



An
Coimisiún
Pleanála

Commission Order
ACP-322851-25

Planning and Development Act 2000, as amended

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 2461282

Appeal by Irish Cement Limited care of SLR Consulting Limited of 7 Dundrum Business Park, Windy Arbour, Dublin against the decision made on the 26th day of May, 2025 by Limerick City and County Council to grant, subject to conditions, a permission to Tergnum Properties Limited care of Genesis Planning Consultants of Dean Swift Building, Armagh Business Park, Hamiltonsbawn Road, Armagh, Northern Ireland in accordance with plans and particulars lodged with the said Council.

Proposed Development: The provision of a total of 139 number residential units along with the provision of a creche. Particulars of the development comprise as follows:

- (a) site excavation works to facilitate the proposed development to include excavation and general site preparation works,
- (b) the provision of a total of 79 number two-storey residential dwellings which will consist of 60 number three bed units and 19 number four bed units,
- (c) the provision of a total of 60 number apartments/duplex units consisting of 10 number one bed units, 45 number two bed units and five number three bed units. The apartment blocks 1 and 2 range from a height of three storey to four storeys in height and incorporate bicycle storage and bin storage at ground

level within the building. The duplex units range in height from two storey to three storey,

(d) provision of a two-storey creche,

(e) provision of associated car parking at surface level via a combination of in-curtilage parking for dwellings and via on-street parking for the creche and apartment units,

(f) provision of electric vehicle charge points with associated site infrastructure ducting to provide charge points for residents throughout the site,

(g) provision of associated bicycle storage facilities at surface level throughout the site and bin storage facilities,

(h) provision of associated open space areas, residential communal open space areas to include formal play areas along with all hard and soft landscape works for private gardens and amenity spaces along with public lighting, planting and boundary treatments to include boundary walls, railings

and fencing along with a boundary wall and railings alongside the N69 road,

(i) provision of an entrance and associated upgrade works from the N69 road to include for associated works,

(j) provision of one number ESB substation,

(k) internal site works and attenuation systems to include for a hydrocarbon and silt interceptor on the storm network prior to discharge to the storm outfall pipe from the site and

(l) all ancillary site development/construction works to facilitate foul, water and service networks for connection to the existing foul, water and ESB networks, all at Rathmale, Mungret, Limerick, as revised by the further public notices received by the planning authority on the 1st day of April, 2025.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to:

- (a) the site's location on lands with the zoning objective New Residential and other policy and objective provisions in the Limerick Development Plan 2022-2028 in respect of residential development,
- (b) the nature, scale and design of the proposed development which is consistent with the provisions of the Limerick Development Plan 2022-2028 and appendices contained therein,
- (c) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in 2024 and the Sustainable Urban Housing - Design Standards for New Apartments issued by the Department of Housing, Local Government and Heritage in 2023
- (d) to the pattern of existing and permitted development in the area, and
- (e) to the submissions and observations received,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, would provide an acceptable level of residential amenity for future residents, and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the

proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that Lower River Shannon Special Area of Conservation (Site Code 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code 004077) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on Lower River Shannon Special Area of Conservation (Site Code 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code 004077), in view of the sites' conservation objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the conservation objectives of the sites using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites in view of their conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment (EIA):

The Commission completed an Environmental Impact Assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out in Schedule 7A to the Planning and Development Regulations 2001, as amended, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (1) the criteria set out in Schedule 7, in particular:
 - (a) the nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended,
 - (b) the location of the site on zoned lands (New Residential), and other relevant policies and objectives in the Limerick Development Plan 2022-2028, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC),

- (c) the nature of the site and its location in an urban neighbourhood area which is served by public services and infrastructure,
 - (d) the pattern of existing and permitted development in the area,
 - (e) the planning history at the site and within the wider area,
 - (f) the location of the site outside of any sensitive location specified in Article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations,
 - (g) the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage, and Local Government in 2003,
 - (h) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive,
 - (i) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of any designated archaeological protection zone, and
2. the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been perceived as significant effects on the environment.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an Environmental Impact Assessment report is not, therefore, required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 1st day of April 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. The phasing plan shall include the completion of the creche to a fully operational standard prior to occupation of 50% of the proposed development.
- (b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

- (c) As constructed drawings for the development shall be submitted upon completion of any phase. The drawings shall be in hardcopy and digitally and the format shall be compatible with Limerick City and County Council's GIS system.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

4. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

5. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled or contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed with the planning authority and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

6. The recommendation for façade treatment within the Noise Impact Assessment, as submitted to the planning authority on the 1st day of April, 2025, shall be implemented in full during the construction of the development to provide an appropriate internal sound environment, meeting target requirements in BS 8233:2014 Guidance on sound insulation and noise reduction.

Reason: In the interest of residential amenity.

7.
 - (a) All mitigation techniques contained in the Ecological Impact Assessment and Bat Survey shall be implemented in full including post works monitoring of light levels and checks to ensure the additional woodland planting is established successfully, by a suitable qualified ecologist. A report on the same shall be provided to the local authority prior to the occupation of the development.
 - (b) All vegetation clearance shall take place outside of the bird nesting season.
 - (c) Only Irish species of Irish provenance shall be used in landscaping. Where ornamental species must be used, no species that can self-seed or spread into the wider environment shall be used.

Reason: In the interest of protecting the environment.

8. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

9. (a) A plan containing details for the management of waste and recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

10. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (c) Prior to commencement of development, a Stage 2 Road Safety Audit in compliance with the Transport Infrastructure Ireland Publication 'Road Safety Audit GE-STY-01024', shall be submitted for the written agreement of the planning authority and any outstanding matters addressed as agreed with the planning authority.

Reason: In the interests of amenity and of traffic and pedestrian safety.

11. Prior to the opening/occupation of the development, a Mobility Management Plan (MMP) shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents/occupants/staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

12. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Clearly identified car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.
- (b) Parking spaces shall be reserved for persons with physical disabilities which shall not be less than the dimensions set out in the document Building for Everyone: A Universal Design Approach (The Centre for Excellence in Universal Design (CEUD)).
- (c) Prior to the occupation of the development, a Car Park Management Plan shall be prepared for the development and shall be submitted to, and agreed in writing with, the planning authority. This plan shall provide for the permanent reservation of the designated residential parking spaces and shall indicate how these and other space within the development shall be assigned, segregated by use and how the car park areas shall be continually managed.
- (d) Safe and secure bicycle parking spaces and charging points shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units, the childcare facility and existing public house.

13. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

14. (a) The proposed childcare facility shall not operate outside the period of 0800 to 1900 hours Monday to Friday inclusive, and shall not operate on Saturdays, Sundays or public holidays.
- (b) The number of children to be accommodated within the premises shall not exceed 100 at any time on any day.

Reason: To limit the development in the interest of residential amenity.

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

16. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of any trees to be retained. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

17. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interests of public health and surface water management.

18. The construction of the development shall be managed in accordance with a Construction Management Plan, which 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:

- (a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,

- (b) the location of areas for construction site offices and staff facilities,
- (c) the details of site security fencing and hoardings,
- (d) the details of on-site car parking facilities for site workers during the course of construction,
- (e) the details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (f) measures to obviate queuing of construction traffic on the adjoining road network,
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) any alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) the provision of parking for existing properties at during the construction period,
- (j) the details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (k) the containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,

- (l) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (m) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. Proposals shall include adequate and appropriate silt fencing.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority, and measures to ensure the control of invasive species spread to and from the site.

Reason: In the interests of amenities, public health and safety and environmental protection

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

20. (a) Prior to commencement of development, any land required by the planning authority for road improvement on the southern and eastern boundary of the site as indicated in the lodged documentation and detailed as part of the N69 Mungret to Boland's Cross Safety Improvement Scheme shall be reserved free from development and shall be marked out on site in consultation with the planning authority.
- (b) Should works commence prior to the adjacent N69 Mungret to Boland's Cross Safety Improvement Scheme, the developer shall consult with the planning authority to agree the phasing of works and the finalised design solutions where the development overlaps with the safety improvement scheme.
- (c) The junction and shared use facility on the N69 National Road, the construction and reinstatement of the N69 carriageway, kerbing, footpath and drainage shall be undertaken in accordance with the requirements of the planning authority for such works.
- (d) For the introduction of the signalised junction and right turn lane on the N69 National Road, the developer shall submit a Design Report for the written agreement of the planning authority in accordance with requirements of the planning authority for such works.

Reason: In the interest of traffic safety and to prevent the development of this area prior to its use for future and permitted road improvements.

21. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November, 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

22. If, during the course of site works any archaeological material is discovered, the City/County Archaeologist/planning authority shall be notified immediately. The developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Department of Housing, Heritage and Local Government and the National Museum of Ireland require notification.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies)

shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

24. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with

an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

26. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Mary Gurrie

Mary Gurrie

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this *24* day of *September* 2025.