



An  
Bord  
Pleanála

## **S.4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016 Inspector's Report ABP307014-20**

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### **Development**

137 residential units comprising of 61 apartments in two apartment blocks together with 51 duplex apartments and 25 semi-detached and terraced houses in a two to five storey development.

### **Location**

Walkers Lane, Annacotty, County Limerick.

### **Planning Authority**

Limerick City and County Council.

### **Applicant**

Regal Park Developments Limited.

### **Type of Application**

Strategic Housing Development.

### **Observers**

Nick and Margaret O'Mara  
Gerard and Elizabeth Stundon  
Duncan Kerin  
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Colman and Elizabeth O’Leary  
Residents of Carrinderry

Tessa Blaser

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Anne O’Donnell

Joe and Una McEntee

Edward and Helen McLoughlin

Paula and Mary McCarthy

Irish Water

Paul and Valerie Harman

Vincent and Elizabeth Sutton

**Prescribed Bodies**

Transport Infrastructure Ireland.

Irish Water

**Date of Site Inspection**

July 22<sup>nd</sup> 2020

**Inspector**

Paul Caprani.

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## 1.0 Introduction

The proposal before the Board seeks permission to develop 137 residential units comprising of 61 apartments in two apartment blocks together with 51 duplex apartments and 25 semi-detached and terraced houses in a two to five storey development on a site in the suburban area of Annacotty in the eastern environs of Limerick City. The application is made under the provisions of Section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 2.0 Site Location and Description

- 2.1. The greenfield site is roughly rectangular in shape and occupies an area of 2.59<sup>1</sup> hectares. It is located on the eastern environs of Limerick City approximately 6 kilometres from the city centre. The site is located to the immediate south of the former N7 National Primary Route linking Dublin with Limerick which has been re-designated as the Regional Route R445. The Annacotty Roundabout is located to the immediate north-west of the subject site. This is a busy intersection, providing access to the city centre to the west and to the IDA National Technology Park to the north. The local road L1165 runs along the western boundary of the site, this road is commonly referred to as the Castletroy College Road. The southern boundary of the site is also bounded by a roadway, known locally as Walkers Lane it serves the dwellings to the east and south-east of the subject site and also leads eastwards towards the village of Annacotty. Walkers Lane currently has no footpath along its alignment in the vicinity of the site. The R445 is a four-lane carriageway running along the northern boundary of the site. The roads along the southern and western boundary of the site are single lane carriageways.
- 2.2. The site itself is currently undeveloped and under grass. There are a number of stands of mature and semi-mature trees located along the perimeter of the site with the most densely populated stands located along the northern boundary and south-western boundary of the site. The site incorporates a slight downward slope from

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<sup>1</sup> Including 0.08 ha of lands owned by Limerick City and County Council which have been incorporated into the site for road improvement works along Walkers Lane.

south - east to north- west. The slope incorporates a differential of 3 to 4 meters. A low boundary timber fence runs along the western boundary of the site while a post and wire fence runs along its southern boundary. Footpaths and public lighting surround the perimeter of the site, with the exception of Walkers Lane. The boundary along the eastern side of the site separates the subject site from two adjoining dwellings one facing northwards onto a local road which runs off the R445 while the southern dwelling faces southwards onto Walker's Lane adjacent to the southern boundary of the site.

- 2.3. In terms of surrounding land uses, the prevailing land uses on adjacent lands comprise of low density detached single storey and two storey dwellings. Lands to the immediate north of the site on the northern side of the R445 are currently undeveloped, as are lands to the west of the site on the opposite side of the L1165. In terms of wider land uses in the area, the Castletroy Shopping Centre is located approximately 1 kilometre to the west of the site and a smaller neighbourhood shopping centre (Newtown Shopping Centre) is located approximately half a kilometre to the south of the site, in the vicinity of a neighbourhood park and Castletroy College Secondary School. These amenities and facilities are accessed via the L1165 to the south west of the site. There are a number of high-tech enterprises located within the National Technology Park to the north of the site including Johnson & Johnson Visioncare facility off the Plassey Park Road which runs northwards from the R445. Annacotty Village is located approximately 0.5 Km to the east of the site. This village also a number of community services, a restaurant/takeaway, public house and retail outlets.

### **3.0 Proposed Development**

- 3.1. Planning permission is sought for a residential development on the subject site comprising of 137 units with a sole access onto the local road which runs along the southern boundary of the site - Walkers Lane.

#### Unit Mix

- 3.2. It is proposed to accommodate two apartment blocks on the western side of the site. Block A comprises of a five-storey apartment block located in the north-western corner of the site adjacent to the Annacotty roundabout to the north-west of the site.

This five-storey block is to accommodate a total of 37 units. Block B is located in the south-western corner of the site, near the smaller roundabout on the Walkers Lane Castletroy College Road Intersection and comprises of a four-storey apartment block accommodating 24 units. In total 61 apartments are to be provided on site.

- 3.3. Of the 61 apartments proposed, 52 comprise of two-bedroomed apartments (85%), 7 one-bedroomed apartments are proposed (12%) and 2 three-bedroomed apartments are proposed (3%).
- 3.4. The proposal also seeks permission for a series of three storey duplex apartments which are set along the southern boundary of the site and also centrally in the northern section of the site. These three-storey duplex units are to accommodate two-bedroomed ground floor apartments with two and three-bedroomed first floor units above. In total 51 duplex apartments are proposed.
- 3.5. It is also proposed to provide 25 two and three storey houses which are to be located centrally within the layout and also along the eastern boundary of the site. These units accommodate gross floor areas between 119 and 148 square metres. They comprise of three and four-bedroomed units.

#### Open Space

- 3.6. In terms of private and communal open space, it is proposed to retain the mature landscaping along the northern boundary of the site separating the units from the R445 to the north. Communal open space is also to be provided around the two apartment blocks in the western portion of the site. In total 3,906 square metres of communal open space is to be provided within four separate areas which constitutes 15% of the total site area. The largest area along the northern boundary of the site comprises mainly of passive landscaped open space (which includes the retention of the large stands of trees along the southern perimeter of the R445). Whereas Areas A, B and C adjacent to the apartment blocks provide more active and recreational open space. The proposal also includes a kid's playground area to the front of Block B.
- 3.7. In terms of private open space, a mixture of rooftop terraces, exterior balconies and exterior patios at ground and first floor level provide private amenity space for the apartments.

- 3.8. The duplex units incorporate rooftop terraces and smaller areas of private exterior patios at ground floor level. The private houses incorporate standards sized rear gardens.

#### Access and Parking

- 3.9. One access point is proposed to serve the development onto Walkers Lane along the southern boundary of the site. A priority T-junction is proposed. A new footpath and cycle lane are also proposed along Walkers Lane on lands under the ownership of the Local Authority. The internal road layout incorporates one circuitous road providing access to all units within the scheme. In terms of car parking, a total of 183 spaces are provided in the form of 61 spaces in an underground car park subjacent to Block B. Access to the underground car park is located at the south-eastern corner of the site. 122 spaces at ground floor level are to be allocated to the houses and duplex units and visitors. Visitor car parking spaces are also provided adjacent to the roadway to the immediate east of the apartment blocks and two electronic charging points are provided as well as two car parking spaces for co-travel. One space is to be provided for each of the apartment and duplex apartment units together with one visitor space for four units whereas 1.5 spaces are provided for each of the housing units on site. A total of 120 bicycle parking spaces are also proposed. Internal bicycle storage is provided within each of the apartment blocks with 24 spaces in Block A and 37 spaces in Block B. Bicycle shelters are also to be provided at three separate locations within the scheme.

#### External Finishes

- 3.10. In terms of external finishes, the proposed apartment blocks incorporate extensive glazing surrounded by a predominantly brown brick finish. The set back upper floor level in each of the blocks incorporate a grey metal cladding finish. The duplex apartments and dwelling houses also incorporate a predominantly brick finish with a monopitch grey roof.



**Table 1 Key Development Statistics:**

<b>Site Area</b>	2.59 ha			
<b>No. Units</b>	137			
<b>Building Height</b>	Block A– 5 Storeys Block B – 4 Storeys Duplex Units – 3 Storeys Housing Units – 2 Storey			
<b>Unit Mix</b>	Houses – 25 Units (3 & 4 bed) Duplex Houses – 51 Units (1, 2 & 3 bed) Apartments – 61 Units (1, 2 and 3 bed)			
<b>Unit Mix (bed spaces)</b>	Apts	Duplex	Houses	Total
<b>1 Bed</b>	7	2	-	9
<b>2 Bed</b>	52	25	-	77
<b>3 Bed</b>	2	24	18	46
<b>4 bed</b>	-	-	7	7
<b>Car parking</b>	183 Spaces in total - 61 underground - 122 at surface level.  Car parking for houses 38 spaces (1.5 per unit) Duplex Units 51 spaces (1 per unit) + 13 visitor Apartments 61 spaces (1 per unit) = 16 visitor			
<b>Bicycle Parking</b>	120 spaces			
<b>Dual Aspect Units</b>	108			
<b>Communal Open Space</b>	3,906 sq m (15%)			
<b>Density</b>	54.5 Units per ha			

**Table 3 Phasing of Construction Works**

<b>Construction Phase</b>	<b>Description of Works to be Undertaken</b>
1	43 Units in the south western corner of the site including block B
2	64 units including block A in the northern portion of the site
3.	Block of dwellings and duplexes in the eastern portion of the site

## 4.0 Planning History

### Subject Site

There are two significant planning decisions relating to development on the site, extending back to 2006 and 2008.

### Planning Ref. 06/1724

A planning application was refused by the planning authority and by An Bord Pleanála for the provision of a two storey/part three storey (including mezzanine level) building with a gross floor space of 11,290sqm. The development was intended to accommodate convenience and bulky goods retailing with provision for 641 no. car parking spaces. The site was to be accessed via a fifth arm off the existing roundabout on the R445.

### Planning Ref. 08/534

Planning permission was granted by Limerick City & County Council but refused permission on appeal to An Bord Pleanála for the development of 5 no. separate

buildings including; a design/tourist retail centre of 2,958sqm; 6 no. design centre outlets with ancillary retail provision; 1 no. office/financial institution; 3,749sqm of office space; a café/bar; a medical centre; 1 no. creche; 14 no. apartments; 4 no. houses; and basement car parking with a new single priority junction onto Walkers Road.

## 5.0 Section 5 Pre-Application Consultation

A Section 5 Consultation meeting took place at the offices of Limerick City and County Council on the 27th March 2019. The pre-application consultation related to the development of 126 residential units comprising of (87 apartments, 12 duplex units /apartments 27 houses), a creche and associated site works. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. It was on the basis of the pre-application consultation that the Board recommended the following opinion in relation to the proposal.

### 5.1. The Recommended Opinion of the Board

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

#### 1. Architectural Design and Overall Layout

The overall design approach to the site to ensure that the development appropriately responds to the sites context and constraints including:

- a full investigation of the optimal layout having regard to the existing archaeological features and response to same;
- that there is an appropriate transition of height and scale across the site;
- that there is a coherent architectural approach to the development in terms of building style, materials and finishes;

- that the development creates a strong urban edge having regard to the extent of road frontages abutting the site and an appropriate public realm;
- that an appropriate range of housing typologies and mix is provided and a high quality living environment created.
- The design of the apartment blocks to ensure that they address the Annacotty roundabout and the R445 in an appropriate manner with an innovative architectural approach. In this regard, the prospective applicant should satisfy themselves that the design strategy for the site as it relates to height and design provides the optimal architectural solution for this strategic gateway site. The proposed development shall have regard to inter alia, national policy including the National Planning Framework and Sustainable Urban Housing: Design Standards for New Apartments March 2018 and local planning policy, the sites context and locational attributes.
- The configuration of the layout particularly as it relates to the creation of a hierarchy of high quality, functional and amenable public and semi-private open spaces with maximum surveillance, amenity and pedestrian connectivity should be given further consideration.
- The 12 criteria set out in the Urban Design Manual which accompanies the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and the Design Manual for Urban Roads and Streets. The documentation at application stage should clearly indicate how the 12 criteria were applied and should demonstrate consistency with the 12 criteria.
- The need, scale and location of the crèche facility.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

## 2. Density

- Further consideration of documents as they relate to the density in the proposed development, specifically in relation to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009). Particular regard should be had to the need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage

given the proximity of the site to established social and community services in the area. Regard should be had to the effective utilisation of the site in terms of open space and unit typology.

The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

### 3. Roads Infrastructure, Access and Parking

- The extent of surface parking proposed particularly along the primary access road and adjacent to the crèche and duplex units;
- the design and layout of the internal road layout, particularly the extensive turning area and the requirements to comply with DMURS.
- Further clarity should be provided on how car parking is to be assigned and managed and how visitor parking will be managed.
- The extent of works to be undertaken to Walkers Lane including provision of footpaths, cycle paths and public lighting.
- The extent of works to Castletroy College Road including set down for public bus and enhanced cycle and pedestrian facilities.
- Pedestrian and cyclist connectivity to the wider area including future linkages to Annacotty Village.
- The provision is adequate cycle parking including visitor parking.
- The design and layout of the internal road network and location of principal vehicular access.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

In addition to the above the recommended opinion of the Board also stated that the following specific information should be submitted with any application for permission:

1. A detailed report outlining the proposed works to be undertaken to Walkers Lane and Castletroy College Road in terms of pedestrian and cycle facilities, public lighting and any road upgrade works necessary to facilitate the development and provide for appropriate connections to the wider area. The report should also detail who is going to undertake the works required and the timelines involved relative to the construction and completion of the proposed development.

2. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings and duplex units, landscaped areas, pathways, entrances and boundary treatment/s. The treatment/screening of access areas to exposed areas of basement ramps to apartment blocks as well as the treatment of the ground floor and interface with the public realm should also be addressed. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development.

3. Photomontages/CGI's to include distant views of the development when viewed east and west along the R445, from the access road to the Technology Park and from Castletroy College Road.

4. A life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).

5. A report that addresses issues of residential amenity (both existing residents of adjoining properties and future occupants), specifically how the proposed apartment building will limit the potential for overlooking and overshadowing. The report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units. A comprehensive daylight and sunlight analysis assessing proposed residential units and open spaces should also be included.

6. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.
7. A layout plan that details the location and appropriate quantity of bicycle parking spaces at basement and surface level. Clarity should be provided as to how basement cycle parking will be accessed.
8. A Traffic and Transport Assessment (to include Road Safety Audit) for the proposed development.
9. A report prepared by a suitably qualified and competent person demonstrating specific compliance with the requirements set out in the Design Manual for Urban Roads and Streets.
10. A plan of the proposed open spaces within the site clearly delineating public, semi-private and private spaces and an indication of any open spaces to be taken in charge.
11. Detailed report regarding how the appropriate Sustainable Urban Drainage Systems have been incorporated into the development.
12. Phasing plan for the proposed development which includes phasing arrangements for delivery of public open spaces and Part V provision.
13. Landscaping proposals including and overall landscape masterplan for the development site including detail of tree planting, quantity, type and location of all proposed hard and soft landscaping including details of play equipment, public lighting, pedestrian entrances and boundary treatments. Resolution of any conflict between location of attenuation tank and trees to be preserved.
14. Construction and Environmental Management Plan to include a plan for the treatment and removal of Japanese Knotweed.

15. The submission of a Waste Management Plan.

16. Archaeological Impact Assessment: A report prepared by a suitably qualified person the likely impact of the proposed development on archaeology. The applicant should satisfy themselves that the report addresses the points raised by the Development Applications unit of the Department of Culture, Heritage and the Gaeltacht detailed in their submission dated the 22nd March 2019.

17. Noise Report detailing in particular how noise impacts from the R445 will be mitigated in the proposed design of the housing/apartment units.

18. Childcare demand analysis and the likely demand for childcare places resulting from the proposed development.

19. Bat Report including any measures proposed to mitigate potential adverse impacts.

20. The following Authorities should also be notified where an application is submitted.

1. Transport Infrastructure Ireland
2. National Transport Authority
3. Minister for Culture, Heritage and the Gaeltacht
4. Heritage Council
5. An Taisce — the National Trust for Ireland
6. Irish Water
7. Limerick County Childcare Committee

## 6.0 **Application submitted to the Board.**

The application was submitted to An Bord Pleanála on March 30<sup>th</sup> 2020.

It was accompanied by the following documentation;



- A covering letter detailing the proposals compliance with the Articles 297 and 298 of the Planning and Development Regulations 2001 to 2019.
- Details of Public Notices
- A Schedule of Plans and Drawings
- A report containing a detailed development description and a statement that the development is consistent with the policies and provisions contained in National and Local Plans.
- A Statement of Response to the Board's Pre-Application Consultation Opinion.
- An Architectural and Urban Design Statement with Photomontages
- A Building Life Cycle Report
- Detailed Schedule of Accommodation
- Universal Design Statement
- Landscape Design Statement
- Tree Survey Report
- Bat Survey
- Invasive Species Management Plan
- Screening for Appropriate Assessment (Stage 1 Report)
- A Planning Application Services Report
- Site Public Lighting Report
- An Energy Strategy Report
- A Traffic and Transport Assessment
- A Road Safety Audit
- DMURS Compliance Statement
- Road Improvement Report
- Construction and Waste Management Plan
- An Operational Waste Management Plan
- A Sunlight and Daylight Shadow Assessment Report
- Noise Assessment
- Archaeological Report

The contents of these documents will be referred to where appropriate in the assessment.

## 6.1. Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement attempts to address the points raised above.

On foot of the above opinion, the scheme has been amended- details of these amendments are summarised below:

### Layout and Design

- Following pre planning consultations with the Board, a comprehensive redesign was undertaken of the scheme. Significantly, the archaeological constraints within the site have been resolved thereby affording greater opportunities within the site to facilitate a more coherent and integrated development. The overall architectural style has been revised such that the development is now more contemporary in nature. Building height, unit mix, unit typology, unit numbers and the architectural style have all been revised in order to deliver a design reflective of the Board's requirements, whilst also retaining important site characteristics and features.
- Overall, the number of units proposed has increased from 126 no. to 137 no. units. The apartment blocks have been reduced in height from two blocks of 7 stories each to 1 no. block of 3 – 4 stories and 1 no. block of 4 – 5 stories. Whereas the remainder of the original scheme comprised two storey units, the scheme now comprises mainly of three storey apartment and duplex units, with the two storey element confined to the eastern extremity of the site, where the site adjoins existing established housing.
- The site context and its constraints have informed the design proposal. Bound on three sides by public roadway, and to the east by 2 no. houses, there is a fall of circa 5m across the site from the south east corner to the north west corner. Accordingly, the scheme has been designed with an increase in building height across the site from east to west.
- Two storey semi-detached units back onto the eastern boundary of the site thereby respecting the residential amenities of the neighbouring two storey properties. The two-storey element increases to 3-storey within the central

area of the site and at the northern and southern site boundaries fronting onto the Dublin Road and Walkers Lane. The scheme culminates with 2 no. 4 – 5 storey apartment blocks on the western site boundary, which address the Annacotty Roundabout.

- The three storey duplex units on the northern site boundary have been set back to facilitate retention of the mature trees dominating this area of the site. This tree group is considered a defining feature on the approach road to the city.
- As a collective group they not only afford identity to the site, but they are also identified in the Tree Survey as containing a number of notable specimens including Ash *Fraxinus excelsior* and Sycamore *Acer pseudoplatanus* species. Having regard to the foregoing, it is considered that the trees and the embankment are important site features that need to be retained.
- The three storey duplex units defining the southern site boundary provide a strong urban edge whilst also affording adequate set back to facilitate pedestrian and cycle routes along the southern site boundary. The urban edge definition provided on the northern and southern site boundaries culminate with 2 no. 4 – 5 storey apartment blocks on the western boundary orientated to address both the Casletroy College Road and the Annacotty Roundabout. The apartment blocks have been set back within the site to facilitate connectivity with the scheme and to facilitate future road widening which may be delivered by the Council should the need arise in the future.
- The proposed development provides for diverse housing typologies including 20 no. different unit types and sizes. Included in this mix are apartments, ground floor apartment units with duplex units overhead, semi-detached units and terraced housing.
- The apartment blocks have been redesigned and re-orientated to address the R445 and the Annacotty roundabout as detailed on the site layout plan. This design solution was previously prevented by the archaeological issues on site. However, having a proposal to formally resolve the archaeological features on site, the blocks can now move northwards closer to the roundabout.

- It is considered that a maximum height of 5 stories (16.73m) addressing the roundabout, decreasing to three stories across the site before stepping down to the established building height of two storeys, is an appropriate response to the existing and future character of the area.

### Density

- The density of the proposed development has increased over and above that presented at the pre-planning meeting. At pre-planning stage the density of the development was proposed at 48.9 units per hectare. The density currently before the Board for consideration is 53 units per hectare<sup>2</sup>. The scheme has been designed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage and in accordance with the recommended densities in *'The Sustainable Residential Development in Urban Areas Guidelines 2009'*.
- A proposal to resolve the archaeological features on site, amongst other things, afforded an opportunity to redesign the scheme, with a resultant change to the layout of the internal road design. The extensive turning circle at the north western corner of the site is no longer proposed. The design of the scheme follows the principles of a block layout with one circuitous road providing access to all units within the scheme.

### Open Space Provision

- The development proposal comprises private open space delivered through the provision of balcony space serving the apartment units and duplex units and dedicated gardens serving the semi-detached and terraced units.
- Communal open space is also provided serving the apartment units within the apartment blocks, delivered through the provision of 2 no. rooftop gardens and communal amenity space at ground floor level, demarcated with defensible landscaping around the boundary.

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<sup>2</sup> The Architectural Urban Design Statement indicates a density of 54.5 units per ha. The entire site is 2.59ha with 0.08 ha under the ownership the local authority. Thus, the discrepancy in density can be attributed to the calculating the density on the basis of a site area of 2.51 ha or 2.59 ha.

- Public open space is provided at four different locations throughout the development, including a passive linear park along the northern site boundary incorporating established trees and a walkway; a passive seating area to the front of Block A incorporating benches and planters; a gently sloping area between Block A & B providing connections to the proposed bus stop and a pocket park to the front of Block B with a dedicated play area. The area of public open space within the development comprises 3,954sqm or 15% of the overall site in accordance with the open space requirements in the Castletroy Local Area Plan.
- All of the public and communal open space benefits from natural surveillance with overlooking windows.

#### Creche Provision

- A survey of childcare facilities for the area was carried out, prior to the lodgement of the application. It is submitted that there is adequate childcare capacity within 3km of the site and accordingly an additional childcare facility is not required to service the proposed development. If the Board is minded to disagree and to require such a facility irrespective of the foregoing assessment, it is confirmed that the single storey communal facility attached to Apartment Block A to the north, could easily be amended to accommodate a childcare facility capable of accommodating 34 no. children.

#### Car Parking Provision

- The car parking has been distributed between basement and surface car parking. The basement parking extending under Apartment Block B provides for 61 no. car parking spaces and is intended to serve all apartments in Block A & B.
- Surface car parking provides spaces to serve the immediate needs of residential units; and visitors. 2 no. dedicated electric charging point spaces; and 2 no. spaces for co-travel are also provided. A total of 120 no. bicycle spaces are provided in three dedicated locations throughout the site.

### Connectivity with the Surrounding Environs

- Provision has been made for both pedestrian and cycle paths around the perimeter of the site, connecting into existing infrastructure where available. The delivery of both pedestrian and cycle paths from the site to Annacotty village is the responsibility of the Council, as the land necessary for such delivery falls outside the control of the applicant. Importantly, the site is effectively connected with both footpaths and cycle-paths to the Newtown Neighbourhood Centre south of the site along with Castletroy College and the Neighbourhood Park.

### External Finishes

- High quality and sustainable finishes have been provided which seek to create a distinctive character for the development.

### Additional Assessments

- A Building Life-cycle report prepared by Healy Partners Architects sets out proposals for the long-term management and maintenance of the proposed development.

### Daylight Sunlight Analysis

- A Daylight & Sunlight Analysis has been prepared to assess the residential amenity of existing residents of adjoining properties arising from the proposed development and the residential amenities of future occupants. The report from Chris Shackleton Consulting confirms that the development generally complies with the recommendations and guidelines of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 2011) and BS 8206 Lighting for Buildings, Part 2: Code of Practice for Daylighting and other updated relevant documents.
- A Traffic & Transport Assessment (TTA) and Road Safety Audit (RSA) has been prepared by CST Group and accompanies the planning application. A DMURS Compliance Report has been prepared by CST Group demonstrating

specific compliance with the requirements set out in the Design Manual for Urban Roads and Streets.

### Part V

- In terms of Part V there is agreement in principle to accommodate 14 no. social units on site with 4 no. units delivered in Phase 1, 9 no. units delivered in Phase 2 and 1 no. unit delivered in Phase 3. These provisions are detailed within the Part V Report prepared by Linesight.

### Landscaping

- A Landscaping Masterplan Drawing No. 050318\_LP\_01 has been prepared by Austen Associates. including detail of tree planting, quantity, type and location of all proposed hard and soft landscaping. The attenuation tank is located close to the northern boundary of the site as it must be located in proximity to the outfall. The location of the attenuation tank has resulted in the necessity to remove two trees on the northern site boundary. These are Category C trees and are deemed to be of low quality.

### CEMP and Waste Management

- A Construction & Environmental Management Plan (CEMP) has been prepared for the site by Healy Partner Architects including reference for the treatment and removal of Japanese Knotweed. An Invasive Species Management Plan has been prepared by NM Ecology to manage and treat patches of Japanese Knotweed and Giant Hogweed (restricted non-native plant species) within the boundary of the proposed development site.

An Operational Waste Management Plan has been prepared for the site by Healy Partner Architects

An Archaeological Method Statement has been prepared by Aegis Archaeology which details the methods proposed for the full archaeological excavation of archaeological features found on site during archaeological testing undertaken by RedArc Consulting Ltd.

### Noise Assessment

- A Noise Assessment was undertaken by AWN Consulting. This assessment includes a description of the receiving ambient noise climate in the vicinity of the subject site and an assessment of the potential noise and vibration impacts associated with the proposed development during both the short-term construction phase and the long-term operational phase on its surrounding environment.
- An inward noise impact assessment has also been completed in accordance with the guidance contained in The *Professional Guidance on Planning & Noise* (ProPG) to determine the potential noise impact from environmental noise on the residential amenity of the development.

### Bat Survey

- A Bat Report has been prepared by NM Ecology. The report provides the results of a bat survey of the proposed development site, and includes an assessment of potential impacts on roosting, feeding and commuting bats.

### Consultation with Proscribed Bodies

- The Opinion issued by the Board also requested that 7 no. bodies be informed in the event of making an application. It can be confirmed that the following 7 no. bodies were issued a copy of the entire application. Prior contact was made by phone to each of the seven bodies to ascertain their individual requirements and whether they wished to receive the application in electronic format or in hard copy. A letter was issued to the proscribed bodies on 27th March 2020 with a copy of the application as requested to:
  - 1. Transport Infrastructure Ireland
  - 2. National Transport Authority
  - 3. Minister for Culture, Heritage and the Gaeltacht
  - 4. Heritage Council
  - 5. An Taisce – The National Trust for Ireland



- 6. Irish Water
- 7. Limerick County Childcare Committee

## 7.0 Relevant Planning Policy

### National Planning Policy

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development.

- *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual).*
- *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities.*
- *Design Manual for Urban Roads and Streets.*
- *The Planning System and Flood Risk Management (including the associated Technical Appendices).*
- *Urban Development and Building Heights, Guidelines for Planning Authorities.*
- *Childcare Facilities – Guidelines for Planning Authorities.*

As in the case of the documentation submitted with the application, specific policies and objectives are referenced within my assessment where appropriate.

Other policy documents of note and which are relevant to the application before the Board include:

- *National Planning Framework.*
- *Rebuilding Ireland: Action Plan for Housing and Homelessness*
- *Regional Spatial & Economic Strategy for the Southern Region.*
- *Limerick County Development Plan 2010*
- *Castletroy Local Area Plan 2019 to 2025*

## 7.1. The National Planning Framework (Project Ireland 2040).

The National Planning Framework (NPF) published in February 2018 sets out a strategic development strategy for the country up to 2040. Amongst its key objectives is the need to provide the highest possible quality of life for people and communities via well designed and managed built and natural environments. The NPF emphasises the need to provide development in existing urban areas at more sustainable densities thereby reducing land-take, utilising existing infrastructure, improving the viability public transport and the possibility of enhancing the creation of a more walkable and cycle friendly urban environment. It provides for a number of National Policy Objectives which are relevant to the application before the Board.

- The NPF seeks to “deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements” (NPO 3a) and seeks and to “deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints” (NPO 3b).
- NPO 11 states that “in meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth”.
- In addition to promoting consolidation and compact settlements, the NPF in Section 4.5 targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. This is applicable to all scales of settlement, from the largest city, to the smallest village. In particular, it requires well-designed, high quality development that can encourage more people, and generate more jobs and activity within existing cities, towns and villages.
- The infill/brownfield targets set out in NPOs 3a, 3b and 3c of the NPF recognises the necessity for significant and sustained increase in urban housing output and in particular apartment type development. The NPF states that this is necessary, in order to avoid a continuation of the outward

expansion of cities and larger urban areas. It notes that “in many European countries, it is normal to see 40%-60% of households living in apartments”.

## 7.2. **The Sustainable Urban Housing: Design Standards for New Apartments 2018**

The Sustainable Urban Housing: Design Standards for New Apartments 2018 seek to promote high density and high-quality apartment developments on residentially zoned land in appropriate locations. The Guidelines acknowledge that apartment developments are most appropriately located within urban areas and that the scale and extent of apartment development should increase in relation to proximity to core urban centres. The subject site could most appropriately be classed as “an *Intermediate Urban Location*” as per the criteria set out in the Guidelines, as it is located on residential zoned land within proximity of the Castletroy District Centre and the IDA Plassey Technological Park. These locations are stated to be generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net).

Intermediate Urban Locations are described in the guidelines as:

- Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions.
- Sites within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided;
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15-minute peak hour frequency) urban bus services.

### **7.3. Sustainable Residential Development in Urban Areas Guidelines 2009**

The Sustainable Residential Development in Urban Areas Guidelines 2009 advocate the use of 'Universal Design', whereby a development is accessible and usable by as many people as possible regardless of abilities or age. The emphasis is on planning for sustainable neighbourhoods. It notes that sustainable neighbourhoods require a range of community facilities, (schools, childcare community centres, healthcare facilities etc. It also emphasises the need for efficient use of land, energy and resources. A hierarchy of public open space should constitute a key element in any design approach, and this should include the promotion and conservation of biodiversity.

In the case of outer suburban / greenfield sites<sup>3</sup>, the Guidelines promote minimum net densities of 35-50 units per hectare.

### **7.4. The Regional Spatial and Economic Strategy for the Southern Region (RSES)**

This document sets out a twelve-year strategic development framework for the Southern Region. It establishes a broad framework for development and the way in which society, environment, economy, and the use of land should evolve and works towards a broad vision of the Region's future, identifying key priorities for investment. The City of Limerick is identified as a very important driver of national growth, a key regional centre that requires significant investment and growth. Limerick – Shannon is identified as a Metropolitan Area on the settlement typology. The MASP for Limerick – Shannon highlights the need to increase residential density in Limerick City and Shannon through a range of measures including reductions in vacancy, re-use of existing buildings. A dynamic approach to land-use within the footprint of existing settlements is sought by the RSES in order to maximise the opportunity of urban regeneration and infill sites to contribute to sustainable compact growth and revitalisation of our existing settlements of all scale.

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<sup>3</sup> Outer suburban greenfield sites are defined as 'open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure including roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities. The Board will note that much of the infrastructure/facilities is already available on the subject site.

The Limerick-Shannon MASP supports ongoing collaboration with regional stakeholders to ensure that social infrastructure such as education, health and community facilities are provided and, in particular, to ensure opportunities for social as well as physical regeneration.

The RSES supports infill development and the regeneration of key sites with higher densities through the provision of a number of key objectives including:

- Objective RPO10 which seeks, “the prioritisation of housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling”; and
- Objective RPO165 which seeks to ensure that “local authorities, through appropriate Development Plan policies shall ensure the consolidation of development at higher densities.
- In relation to housing, reference is made to the IBEC report “Better housing: Improving Affordability and Supply” and this report highlights the inadequate supply of affordable and quality housing as one of the main factors affecting attracting talent to our regions. The mix of housing demand is changing dramatically which will need targeted policy intervention to cater for 1-2 person households and the needs of an aging population. Coupled with this, Ireland has some of the lowest density cities in the developed world and this constrains housing delivery. This requires a better connect between housing policy to delivery and a radical rethink of the planning approach to height and density to bring within existing urban centres, with a focus on locations where it can be demonstrated that such development supports the use of walking, cycling and public transport”.
- Objective RPO176 promotes a “10-minute” city and town concept which “aims to attain sustainable compact settlements whereby, a range of community facilities and services are accessible in short walking and cycle timeframes from homes or are accessible by high quality public transport services by connecting people to larger scaled settlements delivering these services”.

MASP Policy Objective 10 seeks to “support the environmentally sustainable densification of Limerick City Centre, the assembly of brownfield sites for

development and the regeneration and redevelopment of Limerick City and Suburbs to accommodate residential use”.

#### **7.5. Local Planning Policy - Limerick County Development Plan 2010 (CDP)**

In the Limerick County Development Plan<sup>4</sup> 2010 (CDP) applies. Castletroy is identified as part of the Tier 1 Gateway, being located within the environs of Limerick City. According to Table 2.4 of the Plan (Population Units and Zoned Land Requirements) up to 2016, an additional 1,208 housing units were required in Castletroy, with a further 1,932 units required by 2022.

Chapter 3 relates to Settlement Hierarchy. Policy SS P6 states that it is policy of the Council to ensure that sufficient land is zoned within the city environs so that, as part of the Limerick Gateway, they will act as the primary focus for investment in infrastructure, housing, transport, employment, education, shopping, health facilities and community.

Chapter 4.0 of the CDP relates specifically to housing. Policy HOU P 1: It is policy of the Council to facilitate the provision of adequate zoned land in accordance with the Core Strategy targets for 2016-2022, and the provisions of the Mid-West Regional Planning Guidelines 2010-2022 and the Joint Housing Strategy to accommodate the projected increasing population, changing household sizes and housing needs, including affordable and social housing.

##### **Policy HOU P 6: Existing Residential Areas**

It is policy of the Council to support and enhance existing residential areas by:

- a). supporting the development of high-quality residential development that both individually and cumulatively has regard to the pattern and grain of existing development,
- b). ensuring the expansion of towns and villages shall be in the form of a number of well integrated sites within and around core areas, in accordance with the settlement hierarchy outlined in chapter 3 of this

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<sup>4</sup> The lifetime of this plan has been extended.

Plan, and

- c). using powers under the Derelict Sites Act to acquire and secure the redevelopment of derelict sites.

In relation to housing density, the plan states that density plays an important part in ensuring that the best use is made of land that is available for residential development in the settlements throughout the County. In the interest of the principles of sustainable development, the Development Plan should seek to maximise the use of zoned and serviced residential land so that:

- a) The loss of agricultural land is minimised;
- b) The cost of providing services and supporting infrastructure is minimised and the potential of existing infrastructure and any associated investment is maximised by the Council;
- c) Unnecessary urban 'sprawl' is prevented, thereby reducing the need for 'greenfield site' development;
- d) Energy, transport and natural resources are used efficiently;
- e) Better access to existing services and facilities; and
- f) More sustainable commuting patterns.

Objective HOU O1 promotes density in accordance with the 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' and the accompanying 'Urban Design Manual', DEHLG, May 2009; and encourages increased densities that contribute to the enhancement of a town or village.

Objective HOU O3 prioritises social integration by providing a mix of house types and sizes to meet the demand throughout the period of this Plan.

## 7.6. **The Castletroy Local Area Plan 2019-2025**

The Castletroy Local Area Plan 2019 - 2025 (LAP) seeks to implement the core strategy as set out in the CDP and referred to previously. The LAP allocates 22% of the total NPF population of 56,000 persons to Castletroy. This represents an additional 12,320 persons over the next 24 years and an additional 3,080 persons

over the plan period (the next 6 years). The LAP has determined that a total of 1,232 houses will be required over the next six years (on the basis of 2.5 persons per house). The total amount of land required for residential development is 46 ha's. The plan proposes to introduce a phasing programme, whereby 50% of the lands in Phase 1 must be developed before development can proceed on lands identified in Phase 2.

The subject site is zoned as a '*residential development area*' (phase 1) where it is an objective of the LAP to provide for new residential development and other services associated with residential development. While housing is the primary use in this zone, recreation, education, crèche/playschool, sheltered housing and small corner shops are also envisaged, subject to the preservation of neighbouring residential amenity.

Whilst the LAP promotes residential densities in line with the Sustainable Residential Development in Urban Areas (2009), it also promotes landmark locations on the approaches to Limerick City. Specifically, Objective UD1 states that it is the objective of the Council to require development proposals at landmark locations within Castletroy and on the approach to the City to demonstrate high quality innovative design in and adjacent to these locations.

Future residential development is required to be of a good quality design, accommodate a mixture of house types and integrate with the existing development. To assess future proposals for residential development, developers will be required to submit as part of the planning application, detailed design briefs, sustainability statement and social infrastructure assessment (SSSIA) as required by the County Development Plan. Developers will also be required to comply with site specific briefs on residential sites with issues which require particular consideration.

The following Housing Objectives are also relevant.

#### Objective H1: New Housing

(a) It is an objective of the Council on serviced land that is zoned for residential use to facilitate residential development in accordance with the principles and guidelines of the Urban Development and Building Heights Guidelines for Planning Authorities



(2018), the Design Manual for Urban Roads and Streets (2013), the Sustainable Residential Development in Urban Area (2009), the accompanying Urban Design Manual, Quality Housing for Sustainable Communities (2007) and the policies, objectives and Development Management Standards contained in the Limerick County Development Plan 2010-2016 (as extended).

(b) It is an objective of the Council to promote the provision of community and other facilities such as childcare as an integral part of new developments.

(c) It is an objective of the Council to identify site-specific considerations on the zoning map in this plan to guide the making of a planning application for residential development on identified sites.

Objective H2: 'Residential density, design, mix and phasing:'

It is an objective of the Council to:

(a) Ensure that proposals for residential development are planned coherently through the use of design briefs, master plans for larger landholdings, where proposals involve the partial development of landholdings if appropriate, sustainability statements and social infrastructure assessments and any other supplementary documents deemed necessary by the Council.

(b) Promote the concept of a compact district by encouraging appropriate densities in suitable locations and by resisting sporadic isolated developments.

(c) Require a minimum net density of 35 units to the hectare on residentially zoned sites.

(d) Ensure that the density of housing in any location is appropriate to the housing type.

(e) Ensure a wide range of house types, sizes and tenures are provided to meet varying population requirements and needs.

(f) Ensure that a variety of building heights is incorporated into residential development proposals to ensure that optimum use is made of residentially zoned lands at appropriate locations.

(g) Ensure compliance with the policies and objectives of the County Development Plan Policy SS P1 and SS P6.

(h) Ensure development of sites in Phase 2 can only proceed when at least 50% of all development in New Residential zoned Areas Phase 1 is completed.

## 7.7. Natural Heritage Designations

The subject site is not located within or contiguous to a designated European Site. The nearest designated European Site is the Mulcair (Mulkear) River which is located just less than 400m to the east of the subject site. It forms part of the Lower River Shannon SAC (Site Code 002165) and the confluence point between it and the River Shannon is c.1.5 km to the north of the site. Other European Sites in the vicinity include:

- The River Shannon and River Fergus SPA (Site Code 004077), approximately 6.6 km west of the site
- Slievefelim to Silvermines Mountains (Site Code 004165) at 10.1 km to the east of the site.
- Glenomra Wood SAC (Site Code 001013) at approximately 10.4 km to the north of the site

## 8.0 Observations

A total of 15 observations were received in respect of the proposed application. All the third-party observations submitted object to the proposed development. The grounds of objection are set out under thematic headings below:

### Density

- The density is way in excess of that which prevails in the area. The prevailing density is in the region of 18 -30 units per ha. The provision of 54.5 units per ha is considerably in excess of this. Reference is made to numerous developments in the surrounding area where permission was granted for developments that incorporate a much lower density than that currently proposed.
- It is not reasonable to class the site in question as an 'intermediate urban location' as per the Density Guidelines as it is greater than the 1 km walking

distance to high density employment and it is not in proximity to high capacity urban public transport corridors. The Newtown Shopping Centre and Annacotty Village have no large supermarkets. The site is best categorised as a 'Peripheral Urban Location' as per the Residential Density Guidelines where developments of less than 45 units per ha may be more appropriate.

- The density proposed is nearly 1.5 times the density standards set out in the local development plan and in excess of the density contained in the City and County Development Plan.
- The planning guidelines to be applied to the site are 'Dublin-centric' and not suitable to cities like Limerick. The proposal is suited to a truly urban environment as opposed to a suburban environment. The proposal to provide underground car parking testifies to this.
- The fact that parking is required to be provided underground confirms the limited space available on site.

#### Height

- There is no precedent of 5-storey buildings in this area. While there are a few examples of 3-storey buildings, the prevailing height in the vicinity is bungalows or dormer bungalow.
- The proposed apartment blocks and 3 storey duplexes are completely out of character with the surrounding residential development.
- The size and scale of the apartment blocks will create an undesirable precedent for the Castletroy Area.
- Previously the local authority planners discouraged building higher than dormer bungalows on Walkers Lane due to visual impact. Under the current application 3-storey units are permitted.
- The height and scale of the apartment blocks are such that they will be visible from the Dublin Road (R445). There are no drawings submitted which illustrate the impact of the height of the apartment blocks in the context of the surrounding buildings.

- None of the existing developments in the vicinity are visible from the Old Dublin Road (R445). The proposal therefore will have an unacceptable visual impact.
- The local topography of the area exacerbates the apartment blocks and the 3-storey elements associated with the development. Particularly in relation to the Carrinderry Housing Estate to the south.
- Concern is expressed that the proposal will exacerbate anti-social behaviour and loitering in the area.

### Housing Mix

- 82% of the units proposed are in the form of apartments or duplex units. This will attract a more transient community of renters which is not compatible with the promotion of sustainable communities.
- A high concentration of renters will also exacerbate car parking demand within the scheme.
- There are better examples of more appropriate housing mix in the area and reference is made to the Bloomfield Estate, nearby, where there are a higher mix of houses (both detached and semi-detached) rather than apartments.
- It is suggested that there may not be sufficient demand for the amount of housing proposed at this location, due to the economic outlook (post-covid 19 and Brexit etc). Also, the current pandemic could /is likely to reduce demand for apartments and other higher density living accommodation. The requirement for social distancing both during the construction and the operational phases will add a considerable cost factor to the provision of housing.

### Design

- The size and scale of the buildings are totally out of character with the prevailing character of the area. The predominance of flat roofs is completely incongruous in terms of suburban design.

- In light of the current pandemic, the Apartment Blocks should be redesigned with wider corridors and more lifts. There will also be a requirement for more working-from-home in the post pandemic era, and this should be factored into any house design. There are already a wide range of houses in the area for sale in the Castletroy area.
- The balcony area in the apartment blocks might become eyesores by accommodating a proliferation of satellite dishes and clothes lines etc.
- There is in-adequate detail on relation to the sound-proofing of the units within the apartment blocks, which could give rise to noise pollution and residential amenity issues.
- The grouping of social housing into one or two blocks will lead to social stigmatisation within the blocks.
- Concern is expressed in relation to the quality and quantity of public open space that is provided, and whether or not open space is provided in accordance with National Guidelines.
- While social housing has been accommodated in the proposal, there is no designated housing for those in the aged demographic who require assisted living.

#### Overlooking and Overshadowing

- The apartment blocks at 4 and 5 storeys' in height on this elevated site will overlook neighbouring houses. Apartment block A will directly overlook the houses in the Hawthorns Estate on Walkers Road. Apartment B will overlook development on Walkers Lane and the Glenside Estate. It will also overlook any future development on the adjoining field to the west.
- There is not a sufficient land buffer between the proposed development and the houses to the east of the site. Any houses built along the eastern side of the site should have the gable ends of the houses fronting onto the eastern boundary. The separation distance of 34 meters is not sufficient to address the issue of overlooking.
- First floor balconies of the duplexes facing onto Walkers Lane will have unobstructed views into the garden and bedrooms of adjacent properties. A

case should be made for the reorientation of the duplex units along the southern boundary of the site.

- No Shadow casting analysis has been undertaken to assess the potential impacts on surrounding areas. It is suggested that 4 and 5 storey apartments will cause overshadowing of dwellings in the vicinity. The proposal will also overshadow and reduce 3<sup>rd</sup> parties right to light in the gardens along the eastern boundary of the site.

### Car Parking Access and Traffic

- The development provides for approximately 1.3 car parking spaces per unit. The average house in the Castletroy has a least 2 cars. This leaves a considerable shortfall in spaces and there is not on-street parking in the vicinity. It is estimated that there is a shortfall of at least 91 spaces to cater for the parking demands associated with the development. The private car is, and will continue to be the predominant mode of transport in the area and this is acknowledged in the Castletroy Development Plan. The provision for visitor car parking is inadequate. Some submissions suggest that there is no justification for underground car parking, as such parking is characteristic of more urban developments. Another submission suggests that there is an extraordinary strong case in favour of providing underground parking for both apartment blocks.
- Access arrangements onto Walkers Lane is potentially dangerous, given its location near the apex of a hill. The Laneway which served the development is totally unsuitable to accommodate the extra traffic that will be generated. There is no public footpath along sections of the roadway serving the site. There is severe local traffic congestion during peak periods. Walkers Lane is inherently unsuitable to accommodate the increase in traffic. The increase in traffic will exponentially increase the risk of road traffic accidents. The Lane is already used as a rat-run for traffic avoiding the R445. It is suggested that the provision of an additional 137 units may constitute a 'tipping-point' into total gridlock in the local area.

- Access to the site should utilise the small roundabout at the western end of the site. Another submission suggests that access should be onto a regional/national road or a direct access onto the Castletroy College Road running along the western boundary of the site.
- No independent road study has been carried out for this development. A more comprehensive road study is required for the wider area.
- The development will exacerbate the already worsening situation in terms of traffic. There are other approved developments in the area, which will cater for over 1,000 additional cars will exacerbate traffic congestion in the local area. There are numerous employers in the area that generate significant amounts of car-based traffic particularly during peak periods.
- There is a lack of footpath and cycle links between the subject site and nearby Annacotty Village. The development of such high-density housing should not be considered in the absence of a QBC to serve the development.
- It is likely that much needed infrastructure such as the Limerick Northern Ring Road may be temporarily postponed /deferred due to financial constraints arising from the current pandemic.
- The west of Ireland does not have the climate to encourage more sustainable transport such a cycling and walking. It also has weak public transport services and does not have sufficient road width and capacity to cater for improved public transport.

### Social Infrastructure

- There are inadequate social services to cater for the increase in population (reference is made to childcare, libraries, garda stations, schools etc). The lack of childcare facilities on site is of great concern. Contrary to what is stated in the documentation submitted, it is suggested in the area that childcare places are not available in the vicinity of the proposal.
- There has been no investment in the local community or in sports facilities or amenities to facilitate a gentle transition to high rise and high density.

### Archaeological and Built Heritage Issues

- A Ringfort and a Kiln have been found on site. The proposed car park will completely obliterate these features. The proposal does not adhere to the 20m buffer zones as required by Limerick Co Council.
- The proposal is located close to a number of protected structures including Carrinderry House and Newtown Cottage. The proposal will impact on the settings of this structures

### Ecological Impacts

- The proposal will significantly impact on the faunal habitats on site. Specific reference is made to the impact on bat roosting sites, a further independent study should be undertaken to ensure that there are no bat species roosting on site. It is also noted that during the assessment undertaken a number of other species were found on the site at the time.
- The construction will necessitate the removal of a significant number of mature trees to the front of the site. All effort should be made to ensure the protection of them and the hedgerow surrounding them.
- The site accommodates Japanese Knotweed. Disturbance of the site during the construction period could result in the spread of this invasive species.

### Construction Issues

- The construction and excavation phase will have a very profound impact on amenity of residents in the area through noise, vibration drilling, dirt and construction traffic. The construction activity could give rise to health implications particularly in the form of respiratory illnesses.

### Other Issues

- There have been minimal attempts either by the developers or the local authority planners to consult and liaise with the local community concerning plans for the site.



- On the basis of the various concerns outlined above, the proposal will result in a devaluation of property in the area

### 8.1. Proscribed Bodies

- A submission from Transport Infrastructure Ireland states that it has no submissions to make in respect of the application.
- A submission from Irish Water states that the company has issued the applicant with a Statement of Design Acceptance. This confirmation does not extend to fire flow requirements. Therefore, the applicant may need to provide adequate fire storage capacity within the development. In the event that the Board are minded to grant planning permission, a standard condition is requested to be attached requiring a connection agreement and that the development will be carried out in compliance with Irish Water's Standards, Codes and Practices.

### 8.2. Chief Executive Officer's Report on behalf of the Planning Authority

In compliance with Section 8(5)(a) of the 2016 Act, Limerick City and County Council submitted the report of its Chief Executive Officer in relation to the proposal. This report is summarised below.

- This report sets out a description of the site and the planning history in relation to the site and its surroundings. Reference is made to a number of recent applications to the north of the site in the Technology Park.
- It is noted that the site is zoned for residential use in the development plan. Relevant policies and objectives in the Castletroy LAP relating to the proposal are set out in the report.
- All internal reports (set out in full in Appendix A of the submission) are detailed in the report. The main points contained in the reports are as follows:
  - **Operations & Maintenance Report** – Grant subject to conditions.

- **Service Operations (Parks and Open Space)** - notes that the precise location of the playground is very important
- **Archaeologist's Report** – further details required with regard to methodology involved in the programme of excavation to be undertaken for the extant archaeological features on site.
- **Noise Report** – Suggests that modifications are required to ensure that noise is maintained to an acceptable level and in accordance with WHO thresholds.
- **AA Screening Report** is inadequate. A Review of the AA Stage 1 Screening Report was carried out by Consultants on behalf of the Planning Authority and this report identified shortcomings in the AA Screening undertaken.
- The report details the contents of the 3<sup>rd</sup> Party Observations and the contents of reports submitted by the Prescribed Bodies.
- The report summarises the views of the elected representatives expressed at a special meeting held on the 09.03.2020. It notes that a number of concerns were expressed with regard to densities and impact on surrounding residential amenity. Many other concerns raised in the third-party observations on file are reiterated by the elected representative.
- The Chief Executive Officer's Report assesses the development under the following headings
  - Principle of Development – The proposal is compatible with the zoning and the principle of apartments and duplex units on site is also considered to be acceptable.
  - Site Layout – the layout of the scheme is described in detail and it is considered that the design responds to the topography of the site, placing the higher elements of the scheme on the lower land to the west of the site and creating a dominant urban edge on the eastern approach to the City in the vicinity of the Annacotty Roundabout. The lower density at the eastern side of the site better reflects the prevailing lower density character of the area.

- In terms of density, the planning authority consider the site to be located in an area that can be classified as an 'Intermediate Urban Location' and on this basis the proposed density is considered to be acceptable. The proximity of the Technology Park which offers a high level of employment opportunities together with a proposed QBC along the Dublin Road (R445) would also justify a higher density on site.
- It is considered that the Apartment Blocks comply with the Specific Planning Policy Requirements (SPPR's) as set out in the Sustainable Urban Housing: Design Standards for New Apartments' Guidelines 2018. It is noted that no 4 bed apartments or 4 bed duplex units are proposed.
- In terms of height, scale, materials and finishes, the reduction of the height from 7 stories (as originally proposed) to 4 and 5 stories will improve daylight and sunlight penetration within the scheme. It is considered that the development makes a positive contribution to place making with strong edges created. The breaking up of the apartment element in to two separate blocks is also acceptable. The external finishes are considered to be of high quality.
- In terms of residential amenity, the proposal complies with relevant standards in relation to daylight and sunlight. The most sensitive receptors are identified as the individual dwellings located to the east of the site, and to a lesser extent the houses in Carrinderry to the south of the site. It is considered that the separation distances achieved between the proposed and existing buildings is acceptable and will not have an undue adverse impact in terms of overlooking or being overbearing. Retention of mature trees will mitigate against the impact.
- In terms of noise impact, the concerns in relation to acoustic design are noted in the internal reports and it is suggested that this can be adequately addressed by way of condition. A noise report submitted with the application concludes that the external amenity areas will experience noise levels that will comply with recommended criteria.
- In terms of open space, the report notes that 15% of the site is given over to public open space the development can avail of a good hierarchy of

public open space in the vicinity. Private open space in the form of terraces, balconies and roof gardens are appropriately integrated and well landscaped. The open spaces within the scheme are well overlooked however maintenance of the proposed landscaping is vital.

- In terms of childcare, the report accompanying the applicant in respect of childcare which states that there are adequate facilities already in the area is noted. It is also noted that the number of family – type dwellings in the scheme is limited.
- The Stage 1 Screening Report for appropriate assessment submitted with the application is noted. It was concluded in the screening report that the proposed development will not cause direct or indirect impacts on any Natura 2000 sites in the area. On this basis a Stage 2 Appropriate Assessment is not required. A review carried out on behalf of the planning authority in relation to screening that the report submitted with the application did not incorporate any supporting evidence to screen out a Stage 2 Appropriate Assessment.
- Part V requirements relating to the transfer of 14 units within the scheme is noted. In terms of development contributions in the case of permission being granted a contribution of €257,310 and a bond of €90,000 is required.

The report concludes that the planning authority welcomes an application for residential scheme on this site however having regard to the inadequacy of information provided in the Appropriate Assessment Screening Report, it cannot be satisfied that there is no likelihood of significant effects on any natural 2000 sites in the wider area.

On this basis, and in accordance with the provisions of Section (5)(b)(ii) of the Act a refusal is recommended. In the event the Board decide to grant planning permission a total of 33 suggested conditions are attached to the Chief Executive Officers Report.

An Appendix (Appendix A) attached to the main report contains all the internal reports referred to.

## 9.0 EIAR Screening Determination

- 9.1. On the issue of environmental impact assessment screening I note that the relevant classes for considerations are classed as 10(b)(i) “construction of more than 500 dwelling units” and class 10(b)(iv) “urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of the built up area and 20 hectares elsewhere”.
- 9.2. Having regard to the size of the development at 2.59 hectares and the number of units to be provided at 137 units which is considerably below the 500 dwelling threshold it is considered that, having regard to the nature and scale of the proposed development the location of the development on an urban greenfield site together with the characteristics and likely duration of potential impacts, that the proposal is not likely to have significant effects on the environment and that the submission of an environmental impact statement is not required. I further refer the Board to section 8.1 of the Statement of Consistency which carried out a more detailed sub-threshold screening assessment which included a detailed evaluation of the (i) Characteristics of the Development (ii) Location of the Development and (iii) Characteristics of the potential impacts. It likewise concludes, on the basis of the detailed evaluation undertaken, that the development would not be likely to have significant effects on the environment and therefore an EIAR is not required. I fully agree with this conclusion.

## 10.0 Assessment

### 10.1. Introduction

- 10.1.1. I have read all the documentation on file, including the report by the planning authority, the submissions received from third party observers and prescribed bodies. I have also had regard to the provisions contained National Planning Guidelines, Local Development Plans and Ministerial Guidelines particularly those relating to residential development. I have also visited the subject site and its surroundings, and I consider the following issues to be most relevant in determining the current application before the Board:

- Principle of Development
- Density
- Height and Design Issues
- Housing Mix and Tenure
- Overlooking and Overshadowing
- Traffic Access and Car Parking Issues
- Other Issues

## 10.2. Principle of Development

- 10.2.1. Residential development is acceptable in principle on the subject site and the site is governed by the residential zoning objective in the Castletroy Local Area Plan. The proposal therefore fully accords with the zoning objective pertaining to the site.
- 10.2.2. The use of the site for residential development is also compatible with adjoining land uses. The site is well connected via R445 with Limerick City Centre. It is located in proximity to the University of Limerick, the IDA National Technology Park, and the Annacotty Business Park all of which present a wide range of employment opportunities. In the case of the University, there is also likely to be a strong demand for student accommodation. There a wide a range of services in the area, including primary and secondary schools, neighbourhood and larger public parks, and various shopping and retail services at Annacotty village, Newtown Shopping Centre Castletroy Shopping Centre. The site is also well serviced in terms of public infrastructure, in terms of water supply and foul drainage arrangements, footpaths, public lighting and good quality road infrastructure.
- 10.2.3. National Policy as set out in the NPF makes numerous references to the key benefits of creating more compact development within the confines of existing urban areas. While the proposal may be located on a greenfield as opposed to brownfield site, it's development will nonetheless result in a consolidation of the built-up area within the eastern environs of Limerick. In this regard it fulfils the objectives as espoused in the NPF in providing appropriate infill development within existing urban areas.

- 10.2.4. It is further apparent, that the majority of third-party observers had no major objection to the principle of residential development on the subject site, but were more concerned about the detailed layout, height and density associated with the scheme. Finally, in relation to this matter I note that Limerick City and County Council concur that the site is suitable for residential development.
- 10.2.5. On the basis of the above arguments I would conclude that the proposal is acceptable in principle on the subject site.

### 10.3. Density Issues

- 10.3.1. Virtually all observations on file argued that the proposal is inappropriate and incongruous to the prevailing density of the area. The proposal it is argued, represents a significant departure from the prevailing character of the area which comprises of one and two storey detached dwellings.
- 10.3.2. In response to this concern, the Board will note that there has been a significant and material shift in policy emphasis in relation to density in urban areas in recent years. Reference is made to various policy documents in Section 7 of my report above, all of which emphasis the need to develop sites within urban areas at more sustainable densities. I would agree with both the applicant and the Planning Authority that the site can be best described as an 'intermediate urban location, as per the Sustainable Urban Housing: Design Guidelines for Planning Authorities. I would base this reasoning on the fact that the site is located within reasonable walking distance (ie up to 1 km) of suburban centres (Newtown Shopping Centre, Annacotty Village and Castletroy Town Centre). The site is also in close proximity to numerous employment centres. The site can also avail of existing public infrastructure (roads, public lighting, sanitation and water supply etc). These locations are generally deemed suitable for higher density development that (a) may wholly comprise of apartments or alternatively, medium-high density residential development of any scale that includes apartments of some extent. Such Intermediate sites should seek to incorporate densities of greater than 45 dwellings per Ha. Numerous. The proposed density in this instance is 54 units per ha. which is fully in accordance with the guidelines referred to. Furthermore the Castletroy LAP has determined that a total of 1,232 houses will be required over the next six years, and this will necessitate new

development at higher density than the prevailing density in the area. The proposal will contribute towards this objective.

10.3.3. It is clear from the NPF and the most recent guidelines on residential development that there is an increased emphasis in maximising the development potential of sites, particularly in relation to housing within existing urban footprints. A major thrust of the National Planning Framework seeks a preferred approach for more compact development within existing built up areas. The National Planning Framework seeks to encourage more people, jobs and activity to be located within existing urban areas. It seeks to provide well-designed high-quality development that can encourage more people to live and work in close proximity. The subject site is ideally situated in this context. The NPF seeks to deliver at least half of all new homes to be located in the five main cities including Limerick. The strategy concludes that “*it is clear that we need to build inwards and upwards rather than outwards*”. This means that apartments will need to become a more prevalent form of housing particularly in Ireland’s cities. The Apartment Guidelines also highlight the need to provide higher density development in central or accessible urban locations.

10.3.4. The need to provide more housing is also reflected in the Rebuilding Ireland Action Plan and the recently published Urban Development and Building Heights highlight the need for Planning Authorities to become more proactive and more flexible in securing compact urban growth through a combination of both facilitating increased densities and building heights.

10.3.5. It is therefore clear and unequivocal that government policy seeks to support increased building height and density in locations with good public transport accessibility. The Chief Executives Report indicates that it is proposed to develop a QBC along the Dublin Road to the immediate north of the site and therefore the site will be able to avail of good public transport infrastructure in the coming years. From a sustainable land use point of view, securing compact growth in urban areas as espoused in the various policy documents above significantly reduce adverse impacts on the environment by:

- Reducing the land take and preserving agricultural land and habitats outside the urban area and creating a more distinctive urban rural divide.



- It also enables the utilisation of existing infrastructure which are available to serve these sites in terms of existing foul drainage, water supply, roads, footpaths, lighting etc.
- Incorporating residential development in close proximity to existing centres of employment will reduce the need to travel long distances particularly by private car and will reduce energy consumption and carbon emissions.
- Provision of higher density residential development within urban areas improves the viability of public transport services and enables and facilitates the provision of more frequent services.
- Enhancing public health by encouraging and facilitating more active lifestyles by creating a more walkable and cycle friendly urban environment.

10.3.6. Strategically the subject site has many attributes to accommodate the higher density development espoused in the Guidelines. The site is well served by existing services and amenities and as ready stated, is close to centres of employment. The subject site is contiguous to a future QBC which will accommodate higher frequency bus services. The subject site can avail of existing services in the vicinity including community, neighbourhood, retail and employment services and finally the proposal offers an opportunity to enhance and revitalise a prominent urban greenfield site located adjacent to a major thoroughfare entering the city.

10.3.7. The Dublin Road (R445) is a major route into the city centre. It incorporates a wide spacious thoroughfare which is capable, in urban design terms, to accommodate a building of a larger scale particularly fronting onto the Annacotty Roundabout.

10.3.8. The principle of high-density development than that prevailing in the immediate area is in my view appropriate. In terms of strategic considerations, the provision of a quantum of development beyond that in the immediate vicinity is unequivocal and the site offers a good opportunity to provide a scale of development which is more reflective of the policies, provisions and objectives set out in the National Strategic Planning Guidelines in relation to housing and urban development referred to above. The wider strategic considerations are in my view of critical importance for the Board in determining the current application. However, I fully acknowledge that any wider strategic considerations must be balanced against the impact on surrounding residential amenity. A reasonable balance must be struck between the wider

strategic objectives in relation to housing in urban areas and the need to protect the qualitative safeguards of surrounding areas. These issues are dealt with in more detail below.

#### **10.4. Height & Design Issues**

- 10.4.1. I fully acknowledge that the prevailing size and scale of buildings surrounding the subject site are 1 and 2 storeys. Although in the wider area there are a number of larger blocks, associated with the Technology Parks and other enterprises. Despite what is suggested in the various observations, the character of the wider area is beginning to evolve and is becoming more urban in nature. I would again reiterate the need to build new development within existing urban areas that can make efficient use of existing resources. The site is serviced and can avail of a wide range of existing services in the vicinity. If the density is to be increased on constrained sites, this will inevitably result in higher buildings on site. A 4 and 5 storey building, which reaches a maximum height of 16.73 meters cannot be considered excessive in a built-up area. The width of the Dublin Road together with the adjoining roundabout facilitates a building of the size and scale proposed, without resulting in a structure that is overbearing in terms of size and scale. A smaller building in my view would be less appropriate in visual design terms as it would have little or no visual presence on such a wide thoroughfare and would give rise to a weak urban setting with considerable visual leakage.
- 10.4.2. Contrary to what is stated in one of the third-party submissions, the proposal takes advantage of the topography of the site, placing the larger buildings at the western side of the site away from the existing residential areas and closer to the adjacent roadways. The design approach utilises the topographic features to assist in reducing the visual impact arising from the development. The proposal constitutes an appropriate compromise between seeking to protect the existing character of the area by placing the taller buildings away from established residential areas and the need to provide higher densities on urban serviced land. The proposal provides a good urban edge / perimeter block on terms of urban design.
- 10.4.3. The fact the blocks are located adjacent to and are visible from the Dublin Road does not in itself constitute reasonable grounds for refusal, as suggested in one of the observations. I consider that the overall design using subtle tones of grey and

brown brick which are reflective of existing housing in the area contributes in a positive way to the overall visual amenities of the area, over and above the undeveloped lands which exist on site. I note the Planning Authority has no objections to the external finishes and notes that “the development makes a positive contribution to place making with strong edges created”. There are several flat roof/ mono pitch buildings in the area at the Technology Park and at the commercial centres. The apartment blocks represent an appropriate and contemporary design. Similar arguments would also justify the provision of 3 storey duplexes on site. 3 storeys cannot be considered to be of excessive height in suburban areas in the context of the policies set out in the current strategic land use planning documents referred to above.

- 10.4.4. I would have some concern that the layout includes the provision of a row of duplex units backing onto Walker Lane. While the approach may provide a strong urban edge, it does little to contribute to an active street frontage near the entrance to the estate and it results in the layout ‘turning its back’ on the existing houses fronting onto Walker’s Lane. The situation is somewhat compensated by the fact that private open space is provided at first floor level to the rear of the duplex units and this will ensure some level of activity and animation to the rear of the units thereby ensuring that the units address Walkers Lane to some extent
- 10.4.5. With regard to issues of internal soundproofing and noise attenuation, minimum levels of insulation and soundproofing are dictated in the technical specifications set out in Part E of the Building Regulations. It is a requirement that any development comply in full with the requirements of the Building Regulations
- 10.4.6. Previous planning decisions on site which restricted the height of new dwellings, have been superseded by, more updated guidelines which seek to maximise densities on urban serviced land close to existing services and amenities.
- 10.4.7. With regard to open space provision, concern is expressed that the proposal lacks sufficient good quality public open space. The proposal comprises with the open space standards in the development plan and offers a good mix of passive and recreational open space throughout the scheme. The landscaping strategy also seeks to retain existing mature landscaping particularly along the northern boundary of the site which is extremely beneficial to the overall layout in terms of visual

amenity and biodiversity. The open space within the scheme benefits from large scale passive surveillance from the units within the scheme and I further note that there is a large public park in Castletroy within walking distance to the south of the site which the occupants of the scheme can avail of.

## 10.5. Housing Mix

- 10.5.1. The Observations express a number of concerns in relation to housing mix. In particular there is concern that there is a predominance of apartments and duplex units, and that this will result in a more transient population which will militate against the creation of more sustainable communities. It will also lead to a high demand for car parking spaces. Some observers argue that higher density accommodation such as that proposed, is not appropriate in light of the current pandemic where social distancing is required.
- 10.5.2. The Sustainable Urban Housing Design Standards for New Apartments, states that there is an absolute minimum of 275,000 new homes required in Ireland over the next two decades. This will necessitate a significant and sustained increase in housing output and the provision of apartment type development in particular. This includes the provision of a mix of apartment types that better reflects contemporary household formation and housing demand patterns particularly to cater for demand for smaller units. The same guidelines note that demographic trends indicate that about two-thirds of households added to those in Ireland since 1996 comprise of one to two person units. Yet only 21% of dwellings completed since then comprise of apartments of any type. The 2016 census indicates that one and two person households now comprise the majority of households and this trend is set to continue. It is therefore necessary that there is a greater emphasis for providing one and two bedroom units within residential schemes. The Regional Spatial and Economic Strategy for the Southern Region (RSES) also highlights the need to cater for smaller households in the region.
- 10.5.3. There is a need to move away from the predominance of three and four bedroom units and an need to provide a better housing mix, including smaller units in more established residential areas.

- 10.5.4. While concern is expressed that apartment accommodation is not conducive to curtailing the current Covid-19 pandemic, it is my considered opinion that a current pandemic should not dictate the design of buildings, the life of which are likely to outlast any social distancing protocols associated with the current pandemic. Currently all indications suggest that a vaccine to the covid-19 pandemic will be developed within the next 12-18 months. Furthermore, the existing internal layout, including communal corridors etc is in my view, sufficient to adhere to current social distancing protocols.
- 10.5.5. In terms of social housing provision, one of the submissions suggests that the proposed layout will give rise to social stigmatisation with the scheme. The proposal provides for 14 units which are adequately distributed throughout the scheme and the units are not concentrated in one particular block or area of the scheme. The layout of the proposal and the distribution of Part V housing units will in no way result in social stigmatisation.
- 10.5.6. Concern is also expressed that the proposal does not provide any specific units associated with assisted living for the elderly. The units proposed provide for a range of family sizes including a significant number of one and two bed apartments and duplexes. Some of these one and two bed apartments are located at ground floor level. These apartments would be suitable for assisted living. A number of disabled car parking spaces are also provided for within the scheme. The application is also accompanied by a Universal Design Statement which states that all buildings will be designed to comply with Part M of the Building Regulations and the scheme will include disabled compliant footpath and ramps and all communal areas are designed so as to be wheelchair compatible.
- 10.5.7. Concerns are expressed in one observation that the proliferation of balconies within the layout will result in outdoor storage and washing lines etc which will impact on the visual amenities of the area. The units proposed provide adequate storage space within the layout to ensure that the occupants will not be reliant on outdoor balcony space for storage purposes.

## 10.6. **Overlooking and Overshadowing Issues**

- 10.6.1. Concerns are expressed in the various submissions that the proposed apartment blocks will directly overlook houses on adjacent estates. It is also suggested that a separation distance of 34 m between dwellings is not sufficient and that the housing along the eastern boundary should incorporate gable ends to avoid overlooking on adjacent dwellings and gardens to the east. Concerns are also expressed that the rear of the duplex units along Walkers Lane will give rise to overlooking in the case of the dwellings to the south. In relation to all these matters, I have consulted in detail the site layout plan (Dr. No. 201 Revision D). It indicates that there is sufficient, and in most cases, generous separation distances between the proposed dwelling units and existing residential development in the vicinity. In the case of the layout along the eastern boundary of the site, the rear gardens of the proposed two storey units in all cases are a minimum of 11 meters in depth. Furthermore, it is proposed incorporate a 2 meter high wall along the eastern boundary of the site and to retain the mature hedging which currently exists along this boundary. This in my view will ensure at the level of overlooking between sites is minimised. The Board will also note that the existing two dwellings along the eastern boundary with the side both have gable ends facing onto the boundary of the site. This will also minimise the potential for direct overlooking into habitable rooms.
- 10.6.2. In the case of the two proposed apartment blocks, these blocks are located along the western boundary of the site and are also set back between 7 and 17 meters from the edge of the roadside boundary along the R445 to the north and the L1165 to the west. The 5 storey element of apartment block A overlooks the expansive area of road space associated with the Annacotty Roundabout to the northwest an area of internal open space and car parking to the east and south east within the scheme. The separation distances between the Block A and the duplex units to the south west of the block are in excess of 40 meters, which is more than adequate to ensure that the potential for overlooking is minimised. I also reiterate but the proposed apartment blocks are located at the western end of the site where ground levels are lowest. The natural topography of the site will also assist in minimising the potential for overlooking.

- 10.6.3. With regard to duplex units located along the southern boundary of the site adjacent to Walker's Lane, with the exception of Carrinderry House, the separation distance between the above ground floor elements of the duplex units and the existing dwellings along the southern side of Walkers Lane are in all cases 30 meters or more. This in my view is also adequate to ensure that the potential for overlooking is minimised. The Board will note that Carrinderry House has no windows on its north facing gable and as such there is no potential for overlooking.
- 10.6.4. On a more general concern raised in one of the observations, I am satisfied, given the suburban nature of the site in question and the need to increase densities to more sustainable levels within built-up areas, separation distances of 34 metres between residential units is sufficient to ensure residential amenity is maintained.
- 10.6.5. Concerns are also expressed that no comprehensive shadow casting analysis has been undertaken in respect of the proposal and that shadow casting, particularly by the apartment blocks, will be disproportionate. I reiterate that the apartment blocks are located at the western end of the site, and therefore are furthest away from most of the residential areas surrounding the site. The blocks are also located on lower lands which will also mitigate against potential overshadowing. Having regard to the separation distances between buildings, the potential for overshadowing of existing houses and gardens is minimal. The shadow casting analysis submitted with the application indicates that the amenity areas will receive excellent light. This analysis also assesses the sunlight penetration and shadow casting for the private amenity spaces associated with the proposed units, which is also deemed to be adequate and in accordance with BRE guidelines.
- 10.6.6. The proposal is likely to result in some increase in overshadowing of adjoining lands, but this will on the whole, be confined to late autumn and winter months. Some increases in overshadowing are an inevitable consequence of developing greenfield sites within surrounding built up areas. However, the impact in terms of overshadowing in this instance is negligible and therefore acceptable.

## 10.7. **Traffic Access and Car Parking**

- 10.7.1. Numerous concerns were raised in relation to these matters by all the third-party observers. Although the Board should note that Transport Infrastructure Ireland had

no comments to make in respect of transportation matters. The Chief Executive's Report did not raise and concerns on these matters either. Issues raised in the observations include lack of car parking to serve the development both in terms of parking for residents and for visitors. Access arrangements were also criticised on the basis of restricted sightlines due to restrictions/variations in the horizontal alignment along Walker's Lane. Concerns were also expressed that the traffic generated by the proposed development will result in severe traffic congestion and that there is generally inadequate road infrastructure to serve the development particularly in terms of the provision of cycle lanes and footpaths. Each of these issues will be dealt with below.

Car Parking Provision

10.7.2. In terms of car parking provision, car parking is provided to the front of each of the dwelling houses and in an underground car park primarily beneath Block B. The car parking standards set out in the development plan, allow a maximum car parking requirement as follows:

Residential Unit	Spaces required as per development plan	No. of Units proposed	Max permitted	Total Provided
3 bed house/duplex	1	69	69	61 Underground 122 Surface
4 bed house	2	7	14	
1 or 2 bed Apartment/Duplex	1	59	59	
3 bed apartments	1.5	2	3	
Total visitor spaces required	137 Units – 53 spaces		53	
Total			198	183

10.7.3. It is clear from the above Table but there is a slight shortfall in the amount of spaces provided in the context of the maximum permissible spaces allowed under the



development plan. The Board will note that the development plan standards relate to the 'maximum' standards (my emphasis). However, there is a shortfall of 15 spaces, and these relate mainly to the provision of visitor spaces. The application complies with the requirements of the development plan in terms of car parking spaces to be provided for the residential units. The amount of car parking spaces to be provided therefore is appropriate in my opinion. Furthermore having regard to current transportation policy which seeks to encourage and facilitate more sustainable forms of transport including public transport, cycling and walking, it is appropriate in my opinion that any application would not aim to provide the maximum permissible car parking allocation under the development plan. This would be particularly pertinent to the current application before the Board on the basis that the site is located in close proximity to numerous services including shops schools an amenity parkland all of which are readily accessible by cycling and walking. Furthermore, there are plans to provide a QBC along the Dublin Road which will greatly enhance the public transport infrastructure in the vicinity of the site and provide a frequent and efficient service to and from Limerick City Centre. The car parking provision in my view is appropriate on this basis.

#### Access Arrangements

- 10.7.4. With regard to access arrangements, I would share some of the concerns raised in the third-party observations with regard to restricted sight lines at the entrance to the site. Sightlines are very restricted due to changes in the horizontal alignment of the road to the immediate east of the site. There is a notable rise in the horizontal alignment of the road approximately 50 to 55 metres to the east of the access point which restricts views of oncoming traffic driving westwards along Walkers Lane. On the eastern side of the crest on the road, the slope towards Annacotty Village is more profound. As a result, vehicles travelling westwards along the road towards the site can only be seen by traffic waiting to exit the development at the last moment, further exacerbating the road safety issues.
- 10.7.5. I note that this particular issue was not addressed in the Road Safety Audit submitted with the application. NRA Guidelines set out in the Design Manual for Roads and Bridges (Vol.6 Section 1 Part 1 TD 9/11) state that in a 50kmph speed limit desirable stopping sight distance is 70 metres. One step below the desirable minimum as indicated on Table 1/3 of the Guidelines is 50m. The proposed access

barely meets this secondary standard. However, I also observed, that due to the narrow nature of the roadway and the lack of footpaths together with the variation in the horizontal alignment, traffic along this section of the roadway travels at relatively modest speeds at present. Nevertheless, from a road safety perspective, I would consider that the proposed access arrangements could be problematic, particularly if improvements take place along this section of Road which enables traffic to travel faster in the vicinity of the proposed entrance. Furthermore, trip generation to from the development during peak times will amount to c. 70 trips per hour. This relatively intense traffic generation would in my view constitute a traffic hazard. Given the intensity of traffic movements at this priority T-junction, it would not in my view, be appropriate to permit sightlines which are one step below the desirable minimum as permitted for in the NRA Guidelines. In terms of collision data, it is noted that one collision has been recorded at the junction of Walker's Lane and Castletroy College Road.

- 10.7.6. Some third-party observations suggest that alternative access arrangements could be put in place which would be more advantageous in road safety terms. Specifically, reference was made to creating a new access on to be R445 or onto the Castletroy College Road to the west of the site. In relation to the former, it would in my view be inappropriate to create a new access onto a strategic regional route running eastwards from the city. A new access point along the northern boundary of the site onto an already heavily trafficked road would give rise to traffic safety concerns particularly for traffic travelling eastwards from any new access.
- 10.7.7. With regard to access on to Castletroy College Road, the creation of new access between two existing roundabouts may also give rise to a number of safety concerns as these two roundabouts are only c. 120 meters apart. The provision of an alternative access would in my view require an independent road safety audit, prior to any decision being made on the matter. The most pragmatic option may involve moving the existing access to a point further along Walkers Lane opposite the Carrinderry Road, a distance of approximately 30 meters. However, I reiterate that any alteration would necessitate an independent Road Safety Audit.

### Capacity of Existing Road Network

- 10.7.8. With regard to the capacity of the existing road network to cater for the additional traffic generated by the proposed development, having inspected the site, I noted that the Annacotty Roundabout was relatively busy accommodating large volumes of traffic along the R445 heading towards Limerick and towards the IDA National Technology Park to the North along the Plassey Road. Traffic along Walkers Lane and Castletroy College Road was relatively light as observed during my site inspection. I refer the Board to the Traffic and Transport Assessment carried out and submitted as part of the proposal. Section 11 of this Report assesses the impact of the additional trip generation at the proposed entrance to the site, the roundabout at Walker's Lane and Castletroy College Road and the Annacotty Roundabout. An ARCADY Analysis was carried out for each of these junctions. The analysis reflects my own general observations that the Annacotty Roundabout is operating close to capacity, with the ratio of flow to capacity (RFC) close to 0.8 and 0.9 on east, west and northern arms. The southern arm which will serve the proposed development for traffic heading towards Limerick City has the most capacity available. The critical element to note however is that the traffic generated by the proposed development will have a negligible impact on the overall operating capacity of the roundabout. It is clear that the Walker's Lane / Castletroy College Road Roundabout and the development access point have more than sufficient road/roundabout capacity to cater for the proposed development. I further note that improvements are proposed in the vicinity of the Annacotty Roundabout which include a new slip lane from the Plassey Road arm to the north of the roundabout and the widening of Castletroy College Road arm which will more directly benefit the proposed development. On the basis on the analysis undertaken by the applicant together with my own observations on site, I consider that there is sufficient capacity in the adjoining Road network to cater for the trip generation associated with the proposed development. Therefore, road capacity issues do not constitute reasonable grounds for refusing planning permission.
- 10.7.9. Third party observations also suggest but the development should be the subject of an independent road study. The Board will note with the current application was

accompanied by a Traffic and Transport Assessment carried out by CST Group Chartered Consulting Engineers which included an evaluation of trip generation, traffic forecasting, trip assignment and distribution and a detailed assessment of the existing and proposed road network to cater for traffic generated by the proposal. An independent Road Safety Audit was also carried out by the CST group as part of the planning application. Independent recommendations were made as part of the road safety audit process. I am therefore satisfied that independent road studies accompanied the application and adequately assessed the potential impact arising from the development.

One observation submitted also suggested that Ireland has a climate regime which is not conducive to facilitating more sustainable forms of transportation such as cycling and walking. Statistics would indicate that while commuting patterns are still heavily skewed towards the private car, both cycling and walking have become more popular in terms of commuting and this suggests that the Irish climate is not an impediment towards encouraging a modal split in favour of more sustainable forms transport. The 2016 census indicates that almost 1 in 4 people in Limerick City and Environs commuted to work either by walking, cycling or public transport. The provision of more sustainable transport infrastructure such as cyclepaths and better footpaths, will also assist in the transition to more sustainable commuting patterns. I reiterate that the site is geographically well placed to take advantage of nearby employment opportunities, being located in proximity to the IDA Technology Park and the Annacotty Business Park.

## 10.8. **Other Issues**

### 10.8.1. Inadequate Social Infrastructure to Cater for the Development

Concerns are expressed that there is an adequate social infrastructure to cater for the proposed development in that social infrastructure facilities do not exist or that the existing services are oversubscribed. Having inspected the site and its environs, I would consider that the subject site is well placed and well served in terms of social infrastructure facilities. The site is located within 500 meters of Annacotty Village, where services such as shops, bars and restaurants are located. Monaleen National School and Castletroy Community College are located to the south west of the site and are also within walking distance. There are also a number of amenity areas,

including large public parks and sport clubs within walking distance of the site. There are additional shops and services available at Newtown Shopping Centre and Castletroy Shopping Centre approximately 0.5km and 1km away respectively.

#### 10.8.2. Childcare Facilities

With regard to childcare facilities, information submitted with the application suggests that there is adequate childcare capacity within 3km of the site and accordingly, an additional childcare facility is not required to service the proposed development. A google search suggests that there are at least 6 childcare facilities within a 3 km radius of the subject site which would indicate that the area is well served in this regard. Furthermore, the demand for childcare associated with the development which has a significant proportion of 1 & 2 bedroom units is likely to be less than that associated traditional 3 and 4 bed suburban residential units which would be more family orientated. I am satisfied that the need for a dedicated childcare facility is not required as part of the proposal. I also note that the Planning Authority did not raise any concerns in this regard. However, if the Board take a different view, the ground floor communal area of Block A can be used as a creche facility and this can be addressed by way of condition should it be deemed necessary.

#### 10.8.3. Archaeology

Concerns are expressed that the proposed development will obliterate any existing archaeological remains on the subject site. The site accommodates two archaeological features; an enclosure (visible as a crop-mark on an aerial photograph) in the north-western corner of the site, and a possible corn-drying kiln identified in previous test trenching in 2005 located centrally within the site. Neither of these features are visible above ground. The Archaeological Assessment Report (submitted with application) carried out on site on 2017 confirmed the presence of an enclosure on site. An Archaeological Method Statement and Archaeological Assessment was submitted with the application. The site will be stripped and mapped before a full archaeological excavation will take place on site by hand. This

will be followed by post excavation report and subsequent archiving. This approach is in line with the recommendations of the Department of Culture Heritage and the Gaeltacht in its letter dated 22<sup>nd</sup> March 2019 prepared on foot of the SHD pre-application consultations. It has been confirmed that there are no archaeological features above ground on site, and such the development of the site will not in any way affect or impact upon the potential setting of archaeological features on the ground. The most appropriate approach, therefore in my view, having regard to the need to develop the site, and at appropriate densities in accordance with national land use policy, is to ensure the preservation of the features where possible in situ or by record in accordance with the works method statement submitted.

#### 10.8.4. Built Heritage

Reference is made to the fact that there a number of protected structures in the wider area, including Newtown House to the south-west of the site near the corner of Walker's Road and Castletroy College Road, approximately 100m to the south west of the site. There are no other protected structures in the vicinity of the site. Newtown House comprises of a single storey five-bay cottage dating from c.1810. The setting of this structure and other protected structures in the wider area have already been affected by the large-scale development, both residential and other development which has taken place in the Castletroy / Annacotty Area in recent decades. The subject site is sufficiently removed from the any protected structures in the area to ensure that there will be no additional material impact on the protected structures in question. Contrary to what is stated on one of the observations, Carrinderry House is not listed on the record of protected structures in the development plan.

#### 10.8.5. Ecological Impacts

The proposal it is argued will have an unacceptable impact on faunal habitats on site, particularly bat roosts. The site has not attracted any ecological designation nor is it considered to be ecologically sensitive. The site constitutes a field of unmanaged grassland lined with mature and semi-mature grassland. The proposal seeks to

retain much of the natural woodland, particularly along the northern boundary of the site, and other open spaces will be planted which will help maintain and augment the biodiversity inherent on the site. A tree survey submitted which indicates that those trees to be removed are of poorer quality and health, and contribute little in visual amenity terms.

The Bat Report submitted indicates that two of the mature ash trees on site, have the potential to accommodate bat roosts. A bat survey undertaken confirmed the presence of Leisler's and Pipistrelle Bats on site. The survey undertaken indicates that site is not important as a feeding ground for bats. The trees which currently accommodate roosting sites for bats will be retained and thus existing bat roosts will not be affected. During the operational phase, bat-sensitive lighting will be incorporated into lighting design to ensure that any potential impact is minimised. On the basis on the information submitted in the Bat Report and the proposal to retain much of the woodland and develop a natural parkland along the northern boundary of the site, I am satisfied that the impact of the development of the ecology of the site will be acceptable.

In terms of invasive species on site, the Invasive Species Management Plan submitted with the application notes the presence of Japanese Knotweed and that Giant Hogweed<sup>5</sup> was not recorded on site. A detailed plan will be implemented and directed by a qualified ecologist during the construction phase to ensure that the potential spread of these invasive plant species is controlled. Details of the measures to be employed is set out in the Management Plan.

An assessment of the proposal in the context of the Habitats Directive is set out under a separate heading below.

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<sup>5</sup> A second survey carried out in June 2019 recorded a single giant hogweed plant on the footpath outside the site near the north-western boundary of the site, but outside the site.

#### 10.8.6. Construction Issues

Concerns are expressed that the construction phase will have a profound impact on the residential amenities of the area. The subject site is surrounded on three sides by public roadways which will assist in buffering the any amenity impacts in respect of excessive noise and dust etc on surrounding residential development. All construction activities by their very nature result in elevated emissions (noise, dust, etc.) and increases in construction traffic above the baseline environment. However, these are temporary and short term in nature and therefore will not have any long term or permanent amenity impacts. The applicant has also submitted a Preliminary Construction and Waste Management Plan and a Traffic Management Plan which includes the management of traffic during the construction phase. Both plans employ mitigation measures in relation to traffic management, noise and vibration, air quality and dust control and construction working hours. The implementation of these mitigation measures will further reduce the any adverse amenity impacts during the construction phase.

#### 10.8.7. Lack of Public Consultation

The applicant published public notices in the Limerick post detailing in sufficient detail the proposal and also erected a number of public notices around the site in accordance with the legislative requirements. The public have been afforded an opportunity to submitted observations in respect of the proposal and these observations have been duly considered by the inspector in the course of preparing this report and recommendation to the Board.

### **11.0 Appropriate Assessment**

#### **11.1. Screening Report Submitted with the Application**

- 11.1.1. An Appropriate Assessment Screening Report was submitted with the application. It notes that the subject site is not located within or adjacent to a Natura 2000 site. Potential impacts on adjacent sites were considered within a zone of influence of 2



km of the site. One SAC within this zone was identified, the Lower River Shannon SAC (site code 2165). The River Shannon (which forms part of the SAC) is located approximately 1.5km to the north west of the site. The Mulcair River, which at its closest point is located 400m to the east of the site is a tributary of the River Shannon and forms part of the SAC. The qualifying interests associated with the SAC are set out below:

*Sandbanks which are slightly covered by sea water all the time [1110]*

*Estuaries [1130]*

*Mudflats and sandflats not covered by seawater at low tide [1140]*

*Coastal lagoons [1150]*

*Large shallow inlets and bays [1160]*

*Reefs [1170]*

*Perennial vegetation of stony banks [1220]*

*Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]*

*Salicornia and other annuals colonising mud and sand [1310]*

*Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]*

*Mediterranean salt meadows (Juncetalia maritimi) [1410]*

*Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]*

*Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]*

*Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]*

*Margaritifera margaritifera (Freshwater Pearl Mussel) [1029].*

*Petromyzon marinus (Sea Lamprey) [1095]*

*Lampetra planeri (Brook Lamprey) [1096]*

*Lampetra fluviatilis (River Lamprey) [1099]*

*Salmo salar (Salmon) [1106]*

*Tursiops truncatus (Common Bottlenose Dolphin) [1349]*

*Lutra lutra (Otter) [1355]*

- 11.1.2. The Screening Report states that there is not a clear hydrological pathway between the site and the SAC in question as there are no stream, drains or other features in the vicinity of the site which could act as a conduit between the site and the Natura 2000 site. Groundwater is not considered a viable pathway due to the distance involved and filtration provided by intervening soils. In terms of air pollution, the Screening Report concludes that the distance between the site and the SAC is too great for the proposal present a threat to qualifying interests of the SAC. During the operational phase, all foul waste generated by the proposed development will be discharged to a local foul sewer on the Dublin Road and will be treated in a municipal WWTP prior to discharge. The municipal WWTP serving the area is operating below capacity and as such, can adequately treat all foul effluent from the site so as not to pose a threat to the SAC in question. Surface water from the proposed development will be discharged to a storm drain on the Dublin Road. Surface water will pass through a bypass separator and attenuation tank before discharging from the site. Therefore, any potential significant pollutants will be removed prior to discharge.
- 11.1.3. It is therefore concluded that there are no viable pathways between the proposed development and the SAC in question that could undermine the integrity of the qualifying interests associated with the SAC.

## **11.2. Assessment of AA Screening Report by Limerick City and County Council**

Limerick City and County Council commissioned an independent Screening Report to be carried out on it's behalf. The report was carried out by Wildlife Consultants Ltd and Tom Phillips and Associates and is contained in full in appendix A of the Chief Executive's Report. It notes a number of perceived deficiencies in the screening assessment undertaken on behalf of the applicant. These include the following:

- The screening report failed to adequately identify other developments in the vicinity which have the benefit of planning permission and were not included in the assessment of potential in-combination/ cumulative effects.

- The zone of influence which was used to determine the potential impacts on surrounding Natura 2000 sites was extremely limited at 2 km. It is argued that the site, which is prone to pluvial flooding could potentially be attractive to a number of wintering birds associated with the River Shannon and River Fergus SPA which is located 6.6km from the subject site. There is no discussion in the screening report on whether or not the site is used on occasion by wintering birds.
- It would be customary to describe the potential impacts (both direct and indirect) on the designated sites and the conservation objectives and also consider the likely significant effects of the construction and post construction phases after on designated sites with reference to the nature and scale of the development and the potential for cumulative and in combination effects.
- A site walkover carried out by Wildlife Consultants Ltd noted the presence of a ditch on site and this ditch appears to fall from the south-west to the east and northeast. Therefore, it is argued that there exists potential for water from the site to discharge towards the Dublin Road in the direction of the Mulcair River.
- It is also suggested that the associated risks associated with groundwater have not been assessed in sufficient detail. For example, no assessment of the excavation involved for the basement car park has been included in the Screening Assessment submitted with the application.

### **11.3. Independent Screening Assessment by An Board Pleanála**

An independent assessment of the AA Screening Report, together with the assessment carried out on behalf of Limerick City and Council are assessed below.

#### **11.3.1. Adequacy of AA Screening Report in Assessing In-combination Effects**

With regard to cumulative and in-combination effects, the screening report submitted on behalf of the applicant makes reference to other nearby developments in Section 2.3 of the Report. It is argued in the report carried out on behalf of the planning authority however that not all nearby development was adequately assessed, specifically reference is made to applications to the north and south of the site P18/1259 (PL304530)<sup>6</sup> and P18/1263.

In relation to the former application (3009 sq.m Light Industrial Advanced Technology Unit at the National Technology Park Plassey Road), and in particular the appropriate assessment element. I note that this application was accompanied by an NIS and the Board concluded in its decision:

*'that having regard to the nature and scale of the proposed development, the documentation including submissions on file, NIS submitted by the applicant (including the mitigation measures set out in this statement) and the inspectors report, the Board undertook an Appropriate Assessment in relation to the effects of the development on this European site in view of its conservation objectives. The Board concurred with the analysis and conclusions of the inspector and adopted her report. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, and having regard to the mitigation measures outlined by the applicant, would not adversely affect the integrity of this European site, in view of the site's Conservation Objectives.*

In relation to the latter application which related to an extension to the Johnson and Johnson Building in the nearby National Technology Park - P18/1263, this application was also accompanied by a detailed NIS which also concluded that the proposed extension to the facility, does not pose a risk of adversely affecting (either directly or indirectly) the integrity of the River Shannon and River Fergus SPA or the River Lower River Shannon SAC in light of their conservation objectives. Limerick City and County Council in granting planning permission for the proposal agreed this conclusion.

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<sup>6</sup> The Report prepared by Wildlife Consultants Ltd incorrectly identifies this development under the reference number ABP 301530

It is therefore apparent that in the case of both developments referred to, the assessment undertaken by the competent authority agreed with the conclusions set out in the respective NIS's that no adverse impacts would occur as a result of the proposed development on Natura 2000 sites in the vicinity. It follows therefore, the proposed development, in conjunction with the two developments referred to, would not result in any in-combination impacts, on the basis that no impact are anticipated to result from the developments that were omitted from the applicants screening report. While it may have been appropriate to include these developments in the assessment of in-combination effects in the applicants screening report, the Board in carrying out its own assessment, can in my view, be satisfied that no in-combination effects would result when assessing the proposal in conjunction to the two developments referred to.

#### 11.3.2. Failure to Identify all Natura 2000 Sites within the Zone of Influence

The submission by Wildlife consultants Ltd, suggested that the zone of influence for the purposes of assessment potential impacts on Natura 2000 site was too modest in its extent and should have extended beyond the 2 km radius particularly to include the River Shannon and River Fergus SPA (Site Code; 004165) which is located c.6.6km to the west of the site. It is argued that the subject site experiences pluvial flooding on a periodic basis and as such may present as an important habitat for wetland birds associated with the aforementioned SPA. Despite suggesting so, the report offers no evidence that the site does in fact flood on a periodic basis. I can find no evidence that the site in question is prone to flooding. No Flood Risk Assessment was submitted with the documentation accompanying the application and there is no reference to any flooding events on the site or in the vicinity of the site on the OPW Flood Hazard Mapping website. Perhaps more importantly, none of the third- party observations submitted, mentioned concerns regarding the issue of flooding on site or in the vicinity of the site. If flooding were an issue, it is extremely likely that it would be raised as an issue in the observations submitted.

Notwithstanding this, there is in my view a strong case for including the River Shannon and River Fergus SPA in the Screening Report. Birds associated with the SPA could, and in fact may be likely, to use the riparian corridors associated with the River Shannon and the Mulcair River, the latter is less than 400m from the subject

site. And for this reason, the possibility of birds associated with the SPA using the site or lands surrounding the site should have been included for the purposes of the screening assessment.

I would further refer the Board to the NIS submitted application for the extension to the Johnson & Johnson Visicare Application to the immediate north of the site.

Section 6.2.3 of this document notes that there are potential indirect impacts which [the Johnson & Johnson extension] could, in the absence of mitigation measures, potentially affect the Conservation Objectives associated with the River Shannon and River Fergus SPA. These include:

- An accidental pollution event which could result in pollution of the Mulcair River which drains into the River Shannon.
- Discharge of untreated groundwater and a result of excavation works into the surface water drainage system and into surrounding surface water bodies which could result in the contamination of surrounding water bodies.
- An accidental pollution event during construction and / or operation of a sufficient magnitude that could potentially negatively affect aquatic habitats associated with the SPA. The NIS notes that a reduction in water quality could affect factors that support the breeding population such a prey abundance and biomass.

Given the proximity and nature of the subject application to the Johnson & Johnson site, it can be reasonably argued that the screening report for the current proposal should have included the River Shannon and River Fergus Estuary SPA for the purposes of assessing potential impacts, as it is clear that there is potential for indirect effects to occur on the SPA in question.

### 11.3.3. Hydrological Connections with the Mulcair River

It appears that, according to the AA Screening Review conducted on behalf of Limerick City and County Council, that they may in fact be a hydrological connection between the subject site and the Dublin Road, which in turn links into the Mulcair River. An overgrown dry ditch at the lowest point of the north west of the site was encountered during a walk over conducted by Wildlife Consultants Ltd. There is potential therefore for any water in the ditch to discharge onto the Dublin Road, and

perhaps into a formalised drainage network along the Dublin Road and towards the Mulcair River. This potential hydrological connection was not referred to, or indeed identified in the AA Screening Report submitted. I further note that the Heritage Officer's Report notes that the Screening Report missed a drain on site, which calls into question the conclusions set out in the Screening Report.

There appears therefore that, at the very least, some doubt or ambiguity exists as to whether or not a hydrological link between the subject site and the Lower River Shannon exists and this would in my opinion cast some doubt in relation to the veracity of the conclusions reached in the Screening Report submitted

#### 11.3.4. Groundwater Issues

Another matter of concern is the fact that the AA screening report did not assess any hydrogeological impacts that may arise, primarily through groundwater discharge from the site. No details were provided in the screening report with regard to groundwater levels or the aquifer profile. This information should have been submitted and assessed as part of any screening report. The excavation of a large basement area might necessitate significant dewatering whereby significant volumes of groundwater maybe required to be discharged into surrounding surface waters, particularly during the construction phase. For a project of this nature, it would be typical to have a detailed consideration of all aspects of the construction phase including details of any dewatering protocols to be implemented on site. The lack of detailed commentary / evaluation of construction management is in my view problematic and undermines the veracity of the conclusions reached in the Screening Report submitted with the application.

#### 11.3.5. Overall Conclusions in Relation to AA Screening

It may be possible to screen out the proposed project, if a more detailed, thorough, and comprehensive AA screening report was undertaken to enable all the potential impacts to be adequately identified. It is clear in my opinion that not all potential impacts were adequately identified particularly in relation to the potential impact on protected bird's species associated with The River Shannon and River Fergus SPA. The Board in my view cannot be satisfied, based on the information submitted, that

the subject site is not directly or indirectly hydrologically connected to the Mulcair River which forms part of the Lower River Shannon SAC. Nor can the Board be satisfied in my view that potential adverse impacts could not arise from any dewatering of groundwater from the site during the construction works on the basis that no robust evaluation of this matter was undertaken in the Screening Report. It is worthy to note that developments of a similar size and scale undertaken in the vicinity of the site concluded that a Stage 2 Appropriate Assessment was required on the basis that potential adverse impacts could not be ruled out at Stage 1 Screening. I consider that if a more robust and comprehensive evaluation was undertaken in the case of the current application a similar conclusion might be reached.

## **12.0 Overall Conclusions and Recommendations**

Arising from my assessment above, I consider that the principle of residential development is acceptable on site, and at the density proposed. The height of the buildings are likewise considered to be acceptable. While the layout would benefit somewhat from the reorientation of units so as they faced, rather than backing onto Walkers Lane, on balance I consider the overall layout to be acceptable. I would have significant concerns regarding the proposed access arrangements where sightlines are restricted in an easterly direction at the entrance point and this in my view would represent a significant traffic hazard. I would also have concerns regarding the Stage 1 Screening Report for Appropriate Assessment submitted with the application. I consider that the said report is inadequate on the basis that there is not enough scientific evidence provided to enable the competent authority to conclude that a Stage 2 Screening Assessment is not required in this instance. On this basis I recommend that planning permission be refused based on the reasons and considerations set out below.



## 13.0 Decision

Refuse planning permission for the proposed development based on the reasons on considerations set out below:

## 14.0 Reasons and Considerations

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on Walker Lane road at a point where sightlines are restricted in a easterly direction.
2. It is considered that the Appropriate Assessment Screening Report is inadequate as it failed to identify all Natura 2000 sites which could potentially be affected by the proposed development and therefore the Board cannot be satisfied, on the basis of reasonable scientific doubt, that the proposed development would not adversely affect the integrity of the Lower River Shannon SAC (site code 002165) or the River Shannon and River Fergus SPA (site code 004077) in view of the sites conservation objectives. In such circumstances the Board is precluded from granting permission for the proposed development.

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Paul Caprani  
Senior Planning Inspector

13<sup>th</sup> August 2020