



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320083-24

|                                     |                                                                                  |
|-------------------------------------|----------------------------------------------------------------------------------|
| <b>Development</b>                  | Construction of marquee with all associated site works                           |
| <b>Location</b>                     | Regeneron Ireland DAC,<br>Ballycummin, Raheen Business Park,<br>Raheen, Limerick |
| <b>Planning Authority</b>           | Limerick City and County Council                                                 |
| <b>Planning Authority Reg. Ref.</b> | 24159                                                                            |
| <b>Applicant(s)</b>                 | Regeneron Ireland DAC                                                            |
| <b>Type of Application</b>          | Permission                                                                       |
| <b>Planning Authority Decision</b>  | Grant Permission                                                                 |
| <b>Type of Appeal</b>               | Third Party                                                                      |
| <b>Appellant(s)</b>                 | Tom Ryan                                                                         |
| <b>Observer(s)</b>                  | None                                                                             |
| <b>Date of Site Inspection</b>      | 13 <sup>th</sup> November 2024                                                   |
| <b>Inspector</b>                    | Matthew McRedmond                                                                |

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## Appendix 1 – Form 1: EIA Pre-Screening

## **1.0 Site Location and Description**

- 1.1. The site is located at the Regeneron Campus in the Raheen Business Park, Raheen, Co. Limerick. The subject site is located within the existing staff car park of the campus on a hard surfaced area, adjacent to the main entrance to the site.

## **2.0 Proposed Development**

- 2.1. The proposed development is for a single storey pitched roof marquee with a footprint of approximately 313m<sup>2</sup> (25m x 12.5m) and a pitch height of approximately 5.02m. The marquee is to be erected on an annual part time basis and is intended for use as a meeting room and for work related social activities.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority granted permission for the proposed development with 2no. conditions attached. Condition 1 required the marquee to be removed by 31<sup>st</sup> October 2024.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Local Authority planner had regard to the locational context of the site, the planning history for the area, any submissions on the application, and relevant local policy in their review of the subject proposal. The following are the main points of their assessment:

- The subject proposal is considered appropriate, is temporary in nature and as set out in the application form is to be in place until October 2024.
- The temporary meeting room/social space is considered to be ancillary to the main use on site and consistent with the zoning of the site.
- The site is not in a flood zone and will result in no visual impact as it will not be visible from any other area in Raheen Business Park.

- No additional surface water disposal is proposed as the existing car parking drainage will be utilised.
- The comments of the conservation officer are noted, however given the temporary nature of the proposal, no impact on the protected structure Roche Castle is expected.
- The subject proposal will not lead to pollution issues as raised in third-party submissions as it is a temporary structure, ancillary to the main use.
- Grant of permission was recommended.

#### 3.2.2. Other Technical Reports

- Fire Officer – No objection.
- Conservation Officer – Additional details required in relation to impact on Roche Castle, which is a protected structure including contiguous elevations, photomontages, material details, services details.

#### 3.3. Prescribed Bodies

None received.

#### 3.4. Third Party Observations

There is one submission on the subject application. The main points of the submission are replicated in the grounds of appeal. The grounds of appeal can be distilled to one major issue which is pertinent to the appeal at hand. The planning concerns raised in the submission will be considered under my assessment section below.

### 4.0 Planning History

There are a range of planning applications and associated permissions that relate to various aspects of the Regeneron Campus. The main permissions adjacent to the subject site are:

**Limerick CC Ref. 21/1002** which was a permission for a single storey extension and ancillary works to provide an extension to existing staff/kitchen facilities.

**Limerick CC Ref. 18/1098** which was a 10-year permission for a 3-storey administration and laboratory building, conversion of temporary contractor facilities to permanent use, a two storey training/induction centre and all associated works located on campus lands to the south and west of the subject site.

**Limerick CC Ref. 13/745:** Change of use of former computer manufacturing facility to a biopharmaceutical manufacturing facility and associated works including modifications to the existing car park. This application site includes the subject site/car park.

## 5.0 Policy Context

### 5.1. Limerick City and County Development Plan 2022-2028

Under the current City and County Development Plan the Raheen Business Park, including the subject site, is zoned 'High Tech / Manufacturing Campus' with a stated objective to provide for office, research and development, high technology, regional distribution / logistics, manufacturing and processing type employment in a high quality built and landscaped style environment.

The Plan goes on to say the purpose of the zoning is for high value-added businesses and corporate facilities that have extensive/specific land requirements, such as those located at Raheen Business Park and the National Technology Park. Office uses are identified as being generally permitted on High Tech zoned lands in the zoning matrix.

The proposed marquee is stated as a meeting room in the application documents, which is considered an ancillary use to the main office/manufacturing use.

**Objective ECON O17** of the Plan seeks to promote, facilitate and enable a diverse range of employment opportunities by facilitating appropriate development, improvement and expansion of enterprise and industry on appropriately zoned lands, accessible by public transport and sustainable modes of transport, subject to compliance with all relevant Development Management Standards and Section 28 Guidance at Strategic Employment Locations and other appropriately zoned locations in a sustainable manner.

Raheen Business Park is identified as Strategic Employment Location.

**Objective IN O12(d)** seeks to ensure adequate storm water infrastructure to accommodate planned levels of growth within the Plan area and to ensure that appropriate flood management measures are implemented to protect property and infrastructure.

**Objective IN O12(h)** requires all planning applications to include surface water design calculations to establish the suitability of drainage between the site and the outfall point and require all new developments to include SuDS, to control surface water outfall and protect water quality.

**Objective EH O15(a)** relates to the protection of ground and surface water resources taking account of the requirement of the Water Framework Directive.

## 5.2. Natural Heritage Designations

The nearest European sites comprise the following:

- Lower River Shannon Special Area of Conservation (Site Code 002165); circa 3km north of the subject site.
- River Shannon and River Fergus Estuaries Special Protection Area (Site Code 004077); circa 4.1km north of the subject site.

Loughmore Common Turlough, a proposed Natural Heritage Area (Site Code 00438), is located circa 0.9km northwest of the subject site and is referenced in the appeal document.

## 5.3. EIA Screening

5.3.1. Schedule 5 of the Planning and Development Regulations 2001 (as amended) sets out the classes of development which require EIA. The following classes of development set out in Part 2 of Schedule 5 are relevant:

- Class 10(b)(iv) - Infrastructure Projects comprising urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

- Class 15 – Any project listed in Part 2 which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

5.3.2. The subject site comprises circa 0.5 hectares within a business park. It is, therefore, a subthreshold class of development for the purposes of EIA screening.

5.3.3. Having regard to:

- The modest scale and commercial nature of the proposed development,
- The location of the site within a serviced business park in a built-up urban area,
- The distance to environmentally sensitive receptors, and
- The temporary nature of the proposed structure within an existing hard surfaced area, which will not lead to any additional levels of water run off.

I am satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development and EIA is not required. See Form 1, EIA Screening on file.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

This is a third-party appeal against the decision of Limerick County Council to grant permission.

The grounds of appeal are summarised as follows:

- The appellant is a farmer and Loughmore Canal and Barnakyle stream enters the Barnakyle River through his lands. This watercourse is the outfall for stormwater from the Raheen Industrial Estate.
- Existing enforcement issues on site in relation to destruction of a diverse habitat on the applicant's lands. Permission should not be granted while these investigations are underway.



- The main foul and storm lines in the Raheen Industrial Estate are in existence since the base build; expansions and multiple connections have resulted in misconnections in the foul and storm network resulting in polluted discharges in the storm water outfall via Loughmore Canal and Barnakyle Stream.
- Foul and storm water network issues with the overall site. Ongoing investigation into discharges to storm network and permission should not be granted until these issues are resolved.
- Karst ground conditions should be considered in more detail in the context of ground water and hydrology of the area. The applicant is ignoring their own EIA and the condition of planning which requires compliance with the EIA.
- Existing stormwater discharges to a percolation area which flows to the Limerick City Southwest Groundwater body. Visual inspection and water sampling confirms this water course is polluted, similar to the Loughmore Canal.
- Insufficient details submitted in the application to provide an understanding of the impacts of the proposal including how it will be structurally held in place or how rainwater will be collected.

## **6.2. Applicant Response**

No response provided within the statutory timeframe.

## **6.3. Planning Authority Response**

None received.

## **6.4. Observations**

None received.

## 6.5. Further Responses

None.

## 7.0 Assessment

7.1. Having inspected the site and having regard to the relevant policies pertaining to the subject site, the nature of the existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider the following to be the main issues to be addressed in this appeal:

- Principle of Proposed Development
- Water Pollution / Contamination
- Other Matters

7.2. I highlight to the Board that the detail of this third-party appeal appears to relate to a single issue which is water pollution from storm water run-off. The appellant has appealed a number of recent planning authority decisions in the Raheen Business Park on the grounds of impacts associated with the original development of the Business Park in terms of storm water discharges and suggested chemical pollution, among other matters that are not specifically raised in this appeal. I refer the Board to recent decisions as ABP-314692-22 (decision date September 2023) and ABP-314693-22 (decision date January 2024), in which almost identical grounds were raised by the same appellant for a development in close proximity to this subject site. The Board granted permission in both instances.

### 7.3. Principle of Proposed Development

7.4. The third-party appeal submits that the proposed development should not proceed until other matters in relation to the wider site have been resolved. This relates to the principle of the proposed development which comprises a temporary marquee structure for meetings and potentially social gatherings. This is considered to be a relatively minor addition of 313m<sup>2</sup> to the existing constructed buildings on site which have a stated gross floor area, in some instances, in excess of 10,000m<sup>2</sup>.

- 7.5. The subject site lies at the south-western area of the Limerick City and Suburbs, on lands zoned High Tech / Manufacturing Campus. This zoning is afforded to the full Raheen Business Park. It is the stated objective of this zoning 'to provide for office, research and development, high technology, regional distribution/ logistics, manufacturing and processing type employment in a high quality built and landscaped campus style environment'. The proposed development accords with this zoning objective by providing ancillary, temporary facilities to support the primary use of the site for pharmaceutical manufacturing.
- 7.6. The application form submits that the structure will be removed by the 31<sup>st</sup> October 2024. As this proposed removal date has already passed, I will defer to the development description in the statutory notices that refer to use 'on an annual part-time basis'. The application for permission was submitted to Limerick City and County Council on the 19<sup>th</sup> April 2024 and granted permission on the 11<sup>th</sup> June 2024. I therefore consider a 6-month operating period for the marquee to be reasonable, with removal by the 31<sup>st</sup> October each year. I propose to insert a condition in this regard should the Board be minded to grant permission.
- 7.7. There are numerous policies that support high tech/manufacturing development within the established Raheen Business Park contained within the operative Development Plan. All services to support the proposed development are in place in terms of access road and water services infrastructure and I am satisfied that the principle of the proposed development for the temporary installation of a marquee structure on an existing hard surfaced area is acceptable in principle at this location.
- 7.8. **Water Pollution / Contamination**
- 7.9. The third-party appeal submits that the Raheen Business Park is already causing pollution of the Loughmore Canal through surface water discharge. There was no specific data submitted with the appeal to support these claims.
- 7.10. While the cause of pollution to the surface water discharging to Loughmore Canal and Barnakyle Stream remains to be resolved, the proposed development comprises a temporary marquee facility only for the use of existing employees of the Regeneron Capacity. The subject proposal would not result in any additional visitors to the site and will therefore not result in any additional run off or need for toilet facilities. As the marquee would be a standalone structure, with run off to the existing

hard surface car park, it would not result in an increase run off rates nor an increase in levels of potential toxins in the surface water output. There would be no foul water runoff from the proposed structure. The proposed structure will be located in an existing hard surfaced car park and will utilise the existing surface water drainage provided therein to discharge rainwater run-off. The subject proposal would therefore not result in any additional run off, beyond what already occurs from within the car park.

7.11. Having regard to the foregoing, I am satisfied that the proposed development would not result in the deterioration of the quality of surface water discharging to Loughmore Canal and the Barnakyle stream, which traverses the appellant's lands and do not believe this can be considered a reason for refusal in this instance.

#### 7.12. **Other Matters**

7.13. Other matters raised in the third-party appeal relate to ongoing investigations and enforcement matters related to existing operations at the Raheen Business Park. Issues associated with existing operations, as raised by the appellant are noted. However, any issues with existing operations and compliance with previous permissions on site are a matter for the Planning Authority. Enforcement is not a matter for the Board. I am satisfied that the proposed development does not have any negative impacts on surface water discharge as detailed above.

### 8.0 **AA Screening**

8.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

### 9.0 **Recommendation**

I recommend that permission be granted for the proposed development for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

Having regard to the planning history and the zoning objective of the subject site, its location within the existing Raheen Business Park and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not have a significant impact on surface water discharge from the subject site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application on the 19/04/24 except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interests of clarity.

2. The marquee shall be removed from the site on an annual basis, after a 6-month period and no later than the 31<sup>st</sup> October each year as set out in the details received with the planning application.

**Reason:** In order to clarify the development to which this permission applies.

3. All surface water run-off from the marquee shall be collected and disposed of within the site to the surface water drainage system. No such surface waters shall discharge onto adjoining properties or the public road.

**Reason:** To prevent flooding in the interests of the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

---

Matthew McRedmond  
Senior Planning Inspector

2<sup>nd</sup> December 2024

# Form 1

## EIA Pre-Screening

|                                                                                                                                                                                                                |                                                                                |                                                                 |                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------------------------------|----------------------------------------------|
| <b>An Bord Pleanála</b><br><b>Case Reference</b>                                                                                                                                                               | ABP-320083-24                                                                  |                                                                 |                                              |
| <b>Proposed Development</b><br><b>Summary</b>                                                                                                                                                                  | Erection of a single storey marquee 313sqm on an annual part-time basis.       |                                                                 |                                              |
| <b>Development Address</b>                                                                                                                                                                                     | Regeneron Ireland DAC, Ballycummin, Raheen Business Park, Raheen, Co. Limerick |                                                                 |                                              |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings) |                                                                                | <b>Yes</b>                                                      | √                                            |
|                                                                                                                                                                                                                |                                                                                | <b>No</b>                                                       | Tick if relevant. No further action required |
| <b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>                                                            |                                                                                |                                                                 |                                              |
| <b>Yes</b>                                                                                                                                                                                                     | Tick/or leave blank                                                            | State the Class here.                                           | Proceed to Q3.                               |
| <b>No</b>                                                                                                                                                                                                      | √                                                                              |                                                                 | Tick if relevant. No further action required |
| <b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>                                                                                                  |                                                                                |                                                                 |                                              |
| <b>Yes</b>                                                                                                                                                                                                     | Tick/or leave blank                                                            | State the relevant threshold here for the Class of development. | EIA Mandatory EIAR required                  |

|                                                                                                                              |                           |                                                                                                                                    |                                           |
|------------------------------------------------------------------------------------------------------------------------------|---------------------------|------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| <b>No</b>                                                                                                                    | Tick/or<br>leave<br>blank |                                                                                                                                    | Proceed to Q4                             |
| <b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b> |                           |                                                                                                                                    |                                           |
| <b>Yes</b>                                                                                                                   | Tick/or<br>leave<br>blank | State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold. | Preliminary examination required (Form 2) |

|                                                       |                     |                                                                |
|-------------------------------------------------------|---------------------|----------------------------------------------------------------|
| <b>5. Has Schedule 7A information been submitted?</b> |                     |                                                                |
| <b>No</b>                                             | Tick/or leave blank | <b>Screening determination remains as above<br/>(Q1 to Q4)</b> |
| <b>Yes</b>                                            | Tick/or leave blank | <b>Screening Determination required</b>                        |

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_