



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Céantar Bardasach Áth Dara-Ráth Caola,
Comhairle Cathrach agus Contae Luimnigh,
Áras Séan Finn,
Line Nua,
Ráth Caola,
Co. Luimnigh.

Adare-Rathkeale Municipal District,
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6th May, 2021

To: The Cathaoirleach and each member of the Municipal District of Adare-Rathkeale

RE: Part VIII Planning Report for Marine Cove Road Culvert, Foynes

A Chomhairleoir, a chara,

I enclose herewith a report prepared in accordance with Section 179 3 (a) of the Planning & Development Act 2000 (as amended) and Part 8 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 Section 6 of this report.

Is mise le meas,

Gerard O'Connor
Senior Executive Engineer
Adare-Rathkeale Municipal District

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

Re: **Permission for the following:**


Construction of an overflow channel and new culvert under the N69 in the vicinity of Marine Cove Road.

At: Marine Cove Road, Leahys, Foynes, Co. Limerick

Planning Reference No. 21/8001



Mary O'Malley
Executive Planner



Dara McGuigan
A/Senior Executive Officer



Kieran Lehane
Director of Services,
Service Operations Directorate

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: 3. MAY. 2021.

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1. 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. Description of the nature and extent of the proposed development

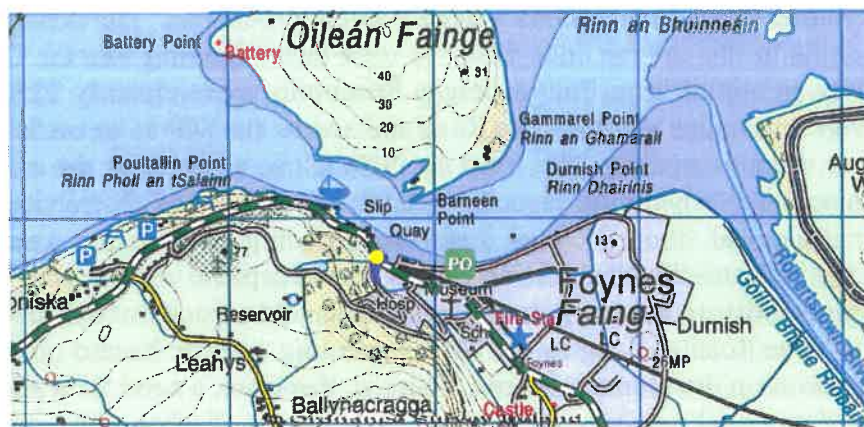
Marine Cove Road is a cul-de-sac road at the western side of Foynes Village. It begins at a priority junction with the N69 National Secondary Road and runs southwards for approximately 600m to end at a turning head in a residential cul-de-sac. The road provides access to a number of commercial properties and to approximately 30 dwellings in the Marine Cove Estate. Marine Cove Road slopes steeply upwards from the N69 with longitudinal gradients in excess of 9%. Typically, the cross-section comprises carriageway with footway on one side and a verge of minimal width on the other. The eastern side of Marine Cove Road includes a number of boundary walls of old irregular construction. The western side of Marine Cove Road bounds a steeply sloping rock face. The existing culvert is fed by a stream, which spills to the culvert inlet from the rock-face adjoining Marine Cove Road; this stream is in turn fed by an outfall from Ballynacragga Reservoir, approximately 225m from Marine Cove Road. The culvert runs under Marine Cove Road and across the N69 to an outfall to the estuary. The inlet to the culvert is approximately 75m from the N69. Close to the N69, the existing culvert is structurally compromised and its hydraulic capacity reduced by a number of obstructions and intruding services. A recent hydrological study (Foynes Reservoir Flooding Preliminary Analysis Technical Note- 13-09-201, ROD) indicates that the existing culvert is only capable of taking the 100% AEP (i.e. a flood with a 100% probability of occurring in any year). When the capacity of the culvert is exceeded it flows down Marine Cove Road and across the N69, presenting a traffic hazard on the N69 and the risk of damage to properties in the immediate area. There is, therefore, a need for a scheme to replace the culvert with one of structural integrity and sufficient capacity to discharge the stream to the bay. The proposed culvert upgrade will be designed to convey the run-off from a 1% AEP flood in the stream. A box culvert of internal dimensions 2.0 X 1.5m (width x height) will carry this flow with appropriate freeboards and so is assumed as the dimensions of any replacement culvert.

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

- i. Construction of an overflow channel and new culvert under the N69 in the vicinity of Marine Cove Road.

The plans and particulars went on public display from the 17th February 2021 to the 18th March 2021. Submissions and observations had to be submitted by the 1st April 2021.

Location:



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

3.1 Policy

Limerick County Development Plan 2010 – 2016 as amended

Policy IN P11: Management of Water Resource

It is the policy of the Council to seek to ensure water resources and services are managed and planned, in association with other policies and objectives in this plan, to meet the following goals:

- a) To protect human health and the environment.
- b) To facilitate the provision of proper water services for domestic and non-domestic requirement.
- c) To support proper planning and sustainable development, including sustainable use of water resources.
- d) To ensure the danger of flooding risk is averted as far as possible and where flooding is inevitable its consequences minimised.

Objective IN O25: Protection of Surface water bodies It is the objective of the Council to ensure the integrity of surface water bodies is maintained; and where damaged, to seek, as resources allow, to restore their integrity. Priority will be given to those waters deemed to be sensitive in respect of their uses, and vulnerable due to low assimilation capacity. The Council shall give particular priority to the need to protect human health, designated habitats, and to minimise costs of water/wastewater treatment.

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Objective IN O36: Minimise threat and consequences of flooding

It is the objective of the Council to avert, or where this is not possible, to minimise the threat of flooding in new developments and existing built up areas. Priority will be given to the protection of vulnerable uses that would be seriously affected by the consequences of flood events. The Council will have regard to Government Guidelines, 'The Planning System and Flood Risk Management' and OPW data and advice in the assessment of all development proposals and any subsequent amendments.

The proposed works are consistent with the policy objectives of the Limerick County Development Plan 2010-2016 (as extended) as set out above. The proposed works will reduce the risk of flooding on the N69 and it will reduce the risk of damage to properties in the immediate area during a significant flood event.

3.2 Habitats Directive Project Screening Assessment

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

| | |
|---|--|
| <p>Construction Phase: Overflow channel and new culvert</p> <p>Are effects significant? No</p> <p>Are substantial works required: Yes</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> |
|---|--|

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</i></p> | Yes |
|---|--|---|-----|

| | | | |
|---|--|---|-----|
| | | <i>designated as a Natura 2000 site?</i> Name of site: Lower River Shannon SAC | |
| 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 SAC | Yes |
| 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: Lower River Shannon SAC | Yes |
| 4 | Impacts on birds in SPAs | <i>Is the development within 1km of a Special Protection Area</i> Name of site: River Shannon and River Fergus Estuaries SPA | Yes |
| 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 Rory Dalton, independent Ecologist.

Screening for Appropriate Assessment (stage 1) was carried out and it was determined that there are not likely to be significant effects from the proposed works on the European sites identified for consideration (or any other European site beyond 15km) either alone or in combination with other plans or projects, therefore, a stage 2 Appropriate Assessment was not required.

3.3 Environmental Impact Assessment Screening

An EIAR screening was submitted with the application, which determined that there is no real likelihood of significant effects on the environment. The screening assessment also concluded that the proposal would not have a cumulative impact on the existing planning permission in the surrounding area of the proposal.

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. Submissions with respect to the proposed development

A total of 3 x no. written submission/observation were received and are listed below:

| Submission Ref. | Submitted By |
|-----------------|--|
| 1. | Irish Water (IW) |
| 2. | Transport Infrastructure Ireland (TII) |
| 3. | Mid West National Road Design Office (MWRDO) |

4.1 Submissions:

Submission No.1 Irish Water (IW)

Submission Summary

According to GIS the works impact on 1 100mm cast iron main on the Marine Cove road; a 200mm D.I. town main; a 100mm C.I. 1941 main and on the N69 A 150mm foul sewer. These assets have not been identified or marked up on the drawings apart from an indicative service on the N69 Culvert Long Section.

Therefore, Irish Water requests that any grant of permission will be conditioned as follows:

- 1) Prior to the commencement of works the applicant must engage with Irish Water Diversion Team in order to review and approve their proposal for demolition works and/or potential abandonment/diversion of the existing watermain;
- 2) Prior to the commencement of any construction works the applicant is to locate and protect all Irish Water services and connections to same within the red-line site boundary. The applicant is to note that in accordance with the requirements of section 104 of the 2007 Water Services Act there shall be no building over water mains, common pipes, or sewers, and if found the applicant must contact Irish Water with a proposal for altering at the cost of the applicant;
- 3) The integrity, operation and access to the sewer and watermain networks shall not be compromised by the proposed development works;
- 4) The proposed development works involved shall not adversely affect the operation of the sewer and watermain networks for the neighbouring properties;
- 5) Any works to either the watermain or sewer networks to be in accordance with Irish Water's Technical Documentation; 'Code of Practice's', 'Water Infrastructure Standard Details', and 'Wastewater Infrastructure Standard Details';
- 6) Separation distances between the existing Irish Water assets and proposed structures, other services, trees, etc. have to be in accordance with the Irish Water Codes of Practice and Standard Details.

Reason: To ensure adequate provision of water and wastewater facilities.

Service Operations Response

The conditions stipulated by Irish Water will be adhered to and all permissions and works will be carried out, designed and constructed in accordance with Irish Water Standards.

Planning Authority Response

Noted and appropriate action to apply.

Submission No.2 Transport Infrastructure Ireland (TII)

Submission Summary

TII welcomes referral of the above proposed Part VIII development which proposes a new culvert to the N69, national road.

TII is of the opinion that insufficient data has currently been submitted to demonstrate that the proposed development safeguards the capacity, safety and/or operational efficiency of the national road network in the vicinity of the site.

The Part VIII documentation available has limited details pertaining to the proposed structure and associated safety barriers, where warranted. All structures proposed on the national road network are required to obtain Technical Acceptance from TII in accordance with TII Publications DN-STR-03001. Similarly, roadside safety barriers must be designed in accordance with TII Publications GE-TBU-01019 (formerly DMRB TD19).

TII considers that Technical Acceptance of the proposed culverting of the N69, national road, is required in accordance with TII Publications Standards (DN-STR-03001). TII has no record of receipt of a Technical Acceptance Report from Limerick City and County Council in relation to the works proposed.

TII considers that it is critical that this matter is addressed to ensure that the development proposed complies with TII Publications and the Technical Acceptance Requirements of Road Structures on Motorways and Other National Roads (DN-STR-03001).

It is requested that the foregoing observations are taken into consideration and resolved in the assessment of the proposed Part VIII development.

Service Operations Response

A technical acceptance report appropriate to this stage of the project design has been submitted to TII. This stage of the design process for the culvert and all subsequent design stages will comply with the Technical Acceptance Requirements of Road Structures on Motorways and Other National Roads (DN-STR-03001).

Planning Authority Response

Noted and appropriate action to apply.

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

Submission Summary

The Mid West National Road Design Office has no observations to make in relation to the above application.

Service Operations Response

Noted.

Planning Authority Response

Noted.

5. 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. 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 17/02/2021 and 28/04/2021 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. The following Irish Water requirements shall be complied with:

- a. Prior to the commencement of works the applicant shall engage with Irish Water Diversion Team in order to review and approve their proposal demolition works and/or potential abandonment/diversion of the existing watermain;

- b. Prior to the commencement of any construction works the applicant is to locate and protect all Irish Water services and connections to same within the red-line site boundary. There shall be no building over water mains, common pipes, or sewers, and if found the applicant must contact Irish Water with a proposal for altering at the cost of the applicant;
- c. The integrity, operation and access to the sewer and watermain networks shall not be compromised by the proposed development works;
- d. The proposed development works involved shall not adversely affect the operation of the sewer and watermain networks for the neighbouring properties;
- e. Any works to either the watermain or sewer networks to be in accordance with Irish Water's Technical Documentation; 'Code of Practice's', 'Water Infrastructure Standard Details', and 'Wastewater Infrastructure Standard Details';
- f. Separation distances between the existing Irish Water assets and proposed structures, other services, trees, etc. have to be in accordance with the Irish Water Codes of Practice and Standard Details.

Reason: To ensure adequate provision of water and wastewater facilities.

6. Prior to commencement of development full details of surface water disposal shall be submitted for the written agreement of the Planning Authority. No surface waters shall discharge onto adjoining properties or the public road

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

7. 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 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.