



An
Bord
Pleanála

**Case Reference:
ABP-311114-21**

Planning and Development (Housing) and Residential Tenancies Act 2016

Notice of Pre-Application Consultation Opinion

Proposed Development: 167 no. residential units (45 no. houses, 122 no. apartments), creche and associated site works. Lands to the south of Condell Road, R527, Clonmacken, Co. Limerick.

An Bord Pleanála has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.

An Bord Pleanála considers that the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development.

1. Further consideration of the status of the proposed development as a Strategic Housing Development, as defined in section 3 of the Planning and Development (Housing) & Residential Tenancies Act 2016, as amended, having regard to the land use objectives set out in the Limerick City Development Plan 2010-2016 relating to these lands.

In this regard a detailed statement of consistency and planning rationale should be provided, clearly outlining how, in the prospective applicant's opinion, the

proposed development is in compliance with local land use zoning objectives having specific regard to route of the proposed access road which appears to traverse lands zoned ZO.6 (A) Public Open Space within the Limerick City Development Plan 2010 - 2016. The statement of consistency should have regard to the specific provisions of the Development Plan - Part III *Development Management* page 16.23 - which state, inter alia, that

“Planning applications which include proposals for development on public open spaces, including access across public open space, will be categorised as material contraventions of the development plan and be referred to Council for decision”.

It should be noted that section 9(6)(b) of the Act provides that the Board shall not grant permission where the proposed development, or a part of it, contravenes materially the development plan relating to the area concerned, in relation to the zoning of the land.

2. Further consideration of and justification for the proposed access arrangements, having regard to the separation of the site from the proposed junction with the Condell Road (R527), the route of the proposed access road traversing a flood zone and lands zoned as Public Open Space, and the extent of works required in respect of this development.

In this regard, a comprehensive and robust planning rationale in respect of such arrangements should be provided, to include a detailed examination of available alternatives, in particular, the potential to provide access via the adjoining development to the east permitted under PA ref. 18/8008, which is currently under construction.

This may require amendment to the documents and/or design proposals submitted.

3. Notwithstanding items no. 1 and 2 above, where a subsequent application proposes access from the Condell Road (R527) as detailed in this S.5 pre-application consultation request, further detailed design proposals should be provided which should address the matters raised in the report of the Transportation Department of Limerick City and County Council, dated 31/08/21. This shall include inter alia:
- i. A masterplan of all existing and approved junctions along the Condell Road (R527) between the Clonmacken Roundabout and Shelbourne Road junction.
 - ii. A revised junction layout taking account of the pattern of existing and permitted development in the area and which makes provision for future sustainable and public transport infrastructure and services along the Condell Road.
 - iii. An assessment of the operation of the junction and the surrounding road network as part of a detailed Traffic and Transport Assessment.
 - iv. Details of the treatment of, and interface with, the existing pedestrian and cycle path running along the Condell Road (R527), having regard to existing and proposed ground levels at this location.
4. Further consideration of, and if necessary, further justification for the proposed development having regard to the location of the site / part of the site within identified flood zones A and B. The Site-Specific Flood Risk Assessment should have regard to and address the analysis contained in the draft Strategic Flood Risk Assessment dated 26th June 2021, prepared in respect of the Draft Limerick Development Plan 2022-2028.

The application should clearly identify those areas of the proposed development, including those dwelling units, which occur within Flood Zones A and B and the extent of works proposed to address the risks arising in this regard. Such works should be fully illustrated by cross section drawings through the site, showing existing and proposed ground levels.

In carrying out a justification test in respect of the proposed development, regard should be had to the criteria set out in section 5.15 of the *Planning System and Flood Risk Management Guidelines for Planning Authorities*

(2009), including, that the lands have been zoned in an operative development plan, which has been adopted or varied taking account of those Guidelines.

Furthermore, Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. Having regard to the location of Irish Water sewerage and water infrastructure in this area, the application should clearly identify the extent of works required to provide a connection to the proposed development and should provide evidence of the consent of any third-party landowners affected by such works.
2. The application should be accompanied by the following:
 - i. A Traffic and Transport Impact Assessment, a Mobility Management Plan and a preliminary Construction Traffic Management Plan.
 - ii. A quality audit in accordance with Annex 4 of DMURS, including a Road Safety Audit.
 - iii. Documentation which addresses the issues raised in the report of the Limerick City and County Council Transportation Department dated 31/08/21.
3. Where a subsequent application proposes access from the Condell Road (R527) as detailed in this S.5 pre-application consultation request, the application should provide further clarity with regard to the planning history, and status, of filling works previously carried out along the route thereof. In this regard, the applicant should ensure that the description of the proposed development clearly identifies the nature and scope of development for which permission is being sought.
4. The application should clearly identify the extent of filling works proposed across the site, in terms of the location, extent and quantum of fill. Potential impacts associated with such works should be clearly identified and considered

as part of any and all assessments undertaken in respect of the proposed development.

5. Detailed design proposals for Sustainable Drainage System (SUDS) measures that will address issues of surface water quality and volume should be provided, which should include measures such as permeable paving, swales, green roofs, rainwater harvesting, detention basins, ponds and wetlands. Proposals in this regard should address the issues raised in the report of the Limerick City and County Council Physical Section (Flood) dated 09/09/21.

The design of the surface water management system should demonstrate that adequate regard has been had to the varying level of waters in drainage channels and of ground water in this area.

6. The application should clearly identify the extent and allocation of car parking provision across the site by unit and use. The layout of development should seek to reduce the dominance of surface car parking and should achieve a satisfactory sense of enclosure, particularly in the area between Apartment Blocks 1 & 3. A rationale for the level and extent of surface car parking adjoining the proposed childcare facility should also be provided.

Regard should be had to the provisions of the *Guidelines for Sustainable Residential Developments in Urban Areas* and the accompanying *Urban Design Manual, A Best Practice Guide*, in particular criteria numbers 7 Layout and 11 *Parking*; and to the *Design Manual for Urban Roads and Streets* (DMURS), in particular Section 2.2.1 and Section 4.4.9 thereof.

7. The design and layout of cycle parking provision should be clearly described in the application and should have regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (2020).
8. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.

The report should describe the works required to restore or reinstate the original garden walls on the site and identify opportunities for the reuse of existing materials on the site.

9. A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted and shall detail the appropriate use of external materials on all elevations. The plan shall also address the management and maintenance of public spaces and access to the development
10. The application should clearly identify the areas intended to be taken in charge by the Local Authority.
11. A comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties should be submitted. Such assessment should have regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (2020) and section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
12. The application should provide details of the relationship between the proposed development and existing and permitted residential properties adjoining the site, and how residential amenities will be protected.
13. A survey of existing trees on the site should be undertaken and a detailed Arboricultural Impact Assessment of the proposed development should be provided with any application. Accompanying plans should clearly identify existing trees to be retained or removed, and their condition and value. The viability of retaining identified trees should be clearly established, having regard to the extent of site works proposed.
14. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement

should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.

15. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations

Also, pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. **Irish Water**
2. **National Transport Authority**
3. **Limerick City and County Childcare Committee**
4. **Office of Public Works**
5. **Minister for Housing, Local Government and Heritage - Development Applications Unit**
6. **Heritage Council**
7. **An Taisce**

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Tom Rabbette

Assistant Director of Planning

November, 2021