

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

Re: Permission for the following:

Permission for the upgrading the junction of Atlas Avenue and Courtbrack Avenue with the Dock Road, Limerick

The proposed development comprises-

- i. upgrade of traffic signals and public lighting at both junctions, including synchronisation of signals to improve the efficiency of the two junctions;
- ii. dedicated cycle facilities will be provided on the Dock Road and pedestrian facilities will be improved. Crossings for cyclists and pedestrians will be incorporated into the signalisation of each junction;
- iii. access to private lands on the northern side of the Dock Road will be closed and the rights of way at these accesses extinguished. Replacement accesses will be provided on to the industrial estate road to the north of the sites;
- iv. parking bays on Dock Road between Courtbrack Avenue and Atlas Avenue will be removed;
- v. the carriageway and footways on Atlas Avenue will be widened;
- vi. the footway on the southern side of the Dock Road will be relocated to provide space for a cycleway and widened carriageway. The boundary wall between Dock Road and 'The Orchards' residential estate will be removed and replaced with a similar wall at the outside edge of the proposed footway. Existing trees will be removed/cut-back as required for the construction of the footway and replacement wall. A line of trees will be planted on the south side of the replacement wall;
- vii. demolition of the existing Retail Unit on the western side of Atlas Avenue to facilitate the widening of Atlas Avenue;
- viii. ancillary works for pavement, drainage, utilities and boundary treatment

At: Atlas Avenue and Courtbrack Avenue, Limerick

Ref No 20/8007


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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: 05-02-2021.

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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

Permission for the upgrading the junction of Atlas Avenue and Courtbrack Avenue with the Dock Road, Limerick

The proposed development comprises-

- ix. upgrade of traffic signals and public lighting at both junctions, including synchronisation of signals to improve the efficiency of the two junctions;
- x. dedicated cycle facilities will be provided on the Dock Road and pedestrian facilities will be improved. Crossings for cyclists and pedestrians will be incorporated into the signalisation of each junction;
- xi. access to private lands on the northern side of the Dock Road will be closed and the rights of way at these accesses extinguished. Replacement accesses will be provided on to the industrial estate road to the north of the sites;
- xii. parking bays on Dock Road between Courtbrack Avenue and Atlas Avenue will be removed;
- xiii. the carriageway and footways on Atlas Avenue will be widened;
- xiv. the footway on the southern side of the Dock Road will be relocated to provide space for a cycleway and widened carriageway. The boundary wall between Dock Road and 'The Orchards' residential estate will be removed and replaced with a similar wall at the outside edge of the proposed footway. Existing trees will be removed/cut-back as required for the construction of the footway and replacement wall. A line of trees will be planted on the south side of the replacement wall;
- xv. demolition of the existing Retail Unit on the western side of Atlas Avenue to facilitate the widening of Atlas Avenue;
- xvi. ancillary works for pavement, drainage, utilities and boundary treatment

**Plans and particulars went on public display from 16th October to 13th November 2020.
Submissions and observations had to be submitted by Friday 27th November 2020.**

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

Limerick City Development Plan 2010 – 2016 (as extended)

The Limerick City Development Plan sets out the following with respect to road improvement schemes:

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.

- To provide new road infrastructure and improvements to existing road infrastructure and to promote higher standards of road design and construction so as to ensure that all new roads and road improvement schemes will meet projected traffic, public transport, cycling and pedestrian demand for the future.
- To acquire by agreement or by compulsory purchase orders all necessary lands for road and public transport development purposes to facilitate the proper planning and sustainable development of the City.
- To provide linkages, where necessary, to the national and regional road networks and to rail and port infrastructure that will encourage the economic development of the City.
- 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.
- To work with the National Roads Authority and the adjoining Local Authorities to promote the full construction of the Atlantic Way Motorway/Dual Carriageway scheme.
- Deliver all road objectives shown on Map 3. Transportation Objectives, Appendix I.
- The Planning Authority may seek a Traffic & Transport Assessment (TTA) or Road Safety Audit (RSA) where necessary as part of the planning application process.
- Limerick City Council will have regard to all policy documents relating to road related issues.

Policy TR.7 Traffic Management

It is the policy of Limerick City Council to provide an efficient traffic management control system for Limerick City as part of an integrated and sustainable transport system by:

- Continuing to expand and improve the urban traffic control system installed since 2002.
- Providing systems for monitoring and controlling traffic.
- Introduce the City Centre Orbital Route System as recommended in the City Centre Orbital Route Report.
- Review junction capacity on congested junctions and provide more efficient junctions and junction management systems.

- Provide where necessary and implement recommended localised traffic studies for the relief of congestion.
- Update the Limerick City Traffic Management Report to take account of developments and policy changes.

Policy TR.26 Universal Access

It is the policy of Limerick City Council to ensure that its public realm is universally accessible.

Policy TR.22 Landscaping Along Roads

It is the policy of Limerick City Council to landscape and plant along roads when new roads are under construction or as improvement schemes are undertaken as resources permit.

Landscaping schemes based on native species as far as possible will be designed to soften the visual impact of the road and enhance its appearance, with due regard being given to the achievement of road safety. In this regard a Landscaping Plan must be developed for all new road schemes, both public and private.

Policy TR 18 Signal Controlled Junctions

It is the policy of Limerick City Council to promote the provision of signal controlled junctions in the urban environment to provide a safer environment for cyclists and pedestrians.

- o Improve the design of existing traffic junctions to provide a safer travel environment for pedestrians and cyclists.
- o Eliminate the use of roundabouts in areas of the city that are populated with cyclists and pedestrians.

Policy TR.11 Traffic Management Control

It is the policy of Limerick City Council to enhance the traffic management provision by:

- Updating and expanding the Urban Traffic Control System for managing traffic flow through the City Centre.
- Installing CCTV on all major intersections in the city to assist with the monitoring and control of traffic flow.
- That all traffic management and traffic calming schemes be designed and constructed as per Department of Transport guidelines embracing the philosophy of catering for all road users by managing the road network so that fair access is afforded to all.
- That special speed limits be provided where deemed necessary to enhance road safety and contribute to more efficient traffic management.

Policy TR.12 Controlled & Non-Controlled Crossings It is the policy of Limerick City Council to enhance the traffic management provision by:

- Ensuring that controlled pedestrian crossing facilities at all major crossing points have an audible signal and tactile paving to assist the visually impaired person to safely negotiate the crossing.
- Ensuring that all new uncontrolled crossing facilities provided in the City be provided with suitably designed facilities including dishing, tactile paving or table tops as appropriate.

3.1 Habitats Directive Project Screening Assessment

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

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Construction Phase: signalisation and widening of a junction, dedicated pedestrian and cycle crossing facilities along with other minor works</p> <p>Are effects significant? No</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? No</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Identification of Natura 2000 sites which may be impacted by the proposed development

| | | | |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 1 | <p>Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species eg. Bogs or otters -see abstraction/run off etc above.</p> | <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 site:</p> | No |
| 2 | <p>Impacts on terrestrial habitats and species.-see area and disturbance/displacement effects above.</p> | <p><i>Is the development within 1km of a SAC site with terrestrial based habitats or species?</i></p> <p>Name of site:</p> | No |
| 3 | <p>Impacts on designated marine habitats and species.</p> | <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:</i></p> <p><i>Salmonid, Lamprey</i></p> <p><i>Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i></p> <p><i>Name of site: Lower River Shannon SAC site code;</i></p> | Yes -180m to the North |
| 4 | <p>Impacts on birds in SPAs</p> | <p><i>Is the development within</i></p> | Yes – 180 m to the |

| | | | |
|---|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| | | <p><i>1km of a Special Protection Area</i></p> <p>Name of site: River Fergus SPA</p> | North |
| 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 SLR Consulting on behalf of Limerick City & County Council. Therefore the development has been subject to 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).

The report concludes that "*the proposed development does not pose a risk of likely significant effects on the SPA or SAC*" A Report has been received from Thomas O' Neill Ecologist, Forward Planning Section of Limerick City & County Council, who concurs with finding of the Appropriate Assessment Screening Document.

3.2 EIA Screening

An Environmental Impact Assessment Screening Report was submitted as part of this application prepared by Rory Dalton, Independent Ecologist. The report concludes that "*based on the assessment of the characteristics of the project, location of the project and the type of characteristics of potential impacts, it is considered that the project (in isolation) does not have potential for significant environmental effects.*"

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 development as proposed does not require the preparation of an Environmental Impact Assessment Report having regard to the scale and nature of the development as proposed.

3.3 Land Acquisition

On the Northern Side of the Dock Road, the proposed development requires the acquisition of commercial lands from three commercial properties, including acquisition of the entire site of existing Retail Unit.

4.0 Submissions with respect to the proposed development

A total of 6 No. written submission/observation was received and is listed below:

| LIST OF SUBMISSIONS RECEIVED | |
|-------------------------------------|-------------------------------------------------|
| SUB REF: | FROM: |
| 1. | Ashbourne Management Company Limited |
| 2. | Irish Water |
| 3. | Mid West National Road Design Office |
| 4. | Leo Dillon, Lisnalty, Ballyclough, Co. Limerick |
| 5. | Shannon Foynes Port Company |
| 6. | Transport Infrastructure Ireland |

4.1 Submissions:

SUB (1) Ashbourne Management Company

Submission received on the 6th of November, 2020:

Submission Summary:

Ashbourne Management Company have reviewed the Scheme Drawings and are in favour of the proposal. They are requesting further details on the extent of resurfacing of the road into the industrial estate and also suggesting the road is taken in charge by Limerick City and County Council.

Design and Delivery Section Comments:

The extent of the scheme resurfacing is the area shown in the grey hatch on drawing 15088_C-DR-P8/1-02 submitted as part of the application. The exact tie in point will be reviewed at detailed design and this will be confirmed with Ashbourne Management Company. Applications for roads to be taken in charge should be made by the owner of the road and directed to the Operations Department (roads) in Limerick City and County Council for review.

Planning Authority Comment:

Noted

SUB (2) Irish Water

Submission received on the 4th of December, 2020:

Submission Summary:

Irish Water note the presence of a number of existing Irish Water assets within the area of the proposed development site, in particular the main drainage 2820mm combined sewer crossing Courtbrack Avenue. The impact of the construction on the infrastructure must be considered and a number of conditions are to be adhered to as follows:

1. The applicant must engage with Irish Water and provide a method statement for the proposed development which must demonstrate how the development will meet Irish Water requirements in respect of separation distances and protection of existing asset(s) in advance of commencement.
2. Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
3. Any proposals by the applicant to build over or divert existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.
4. All development shall be carried out in compliance with Irish Water Standards codes and practices.

Design and Delivery Section Comments:

Noted. Design & Delivery Services will consult with Irish Water at detailed design stage.

Planning Authority Comment:

Noted – appropriate action shall apply

SUB (3) Mid West National Road Design Office

Submission received on 17th of November, 2020.

Submission Summary:

The Mid West National Road Design Office has no observations on the proposed scheme.

Design and Delivery Section Comments:

Noted.

Planning Authority Comment:

Noted

SUB (5) Leo Dillon

Submission received on the 27th of November, 2020:

Submission Summary:

1. Design does not meet NCM guidelines (Section 1.1, 1.2, 1.9, 4.4.1, 1.93, 4.5, 4.6, 4.7 & 4.9).
2. Inconsistent with junction proposal at Plassey Park Road.
3. Cycle track junction layout.
4. Toucan Crossing facilities.

Design and Delivery Section Comments:

This has been designed in accordance with National Transport Authority (NTA) publication “National Cycle Manual” (NCM), the Department of Tourism, Transport and Sport’s “Design Manual for Urban Roads and Streets”(DMURS).

The cycle facilities proposed at this junction are to facilitate access from Courbrack Avenue to a potential greenway along the proposed CFRAMS Shannon flood embankments via Atlas Avenue. It is not anticipated to provide cycle facilities along the Dock Road in the near future, an alternative route along South Circular Road and Henry St is proposed.

Planning Authority Comment:

Noted

SUB (6) Shannon Foynes Port Company

Submission received on the 27th of November, 2020:

Submission Summary:

Request further technical details to understand if the scheme can appropriately accommodate the traffic accessing the docks. Request a meeting with LCCC to discuss and seek clarification on some of the design elements of the scheme in the context of the orderly development of the Ted Russell Docks.

Design and Delivery Section Comments:

A Meeting was held on the 7th of January 2021 with Shannon Foynes Port Company (SFPC). Further technical details requested and discussions will continue into detailed design to ensure SFPC access requirements are fully considered.

Planning Authority Comment:

Noted

SUB (7) TII Transport Infrastructure Ireland

Submission received on the 9th of November, 2020:

Submission Summary:

No specific observations on the scheme.

Design and Delivery Section Comments:

Noted.

Planning Authority Comment:

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 extended and is therefore acceptable and in accordance with the proper planning and sustainable development of the area.

4.0 Action taken by Local Authority

It is proposed to proceed with the development in accordance with the drawings submitted 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 10/10/2020 and the report received by the Planning Authority on 13/01/2021, except as may otherwise be required in order to comply with the following conditions.
2. Prior to the commencement of any development works a bat survey shall be carried out by a suitably qualified bat expert/ecologist , a copy of same shall be submitted for consideration by the Planning Authority. If any bat species are found to be roosting at the site, a derogation licence shall be obtained from the Wildlife Licensing Unit of the National Parks and Wildlife Service of the Department of Culture, Heritage & the Gaeltacht prior to commencement of any work on the site.
3. Prior to the commencement of any development a landscaping plan including a tree replacement program and a schedule for delivery, shall be submitted and agreed in writing with the planning authority.
4. Prior to the commencement of development all trees to be removed shall be outlined in a detailed schedule accompanied by description of condition, type and photograph and no of each tree. No mature trees, hedging shall be removed without discussion with the Planning Authority prior to the commencement of any works on site. Any agreed removal of trees or hedging shall take place outside the bird nesting season.
5. Prior to the commencement of development, a lighting plan shall be agreed in writing with the Planning Department of Limerick City and County Council. The lighting design shall be designed and signed by a competent Lighting Design Engineer which shall comply with BS5489:2013 and BS EN 13201:2003. The lighting design shall include a legible plot of the lux levels superimposed on the Site Layout Plan to a scale of 1/500 (along with supporting calculations).

6. 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.
7. 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.
8. The Construction and Environmental Management Plan (CEMP) 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.
9. A Refurbishment Demolition Asbestos Survey, RDAS shall be carried out in accordance with section 8 of the Health and Safety Authority, Asbestos guidelines (Practical Guidelines on ACM Management and Abatement) and submitted to the Planning Authority for approval.
10. Prior to initiating any works at 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 that will arise from the site clearance, 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.

If Asbestos Containing Materials have been identified as present in this planning application, they shall be included in items outlined above.
11. The applicant shall engage with Irish Water and the development shall comply with all Irish Water requirements.

