



An
Bord
Pleanála

Inspector's Report ABP 302646-18

Development	25 dwellings and associated works
Location	Cois Sruthain, Croom, Co.Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	17/851
Applicant	Croom Weir Properties Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	<ol style="list-style-type: none">1. 3rd Party v. Grant2. 1st Party v. Condition
Appellants	<ol style="list-style-type: none">1. Cois Sruthain Residents2. Croom Weir Properties Ltd.
Observer(s)	None
Date of Site Inspection	29/11/18
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site which has a stated area of 1.47 hectares, is irregular in shape and forms part of the original Cois Sruthain housing estate which has been partially constructed. The estate is characterised by a mix of terraced, semi-detached and detached 2 and 3 storey dwellings. It is accessed from the roundabout on the R516 just off the N20 overbridge to the south-east of Croom village centre. There is a pumping station inside the estate entrance.

The northern, narrow portion of the site has been levelled and grassed. It is overlooked by terraced housing to the west and is backed by detached dwellings to the east with a block wall delineating their rear gardens. The main estate access road terminates at the northern most boundary of the larger southern portion of the site with a gated palisade fence precluding access. This southern portion of the site is relatively level with notable planting both along the western and eastern boundaries.

The N20 Limerick-Cork National Primary Road bounds the site to the west with the River Maigue and Riverside Walk which has been developed along the Old Dublin Road bounding the site to the east.

2.0 Proposed Development

The application was lodged with the planning authority on the 15/09/17 with further plans and details including revised public notices submitted 07/08/18 following a request for further information dated 08/11/17.

The proposed development, as amended, entails 24 no. dwelling units of varying designs in a linear layout with 32.3% of the site area to be developed as open space, predominately in the southern section of the site

The dwellings to be located in the southern section of the site are to be setback a minimum of 30 metres from the N20. A 4 metre high noise barrier with hedging is proposed along the site boundary.

The application is accompanied by:

- Noise Risk Assessment and Acoustic Design Statement

- Stage 1 / 2 Road Safety Audit
- Appropriate Assessment Screening Report
- Landscape Design Plan
- Archaeological Test Trenching carried out for the previous development under ref. 01/371
- Foul Water Pump Station Survey

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 30 conditions including:

Condition 2: Permission for dwelling nos. 1-12 only. A landscaping plan with dwellings 13-24 and attendant access road omitted to be submitted.

Condition 9: Archaeological monitoring.

Condition 10: Site specific waste management plan

Condition 21: Submission of Stage 1 / 2 Road Safety Audit

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st Planner's report dated 08/11/17 states that the proposed house designs are generally acceptable. The dwellings' setback from the N20 in many instances do not meet the 30 metre setback required as set out in the Development Plan. The comments in the other technical reports summarised below are noted. The open space is deficient for the overall development. A request for further information is recommended. The 2nd report dated 28/08/18 refers to a report from Physical Development Directorate which states that the noise level at external facades may have been underestimated by the noise monitoring and modelling and recommends that dwelling nos. 13-24 be omitted. A grant of permission for 12 no dwellings recommended.

3.2.2. Other Technical Reports

The reports from the Mid-West National Design Office dated 17/10/17 & 16/08/18 refer. The latter notes that most of the dwellings are within 90 metres of the existing N20 and M20 scheme which conflicts with development plan policy. Whilst the further information includes a noise report which states that the development falls within a 'low' risk category with mitigation, there will be impacts from noise and visual intrusion. Given the height of the proposed noise barrier on an existing embankment significant foundations and groundworks would be required. There are concerns that the construction could interfere with the design and construction of the M20 scheme. The proposed barrier and any foundations should be set back behind the extent of the 2010 M20 Motorway order. It is not clear from the information provided if this requirement has been met. The operational and vibration impact of the adjoining N20 or future M20 will impact on the occupants. It is considered that the application is premature.

Fire Officer requires the dwellings to comply with Part B of the Building Regulations, 2017.

Executive Archaeologist in a report dated 31/10/17 recommends that the final archaeological monitoring report prepared on foot of condition 31 attached to the previous grant of permission under ref. 01/371 should be requested. The 2nd report dated 27/08/18 following FI details conditions should permission be granted.

The report from Technician, Environmental and Planning Services in a report dated 06/11/17 recommends a site specific waste management plan prior to commencement of development.

Executive Engineer in a report dated 07/11/17 recommends further information on the existing sewage pumping station and available capacity, surface water disposal and carparking. The 2nd report dated 28/08/18 following FI details conditions should permission be granted.

The report from Executive Scientist Physical Development Directorate dated 25/10/17 notes that the Council has received complaints of road noise causing annoyance at levels of 60-65dBA L_{den} and 50-55dBA L_{den} which are below the predicted levels. The predicted noise levels in the area of house numbers 13-24 are likely to cause an adverse health effect on residents, a loss of indoor and outdoor

amenity and the generation of complaints. Noise risk assessment and acoustic design statement should be prepared.

3.3. Prescribed Bodies

Transport Infrastructure Ireland in a report dated 04/10/17 notes that the site is located within an area considered for a future national road scheme. The proposal could prejudice plans for its design. Hence the applicant is premature pending the determination of this route.

Irish Water in a report dated 06/10/17 requires further information on the foul sewer network and existing pump station.

OPW in a report dated 05/10/17 states that the applicant should satisfy itself that due consideration is given to flood risk and that the proposed development does not increase the risk of flooding both upstream and downstream.

The Department of Culture, Heritage and the Gaeltacht in a submission dated 19/10/17 states that the vegetation clearance should be carried out outside the bird nesting season if possible. Due to the proximity of the river and the culvert required on site the County Council should ensure there is no significant negative effect on the downstream SAC.

3.4. Third Party Observations

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3rd party appeal summarised in section 6 below.

4.0 Planning History

01/371 – permission granted in 2005 for 84 dwellings, 5 apartments and a childcare facility on the overall site.

10/7022 – extension of duration of permission 01/371 up to 05/10/14.

5.0 Policy and Context

5.1. Development Plan

5.1.1. *Croom Local Area Plan, 2009*

The site is within an area zoned Phase 1 Residential

LU02: Residential. It is policy to:-

- Encourage development on land zoned for new residential development mainly for housing, associated open space and community uses;
- Protect residential amenity and allow for development appropriate to the sustainable growth of the area.
- Have regard to the Sustainable Residential Development in Urban Areas Guidelines and the accompanying Urban Design Manual

Section 4 sets out the development management guidelines. In terms of density section 4.8 differentiates between centrally located sites and edge of centre sites.

Edge of Centre Sites – the emphasis will be on achieving a successful transition from central areas to areas at the edge of the town. Development of such sites tend to be predominantly residential in character and given the transitional nature of such sites, densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation.

5.1.2. *Limerick County Development Plan, 2010 (as extended)*

Policy IN P10 Protection of Corridors and Route Alignments

The Council will continue to work with the NRA in protecting corridors and route alignments identified for national roads projects from prejudicial development, in accordance with the Mid-West Regional Planning Guidelines, Transport 21, and the National Development Plan.

Table 8.3 – N20 Cork Road – design, reserve land and commence construction of the N20 upgrade to motorway standard.

Chapter 10 sets out the development management standards

Section 10.11.10 states that the Council will require buildings to be set back a minimum distance from roads as follows:

30 metres from National Primary and Secondary Roads

90 metres from new National Primary Road

5.2. **Natural Heritage Designations**

Lower River Shannon SAC c. 7.18km to the north.

5.3. **Environmental Impact Assessment**

Having regard to the nature and scale of the proposed development within the development boundary of Croom on residentially zoned and serviced lands, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. 3rd Party Appeal against Grant of Permission

The submission from Cois Sruthain Residents which is accompanied by supporting documentation can be summarised as follows:

- The existing estate suffers from intermittent water disruptions and a sewerage system that struggles to maintain capacity. No details have been provided as to how the additional 12 houses would impact on the existing services. The estate was only taken in charge by the City and County Council in 2016.
- The decision to grant permission based on an expired permission under ref. 01/371 is unfair. It would set an undesirable precedent.
- The 12 dwellings granted permission will result in the largest open space in the estate being removed. It is the main open space used by residents. As this space was left vacant and was cleared by the City and County Council

when it was taken in charge, it set the custom and practice for the community to use same as open space. Whilst the space was originally planned to be developed for houses the residents did not consider this would be the case after the time that has elapsed.

- The only other open space is close to a dangerous bend in the roadway. While the permission by way of condition requires the developer to tidy and landscape the southern end of the estate it is not overlooked and would not be a safe children's play area.
- The proposed works will turn the estate back into a building site with the resultant health and safety concerns and impact on services. There are no alternative access arrangements proposed.
- Existing houses within the estate will be affected by the proposed motorway and potential noise. By not allowing the houses on the southern part of the site the planning authority is contradicting its previous decision under ref. 01/371. There are other locations where residential development is in proximity to motorways ie. Dooradoyle, Raheen, Castletroy. It is queried why this site is any different.
- The issue of social housing provision should have been transparent during the application process.
- There is no clarity in the decision whether the developer is required to adhere to 01/371 or 17/851. The houses under the latter permission are materially different to those developed to date.
- There is no mention of the long term management of the proposed development. Measures to insure that the development will be completed are required.
- The scheme will put undue pressure on parking
- The applicant is not a registered company.

6.1.2. 1st Party v. Condition 2 (omission of 12 no. dwellings)

The submission by RW Nowlan & Assoc. on behalf of the 1st party can be summarised as follows:

- The omission of half of the dwelling units considerably reduces the viability of the scheme and the completion of the housing estate. The decision will result in the sterilisation of these lands in the long term. It is Government policy to encourage new housing on zoned and serviced lands.
- The rejection of the Noise Risk Assessment and Noise Design Statement is made without any clear reasoning. The PRoPG is a widely accepted approach for assessing new residential development exposed to noise from transport sources. It sets out the measurement for the existing noise climate and that projected for the future, with up to 30% traffic increase over 15 years, and with or without mitigation measures. The analysis concluded that some mitigation was required in respect of houses 13-24 which are the closest to the N20. While the desirable indoor and outdoor noise standard would have been classified as low to negligible they would still marginally exceed accepted standards.
- The proposed 4 metre high sound barrier would result in an 8.7dBA reduction in sound levels both outside and internally. It will reduce day and night time noise down to 54dBA and 48dBA respectively which is just below the higher 50-55dBA 16 hour criterion sought. The hedging and tree planting proposed will further lower noise levels as well as acting as a visual barrier.
- Table 24 modelling indicates that into the future the PRoPG internal room standards would be breached by 2dB for dining room, 7dB for sitting room and 7dB at night for bedrooms. Mechanical ventilation to BS 8232 standard is recommended if windows are not to be opened to avoid noise especially in bedrooms at night. The recommended use of the ventilation system would bring the estimated noise levels below the acceptable criteria.
- The report points out that where development is considered necessary or desirable as is the case, that internal L_{Aeq} target levels can be relaxed up to 5dB and reasonable internal conditions still be achieved.

- The houses meet the 30 metre setback requirement. 6 no. are on this setback limit while the upper rooms of nos. 17-24 are c.37.5 metres back from the motorway reservation. These are sizeable separations with deep intervening rear gardens which will be used for tree planting and rear garden sheds etc. These features would be expected to further reduce noise levels.
- The applicant is not aware of current significant noise problems in the existing dwellings to the north.
- As the Motorway Order has defined the area for any future motorway there is no danger/possibility that the proposed development would encroach upon or otherwise prejudice the motorway scheme. The proposal is not premature.
- The proposal would lead to seamless integration with the existing completed houses. It provides for a sizeable open space which directly links to the existing linear parkland running between the eastern side of the site and the new pedestrian route running along the river. The size of the public open space and the proposal to retain trees, hedgerows and plant further trees will add considerably to the biodiversity of the area.

6.2. Responses to Appeals

The appeals were circulated to the relevant parties for comment. A response from RW Nowlan and Associates on behalf of the applicant against the 3rd Party appeal was received which can be summarised as follows:

- Permission granted under 01/371 serves as a precedent for residential development on the site.
- The completion of the development will realise the full potential of the scheme and deliver residential units to the area.
- The design and layout of the development is largely based on the Best Practice Urban Design Manual. The open space proposed will provide a safe and overlooked space for children to play. The space is consistent with Limerick County Development Standards.

- A phased approach will be taken to the development with only minimal disruption and no threats to safety. The construction phase will adhere to the relevant codes of practice and regulations.
- The traffic impacts during construction phase is expected to be minimal and will be addressed in the construction plan to be agreed with the council.
- 50 parking spaces are to be provided to address demand.
- The foul treatment and surface water drainage plans have been reviewed by Irish Water. It has no objection subject to conditions.
- Part V compliance has been agreed in full with the planning authority.
- The dwelling design is modern and complimentary to the existing units. It provides a break in the homogenous development.
- The best solution to anti-social behaviour is increase passive surveillance and complete the scheme.

6.3. Planning Authority Response

None received.

6.4. Observations

None

6.5. Section 131 Notice

Certain prescribed bodies were invited to make a submission on the proposal on the basis that the proposed development might significantly affect nature conservation.

No responses received.

7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

- Principle of development
- Density
- Noise
- M20 Road Alignment
- Other Issues

7.1. Planning History and Context

The site is within an area zoned residential in the current Limerick County Development Plan and is delineated for phase 1 development. The proposed development therefore accords with the said zoning provisions.

Permission was granted in 2005 for 84 dwellings, 5 apartments and childcare facility under ref. 01/371. The duration of the permission was extended under ref. 10/7022 until 2015. The permission has now expired and approx. 48 units have been completed and occupied, largely in the northern part of the site.

I submit that the policy context for the lands has altered since the previous grant of permission in that the Croom LAP 2009 was adopted and the Guidelines on Sustainable Residential Development 2009, to which regard must be had, have been issued. In this context, therefore, whilst cognisance is had to the scheme as previously permitted I consider that the current proposal must be assessed in the context of the said policy framework.

As can be extrapolated from the appellant's submission problems arose as a consequence of the uncompleted development with issues arising in terms of treatment of the undeveloped areas and site services. The estate was taken in charge by the Local Authority in the last few years. It levelled and seeded the green area in the centre of the estate which now forms part of the proposed development.

Whilst I empathise with the resident's concerns regarding the long standing issues that have arisen the proposal is seeking to complete the residential development

which would assist in improving the overall amenities of the scheme. Whilst the scheme has had the benefit of an area levelled and laid out as a green area for a number of years this cannot be considered a permanent arrangement. As noted from the plans accompanying permission 01/371 the area was to be developed for housing.

7.2. Density

As noted above the site forms part of a larger site on which permission was granted in 2005 for 84 dwellings, 5 apartments and a childcare facility under ref. 01/371. To date the northern section of the overall lands has been developed for residential purposes comprising a mix of terraced, semi-detached and detached units with in the region of 48 units completed and occupied.

The current proposal is seeking to complete the scheme. 25 dwelling units were originally proposed. This was reduced to 24 by way of further information. On a site of 1.47 hectares this equates to a density of 16. However, it is reasonable to assess the proposal in the context of the overall residential scheme and, as such, the existing and proposed developments would result in 72 units on a c. 4 hectare site. This equates to c. 18 units per hectare and is lower than the density of the permitted scheme which was in the region of 22 units per hectare.

As noted above since the assessment of the said application the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) were issued and the Croom LAP (2009) adopted. Whilst cognisance is had to the previous permission on the site I submit that the requirements of the guidelines and the LAP need to be applied. In that context I note that the site is within an area zoned residential in the LAP and identified for Phase 1 development. It is policy on such zoned lands to protect residential amenity and allow for development appropriate to the sustainable growth of the area and to have regard to the guidelines on Sustainable Residential Development. Having regard to the population of Croom, which is in the region of 1,100, I consider that the settlement would be classified as a small town. Therefore, the provisions of Chapter 6 of the guidelines would pertain. Taking into consideration the location of the site relative to the town centre I consider that the site can be described as edge of centre.

As per section 4.8 of the LAP densities of between 20-35 units per hectare are recommended on such sites. This accords with the provisions of the guidelines for edge of centre sites.

Even making allowances for the constraints imposed on the site as detailed above and having regard to both the reasonable developable area and the need to protect the amenities of adjoining property, I consider that the proposed density to be misplaced and not in keeping with either the LAP provisions or the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). The proposal is considered to be an inefficient and unsustainable use of scarce serviceable land in an area zoned for residential development in the town of Croom and which is delineated for Phase 1 development.

The proposal, would, therefore be contrary to the proper planning and sustainable development of the area and I recommend that permission is refused for this reason. The Board may consider this matter to constitute a new issue and may wish to seek the views of the parties to the appeal.

7.3. Noise and Amenities of Prospective Occupants

As noted the site is bounded by the N20 with the M20 Motorway Scheme listed as being at planning stage.

As per the current Limerick County Development Plan a minimum setback of 30 metres is required to be maintained to the existing N20. The layout as amended by way of further information complies with same. A Noise Risk Assessment and Acoustic Design Statement was submitted by way of further information. The report sets out the measurement for the existing noise climate and that projected for the future, up to a 30% traffic increase over 15 years, and with or without mitigation measures. The target noise levels are based on the levels contained in BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings.

Mitigation is required for dwelling nos. 13-24 located in the southern part of the site with a 4 metre high sound barrier proposed which would be back by planting proposed. External noise levels are calculated to be 54dBA daytime and 48dBA night time and comply with the 50-55dBA 16 hour criterion sought. It is acknowledged that calculated internal noise levels would be breached ranging from 2dB above the 40 L_{Aeq} for the dining room during day time to 7dB along the 30 L_{Aeq}

for bedroom (night time). These levels have been estimated using the highest levels of daytime and night time L_{Aeq} obtained from the monitoring undertaken and assuming open windows. In mitigation the use of mechanical ventilation systems is proposed as an alternative to the reliance on natural ventilation.

I consider that a balance must be struck between the provision of a residential scheme providing for an acceptable noise environment both internally and externally whilst making the most efficient and sustainable use of scarce zoned and serviced lands. I note that proximity to highly trafficked roads both in Limerick and throughout the country has not been an impediment to residential development. I consider that the mitigation measures proposed in this instance would provide for an acceptable level of amenity for prospective applicants and that the option is available for natural ventilation should the occupants so wish.

7.4. M20 Alignment

Since the lodgement of the application the M20 Motorway Order which had been in abeyance has recommenced and is listed as being at planning stage. No details are available or on file which delineate the extent of the road programme relative to the appeal site.

The current County Development Plan requires 30 metres to be maintained to existing national primary roads which the applicant indicates compliance with on the plans and drawing submitted by way of further information. However, the layout and dwelling setback falls materially short of the 90 metre separation as required by the plan for planned new roads. I also note that the Mid West Design Office expresses concern that the construction works to facilitate the noise barrier could interfere with the design and construction of the road and that sufficient information has not been provided that show that the proposed barrier and any foundations would be set back behind the existing of the 2010 M20 Motorway Order. The agent for the appellant in the 1st party appeal contends that as the Motorway Order defines the area for the future motorway there is no danger/possibility that the proposed development can encroach upon or otherwise prejudice the motorway scheme. Having regard to the established building line to the north of the site this may indeed be the case however it is unfortunate that the applicant did not take the opportunity to submit plans addressing this matter and also submit details that the construction of the noise

barrier is setback from the extent of the Motorway Order. Thus, on balance I consider that insufficient information on this matter has not been submitted and therefore recommend a refusal of permission. The Board may consider this matter to constitute a new issue and may wish to seek the views of the parties to the appeal.

7.5. **Other Issues**

Open Space

The appellants object to the construction of houses on what is considered to be a public open space. As noted above the fact that the Local Authority since taking the estate in charge has levelled and grassed the space in question does not confer on it the designation as public open space. As noted from the drawings accompanying the permission granted under ref. 01/371 the area was to be developed for housing. The open space for the overall scheme is to be provided in the southern section of the site with smaller pockets throughout and materially exceeds the 15% development plan requirement. It is to connect into the amenity walkway (Old Cork Road) along the River Maigne which bounds the site to the east.

Site Services

The issues in terms of foul sewerage and water supply as raised in the 3rd party appeal are noted. Foul sewer calculations are provided by way of further information with additional storage capacity and pump station refurbishment proposed as part of the proposal. I note that Irish Water has no objection to the proposal subject to conditions.

Unit Mix and Design

The proposed dwelling designs are not dissimilar to the dwelling design developed to date and are acceptable. However, I submit that the proposal for 24 no. 3no. bedroom semi-detached dwelling units does not provide for mix of unit size and types as advocated in the guidelines for sustainable residential development. This would exacerbate the relative homogeneity in dwellings sizes as developed to date which range from 3 to 5 bedroom units. Any future proposals should seek to provide for a greater mix.

I note that the applicant proposes to meet the requirements of Part V. The applicant's reasoning for its reticence to disclose the specific units earmarked for same is accepted.

Traffic

The estate roads were designed and developed to accommodate a larger scheme of 89 dwelling units and a creche. They are considered satisfactory and can accommodate the additional vehicular movements arising from the proposed development.

Construction traffic will arise as a consequence of the development but will be temporary in nature and should the Board be disposed to a favourable decision a construction management plan could be sought by way of condition in which matters pertaining to operational hours and traffic management would be required to be dealt with.

Parking in accordance with the relevant development plan requirements is to be provided and is considered acceptable.

Appropriate Assessment

The application is accompanied by an Appropriate Assessment Screening Report
Project Description and Site Characteristics

The site location and proposed development are as described in sections 1 and 2 above.

Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives

Tory Hill SAC (site code 000439) is located c.2.26 km to the north of the site. The qualifying interests are semi-natural dry grasslands, calcareous fens and alkaline fens.

Lower River Shannon (site code 002165) is c. 7.18km to the north-west of the site. The qualifying interests include coastal habitat and species, water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation, molinia meadows on calcareous, peaty or clayey-silt-laden soils, Alluvial forests, Freshwater Pearl Mussel, Sea Lamprey, Brook Lamprey, River Lamprey, Salmon, and Otter.

Detailed conservation objectives have been drawn up for the sites, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

Assessment of Likely Effects

As the site is not within a designated site no direct impacts will arise.

There is no hydrological connectivity to Tory Hill SAC thus there is no potential for indirect effects.

The Mague River which bounds the site to the east flows to the River Shannon Estuary which is part of the Lower River Shannon SAC. The hydrologic distance is over 24 km. There is potential for indirect effects from emissions during the construction and operational phases.

There is the potential for discharge to the adjoining stream during the construction stage but best practice construction management methods to protect against spillages would constitute an integral component of any construction works and which would be included in a Construction and Waste Management Plan. I would concur with the conclusions of the Screening report submitted that no indirect impacts are envisaged.

The site is fully serviced. Surface water from the proposed development will pass to a small stream, located in the south of the site and which drains to the River Mague. The said stream serves a small area of fields to the west of the N20. A surface water flow control device and attenuation is included in the project design. Surface water from the proposal will pass through a bypass petrol interceptor prior to entering the stream. The stream is already culverted under the N20.

In terms of cumulative impacts, I have regard to the location of the site within the town of Croom on serviced, zoned lands and covered by the Croom LAP. I am not aware of any large planned or permitted development in the vicinity.

Screening Statement and Conclusions

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 and in combination with other plans or projects would not be likely to have a significant effect on any European Site and in particular Tory Hill

SAC (site code 000439) and Lower River Shannon (site code 002165) in view of the sites' Conservation Objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

Having regard to the foregoing, I recommend that permission for the above described development be refused for the following reasons and considerations.

REASONS AND CONSIDERATIONS

1. Having regard to the residential zoning objective for the site, the provisions of the current Croom Local Area Plan relating to density as set out in policy LU02 and section 4.8 and to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), issued to planning authorities under section 28 of the Planning and Development Act 2000, as amended, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in land usage given the location of the site within the settlement of Croom in close proximity to established social and community services and would not conform to the minimum densities of 20-35 units per hectare as recommended in the Local Area Plan and the Guidelines. The proposed development would, therefore, be contrary to the provisions of the Local Area Plan and to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.
2. On the basis of the submissions made in connection with the planning application and appeal the Board is not satisfied that the proposed development and the associated works including construction of a noise barrier would not prejudice or impinge on the M20 Motorway Order.

Pauline Fitzpatrick
Senior Planning Inspector

January, 2019