, except as may otherwise be required in order to comply with the following conditions.
2. The permission is for the reuse of uncontaminated inert soil and stone material excavated from the Coonagh Knockalisheen Distributor Road project as landscape fill on the site. The importation of material from elsewhere to the site is prohibited.
3. The developer shall preserve, protect or otherwise record archaeological materials or features that may exist within the site by ensuring that all ground disturbances associated with the site development is archaeologically monitored. In this regard, the developer shall –
 - a. Notify the Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.
 - b. Employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.
 - c. Submit the name of the suitably qualified archaeologist to the Planning Authority four weeks in advance of the commencement of any site works
 - d. 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 Development Applications Unit, National Monuments Service, Department of Arts, Heritage and Gaeltacht and the Planning Authority Archaeologist shall be informed immediately. The developer shall be prepared to be advised by the Department of Arts, Heritage and Gaeltacht and the Planning Authority with regard to any necessary mitigating action.
 - e. Provide satisfactory arrangements for the recording and removal of any archaeological material which may be considered appropriate to remove.
 - f. Submit on completion an archaeological report detailing the works to the Department of Arts, Heritage and Gaeltacht and the Planning Authority.

- 4 Prior to commencement of any removal of top soil, the site shall be walked by the Heritage Officer to establish the presence of breeding birds or animals and any soil removal works will be adjusted accordingly to avoid disturbance to these species.
- 5 A Construction Management Plan shall be submitted for the written agreement of the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, environmental protection measures, including hours of working, noise and traffic management measures.
6. 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.
7. 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. No surface water shall discharge onto adjoining properties or the public road.
8. Upon cessation of operations, all plant and surface equipment shall be removed from the site and within six months of the date of such cessation the land shall be graded to the proposed contours. The whole surface area of the site shall be rehabilitated by the appropriate land shaping of the ground in relation to the contours as proposed and relative to contours of adjoining land at site boundaries. Re-seeding shall take place as soon as possible after material is in filled.
Reason: To ensure the rehabilitation of the site in the interest of visual amenity and for agricultural use.