

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

Re: Permission for the following:

The construction of 6 cattle underpasses and 1 cattle overpass at 5 locations on the newly developed Great Southern Greenway for the provision of livestock crossings of the Greenway. The underpasses will consist of concrete culverts beneath the Greenway surface to allow cattle crossing and to maintain the safety of pedestrian and cyclist users of the Greenway.

At: The townlands of Garranekeevan, Dromin (Macturlough), Donnakenna, Knocknasnaa and Port on the Great Southern Greenway, County Limerick

Planning Reference No. 20/8006



**Aine Leland
Assistant Planner**



**Donogh O' Donoghue
A/Senior Executive Planner**



**Stephane Duclot
A/Senior Planner**

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 6 of this report.



**Dr. Pat Daly
Chief Executive
Limerick City & County Council**

Date: 11.12.2020

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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 Great Southern Greenway Limerick (GSGL) follows the former route taken by the Limerick-Tralee/Fenit railway line, which opened in stages between 1867 and 1887. Most of the route closed between 1975 and 1978 but remains the ownership of CIE (the National Transport Company). In Limerick, approximately 40km of the former route has been developed for off road walking and cycling from Abbeyfeale to Rathkeale. The route passes through the countryside allowing the walker/cyclist the opportunity to stop off in towns and villages along the route including Abbeyfeale, Templeglantine, Newcastle West, Ardagh and Rathkeale. Kerry County Council are also currently working on extending the Greenway in stages to Tralee/Fenit.

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

The current proposal is to construct 6 cattle underpasses and 1 cattle overpass at 5 locations (Garranekeevan, Dromin (Macturlogh), Donnakenna, Knocknasnaa and Port) for the provision of livestock crossings of the Greenway. The underpasses will consist of concrete culverts beneath the Greenway surface to allow cattle crossing and to maintain the safety of pedestrian and cyclist users of the Greenway

The plans and particulars went on public display from the 15th October 2020 up to and including 13th November 2020. Submissions and observations had to be submitted by the 27th November 2020.

Location:

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

The scale of the works at each underpass is small and are to be built largely within the footprint of pre-existing hard stands of the Greenway and the individual farm roads at each crossing. The proposed works will vary slightly at each crossing according to the topography of each site, however the general principles will be the same. It is intended to built up the level of the road to allow for passage underneath. When the existing railway/greenway track is elevated above the surrounding landscape, it is intended to dig through the existing railway/greenway track to allow for passage underneath the road. The walls of the underpass will consist of pre-cast concrete, in some cases a large pre-cast concrete culvert. Drainage will be via a low gradient swale and/or soakpit.

Disruption from machinery during construction will be short term and will not be elevated greatly above the usual levels of machine operations at these busy farm crossings.

3.1 Policy

Limerick County Development Plan 2010 – 2016 (as extended)

Objective COM O26: National Cycle Policy Framework

It is the objective of the Council to support the policies of the ‘National Cycle Policy Framework 2009-2020 – Smarter Travel’, Department of Transport, April 2009.

Objective COM O27: Co-operation with Other Agencies

- a) It is the objective of the Council to co-operate with representative bodies of walking and cycling groups, landowners, farmers, local groups and communities, and others to support the improvement and development of walking and cycling routes in an environmentally sustainable manner.
- b) It is the objective of the Council to commence an assessment into the feasibility of working in partnership with state, private and voluntary sectors to develop a walking and cycling policy for the county within the lifetime of the Plan with a view to establishing a register of walking routes, legal status of same, the mapping and promotion of guided walks and developing links with neighbouring counties.

Objective COM O29: Proposed Developments and Design Considerations

It is the objective of the Council to:

- a) Encourage the successful incorporation of safe and efficient cycle ways, accessible footpaths, and pedestrian routes, and general cycling facilities into the design schemes for town centres/neighbourhood centres, residential, educational, employment, recreational developments and other uses. (Refer to Development Management Guidelines)
- b) Provide cycle ways, where appropriate, as part of all road improvement / redesign schemes ensuring, where possible, that cycle ways and footpaths are effectively separated from major vehicular carriageways, c) Prioritise the movement of pedestrians and cyclists in proximity to public transport nodes.
- d) Require planning applications for residential, commercial, retail, community, educational and industrial developments to demonstrate the proposal’s accessibility for pedestrians and cyclists.
- e) Seek provision of appropriate, well-designed pedestrian ways for residential development proposals to link with amenities and facilities. Such proposals shall adhere to the Guidelines on Sustainable Residential Development in Urban Areas and Urban Design Manual (DEHLG May 2009)

Objective IN O8: Cycle and pedestrian facilities

It is an objective of the Council to encourage the successful incorporation of safe and efficient cycle and pedestrian facilities, and accessible cycleways, footpaths and pedestrian routes into the design schemes for residential, educational, employment, and recreational developments. Consideration will be given in these schemes to existing or proposed routes where applicable.

Policy ED P19: Sustainable development of tourism facilities

To promote the development of sustainable tourism facilities and amenities without damage to the local environment’s essential qualities or features and their requirements for conservation and management

Objective ED O22: Agricultural developments

The Council will normally permit development proposals for agricultural development where:

- (a) they are appropriate in nature and scale to the area in which they are located;
- (b) the proposal is necessary for the efficient use of the agricultural holding or enterprise;
- (c) where the proposal involves the erection of buildings, there are no suitable redundant buildings on the farm holding which would accommodate the development;
- (d) the development is not visually intrusive in the local landscape and, where the proposal is for a new building(s) and there are no suitable redundant buildings, the proposal is sited adjacent to existing buildings and suitably visually integrated in the holding; and
- (e) the proposal demonstrates that it has taken into account traffic, environmental and amenity considerations and is in accordance with the policies, requirements and guidance contained in this Plan.

3.2 Habitats Directive Project Screening Assessment

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

<p>Construction Phase:</p> <p>Are effects significant? No</p> <p>Are substantial works required: No</p> <p>Are effects significant? No</p> <p>Operating phase effects:</p> <p>Are effects significant? No</p>	<p>Ex-situ effects:</p> <p>Are effects significant? No</p> <p>Run-off:</p> <p>Are effects significant? No</p> <p>Abstraction:</p> <p>Are effects significant? No</p> <p>Displacement:</p> <p>Are effects significant? No</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 eg. Bogs or otters -see abstraction/run off etc above.	<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> Name of site:	No
2	Impacts on terrestrial habitats and species.-see area and disturbance/displacement effects above.	<i>Is the development within 1km of a SAC site with terrestrial based habitats or species?</i> Name of site: Lower River Shannon	Yes -Underpass 6 is within 208m -Underpass 7 is within 551m
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:</i>	No

		<i>Salmonid, Lamprey Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i> Name of site:	
4	Impacts on birds in SPAs	<i>Is the development within 1km of a Special Protection Area</i> Name of site: Stack's to Mullaghareirk Mountains, West limerick Hills and Mount Eagle SPA	Yes. - 70m (underpasses 3 and 4) - 203m (underpass 7)
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 submitted as part of this application prepared by the Rory Dalton, Independent Ecologist.

The report concludes that there are not likely to be significant effects from the proposed development on the European sites identified for consideration (or any other European site beyond 15km) either alone or in combination with other plans or projects.

3.3 Environmental Impact Assessment Screening

An EIAR screening was submitted with the application.

The development does not fall within any of the threshold requirements for a mandatory EIA as specified in Section 5 of the Planning and Development Regulations 2001.

The size of the development is limited, located within a modified environment, the development as proposed does not require the preparation of an Environmental Impact Assessment Report.

4:0 Submissions with respect to the proposed development

A total of 6 x no. written submission/observation was received and are listed below:

Submission Ref.	Submitted By
1	Padraig O'Connor, Islandboy, Abbeyfeale
2	Transport Infrastructure Ireland (TII)
3	Mid West National Road Design Office (MWRDO)
4	Planning and Environment Section, Limerick City and County Council
5	Physical Development Directorate, Limerick City & County Council
6	Irish water

4.1 Submissions:

Submission No. 1 Padraig O'Connor, Islandboy, Abbeyfeale

Submission Summary

Underpass No: 7 – Field at Northside of Greenway is 2.5m higher than the existing Greenway and presents an easy opportunity to put an overpass.

Design & Delivery Response

Will review on site with consultants and liaise with stakeholder.

Planning Authority Response

Noted

Submission No. 2 Transport Infrastructure Ireland (TII)

Submission Summary

TII submitted they had no specific observations to make

Design & Delivery Response

Noted

Planning Authority Response

Noted

Submission No. 3 Mid West National Road Design Office (MWRDO)

Submission Summary

MWRDO submitted they had no specific observations to make

Design & Delivery Response

Noted

Planning Authority Response

Noted

Submission No. 4 Planning & Environment Services, Limerick City and County Council

Submission Summary

- (1) Prior to commencement of any works on-site the following must be submitted to the Planning Department for review and approval:
- Excavate trial holes at each location to establish depth to bedrock and water table. The trial hole should be observed and classified by a qualified site assessor.
 - If bedrock is encountered within the formation excavation depth of the proposed underpass, submit a site-specific hydrogeological assessment of the likely impact of the construction and use of the underpass on groundwater.
 - Effluent storage tank must be installed with every underpass: submit design calculation and methodology on the effluent storage tank sizing.
 - If bedrock or water table is encountered within the formation depth, an impermeable flexible liner must be installed to prevent pollutants entering groundwater, detail to be submitted.
- (2) The underpass shall only be used to move cattle associated with the applicant's farm and the underpass will not be used for any other purposes other than agriculture.
- (3) A management plan for the effluent will have to be agreed and signed with each farmer – effluent to be tankered to the farms existing slurry tank(s).

Design & Delivery Response

The requirements of Planning & Environmental Services will be incorporated into the terms and conditions of contract works.

Planning Authority Response

Noted and appropriate action to apply.

Submission No. 5 Physical Development Directorate, Limerick City and County Council

Submission Summary

The plans shall demonstrate how effluent arising on individual farmyards and from under/overpasses will be collected, stored, and managed in accordance with the requirements set out in the European Union (Good Agriculture Practice for Protection of Water) Regulations 2017

Design & Delivery Response

Will work with the consultants and farmyards requiring under/overpass to review/implement the requirements set out above.

Planning Authority Response

Noted and appropriate action to apply

Submission No. 6 Irish Water

Submission Summary

Irish Water has no objections

Design & Delivery Response

Noted

Planning Authority Response

Noted

5.0 Conclusion

It is considered that the proposed development is in accordance with the Limerick County Development Plan 2010-2016 (as extended) and the proper planning and sustainable development of the area. 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.

6.0 Action taken by Local Authority

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, on the 15/10/2020 and 10/12/2020 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. During construction of the proposed development, the following shall apply-
 - a. 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.
 - b. No surface water run-off shall be discharged onto public roads, foul sewers or adjacent property.
 - c. 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

3. 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.

4. 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.

5. Prior to commencement of any works on-site the following shall be submitted for the written agreement of the Planning Department:

- (a) Trial holes at each location to establish depth to bedrock and water table shall be excavated. The trial hole shall be observed and classified by a qualified site assessor.

- (b) If bedrock is encountered within the formation excavation depth of the proposed underpass, a site specific hydrogeological assessment of the likely impact of the construction and use of the underpass on groundwater shall be carried out.

- (c) Effluent storage tanks shall be installed with every underpass. Design calculation and methodology on the effluent storage tank sizing to be submitted.
- (d) If bedrock or water table is encountered within the formation depth, an impermeable flexible liner shall be installed to prevent pollutants entering groundwater, detail to be submitted.
- (e) Farmyard Management Plans for farmers whose cattle will be using under/overpasses in accordance with the requirements set out in the European Union (Good Agriculture Practice for Protection of Water) Regulations 2017 shall be submitted.

Reason - In the interest of environmental protection and in particular the prevention of pollution of surface waters.

6. Prior to the commencement of this development the site developer or appointed contractor shall submit to the Planning Authority 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 list of proposed authorised waste collection permit holders to be employed.
 - A list of the proposed waste facility permitted sites at which the wastes may be recovered or disposed of.
 - Estimates of the proposed tonnages of construction and demolition (C&D) wastes by type e.g. soil and stone, rubble, wood, metal and plastic.

Reason – In the interest of public safety and residential amenity