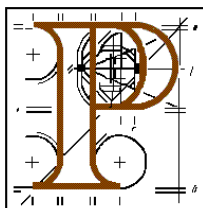


An Bord Pleanála



Inspector's Report

Proposed Development: Permission for the construction of 110 housing units comprising of 31 4 bed detached units, 72 4 bed semi detached units, 4 3bed semi detached units, 3 3 bed terrace units, accessed from South Circular Road. Filling of lands in certain areas for which a waste licence may be required, to allow for housing to be constructed at the specified finished floor levels detailed on the application drawings, site development works, services infrastructure, landscaping and all associated site works at the former Greenpark Racecourse, Dock Road, Limerick.

Planning Application

Planning Authority:	Limerick City & County Council
Planning Authority Reg. Ref.:	15/428
Applicant:	The Limerick Race Company PLC
Type of application:	Permission
Planning Authority Decision:	Refuse permission

Planning Appeal

Appellants:	Limerick City & County Council
Type of appeal:	First Party against refusal
Observers:	Anne Malone

John Brennan
Geraldine O'Brien
Theresa Nolan & Peter Curley
Maeve Callanan
Jordana Noble & Liam Keogh
Des Hanrahan
Eugene Daly & Roisin O'Dolan
Brian Kennedy
Dan & Rita O'Callaghan
Noeleen Louer
Brendan & Kasia O'Cronin
Mary & Hillary Redden
Ger & Niamh Blake
Log na gCapall Residents Assoc
Rosarii Whelan
John & Yvonne Sheehan
Linda Mullins
Patrick Shanahan
Donal McSweeney & Louise
Matthews
Tony Reeves & Sinead McKillican
Michael Crowe & Jackie O'Mahony-
Crowe
Sarah Casey
Neil Keane

Invalid observations:

Noel Quirke
Kieran Clancy
Dan & Rita O'Callaghan

Date of Site Inspection: 10th March, 2016.

Inspector: A. Considine

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1.0 THE SITE

- 1.1 The site is located approximately 2km to the south west of the city of Limerick, and south of the River Shannon, adjacent to the existing Log na gCapall residential estate which is accessed off South Circular Road, and ultimately the Ballinacurra Road, R526. The site is located in close proximity to the Dooradoyle area of Limerick and is described as an extension to Log na gCapall residential estate. The site is located within easy reach of O'Connell Avenue which is an important arterial route in and out of the City Centre. In terms of the overall master plan for these lands, the Board will note that the primary access to the lands is intended to be via the Dock Road, also an important route in terms of Limerick City. This access is not proposed at present.
- 1.2 The surrounding area is generally residential with extensive open area to the north and west of the subject site which comprised the former Greenpark Racecourse lands. Residential estates comprise the eastern and part of the southern areas adjacent to the site. This area of the City is well serviced with a variety of schools, primary, secondary and indeed the third level Mary Immaculate College is also located in close proximity to the site. Public transport facilities also service this area of Limerick. The site has a stated area of 4.85ha (11.99 acres) as indicated in the submitted planning application form and details.

2.0 PROPOSED DEVELOPMENT

- 2.1 The application to Limerick County Council was for permission for the construction of 110 housing units accessed from South Circular Road. Filling of lands in certain areas for which a waste licence may be required, to allow for housing to be constructed at the specified finished floor levels detailed on the application drawings, site development works, services infrastructure, landscaping and all associated site works at the former Greenpark Racecourse, Dock Road, Limerick.
- 2.2 The Board will note that while the written submission provides for 110 houses, the drawings submitted in support of the application provide for 108 houses. The development proposes 31x4 bed detached units, 72x4 bed semi detached units, 4x3bed semi detached units and 3x3 bed terrace units. The drawings provide for 31 detached units, 74 semi-detached units and 3 terrace units. The development proposes 5 house types and the house designs proposed are similar throughout the subject site and provide for accommodation over 2 levels, with potential

for attic conversion designed in. The proposed finishes include a select dark grey / black roof tile and a painted plaster finish to the external walls. It is also proposed to use double / triple glazed uPVC windows with uPVC facia and soffit and aluminium rainwater goods. Each house is proposed to be provided with 2 on site car parking spaces with additional spaces proposed located throughout the site.

2.3 There are two types of detached houses proposed, with floor areas of 142.8m² (house type 'B') and 165.5m² (house type 'C') which will provide for a kitchen / diner with separate living rooms and utility room and WC at ground floor level. House type 'C' also provides a family room at ground floor level. At first floor level, four bedrooms and a family bathroom are proposed, with the master en-suite. It is proposed that the detached houses will have an overall height proposed at between 9.447m and 9.81m.

2.4 The semi-detached houses will provide for a kitchen / diner with separate living room, a utility room, accessible WC at ground floor level. At first floor level, 3 bedrooms are proposed, with the master en-suite as well as a family bathroom. The semi-detached houses have a floor area of between 125.97m² and 142.65m². It is proposed that the semi-detached houses will have an overall height proposed at approximately 9.984m. The terraced houses, house type 'E', will have a floor area of 125.97m² and will provide for similar accommodation as semi detached house type 'D'.

3.0 REPORTS ON PLANNING FILE

3.1 There are 37 no third party objections noted on the planning file report and the issues raised are summarised as follows:

- Issues relating to flood risk management
- Roads & traffic uses including safety concerns for children
- The proposed access to the site is inadequate and an alternative should be investigated – particularly the Dock Road.
- Concerns raised relating to the nature and extent of the development proposed:
 - it is described as an extension to Log na gCapall, but it is not and is proposed by a different developer

- there is a lack of consistency in the information provided, particularly relating to the numbers of houses proposed as well as car parking spaces, etc.
- The proposed development represents a piecemeal development of the overall racecourse site
- The proposed development does not comply with the requirements of the Limerick City Development Plan
- Planning history associated with the overall site reveals the ad hoc approach to the development of the overall racecourse site. Reference is made in particular to 08/311 where it was a stated requirement that general vehicular access through Log na gCapall is not favoured and details for a suitable and permanent barrier required to prevent general vehicular access using this route.
- The development, if permitted, will have an impact on the existing habitats on the site, including the habitat of the endangered shrew. A number of submissions advise that when the houses in Log na gCapall were being purchased, they were advised that the area would be developed as a nature reserve.
- The removal of trees, shrubs and vegetation will increase nuisance and noise, as they currently act as a visual and noise barrier for the roads.
- The development is considered premature pending the determination of a road layout for the overall racecourse site and general area.
- The use of the site for recreational purposes has been ongoing for many years and its use as such should be continued.
- The capacity of water services to accommodate the proposed development is also raised as a concern.

3.2 There are 3 no external reports noted on the planning file as follows:

- Irish Water: Further information required
- An Taisce: This report requests that the Council consider a number of matters in assessing the proposed development and under the following headings:
 - Mitigation of traffic congestion and emissions
 - Waste reduction
 - Energy conservation
 - School provision
 - Cultural heritage
 - Environmental sustainability of building materials
 - Open spaces and recreational amenity

- HSE: No objection to the proposed development subject to inclusion of conditions.

3.3 There are 6 no. internal reports noted from other departments within Limerick County Council on file from the following:

Fire: Three issues raised

Water Services (Flood Report): Further information sought with regard to the proposed finished floor level of the dwellings on the northern part of the site. Having regard to the CFRAM draft maps, which have not included climate change and an allowance for freeboard, the applicant is requested to submit a justification for the level chosen.

Environment Section (Waste Management): Seeking information relating to waste management.

Environment Section (Air, Noise & Water Pollution Control): Seeking information relating to waste management.

Archaeology: Recommends the inclusion of a condition relating to monitoring.

Travel & Transport Section: This report notes that the main issues relate to the geometrics of the receiving road network and have not been addressed in the TTA submitted by the applicants. The report notes that South Circular Road is not suitable for high traffic volumes and consideration should be given to accessing the site from the Dock Road as previously proposed as part of the Master Plan for the Racecourse Grounds. The application has not addressed mobility issues and it is submitted that the traffic generated would contribute to rather than reduce traffic congestion at peak times and which would contradict any effort to promote a route for cycling on South Circular Road and surrounding area. seeks further information in order to investigate and submit revised proposals showing all feasible road improvements on Greenpark Avenue that could be undertaken as part of the development, including: footpaths, improvements to the junction with South Circular Road, road surfacing and public lighting. The applicant is also requested to investigate an alternative access route from the northern side of the site. Finally details of house and road levels and gradients to be shown on a map scaled not less than 1:500.

- 3.4 The initial Planning Report on file considered that the key planning issues relates to flood risk and traffic and transport. Further information is recommended with regard to 12 points and issued on the 7th August, 2015.
- 3.5 A response to the further information request was submitted seeking to address the issues raised. In terms of the access issues, the submission provides that access to the overall site is already provided via the Dock Road, but the construction access stops short of crossing lands so as to provide vehicular access to the subject site. The provision of access from the site to the Dock Road only would be contrary to the provisions of the 2009 DoEHLG Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. Such a proposal would result in housing being isolated from areas where services and amenities would be located. In the future, with the phased development of lands outside of this application, in and around the Stadium area, a more balanced urban form can be developed with amenity lands accessing and egressing from the Dock Road, and this current application accessing and egressing via the Ballinacurra Road. The submission does not propose a revised access to the site. A Traffic & Transport Assessment was submitted in response to the FI request.
- 3.6 Following receipt of the further information response, no further third party submissions were noted.
- 3.7 Following receipt of the further information response a report was submitted from Irish Water requested that clarification be sought.
- 3.8 Following receipt of the further information response, there were further reports from the following internal departments within Limerick City & County Council as follows:

Roads & Traffic Section: This report considered the information submitted and advised that the issues raised in terms of traffic and transport have not been adequately addressed. Refusal is considered but should clarification of FI be sought, a number of issues are raised.

Water Services Department: Clarification of FI sought.

Archaeology Section: No archaeological issues raised.
Condition recommended.

Limerick Smarter Travel: No comments.

- 3.9 The Planning Report prepared following receipt of the response to the further information request considers the information provided as well as the comments / submissions made from third parties, internal and external departments. The report concludes that clarification of the further information is required.
- 3.10 A request for clarification issued on the 19th October, 2015.
- 3.11 In response to the clarification request, the applicant submitted details seeking to address all issues raised on the 17th November, 2015,
- 3.12 Following receipt of the clarification of further information response, no further third party submissions were received.
- 3.13 A further report was submitted from Irish Water recommending conditions to be attached to any grant of planning permission.
- 3.14 There are further reports from the following internal departments within Limerick County Council:

Travel & Transport Section: Original report advised. A second report identifies key issues relating to roads & traffic as follows:

- Construction traffic
- Long term vehicular access to the proposed development
- Linkages between the proposed development and the adjoining Log na gCapall estate
- Impacts on the South Circular Road / Ballinacurra Road.

The report concludes that alternative access should be explored and there are issues of safety for other road users during construction. It is considered that if the proposed access was to be a long term non-vehicular link, there should be alterations to the layout of houses to allow greater facility / priority to cyclists.

On balance, the long term vehicular access to the proposed development should not be through Log na gCapall. There should be a well designed pedestrian / cyclist link. If permission is granted vehicular access should be strictly time limited with a reduction in the numbers of houses built pending the construction of an alternative long term access.

Water Services Department: Advises no objection from a flooding point of view and recommends a condition to be attached.

3.15 There is no final planners report on the file.

4.0 DECISION OF THE PLANNING AUTHORITY

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reason:

The proposed development would be contrary to the proper planning and development of the area in that the applicant has failed to adequately demonstrate to the satisfaction of the Planning Authority that vehicular access through the existing housing estate of Log na gCapall is the most appropriate option available as detailed in the Travel & Transport Department Report received on the 10th December 2015. It is therefore considered that as presented the proposed development would not be in accordance with the proper planning and sustainable development of the area.

5.0 RELEVANT PLANNING HISTORY

There is no relevant planning history associated with the subject site as such, but there is a significant and relevant planning history associated with the adjacent lands and from which the subject site is taken, as follows:

01/30: An application for the development of lands for infrastructure to include a new roundabout on the N69 (Dock Road), roads, sewers, watermains, other underground services and landscaping (construction of the roads and services for the future development of lands).

ABP Ref 30.222799 (05/14): Planning permission granted to Limerick Racecourse PLC for development of mixed-use scheme at the former Greenpark Racecourse. The development includes a residential scheme which will consist of 353 residential units; consisting of 112 no. apartments, 17 no. maisonette apartments, 54 no. semi-detached units and 70 no. detached houses, 43 no. terraced houses, 29 no. duplex units and 28 no. apartments below duplex and playgrounds. The application also includes a neighbourhood centre incorporating; a creche, retail unit, coffee shop, doctor/dentist office. The application includes parking for approximately 725 vehicles at ground and basement level, ancillary site works, access roads and hard and soft landscaping. The application also includes the provision of a major recreation amenity area incorporating playing pitches, changing facilities, informal recreation areas, landscaped amenity areas, ancillary parking (approx 100 vehicle spaces), a playground and hard and soft landscaping. An EIS submitted with application.

The first party appeal against a number of conditions, was withdrawn prior to a decision being made. This permission was granted on the 29th February, 2008 and expired on the 27th February, 2013. This permission has not been implemented.

07/237: Planning permission granted to Limerick Racecourse PLC to raise land levels at the Old Racecourse, Greenpark, Dock Road, Limerick using clean inert construction and demolition waste and subsoil. An Environmental Impact Statement will be submitted as part of the application.

ABP ref 30.230944 (07/453): Permission refused for a development of housing scheme and crèche. The proposed development will consist of 222 no. housing units (comprising 90 houses, 78 duplex/apartment units and a 54 unit retirement village), a crèche, associated access provisions, filling of lands (for which a waste licence will be required), site development works, services infrastructure, access roads and landscaping. The decision was upheld by An Bord Pleanála on appeal who refused permission for the following two reasons:

1. *The proposed residential development includes inadequate public open space provision to serve the needs of future residents in contravention of the relevant provisions set out in the Limerick City Council Development Plan 2004 and sections*

4.14-4.20 of the 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' published by the Department of the Environment, Heritage and Local Government in December 2008. The proposed development would, therefore, seriously injure the residential amenity of future residents and would be contrary to the proper planning and sustainable development of the area.

2. *Having regard to the quantum of development proposed together with the design and layout on this restricted site including a 4 storey retirement home with minimal amenity open space for residents and duplex units with poor internal layouts and open space to serve the units together with external access staircases, and a poorly integrated roads and parking layout, it is considered that the proposed development would result in a substandard form of residential amenity for future residents of the dwelling units and the retirement home. The proposed development would therefore, seriously injure the residential amenity of future residents and would be contrary to the proper planning and sustainable development of the area.*

This site is located to the north west of the current proposed development site.

07/470: Planning permission granted to Limerick Racecourse PLC for the construction of a greyhound racing stadium and ancillary development works, car parking, lighting, landscaping and access works all on a site of 6.6 Ha. The track will be a 500m Greyhound track (480m internal circumference/510m external circumference), it will provide stadia viewing, dining area, kennel block, shop storage areas and office buildings. Site levels will be increased to accommodate the proposed development so that the proposed FFL (Final Floor Level) of the stadium will be 4.5 OD. The track will generally be at a level of 4.2 aOD and the final height of the stadium building will be 16.1m with additional roof support poles of 9.7m. Filling of the lands over an infrastructure way leave is also proposed. The facility will provide for 510 car, 54 greyhound trainer vehicles and 3 coach parking spaces around the stadium will access onto and from the Dock Road via the permitted internal access which will require detail changes. The proposed will also allow for the construction of a roundabout on this internal access road to access the northeast end of the stadium site. An Environmental Impact Statement accompanies this application and

will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy.

The development has been constructed and is operational.

08/311: Planning permission sought for a development which will consist of 300 no. housing units (comprising 17 no. 4 bed detached units, 12 no. 6 bed detached units, 16 no. 4 bed semi detached units with garage, 36 no. 4 bed semi detached units without garage, 78 no. 3 bed semi detached units, 63 no. 4 bed 3 storey town houses, 27 no. 3 bed duplexes & 27 no. 3 bed apartments, and 24 apartments), associated access provisions, regarding and filling of lands by over 300mm in certain areas (for which a waste licence may be required) to allow housing to be constructed at the specified finished floor levels detailed on the application drawings, site development works, services infrastructure, access roads at appropriate levels to access proposed housing and landscaping. This application was deemed withdrawn prior to a decision issuing and comprised the subject site.

ABP ref 13.239922 (11/14): Permission sought for the construction of 26 dwelling houses, site infrastructure and all ancillary site works all at Greenpark Avenue, South Circular Road, Limerick. The Planning Authority decided to grant planning permission for the proposed development subject to 17no. conditions. The Board, on appeal, refused permission for the development for the following reason:

Having regard to the flooding history of the site, the Board is not satisfied that the proposed development would not be at serious future risk from flooding or would not contravene the provisions of 'The Planning System and Flood Risk Management' Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in November 2009. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

ABP ref. PL30.101322 (PA ref 96/336): Permission was sought for the construction of 46 houses at Greenpark, South Circular Road, Limerick. The Local Authority refused permission for the following reasons:

1. *The proposed development would be premature until such time as an overall plan is approved for the proper development of the area in particular the development of Greenpark Racecourse that would allow for:-*
 - (a) *The provision of proper services to cater for the development of the area.*
 - (b) *Proper vehicular access to the adjoining public roads, other than South Circular Road.*
 - (c) *The provision of adequate services including surface water drainage and foul drainage layout.*
 - (d) *Proper allowance for open space.*
2. *The proposed construction of a new 225 millimetre (9 inch) foul sewer to connect to the existing public sewer on South Circular Road is not acceptable as the capacity of the sewer in South Circular Road is extremely limited and inadequate to cater for any further major discharge to same.*
3. *The proposed means of surface water drainage discharge is unacceptable for the housing development as proposed.*
4. *The proposed sole vehicular access from this housing development (and possible further developments of the higher ground level lands in the Racecourse) onto South Circular Road is unacceptable and would be liable to cause a traffic hazard due to the limited capacity of South Circular Road, the restrictions to traffic movements on such road by on-street parking and the high volume of existing traffic at present using the South Circular Road.*

This decision was overturned on appeal to the Board

ABP ref. PL30.117648 (PA ref 99/354): Permission was sought for the construction of 32 houses at Greenpark, South Circular Road, Limerick. The Local Authority refused permission for the development and this decision was upheld on appeal. The development was refused for the following reason:

The proposed connection to the existing public sewer on South Circular Road is not acceptable as the capacity of the sewer in South Circular Road is extremely limited and inadequate to cater for any further major discharge. The proposed development would, therefore, be prejudicial to public health.

ABP ref. PL30.207020 (PA ref 03/413): Permission was granted for the development of 16 semi-detached houses, 23 ground floor apartments, 23 maisonettes and ancillary works. at Greenpark, South Circular Road, Limerick. This appeal relates to a development contribution condition, and comprises the area of Log na gCapall Estate which bounds the current proposed development site.

6.0 POLICY CONTEXT

6.1 Development Plan:

6.1.1 The Limerick City Development Plan 2010 – 2016 is the statutory Development Plan for the city of Limerick. The subject site is located within the environs of Limerick City and is identified as falling within the South Circular road / Ballinacurra area of the City. The Plan notes that *there is an employment zone is located at the Dock Road and residential development is the predominant land use in the area from the high density inner urban areas of Wolfe Tone Street through the period dwellings along O'Connell Avenue and the South Circular Road and the more modern housing of Ballinacurra, Greenfields and the lower portions of the South Circular Road.*

6.1.2 In particular reference to the subject site, which originally comprised a small part of the former Limerick Race Course, the plan provides that this area *represents one of the largest remaining undeveloped land banks in the City which when integrated with the adjacent Allendale developments represents the newest housing area in the City. This development already includes a small Neighbourhood Centre. Developed open space and recreational facilities are limited but there is a significant green land bank incorporating the Baggott Estate and the former racecourse lands to service the area with the sporting clubs located at Portland Park, Catholic Institute and Young Munster RFC.*

6.1.3 The key objectives for this area of Limerick City, and in particular, the lands associated with the former Race Course, are indicated as follows:

- *To sustainably develop the Baggott Estate and the open space area in the former race course lands in a coordinated manner for recreational purposes both passive and active.*
- *To ensure that the residential amenities of those residences along the southern ring road are not adversely impacted.*
- *To seek the balanced development of the existing under utilised lands in the area in particular the former racecourse lands.*
- *To seek that the contribution of the former racecourse to the cultural and sporting history of the city is commemorated in the development of the lands.*
- *To ensure the provision of infrastructure appropriate to the needs of the area.*

6.1.4 Chapter 6 of the Development Plan deals with Housing. The site is zoned Residential 2A where it is the zoning objective for the site *to provide for residential development and associated uses.*

6.1.5 Part of the site lies within an identified Flood Zone A.

6.1.6 Chapter 16 of the Development Plan deals with Development Standards and Part III deals with residential development. Issues pertaining to dwelling size, housing mix, separation between dwellings, open space provisions, site coverage and car parking standards are dealt with in this section of the Plan.

6.1.7 The Plan requires that all development applications proposed in an area where there is a Flood Risk as identified in the plan, shall submit:

- Submit a Flood Risk Analysis & Hydrological Survey
- Submit a Flood Risk Assessment
- Satisfy the Planning Authority that any flood risk arising from the proposal will be successfully managed with the minimum environmental effect to ensure that the site can be developed and occupied safely.
- Satisfy the Planning Authority that finished floor level requirements can be met throughout the proposed development.
- Submit details of the mitigation measures proposed.

- Satisfy the Planning Authority in writing that the Planning Requirements of the Office of Public Works (OPW) as indicated on the website www.flooding.ie can be met on the proposed site.

The level of information required will be determined in accordance with the level of vulnerability to flooding as outlined in Appendix 1 and the requirements set out in the 'Planning System & Flood Risk Management Guidelines for Planning Authorities' 2009.

6.2 Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2008):

These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children's children.

The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:

- compliance with the policies and standards of public and private open space adopted by development plans;
- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
- good internal space standards of development;
- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and

- compliance with plot ratio and site coverage standards adopted in development plans.

7.0 GROUNDS OF APPEAL

7.1 This is a first party appeal against the decision of Limerick City & County Council to refuse planning permission for the proposed development. The appeal provides an introduction, details of documents included, described the development proposed and details the Planning Authority's decision. The grounds of appeal are summarised as follows:

- The development forms an extension to the existing Log na gCapall housing development and the road network has been designed to integrate into the proposed overall Masterplan layout and road network to the north of the site.
- Historic consents on the site principally relate to the refusal, but it is submitted that this is influenced by historic factors, such as the absence of a vehicular link to Log na gCapall. The absence of such a link is no longer possible in the context of modern guidance.
- The proposed development is a modestly scaled residential development that can be adequately accessed off the South Circular Road. To create a long access for the development from the Dock Road with a split in vehicular and pedestrian access would create an undesirable and unsustainable development pattern.
- Planning permission has been permitted for housing on the lands under 05/14 (New PA Ref 05/770014), and the area has been subject to major infrastructural investment with the construction of access roads, drainage, infrastructure and the construction of the new Bord na Con HQ and Limerick Greyhound Racing Stadium.
- The proposed masterplan submitted with 15/428 demonstrates that the proposal will not allow vehicular access in the future to or from the balance of the lands. Only this proposed development will access / egress via the Ballinacurra Road / South Circular Road.
- PICADY Analysis clearly predicts that at the design year of 2032, the junction at Greenpark Close and South Circular Road East will be operating at 61.9% during the AM peak hour and 13.8% capacity during PM peak hour. Queuing will be minimal.
- On the Ballinacurra Road / South Circular Road junction, the PICADY analysis predicts that by the design year, 2032, the junction would be operating at 85.5% capacity at AM peak hour and 90.3% capacity during the PM peak hour. The maximum average delay on South Circular Road is predicted to be approximately 125

seconds per arriving vehicle and 10 seconds on the Ballinacurra Road per arriving vehicle.

- The previous absence of a link to the South Circular Road was based on models carried out over 10 years ago and before the building and opening of the tunnel.
- The Traffic Assessment commissioned to date demonstrate that the development can be accommodated without adverse impacts on the road network.
- NRB Consulting Engineers were commissioned to undertake an independent review of the Transport Assessment prepared by CST Group and found that the worst case traffic increase is less than 3%, below the 5% Industry Standard Threshold. It is concluded that the development can be added to the existing Greenpark Close / South Circular Road T junction without any traffic capacity or safety concerns and the impact of the traffic will be negligible beyond the access.
- In terms of construction traffic, it is submitted that all construction traffic and compounds will be accessed via the internal roads and tracks in Greenpark that extend from the Dock Road. This can be addressed by way of condition should the Board be minded to grant permission.
- In pre-planning consultations, the applicant was advised that the Council had committed to the residents of Log na gCapall that no more traffic would be allowed through their estate. This is an unadopted Council objective and has compromised the applicants legal rights to use the Log na gCapall access.

It is submitted that there is no fundamental basis under which the Board cannot permit development.

8.0 RESPONSES

8.1 Planning Authority:

The Planning Authority has not responded to this appeal.

9.0 OBSERVERS:

- 9.1 There are twenty seven observers noted in relation to this appeal, three of which have been deemed invalid. The following are the names of the observers associated with this appeal:

Anne Malone	
John Brennan	Rosarii Whelan
Geraldine O'Brien	John & Yvonne Sheehan
Theresa Nolan & Peter Curley	Linda Mullins
Maeve Callanan	Patrick Shanahan
Jordana Noble & Liam Keogh	Donal McSweeney & Louise
Des Hanrahan	Matthews
Eugene Daly & Roisin O'Dolan	Tony Reeves & Sinead
Brian Kennedy	McKillican
Dan & Rita O'Callaghan	Michael Crowe & Jackie
Noeleen Louer	O'Mahony-Crowe
Brendan & Kasia O'Cronin	Sarah Casey
Mary & Hillary Redden	Neil Keane
Ger & Niamh Blake	
Log na gCapall Residents	
Assoc	

9.2 The issues raised are similar to those raised during the course of the PAs consideration of the proposed development and are summarised as follows:

- South Circular Road is not suitable for any increase in traffic due to the width, location of garages for houses on Ballinacurra Road and the existing facilities the road serves.
- Existing roads & traffic issues raised
- Planning history
- Impact on wildlife and loss of habitats
- Capacity of water services to support the development.
- Current residents were advised when they purchased their houses that the subject lands would be developed as a nature reserve.
- Construction issues.
- Proximity of a number of educational facilities in the area
- There are alternatives for the proposed access off the Dock Road
- Removal of natural vegetation which currently serve as visual and sound barriers for the tunnel road.
- Health and safety issues raised in relation to residents, particularly children and the elderly.

- The existing estate road lends itself to high speeds as it is straight and speed ramps have had to be installed.
- The development would add to existing congestion in the area.
- The findings of the PICADY Analysis are questioned.
- The proposal will result in the Log na gCapall estate being used as a distributor road which it is not.
- The applicants were advised at pre planning meetings that the only acceptable access to the site would be through Allendale and the Dock Road.
- Questions raised regarding the reference to 'extension to Log na gCapall estate'. It is not and the proposed development is to be constructed by a different developer.
- Overlooking and blocking of light issues raised.
- No fundamental objection to the development of the racecourse site for housing but considers that the proposed development is not in the sustainable interests of the area.
- The proposed development of the racecourse lands are piecemeal and a grant of permission will set an undesirable precedent.
- The proposed development does not accord with the principles of DMURS, 2013 DoTTS
- Flood risk issues raised.
- A master plan for the lands should be in place before any permission is granted.
- Details of boundary treatments questioned.

9.3 The Board will note that Mr. & Mrs. O'Croinins observation was submitted in Irish. The issues raised are reflected in the above and relate to roads and traffic, environmental impacts, use of the subject site for recreational purposes and that the lands should be used for a public park and sports.

10.0 ASSESSMENT

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of 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 that the main issues pertaining to the proposed development, considering the proposal *de novo* can be assessed under the following headings:

1. Compliance with National Guidelines & Standards & Planning History
2. General Compliance with the Limerick City Development Plan & General Development Standards
3. Roads & Traffic
4. Water Services
5. Flood Risk Analysis
6. Appropriate Assessment

10.1 Compliance with National Guidelines & Standards & Planning History:

Sustainable Residential Development in Urban Areas (DoEHLG, 2008)

10.1.1 Given the fact that the subject site is located within the established development boundaries of Limerick City, is zoned for residential purposes and can connect to public services, the principle of development at this location is considered acceptable and in compliance with the general thrust of national guidelines and strategies. The 2008 guidelines updated the Residential Density Guidelines for Planning Authorities (1999), and continue to support the principles of higher densities on appropriate sites in towns and cities and in this regard, I consider that it is reasonable to support the development potential of the subject site in accordance with said guidelines. The development proposes the construction of 108 dwelling units on a site covering approximately 4.85ha and in terms of the recommendations of the Guidelines, the density could be considered at the lower levels permissible on such zoned lands. However, given the nature of site and its location within the context of the overall area, I have no objection to the proposed density of same.

10.1.2 The subject site constitutes part of a larger landholding associated with the former Limerick Racecourse. The land retained by the Racecourse Company has been subject to a number of previous planning

applications, including reference no. 05/14 (ABP ref 30.222799 – withdrawn prior to decision) whereby permission was granted by the local authority for a substantial mixed use development including many varieties of residential properties 353 units in total, a neighbourhood centre incorporating; a creche, retail unit, coffee shop, doctor/dentist office, and parking for approximately 725 vehicles at ground and basement level. The permission also included the provision of a major recreation amenity area incorporating playing pitches, changing facilities, informal recreation areas, landscaped amenity areas, ancillary parking and landscaping. This permission provided for development up to the boundary of the current subject site. This permission has not been implemented.

10.1.3 The objective of the Sustainable Residential Development in Urban Areas guidelines is to produce high quality, and crucially, sustainable developments. Section 5.6 of the guidelines provides certain safeguards with regard to such urban developments to deal with both existing and future residents the area of the proposed development. Said safeguards are detailed above in Section 6.2 of this report and I consider it reasonable to address the proposed development against same.

10.1.4 a) *Compliance with the policies and standards of public and private open space adopted by development plans;*

In terms of private open space, the proposed development provides for rear gardens with minimum depths of 10m. The Limerick City Development Plan requires that a minimum of 15m² per bed space is required. I am satisfied that the proposal provides for adequate private open space associated with the houses. The Board will note that 15 of the proposed detached houses provide for north facing rear gardens which may affect the quality of this private open space

With regard to public open space, the proposal provides for 4 areas of public amenity with areas ranging from 1,188m² to 2,169m² which are located throughout the site and which will provide for a kick about area located almost at the entrance to the estate from Log na gCapall. The applicant indicates that the area afforded to this public open space amounts to 15% of the site area. From my calculations, I estimate that the total area allocated to the public open space amounts to approximately 7,255m². Given that the stated area of the site is 4.85ha, this amounts to 14.95% of the site area. In terms of compliance with

the stated Development Plan requirements as it relates to the provision of public open space, I am satisfied that the proposed development complies.

10.1.5 b) *Avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;*

The subject site is zoned for residential development and as such, the principle of the development is considered acceptable. However, there are significant concerns raised regarding the proposed access arrangements to the site. Log na gCapall is a quiet cul-de-sac estate of 100 houses, which has its vehicular access onto South Circular Road. The existing estate road is straight from South Circular Road and it is noted that speed ramps have had to be installed in order to reduce the speed of cars through the estate. The potential impact of the proposed development of 108 houses, notably in terms of traffic generated should permission be granted, is a real and genuine concern which has possible adverse implications on the existing amenities of the residents of Log na gCapall. This issue will be further discussed below under the roads and traffic section of this assessment.

The Board will note the proposals for boundary treatments for the site will retain the existing boundary wall between the existing residential estate and the proposed development site. In addition, the applicant proposes a 1.8-2m high wall to the rear of all of the houses along the overall site boundary, with 1.2m high timber post and three timber rails fencing to the majority of the western and northern boundaries. Given the history associated with the adjacent Old Racecourse Lands, together with the residential zoning afforded to these lands, I have concerns regarding the boundary treatments proposed. The Board will note the submission of the applicant that only the development permitted on this site will be facilitated vehicular access through the existing Log na gCapall residential estate. The proposed layout of the roads, particularly to the north of the site, however, appears to provide possible future linkages to the wider site of the old Racecourse lands. While the integration and potential linkage of the lands is an important consideration, I have real concerns regarding the capacity of the estate road of Log na gCapall to accommodate the potential level of traffic associated with the current subject site, let alone the overall development of the Racecourse lands. Should the Board be minded to grant planning permission in this instance, I consider that this matter should be clarified and addressed in advance of such a decision.

10.1.6 c) *Good internal space standards of development;*

While this issue generally pertains to apartment type developments, it is appropriate to state that the proposed internal spaces provided within the houses of this proposed development are acceptable and appropriate to the family type homes proposed.

10.1.7 d) *Conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;*

Given the nature and scale of the proposed development at this location, I am satisfied that the development as presented is probably acceptable in principle, in terms of height and massing.

10.1.8 e) *Recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area;*

Not relevant in this instance as there is no protected structure or Architectural Conservation Area in proximity to the subject site.

10.1.9 f) *Compliance with plot ratio and site coverage standards adopted in development plans.*

The Limerick City Development Plan dictates that site coverage shall not normally exceed 50% in the Suburban Zone 3 area of the City. The proposed development adequately accords with this requirement.

10.1.10 Having regard to the above, I consider that the development as proposed raises certain issues and concerns in terms of permeability and integration, the capacity of the existing residential estate road to accommodate the level of development proposed as well as the potential for the development to have a significant and potentially adverse impact on the existing residential amenities of adjacent residential properties in Log na gCapall residential estate, in particular with regard to the potential traffic generated by the development.

10.1.11 In terms of the internal layout of the proposed estate, I have no real objections. The principle of the proposed development is acceptable, given the location of the subject site within the wider Limerick City area and in close proximity to public transport links and the fact that the proposed land use is compatible with existing adjacent uses.

10.2. Compliance with the Limerick City Development Plan & General Development Standards:

10.2.1 The development before the Board provides for the construction of a residential development comprising 108 units with associated roads, open spaces and services, on the former Greenpark Racecourse Lands, Dock Road, to the west of Limerick City. The site is located in proximity to the Greyhound Race Track and on part of the site of the former Limerick Racecourse. The subject site is currently greenfield / brownfield, and while comprising part of the Racecourse lands which has been the subject of a Master Plan, is the only part of the site which the applicant now proposes to develop with access through the existing Log na gCapall residential estate, and ultimately, the South Circular Road.

10.2.2 The A2 residential zoning objective for the subject site “.....*provides for residential development and associated uses*”. In this regard, it is considered that the principle of the proposed residential development is acceptable and in compliance with the existing policy and objective applicable to the subject site. As such, the issues for consideration pertaining to the proposed development relate to the nature of the proposed development in terms of its scale, density and form as it relates to its surroundings, as well as issues regarding amenity, and are discussed below.

10.2.3 It is acknowledged that national guidelines encourage the provision of higher density development within urban areas in order to use serviced lands in a sustainable manner, but regard has to be given to the existing nature of development in the vicinity of the subject site as well as the nature and scale of the surround area and existing residential estates. The original landholding, from which the subject site has been taken, has in the past, received permission to be significantly developed with a variety of densities and house types provided for. In the context of the overall site, it may be considered that the subject

proposed development is acceptable, in that it will provide for a further variety of family home, proximate to a wider development which if constructed, will provide for apartments, smaller terraced houses up to semi-detached and detached houses. The development proposes 108 residential units in the form of detached and semi detached houses, with one block of a terrace of three houses. The development will provide a variety of 3 and 4 bedroom units. This is acceptable in terms of mix and unit types, having regard to the location of the site and in the context of the wider proposed developments in this area, in my opinion.

10.2.4 I do not consider that in principle, a grant of planning permission for the nature, scale or density proposed would represent a development which contravenes the requirements of the zoning objective for the site as per the Development Plan, nor would a grant of planning permission in principle be contrary to the proper planning or sustainable development of the area. However, I consider that it would be inappropriate to grant planning permission for a residential development which does not provide for appropriate access. I have further concerns regarding the potential for the development to fully encourage permeability and integration. These considerations are addressed further below.

12.2.5 Relevant sections of the Limerick City Development Plan are contained in Chapter 16 which deals with development management control measures, while Part II of this chapter deals with Quantitative Standards and Part III, with Development Management. These parts of the Plan deal with a variety of issues and the Plan provides that when assessing applications for residential development, a number of criteria will be taken into account including:

- a) Zoning and specific objectives
- b) Density
- c) Quality of the proposed layout and elevations
- d) Levels of privacy and amenity: this issue is explored further as follows:

The proposed development provides for a variety of house types and most of the rear gardens have a depth of +10m. In terms of overlooking on itself, I am satisfied that the proposed development is acceptable. I do however, have concerns regarding the potential for overlooking from the existing residential units in Log na gCapall, particularly along the

eastern boundary of the site where the units in Log na gCapall are three storeys high with apartments and duplex apartments provided.

With regard to the potential impact of the development on the privacy and amenity levels of existing residential properties in the area, there have been a number of submissions made. I have considered the potential for overlooking of existing residences but am generally satisfied that any potential for impact is limited.

e) Quality of linkage and permeability to adjacent neighbourhoods and facilities and the nature of public realm/streets and spaces:

The proposed development, in its current form, seeks to utilise the existing estate road within Log na gCapall to provide vehicular access to the site. It is further noted that when the remaining lands within the Racecourse are developed, no further residential or commercial units will be facilitated in terms of vehicular traffic within the proposed estate. The layout does however, seek to provide pedestrian and cycle linkages and in this regard, I would consider that the proposal accords with the criteria for residential developments. That said, roads and traffic issues remain a significant concern.

f) Accessibility and traffic safety: The issue of roads and traffic will be discussed below in section 10.3 of this assessment.

g) Quality of proposed public, private and communal open spaces and recreational facilities. This issue is discussed further below, but in principle, I consider that the layout of the development as proposed can be considered as acceptable.

10.2.8 Other issues for consideration stipulated by the City Development Plan include:

Dwelling Size: The Plan seeks the provision of dwellings with 3/3+ bedrooms in order to achieve balanced communities. Given the mature residential nature of the area in the vicinity of the subject site, I consider that the proposed provision of 3 and 4 bedroomed homes is appropriate and will promote the area for families. I further consider that the house types proposed are of a sufficient size to accommodate families. While the area itself provides a high quality sense of amenity, I further consider that the proposed provision of open spaces within the proposed development is also adequate in principle.

Housing Mix: The Plan requires all residential schemes on sites over 0.5 ha to provide a mix of house type and size as well as providing dwellings to meet the specific needs of other household types i.e. elderly, mobility impaired, sheltered housing etc. The proposed development proposes 3 and 4 bedroomed houses over 2 floors, and 25 of the proposed detached houses, House Type 'C' provide the potential for a ground floor bedroom with the provision of a separate family room and living room at ground floor level. However, there are no shower facilities proposed at ground floor level. That said, I am satisfied that the house mix is acceptable and appropriate to this mature residential area.

Separation between Dwellings: A distance of at least 1.5 metres is required to be provided between dwellings. This requirement is generally provided for.

Open Space:

Public Open Space:

The Limerick City Development Plan requires, for a residential Greenfield site, that a minimum of 15% of total site area is provided. In all cases open space shall be of a high quality of design and layout, be located in such a manner as to ensure informal supervision by residents and be visually and functionally accessible to the maximum number of dwellings. Existing features, such as mature trees, shall be retained and enhanced by the open space provided. In terms of the proposed development, in the first instance, the Board will note that the development generally provides 15% public open space as required. It is further noted that the development site is generally devoid of any significant natural features of scale which would affect the visual amenity of the area. The site is however, used by the public as a general amenity space so any development of same will have an impact on the existing amenity space offer in the wider area.

The Board will note that the masterplan for the wider landholding provides for areas of open spaces and recreation, which will also support the open space and recreational needs of the future occupants of the proposed estate. The development proposes to provide for approximately 7,255m² of public open space to service the development. This amounts to just under 15% of the site area, which generally accords with the Development Plan requirements. I consider that the proposed development is acceptable in terms of public open space provision.

Private Open Space: In relation to private open space, each residential unit is provided with an area of open space in the form of a rear garden. The Limerick City Development Plan stipulates that 15m² per bed space will normally be applied. There is no minimum length of rear garden but a 20m separation between opposing windows at first floor level and above will normally be required. I have discussed this issue above with regard to compliance with national guidelines and I am generally satisfied that the development seems to provide adequate levels of private open space to service each house. Of the 108 houses proposed within the development, 10 detached houses will have north facing gardens, while 5 further detached houses have a north eastern orientation and as such, it might be considered that the quality of this private open space is somewhat diminished. The purpose of appropriate private open space provision is to ensure that most household activities are accommodated and is, at the same time adequate, to offer visual delight, receive some sunshine and encourage plant growth. In terms of the proposed development, and in particular having regard to the above mentioned houses, the Board will note that the private open space provides for approximately 120m² as required. The Board will also note however, that all of these 15 houses front directly onto areas of public open space and as such, I am satisfied that the development is acceptable in terms of the provision of private open space.

Car Parking: The Development Plan requires that 2 space per dwelling be provided plus 25% visitor. Each of the proposed houses has provision for 2 car parking spaces and the site layout plan provides for an additional 51 car parking spaces throughout the site. In this regard, I consider that the proposed car parking provision accords with the City Development Plan requirements.

10.2.9 I propose to consider issues of flood risk, roads and traffic and appropriate assessment separately below. Having regard to the proposed development and its compliance with the requirements of the Limerick City Development Plan, I am satisfied that, in principle, the development generally accords. There are a number of areas however, which give rise for concern in terms of the access to the site which does not appear to have been a consideration of the overall masterplan for the overall site. The masterplan provided for the development of the overall site with a primary access off the Dock Road. The proposal to access this site from Log na gCapall gives rise for a real concern which will be discussed further below. In addition, I have concerns regarding the permeability of the development and its integration with the existing

residential developments in the vicinity, as well as the adjacent, as yet undeveloped lands to the north and west of the site.

10.3 Roads & Traffic:

10.3.1 The issue of access and traffic has been raised by all third parties in the course of the Planning Authority's assessment of the proposed development. The issue is further raised by third party observers associated with this appeal. I also note the comments of the Travel & Transport Section of Limerick City & County Council where initial concerns were raised, not necessarily regarding the capacity of junction of Log na gCapall and South Circular Road, but rather in relation to the geometrics of the receiving road network. The geometrics issue had not been addressed in the Traffic & Transport Assessment report. The report further submits that the applicant should consider accessing the site from the Dock Road as previously indicated in a Master Plan for the Racecourse grounds. The report states that the Dock Road would provide a more suitable alternative for vehicular traffic. The PA is promoting the South Circular Road as a cycling route for the Mary Immaculate to City Centre cycle route and it is submitted that the South Circular Road is a more suitable alternative to O'Connell Avenue for cyclists. It is Smarter Travel policy to encourage modal shift away from the car and it is considered that the current proposed development has not addressed mobility issues. It is considered that the development, if permitted as proposed, would contribute to rather than reduce traffic congestion at peak times which would contradict any effort to promote a route for cycling. In this regard, the Travel & Transport Section submits that the access onto the South Circular Road should be considered only for pedestrians and cyclists, with vehicular traffic directed towards the Dock Road.

10.3.2 With regard the issue of an alternative access route, the Board is advised that there are road objectives contained in the City Development Plan whereby Policy TR.2, which deals with Integrating Land Use & Transportation Policies states that *it is the policy of Limerick City Council to promote and deliver a sustainable and integrated transportation and land use management system for Limerick City. Limerick City Council will complete and implement the recommendation of the Mid-West Area Strategic Plan (MWASP).* Under this policy the following is relevant pertaining to the proposed development:

- *The design of new development should reflect the importance of walking and cycling as transportation modes by providing safe and direct access to local services and to Bus Lanes.*
- *Provide road improvement schemes to facilitate the Integration of Land Use and Transportation.*

Policy TR.5 relates to the Enhancement of Road Infrastructure, and states that *It is the policy of Limerick City Council to maintain and enhance the planning, design and maintenance of the transportation and roads infrastructure in the City to ensure improved safety, promote economic growth, social inclusion and amenity for all road users.* Under this policy the following is relevant pertaining to the proposed development:

- *To provide new road infrastructure and improvements to existing road infrastructure and to promote higher standards of road design and construction so as to ensure that all new roads and road improvement schemes will meet projected traffic, public transport, cycling and pedestrian demand for the future.*
- *Deliver all road objectives shown on Map 3. Transportation Objectives, Appendix I.*
- *Limerick City Council will have regard to all policy documents relating to road related issues.*

Policy ZL7 Design Standards for Roads relates to the provision and sizing of carriageways and footpaths.

10.3.3 With regard to the above policies, the Board will note that the original master plan for the overall racecourse site provided for the primary vehicular access to the overall site was proposed via the Dock Road. It is also clear, in my opinion, that access to the current proposed site would be more appropriate via this proposed access road in order to protect the existing residential amenities of Log na gCapall. I acknowledge the submissions of the first party in this regard and in terms of the potential for the estate, if permitted, to 'be isolated from areas where services and amenities would be located, creating a dysfunctional sense of place where, at best, vehicular access would be by the Dock Road and pedestrian and cycle traffic would be via Log na gCapall'. However, I would not necessarily agree. I will discuss further the potential for the development as proposed to significantly and negatively impact on the existing road network and the residential amenities of the existing residents in Log na gCapall and the South Circular Road in turn, below. However, in terms of the subject proposal,

it is clear that the site comprises part of the larger Racecourse site and any phased development will have a period where there may be perceived isolation while the remaining lands are built. That said, I do not accept that in its own right, and with an appropriate vehicular access via the Dock Road, the proposed development, if permitted would be affected by such isolation. The provision of a pedestrian and cycle access through Log na gCapall will preclude such a sense of isolation. In addition, it might reasonably be considered that the development of the subject lands in the context of the overall Racecourse site is appropriate as it comprises an area of the site located furthest from the Dock Road access, and would not impact on the further development of the overall site towards the north or west. Should the applicant disagree, I would suggest that it might be considered that the proposed development is premature pending the provision of this road and that the development may be considered piecemeal in the context of the larger Limerick Racecourse lands. In principle, I consider that the impacts of the proposed development, both in terms of construction and indeed the traffic generated by the proposed development, would have a significant and negative impact on the residents of Log na gCapall.

10.3.4 Log na gCapall is a residential estate comprising 100 residential units while the primary estate road also provides access for 36 households located within Greenpark Close. At its junction with South Circular Road, the Board will note that there are a number of houses which front onto the Ballinacurra Road to the east which have garages fronting onto South Circular Road. These garages open directly onto South Circular Road. The existing carriageway has a width of approximately 5m, and there are footpaths on both sides of the road, although cars are generally parked along the eastern side of the street. The carrying capacity of South Circular Road in this regard is somewhat limited and existing levels of traffic on the street causes significant congestion during peak AM and PM hours.

10.3.5 The Board will note that the Traffic & Transport Assessment submitted in support of the proposed development indicated that the development is for 117 residential units and considered only vehicular traffic in terms of capacity analysis. It is estimated that the development, if permitted, generate approximately 167 car trips on a daily basis within the peak hours. Within the same time periods, the assessment submits that the existing developments generate 194 car trips. The Assessment concludes that based on the PICADY results, it is predicted that the

junction at South Circular Road and Greenpark Close / Log na gCapall will have sufficient capacity to cater for traffic generated by the proposed development to 2032 and beyond. While the combined figures of car trips has been considered minimal and within the capacity of the road and junction, I am not so convinced. Much of the objection to this proposed development pertains to the implications of the development and the traffic generated by the proposed development on the estate road of Log na gCapall, the ability of South Circular Road to accommodate the additional traffic, and the subsequent impact on the existing residential amenities of the area.

10.3.6 The Traffic & Transport Assessment, September 2015 notes that the PICADY analysis predicts that by the design year 2032, the junction of the Ballinacurra Road / South Circular Road would be operating at 85.5% capacity during the AM peak hour and at 90.3% capacity during the PM peak hour. In addition, it is predicted that the maximum average delay on South Circular Road is predicted to be approximately 125 seconds per arriving vehicle, with a statement that queuing on the Ballinacurra Road would be minimal. I consider that this could have significant implications for the general traffic movements through Limerick City and beyond and has not been fully considered as part of the overall assessment. While it is submitted that the number of car trips generated by the proposed development is minimal, I have a concern that the impact of the almost doubling of traffic movements along the estate road of Log na gCapall will have a real and significant negative impact on the existing residents. The development, in my opinion will result in congestion and traffic hazard and it has been clearly indicated by Planning Authority that access through Log na gCapall is not appropriate or ideal. In considering the access issues associated with the subject site, I accept the intentions of the City Development Plan to encourage integration and permeability with other new residential developments as appropriate. In this case, I consider that the addition of the traffic levels as estimated will serve to sever the residential estate of Log na gCapall where occupants of the houses and apartments to the north of the estate road will be effectively cut off from the open space amenity area which serves the estate. In addition, the current amenities and safety enjoyed by the existing residents in the estate would be substantially altered with the addition of traffic from 108 houses using the estate road. In addition, given the alignment of the estate road, which is straight from South Circular Road, will facilitate excessive speeds using the estate road. This issue is particularly concerning given that the subject site comprises part of the

larger Racecourse lands which has been earmarked for further mixed use development.

10.3.7 Notwithstanding the submission of the applicant that the subject proposed residential development will be the only part of the Racecourse lands to use the Log na gCapall estate road for vehicular access, I consider that a grant of planning permission in this instance would constitute an inappropriate piecemeal development. Access arrangements to the site would be more appropriately addressed by way of an overall plan for the adjacent Limerick Racecourse lands. I am not satisfied that the estate road of Log na gCapall is capable of accepting the levels of traffic generated by the proposed development, and as such, if permitted, the development would result in a significant traffic hazard for existing residents, users and pedestrians of Log na gCapall, and South Circular Road. In addition, I consider that in order for South Circular Road to appropriately accommodate the proposed development without significant impact on the existing residents, the practice of on street car parking would require to change. Objectors to the proposed development submit that this practice has been in place for many years. It is also to be restated that a number of the garages open directly onto South Circular Road which gives rise to a potential conflict in traffic movements and may generate a significant hazard.

10.3.8 In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The DMURS provides radically new design principles and standards from DMRB. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S) and is applicable in the case at hand. The Manual seeks to address street design within urban areas (i.e. cities, towns and villages). It sets out an integrated design approach. What this means is that the design must be:

- a) Influenced by the type of place in which the street is located, and
- b) Balance the needs of all users.

10.3.9 The DMURS sets out a road user priority hierarchy as follows:

- 1 Pedestrians;
- 2 cyclists
- 3 public transport
- 4 car user.

The key design principles for roads include –

- Integrated streets to promote higher permeability & legibility;
- Multi-functional, place-based, self-regulating streets for needs of all users;
- Measuring of street quality on the basis of quality of the pedestrian environment
- Plan-led, multidisciplinary approach to design.
- The importance of this design approach is dependent on site context, but also on road type - local, arterial or link. The DMURS defines a hierarchy of places based on place-context and place-value, with centres (such as town and district centres) having highest place-value. Places with higher context / place-value require:
 - Greater levels of connectivity;
 - Higher quality design solutions that highlight place;
 - Catering for and promotion of higher levels of pedestrian movement;
 - A higher level of integration between users to calm traffic and increase ease of movement for vulnerable users.

10.3.10 DMURS provides detailed standards for appropriate road widths - 2.5m to 3m per lane on local streets and a 3.25m standard for arterial and link route lanes, junction geometry - greatly restricted corner radii to slow traffic speed and improve ease of pedestrian crossing, junction design - omit left turn slips and staggered crossings etc., and requires that roads are not up designed above their speed limit. The proposed development, and the reports presented in support of same, makes reference to DMURS and has sought to apply design standards with regard to the proposed access roads and junctions with the public roads and footpaths according with DMURS, and includes proposal to redesign the access road to Log na gCapall to ensure compliance with DMURS. However, I am concerned that the design of the overall scheme gives priority to the car and as such, might be considered as failing to comply with the appropriate design. In particular, I am not satisfied that the implications for the existing residents of Log na gCapall have been appropriately considered. In addition, I would not

agree with the opinion that a vehicular access to the site via the Dock Road, as opposed to the current proposal, would preclude appropriate pedestrian and cyclist connectivity to South Circular Road through Log na gCapall. As such, I consider that the development as proposed, does not comply with DMURS particularly in terms of the priority of vulnerable users, and in particular existing vulnerable users of the log na gCapall estate road. The issue of the level of traffic generated by the proposed retail development however, remains a concern in terms of the impacts on the local road network and the existing residents.

10.3.11 In terms of the construction phase of the proposed development, the third parties have raised concerns as they relate to the impact of construction traffic on both the surface of the estate road as well as the impact on other users of the road. The first party, in the appeal documentation, has submitted that the construction traffic will not now use the Log na gCapall estate road. Rather, construction traffic will use the existing tracks which are present on the wider Racecourse lands with direct access off the Dock Road. Should the Board be minded to grant planning permission in this instance, this should be a condition of planning permission. In addition, I would question why the Dock Road could not provide the most appropriate vehicular access to the overall development site, including the subject site, as originally intended. Pedestrian and cycle access to South Circular Road is the only appropriate traffic which should be facilitated through the existing residential estates onto the South Circular Road in the interests of traffic and pedestrian safety and preserving the existing residential amenities of the area.

10.3.12 In the interests of completeness, the Board will note the comments of the first party in terms of the legal deficiency arising from an unadopted commitment from Limerick City & County Council to the residents of Log na gCapall that no more traffic would be allowed through their estate to the South Circular Road. I suggest that the arguments made by all parties has been duly considered in my assessment above. Having regard in particular to the planning history associated with the overall development of the Racecourse lands, I note the original Master plan which was presented to the Local Authority. All previous decisions pertaining to the Racecourse lands have had regard to this masterplan. While I acknowledge the details of the current proposal before the Board, it is clear that the primary access for all developments of the lands has and was always clearly directed to the Dock Road.

10.3.13 I accept that the zoning of the subject site affords potential for a residential development, but in terms of roads and traffic issues, I am satisfied, based on the information submitted to date, the details of the existing traffic assessment, the requirements of the Design Manual for Urban Roads and Streets, the original master plan proposals in terms of access to the overall Racecourse site, the existing residential developments in the area and the potential impact of the proposed development and the traffic generated by same and already congested local road network, that the proposed development would result in a significant traffic hazard for existing residents in the area, would contribute to traffic congestion within the local road network and would adversely affect the existing residential amenities of Log na gCapall and the carrying capacity of South Circular Road and the Ballinacurra Road, the R526, which is an important traffic route for Limerick City by reason of the additional traffic resulting from the proposed development.

10.4 Water Services:

10.4.1 The proposed development will connect to existing services which serve the racecourse lands. The public system appears to have adequate capacity to accommodate the proposed development and the Irish Water has indicated no objections subject to compliance with stated conditions.

10.5 Flood Risk Analysis:

10.5.1 The Limerick City Development Plan requires that all development applications proposed in an area where there is a Flood Risk as identified in the plan, shall submit a number of things in order to satisfy the Planning Authority that any flood risk arising from the proposal will be successfully managed with the minimum environmental effect, that finished floor level requirements can be met throughout the proposed development, that mitigation measures are provided for and that the Planning Requirements of the Office of Public Works (OPW) as indicated on the website www.flooding.ie can be met on the proposed site. The Board will note that the site has never flooded. Having consulted with www.floodmaps.ie there is a record of the adjacent lands having flooded extensively with part of the subject site also having flooded in December, 1999. The site the subject of this appeal is not located within identified benefiting lands.

10.5.2 The Development Plan identifies part of the adjacent lands as being located within a flood risk area and also requires that a **Flood Impact Assessment** and proposals for the storage or attenuation of run-off discharges (including foul drains) to ensure the development does not increase the flood risk in the relevant catchment must accompany planning applications for development of areas exceeding 1 hectare. The level of information required will be determined in accordance with the level of vulnerability to flooding as outlined in Appendix 1 and the requirements set out in the 'Planning System & Flood Risk Management Guidelines for Planning Authorities' 2009.

10.5.3 The subject site is located within proximity to the River Shannon and the Ballynaclough River, as well as the Meelick Creek and the identified flood risk area for the river. The site itself however, is not located within such a flood risk zone. In an effort to ensure that the Board has fully considered this issue, I consider that it is important to identify that the adjacent substantial landholding has had planning permission granted in the past for the construction of a significant mixed use development in the past.

10.5.4 The Environmental Management & Infrastructure Section of the City Development Plan deals with flood protection where **Policy WS.8 Flood Protection** states that *it is the policy of Limerick City Council to continue to work towards reducing flooding within the City and ensure that all new development proposals comply fully with the requirements of 'The Planning System & Flood Risk Management Guidelines for Planning Authorities', 2009, and any additional guidance introduced during the lifetime of the Development Plan.*

Further, **Policy WS.9 Flood Risk** states that *it is the policy of Limerick City Council to ensure that development should not itself be subject to an inappropriate risk of flooding nor should it cause or exacerbate such a risk at other locations.*

10.5.5 A flood risk assessment, in accordance with the requirements of the Flood Risk Management Guidelines, 2008, was submitted in support of the planning application. The assessment seeks to describe the receiving environment including the existing topography and geology, zoning, hydrology, existing flood risk and flood vulnerability. The report advises that 'from an analysis of the data and historical records that the risk from flooding lies primarily with the coincident of high tides in

combination with atmospheric pressure and winds.’ In terms of vulnerability, the assessment notes that given the residential nature of the proposed development, the development is classed as highly vulnerable and is therefore required to meet the justification test for development in either flood zones A or B. The subject site is located within lands which are close to, with a small area of overlapping on the west and northern areas, the Coastal Flood Zone.

10.5.6 The submitted Assessment indicates that the finished floor level of the proposed development will be 5.2mOD and that there is no risk of flooding to the proposed development site from a design flood of 1:100 years. The draft CFRAM map for Coastal flood event in the area shows that the flood water level in the case of 1:1000 years is in the range of 5.15mOD. These levels have not had regard to climate change or an allowance for freeboard. In this regard, justification for the 5.2m finished floor level was required by the PA. In response to the request for clarification of further information by the PA, the applicant has indicated that the finished floor levels will now be raised to 5.5mOD. This amendment satisfied the Planning Authority in terms of flood risk.

10.5.7 It is the ultimate conclusion that the site is not at significant risk of flooding. I accept that the development has been designed in order not to increase flood risk. In conclusion, I consider that the issue of flooding associated with the subject site has been adequately considered and the Board will note the zoning afforded to the overall site as well as the planning history of the site. In this regard, it might be considered that a grant of planning permission in this instance would not result in any exacerbation of flooding, if any, occurring in the vicinity of the site and would not represent so significant a flooding issue in this instance, as to warrant refusal.

10.6 Appropriate Assessment:

10.6.1 The subject site is located at a distance of approximately 500m from the nearest SAC, Lower River Shannon SAC Site Code 2165, and 1km from the River Shannon and River Fergus Estuaries SPA, Site Code 4077. As such, the Board will be required to consider the potential effects of the proposed development on the identified SAC and SPA. Although the site is not located within the existing boundaries of the Natura site, given its proximity to same, the precautionary principle

must be applied in this instance. The site must be subject to AA regarding its implications for the Natura 2000 site in view of the site's conservation objectives *"if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects"* (EC, 2006). In other words, where doubt exists about the risk of a significant effect, an Appropriate Assessment must be carried out.

10.6.2 An Bord Pleanála, as the competent authority is responsible for obtaining the information necessary to enable an AA screening to be undertaken, and if required, obtain from the proponent, a Natura Impact Statement. The purposes of AA screening will determine whether appropriate assessment is necessary by examining:

- a) *whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and*
- b) *the potential effects of a project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives, and considering whether these effects will be significant.*

10.6.3 AA Screening:

1. Description of the project and local site: This is an application to construct 108 dwelling houses on an edge of urban site where services are available. The development also identifies the possibility of filling on the site to ensure finished floor levels are appropriate. The subject site, while not located within the SAC or SPA, is located on the edges of an identified flood risk area.

2. Is the proposed development directly connected with or necessary to the nature conservation management of a Natura 2000 site: No.

3. Identification of relevant Natura 2000 sites, within 5km of the subject site:

- Lower River Shannon SAC, Site Code 002165
- River Shannon & River Fergus Estuaries SPA, Site Code 004077

4. Key Natura 2000 sites with regard to the subject site and proposed development are as indicated above.

5. Existing expert reports, advice or guidance: None

6. The potential for significant impacts on Natura 2000 sites, having regard to potential significance indicators and to qualifying interests and conservation objectives for the site. Where doubt exists, it should be assumed that effects could be significant. In terms of the relevant Natura 2000 site in this instance, the Conservation Objectives for Lower River Shannon SAC, Site Code 002165 states as follows:

Objective: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:

- [1029] *Margaitifera margaritifera*
- [1095] *Petromyzon marinus*
- [1096] *Lampetra planeri*
- [1099] *Lampetra fluviatillis*
- [1106] *Salmo salar* (only in fresh water)
- [1110] Sandbanks which are slightly covered by sea water all the time
- [1130] Estuaries
- [1140] Mudflats and sandflats not covered by seawater at low tide
- [1150] * Coastal lagoons
- [1160] Large shallow inlets and bays
- [1170] Reefs
- [1220] Perennial vegetation of stony banks
- [1230] Vegetated sea cliffs of the Atlantic and Baltic coasts
- [1310] *Salicornia* and other annuals colonizing mud and sand
- [1330] Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

Potential significance indicators¹:

Any impact on an Annex I habitat:

- Causing interference with, reduction, erosion or fragmentation of the Natura 2000 site: Not likely
- Causing direct or indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the Natura 2000 site: Not likely

¹ Using the Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities, DoEHLG, 2009 I consider that the potential significant indicators should include as presented. There is no defined list of indicators, with each site potentially generating a different list.

- Causing serious or ongoing disturbance to species or habitats for which the Natura 2000 site is selected (e.g. increased noise, illumination and human activity): Not likely
- Causing direct or indirect damage to the size, characteristics or reproductive ability of populations on the Natura 2000 site: Not likely
- Interfering with mitigation measures put in place for other plans or projects: Not likely.
- Causing the introduction or spread of exotic or invasive species: Not likely.
- Causing a cumulative impact and other impacts: Not likely.

7. Assessment of likely effects - direct, indirect and cumulative – undertaken on the basis of available information as a desk study or field survey or primary research as necessary: Having considered the above potential significance indicators, I consider that the development, if permitted, is not likely to have an effect on the adjacent Natura 2000 site.

8. Screening Statement with conclusions: The safeguards set out in Article 6(3) and (4) of the Habitats Directive are triggered not by certainty but by the possibility of significant effects. Thus, in line with the precautionary principle, it is unacceptable to fail to undertake an appropriate assessment on the basis that it is not certain that there are significant effects. As such, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site, Lower River Shannon SAC Site Code 2165, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

11.0 CONCLUSION & RECOMMENDATION:

11.1 Conclusion:

Having regard to the location of the subject site within the City of Limerick, the planning history, the specific zoning objective relating to the site and the existing uses in the vicinity of the site, I consider that the principle of the proposed residential development at this location is acceptable. I am further satisfied that the development can be considered acceptable in terms of general site layout, servicing in terms of water and waste water and flood risk.

However, I consider that the proposed development fails to adequately address roads and traffic issues associated with the proposed development and in particular the likely significant hazard arising due to the additional volume of traffic generated by the proposed development and its associated impact on the existing estate road of Log na gCapall. In addition, I am not satisfied that this estate road is adequate to accommodate the level of traffic arising, and that the development, if permitted would significantly and negatively impact on the existing residential amenities of the residents of Log na gCapal and Greenpark Close and as such, would be contrary to the proper planning and sustainable development of the area.

11.2 Recommendation:

It is recommended that permission be **REFUSED** for the proposed development for the following reason:

REASONS & CONSIDERATIONS

Notwithstanding the zoning objective afforded to the subject site, and having regard to the level of information submitted in support of the proposed development to date, the details of the existing traffic assessment, the requirements of the Design Manual for Urban Roads and Streets, the original master plan proposals in terms of access to the overall Racecourse site, the existing residential developments in the area and the potential impact of the proposed development and the traffic generated together with the already congested local road network, the Board is not satisfied that the proposed development would not result in a significant traffic hazard for existing residents in the area, would contribute to traffic congestion within the local road network and would adversely affect the existing residential amenities of Log na gCapall and the carrying capacity of South Circular Road and the Ballinacurra Road, the R526, an important traffic route for Limerick City by reason of the additional traffic resulting from the proposed development.

It is, therefore, considered that the proposed development would endanger public safety by reason of traffic hazard, would cause serious traffic congestion, and would be contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector,
21st April 2016