

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

**Re:** **Permission for the following:**

Removal of existing road side hedgerow along the North-East boundary of Mount Saint Oliver Cemetery, construction of new boundary wall circa 7-9m inset of kerb line to existing pathway along Kilmallock Road, remedial works to either side of proposed new boundary wall, soft landscaping including planting and trees and all associated site works.

**At:** Mount Saint Oliver Cemetery, Kilmallock Road, Co.Limerick

**Planning Reference No. 21/8008**

Rosie O' Donnell

**Rosie O' Donnell**  
**Executive Planner**

Nuala O'Connell

**Nuala O'Connell**  
**Senior Planner**

Donogh O' Donoghue

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

Nuala Gallagher

**Nuala Gallagher**  
**Director of Services**

**Planning, Environment and Place Making**

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.

Pat Daly

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

Date: 11.10.21

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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 existing Mount St Olivers Cemetery is bounded by two roads namely the R512 Killmallock road and the local road known as Bawnmore road which ends in a cul de sac due to the M7 motorway. The public access to the cemetery is located on the Bawnmore road. The cemetery is located adjacent to St Enda's Community School and sports complex, the cemetery itself is located to the South West of the subject site. The overall site is 0.512 hectares.

The proposed boundary wall will be located along the existing boundary at the Killmallock road. There is an existing hedgerow located along the route with some trees to the rear. There is a housing development on the opposite side of the road. The wall itself is 3.1-3.6m in height, circa 271.3m in length. The wall includes sections of railings. A stone cladding finish is proposed to the public road with a stone cladding cap, the internal face of the wall will be finished with painted render. The wall has been set back from the existing footpath to allow for future expansion of the existing road.

**Under this Part 8, the Applicant, Place Making and Public Realm, Limerick City & County Council, proposes the following:**

- Removal of existing road side hedgerow along the North-East boundary of Mount Saint Oliver Cemetery.
- Construction of new boundary wall circa 7-9m inset of kerb line to existing pathway along Killmallock Road.
- Remedial works to either side of proposed new boundary wall, soft landscaping including planting and trees and all associated site works.

**The plans and particulars went on public display from the 19<sup>th</sup> of July 2021 to 18<sup>th</sup> August 2021. Submissions and observations had to be submitted by the 2<sup>nd</sup> of September 2021.**

The Part 8 includes the following documents:

- AA Screening Statement
- EIA Screening
- Part 8 Planning Drawings
- Report of submissions

## Location:

Figure 1: Site Location



## Site Layout:

Figure 3: Site Layout





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

#### **3.1 Policy and Zoning**

##### **Limerick City Development Plan 2010 – 2016 as amended**

The cemetery is located on lands zoned for community and education purposes under the City Development Plan 2010 – 2016 as amended and extended.

The provision of a new boundary wall with inset railing is compatible with the overall zoning objective.

#### **3.2 Habitats Directive Project Screening Assessment**

An AA screening report was prepared by Minogue and Associates Ltd and submitted with the application on behalf of Limerick City and County Council. The proposed development includes the removal of existing hedgerow which would be a habitat for nesting birds, however given the urban nature of the lands the likely hood for large mammal use is not identified as high. The European Sites namely the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA are 2.45km and 3.12 km away from the site respectively.

The Screening Report has found that given the minor nature of the works proposed with no potential pathways or risk of significant effects, the proposed works would not result in likely significant effects to the Conservation Objectives of these European Sites.

Overall it is considered that the development as proposed should not result in a significant effect on the conservation status of any SAC or SPA and therefore an Appropriate Assessment is not necessary.

#### **3.3 Environmental Impact Assessment Report Screening**

An EIA screening report was prepared by Minogue and Associates Ltd and submitted with the application on behalf of Limerick City and County Council.

The report concludes that 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 screening determination also concluded that significant negative effects on the environment from the development have not been identified due to the scale, nature location and design of the proposed development.

Due to the small scale and nature of the project within an existing brownfield site, the need for an Environmental Impact Assessment Report (EIAR) is not required.

### **3.4 Land Acquisition**

The lands are owned by Limerick City and County Council. There is no acquisition of lands involved.

## **4.0 Submissions with respect to the proposed development**

A total of 1 no. written submission/observation was received and is listed below:

<b>Submission Ref</b>	<b>Submitted by</b>
<b>Sub 1</b>	<b>Cllr Catherine Slattery</b>

### **4.1 Submissions:**

#### **SUB 1 Cllr Catherine Slattery**

##### **Submission Summary:**

1. Requested a bus stop/layby be erected when the wall is being built as a bus service is awaited along the Old Cork Road
2. Noted that there is currently a path half way down the Old Cork Road, this path needs to be continued the full way down the graveyard boundary wall.

##### **Place-Making & Public Realm Department comments :**

1. There is an existing bus stop located 200-400m north of the new boundary wall outside the Limerick and Clare Education & Training Board (LCETB) Centre, consequently an additional bus stop at the boundary wall to the graveyard is deemed unwarranted. Works will be undertaken by the Limerick Active Travel unit to upgrade this existing bus stop at the LCETB entrance in the near future. As part of the bus stop upgrade works a new bus shelter will be provided.
2. The extension of the existing pathway along the southern side of the Old Cork Road is outside the identified scope of this project and would require an alternative funding source

##### **Planning Authority comments:**

Noted.

## **Conclusion**

The proposed development is considered to be acceptable in principal 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.

### **5.0 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 19/07/2021 and the report received by the Planning Authority on 17/09/2021, 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. Prior to the commencement of any development works a bat survey shall be carried out by a suitably qualified bat expert/ecologist of any trees affected by the proposed development and submitted for the written agreement of the Planning Authority. If any bat species are found to be roosting at the site, a derogation licence must 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.

Reason - In the interest of proper planning and development of the area and protection of biodiversity.

3. (a) 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 with no of each tree. A landscaping plan including a tree replacement programme including the number of proposed trees shall be submitted and agreed, including a schedule for delivery.  
(b) Any removal of trees or hedging shall take place outside of the bird nesting season (1<sup>st</sup> March – 31<sup>st</sup> August).

Reason: In the interest of proper planning and development of the area and protection of biodiversity.

4. The existing roadside drainage along the site frontage shall not be impaired. All surface water run-off within the site shall be collected and disposed of within the site to surface water drainage system. No such 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.

5. 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) 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.

Reason- In the interest of public health.

6. A Construction Environmental 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 and details of recovery/disposal of all wastes arising from any demolition proposed.

Reason: In the interests of public safety and residential amenity.