



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Pleanáil, Comhshaol agus Cruthú Áite
Ceanncheathrú Chorporáideach
Comhairle Cathrach agus Contae Luimnigh
Cé na gCeannaithe, Luimneach
V94 EH90

Planning, Environment and Place-Making
Corporate Headquarters
Limerick City and County Council
Merchant's Quay, Limerick
V94 EH90

26th April 2022

To the Cathaoirleach and each Member of the Municipal District of Newcastle West


Re: Part VIII Planning Report for the Cattle Overpass The Limerick Greenway

A Chomhairleoir, a chara,

I enclose herewith the Chief Executive's report prepared in accordance with Section 179(3) (a) of the Planning and Development Act 2000 (as amended) and Part VIII of the Planning and 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.

Mise le meas,



NUALA GALLAGHER

DIRECTOR OF SERVICES

PLANNING, ENVIRONMENT & PLACE-MAKING DIRECTORATE

Encl

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

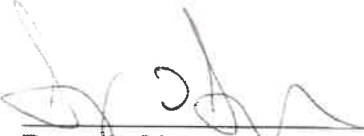
Re: Permission for the following:

the construction of 1 no. cattle overpass on the newly developed Limerick Greenway for the provision of livestock crossing of the Greenway. The overpass will consist of a concrete culvert above the Greenway surface to allow cattle crossing and to maintain the safety of pedestrian and cyclist users of the Greenway. The existing level of Greenway surface will be retained.

At: The townlands of Port, County Limerick

Planning Reference No. 22/8001


Darragh Ryan
Assistant Planner


Donogh O' Donoghue
Senior Executive Planner


Nuala O'Connell
Senior Planner


Nuala Gallagher,
Director of Services

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: 26.4.22

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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. 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, Place Making & Public Realm, Place Making Directorate, Limerick City & County Council proposes the following:

The current proposal is to construct 1 overpass at the Limerick Greenway Port, Co. Limerick for the provision of livestock crossings of the Greenway. The overpass will consist of concrete culverts above 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 4th of March 2022 up to and including 5th of April 2022. Submissions and observations had to be submitted by the 21st of April 2022.

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 the overpass is small and are to be built largely within the footprint of pre-existing hard stands of the Greenway. A precast concrete box culvert is proposed. The greenway level will remain at existing. The existing farm track which crosses the greenway shall be raised up on earth embankments on approach to the overpass, to allow the farm track to travel over the top of the box culvert and down the other side.

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.

Habitats directive project screening assessment:

An Appropriate Assessment Screening Report was submitted as part of this application prepared by the Rory Dalton, Independent Ecologist. The report concludes:

“It is concluded beyond reasonable scientific doubt that there are no likely significant effects from the proposed development on three of the European sites identified for consideration (or any other European site beyond 15km) either alone or in combination with other plans or projects. No effects on the European sites listed below are predicted. The following three European sites have been “screened out” within the Stage 1; Appropriate Assessment Screening Report:

- *Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161)*
- *Lower River Shannon SAC (002165)*
- *Moanveanlagh Bog SAC (002351)”*

Internal Report received from Heritage Officer who agrees with findings of the Appropriate Assessment Screening Report submitted with the Part 8. Overall the planning authority is satisfied that there are no likely significant effects from the proposed development on the conservation status of any SAC or SPA and therefore an Appropriate Assessment is not necessary.

3.3 Environmental Impact Assessment Screening

An EIAR screening report 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

No submissions were submitted with respect to the proposed development.

5.0 Summary of key planning issues:

The development is located in the townland of Port along the existing greenway. The purpose of the development is to increase the amenity value of the greenway in addition to maintaining the functionality of existing agricultural enterprise. The proposal to construct an overpass is consistent with policies and objectives of the County Development Plan 2010 – 2016 (as extended) 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.

Internal correspondence has been received from Agricultural Scientist, Environment Section, Limerick City & County Council detailing specifications with respect to surface water disposal and farm construction methodology. Appropriate action to apply.

6.0 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.

7.0 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 3rd of March 2022, 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) A SUDS based drainage system shall be designed based on a topographical survey of the surrounding lands. Surface water drainage from the overpass shall be managed as per the guidance of S.199 the "Minimum Standard for the Construction of Farm Roadways Jan 2021" as published by the department of Agriculture.

b) The topographical survey shall clearly demonstrate that run-off from farm roadways will be in accordance with S.199 and will not impact on waters.

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.

Reason – In the interest of public safety and residential amenity