



Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 22/630

APPEAL by McCarthy and Woulfe Limited care of Gilleece McDonnell O'Shaughnessy Limited of Cyprus House, 1 Cypress Avenue, Dooradoyle, County Limerick against the decision made on the 27th day of July, 2022 by Limerick City and County Council to refuse permission.

Proposed Development: The construction of 27 number dwellings to include for 26 number semi-detached dwellings and one number detached dwelling, entrance, service road, associated parking, infrastructure and all associated site works at Anglers Walk, Rhebogue, Limerick.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. Having regard to the land use zoning objective of the appeal site for 'Open Space and Recreation' under Section 12.3 of the Limerick Development Plan 2022-2028 where it is policy to protect, provide for and improve open space, active and passive recreational amenities, it is considered that the proposed development would materially contravene this zoning objective in the Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009) and the Strategic Flood Risk Assessment prepared to inform the Limerick Development Plan 2022-2028, it is considered that the proposed development would represent a highly vulnerable land use at a location identified to be within Flood Zone A and B under the Development Plan. It is further considered that the proposed development would conflict with the Guidelines and the Development Plan where the guidance and policy seek to avoid the development of vulnerable land uses in areas at risk of flooding and, therefore, would be contrary to the proper planning and sustainable development of the area.

NA

3. Having regard to the lack of up-to-date baseline data, and the indication that no field survey was carried out, in particular, for the presence of otters (*lutra lutra*) and Water courses of plain to montane levels with the *Ranunculus fluitans* and *Callitriche-Batrachion* vegetation on the appeal site in the submitted Natura Impact Statement, it is considered that further assessments are required with regard to Appropriate Assessment. The Board, therefore, is not in a position to conclude that the proposed development individually, or in combination with other plans or projects, would not adversely affect the integrity of the Lower River Shannon Special Area of Conservation (Site Code: 002165), in view of the site's conservation objectives, and the Board is precluded from granting permission for this proposed development.



Martina Hennessy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 8th day of September 2023