



An
Bord
Pleanála

S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report on Recommended Opinion ABP-307484-20

Strategic Housing Development	157 no. residential units (115 no. houses, 42 no. apartments), creche and associated site works.
Location	Rathkeale Road, Adare, Co. Limerick.
Planning Authority	Limerick City and County Council
Prospective Applicant	Dwellings Developments Adare Ltd.
Date of Consultation Meeting	26 th November 2020.
Date of Site Inspection	21 st November 2020.
Inspector	Karen Kenny

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1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1. The site with a stated area of 6.43 ha is a greenfield site located on the south western edge of Adare Village, Co. Limerick.
- 2.2. The site has direct frontage onto the N21 National Roadway (Rathkeale Road) to the south. The site is bound to the east by agricultural lands and rear gardens of adjacent residential properties, to the west there is a sports field and woodland and to the north by a housing development.
- 2.3. The site is a grassed field for the most part with an area of woodland in the north western section and sporadic tree stands at locations within the site. There is a mature hedgerow along the eastern boundary (including some mature trees) and along parts of the western boundary. There is a modern stone wall along the southern boundary that includes a vehicular entrance into the lands.
- 2.4. The site is on the outskirts of Adare. There is a former gate lodge adjacent to the south east corner of the site that is listed on the RPS (Ref. 1691). The Deerpark residential estate to the north contains two storey and single storey houses. At the southern end of the site there are one off houses that front onto the N21. The Adare Woodland to the west is a proposed NHA.

3.0 Proposed Strategic Housing Development

- 3.1. Permission is sought for 157 no. residential units and a creche and community building. The residential units include 115 no. two and three storey houses, 18 no.

duplex units contained in 3 no. two and a half storey blocks and 24 no. apartments contained in 3 no. two storey blocks.

3.2. Key Details:

Detail	Proposal
No. of Units	157 no. units.
Site Area	6.43 ha (gross); 4.37 ha (stated net area)
Stated Density	36 no. units per ha (net)
Dual Aspect	100%
Site Coverage	21%
Parking	307 no. car parking spaces; 50 no. bicycle spaces.
Open Space	0.8 ha

3.18. Housing Mix

	Houses	Duplex	Apartments	No.	%
1-Bed	0	3	6	9	5.7
2-Bed	12	6	12	30	19.1
3-Bed	85	9	6	100	63.7
4-bed	14	0	0	14	8.9
5-bed	4	0	0	4	2.5
Total	115	18	24	157	100

3.19. The proposed development would be accessed from a proposed junction with the N21 National Road.

4.0 Planning History

4.1. The following planning history relates to the site and adjoining lands.

PA Ref. 198010: Part 8 consent for 31 no. dwelling units and 8 no. plots for affordable housing split between two locations that are adjacent to the north east and south western corners of the SHD pre-application site. A total of 26 no. residential units are approved to the south west of the subject site. It is envisaged that these units will share a vehicular access from the N21 with the proposed development.

PA Ref. 14/287: Permission granted for single dwelling on a section of the site.

5.0 Section 247 Consultation(s) with Planning Authority

5.1. A consultation meeting under Section 247 of the Planning and Development Act 2000 (as amended) took place on 16th December 2019. Details of the consultation are set out in the 'Development Description and Statement of Consistency' document submitted with the request.

6.0 National and Local Planning Policy

6.1. Project Ireland 2040 – National Planning Framework

The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives, including the following:

- Objective 27 which seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- Objective 33 which seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- Objective 35 which seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.2. Section 28 Ministerial Guidelines

The following Section 28 Ministerial Guidelines are considered to be of particular relevance:

- 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 (2018).
- Urban Development and Building Heights – Guidelines for Planning Authorities, (2018).
- Design Manual for Urban Roads and Streets.
- Childcare Facilities – Guidelines for Planning Authorities.
- Architectural Heritage Protection Guidelines for Planning Authorities.

6.3. Local Planning Policy

The Limerick City and County Development Plan 2010-2016 (as extended) and the Adare Local Area Plan 2015-2021 are the relevant statutory plans.

Limerick County Development Plan 2010-2016 (as extended)

- Adare is identified as a Tier 3 settlement in the Limerick City and County Settlement Strategy.
- Objective SS01 "Scale of development within tiers 2-6" is relevant. The objectives seeks "to ensure that the scale of new housing developments both individually and cumulatively shall be in proportion to the pattern and grain of existing development and to ensure that the expansion of towns and villages shall be in the form of a number of well-integrated sites within and around the core area rather than focusing on rapid growth driven by one very large site. In this regard, and without prejudice to other development plan policies or development management best practices, there will be a positive presumption for housing developments of the following scale or smaller within each tier, as appropriate:
 - Tiers 2-4: Generally no one proposal for residential development shall increase the existing housing stock by more than 10-15% within the lifetime of the plan....."

- Objective SS O2: Design of development within tiers 2-6: The design, layout and character of new development shall relate to the local character and heritage of existing towns and villages and shall enhance the existing village character and create or strengthen a sense of identity and distinctiveness of the settlement.
- Objective SS O3: Capacity of town/ village to absorb development: Development of towns and villages shall be considered on the basis of its connectivity to the existing town / village core, capacity (infrastructural, social, cultural and economic), good design, community gain and proper planning and sustainable development.
- Objective SS O4: Sequential growth of settlements: Where no specific zoning is identified for a settlement, new developments shall be within or contiguous to the core identified for each settlement, thus avoiding “leap frogging” of development and shall be designed so as to consolidate existing villages /towns and provide for the organic and sequential growth of the settlement. Infill and brownfield sites will be the preferred location for new development.

Adare Local Area Plan 2015-2021

- The site is zoned Residential Development Phase 1 for the most part. A section in the north western section of the site is zoned Open Space and Recreation. There is also a map based ‘Proposed Link Road’ objective running through the south western section of the site.
- Objective H1 New Housing: (a) It is an objective of the Council, on serviced land that is zoned ‘Residential Development Area’, to facilitate residential development in accordance with the principles and guidelines of the ‘Design Manual for Urban Roads and Streets’ (2013), the ‘Sustainable Residential Development in Urban Areas’ (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. (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.

- 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, masterplans 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 an average gross density of 22 units to the hectare on 'New Residential' zoned sites within the plan area. d) Ensure that the density of housing in any one 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 compliance with the objectives of the County Development Plan SSO1 to SSO7 inclusive. g) 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.
- Policy SS P8: It is policy of the Council to encourage and facilitate where possible, the sustainable, balanced development of existing settlements along the strategic national roads and rail corridors. In this regard the Council will seek to ensure that sufficient land is zoned within these settlements so that they will act as the primary focus for investment in infrastructure, housing, transport, employment, education, shopping, health facilities and community.

7.0 Forming of the Opinion

7.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

7.2. Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article

285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, a Completed Application Form, Cover Letter, Landowner Letter of Consent, S247 Consultation details, Development Description and Statement of Consistency, Statement of Material Contravention, Architectural Design Statement, Landscape Design Statement, Civil Engineering Planning Report, Letter from Irish Water, DMURS statement, Archaeological Assessment, Architectural Drawings, Landscape Design Drawings, Engineering Services Drawings and Road Layout and Access Drawings.

7.3. **Statement of Consistency**

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required. The applicant's case in relation to the proposed development is summarised as follows:

- Consistent with NPF policy in relation to providing new housing within existing settlements and providing for increased density - National Policy Objectives 3a, 32, 33 and 35.
- Consistent with Sustainable Urban Housing Design Standards for New Apartment Guidelines 2018. The site is at a peripheral and / or less access urban location and is suitable for development at low-medium density with minority of apartments. SPPRs and standards are met.
- Consistent with Sustainable Residential Development in Urban Areas Guidelines 2009. The site is at the south west edge of Adare a village of special historic character. The density / design seeks to strike a balance between historic low density development in the village and more sustainable patterns of modern development.
- Consistent with the RSES. The 'Limerick Shannon' Mid-West Spatial Planning Area (SPA) is identified as an important driver of national growth. Adare is recognised as a settlement in the SPA and higher densities are

advocated in such settlements. The proposed development is consistent with RSES objectives.

- Consistent with Rebuilding Ireland Action Plan for Housing and Homelessness.
- Proposed development is consistent with core strategy targets for Adare set out in the Limerick County Development Plan. Adare is identified as a 'Tier 3' settlement with a housing allocation of 750 units up to 2022. There has been limited additional housing in Adare and sufficient capacity exists for the proposed 157 no. units.
- The proposed development is generally consistent with the urban and rural settlement strategy (Chapter 3) including Objectives SS01, SS03 and SS04 and Policy SSP8. The proposal does contravene Objective SS01 in so far as it relates to Tier 3 settlements as the quantum of development is more than 10-15% of the existing housing stock of Adare. A material contravention statement is submitted.
- Consistent with provisions of Chapter 4 Housing (inc. Objective's HOU 01, 03, 13, 14), Chapter 6 Community & Recreation (inc. Objectives COM 02, 22(d), 23 (c), 29 (a)), Chapter 7 Environment & Heritage (inc. EH01, EH02, EH06 and EH25) and Chapter 8 Transport & Infrastructure (inc. Objective IN02(b), IN08, IN30, IN46, IN47).
- Lands zoned Phase 1 residential in the Adare LAP.
- Consistent with Objective H2 of the Adare LAP relating to density, design, mix and phasing of development.
- Consistent with Objective T6 relating to the safeguarding of the N21 National Route and Objective T7 which requires Traffic and Transport Assessment for proposals with access onto the N21.
- Consistent with Objective IN4 relating to SUDS and surface water drainage.
- Consistent with Objective EH6 relating to the protection of designated sites and Natura conservation sites.
- Consistent with Objective EH10 relating to the protection of trees and nature conservation.

- Consistent with Objective C1 which seeks the provision of well designed and high quality open space and Objective C4 relating to the capacity of educational places and provision of childcare facilities.

7.4. Planning Authority Submission

A submission was received by An Bord Pleanála from Limerick City and County Council on 31st July 2020. The 'opinion' of the planning authority included, inter alia, the following comments:

- Site is zoned combination of residential and open space and includes a road reservation.
- Density considered acceptable having regard to provisions for Objective H2 of Adare LAP and guidance in the Apartment Guidelines.
- Concerns in relation to the scale of the development having regard to the social infrastructure of the village. ABP will need to determine whether it is appropriate to material contravene Objective SS01 of the CDP.
- Considered that the proposed development is substantially in compliance with SPPRs of the Apartment Guidelines (2018).
- The applicant to demonstrate that there is sufficient usable open space.
- Report of the Heritage Officer welcomes proposed tree planting. Need for ecological assessment identified.
- In relation to Traffic and Transportation concerns raised in relation to sightlines onto the N21, car parking design and internal road dimensions. Traffic and Transport Assessment, Road Safety Audit and Lighting Design required at application stage.
- In relation to surface water disposal, the sewer to which it is intended to outfall is not in place. Need to demonstrate that the proposed surface water sewer is of suitable size to accommodate the proposed development. The proposed development should not commence until this surface water pipeline is constructed and operational.

- Noise assessment should be prepared outlining the potential inward noise impacts from the N21.
- Inadequate turning facilities for emergency vehicles. Creche / community building does not meet requirements for emergency escape under Building Regulations.
- Parks and landscape section indicate that boundary walls should be solid, play spaces should be included and trees should be suitable for the development.
- Archaeological monitoring by a qualified archaeologist should be in place for all ground disturbance works.

7.5. Other Submissions

Irish Water

7.6. The submission from Irish Water states the following:

- Significant upgrade works required to accommodate a wastewater connection for this development. Based on current available capacity upgrade works are required to increase the capacity of the Adare WWTP. IW has a project on current investment plan which will provide the necessary upgrades and capacity, however, this project will not be completed before 2024 at the earliest and may be subject to change.
- In addition to the upgrades outlined above, to complete the proposed connection, the wastewater network will have to be extended. No plans to extend the network in this area. The applicant will be required to fund these upgrade works. Any consents required for these works that are not in the public domain are the responsibility of the applicant.
- A new connection to the existing water supply network is feasible without upgrade.

7.7. Consultation Meeting

A Section 5 Consultation meeting took place Remotely Via Microsoft Teams on the 6th November 2020, commencing at 9.30. Representatives of the prospective

applicant, the planning authority and An Bord Pleanála participated in the meeting. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance and contained the following issues:

- Local planning policy – including Objective SS 01 Limerick City and County Development Plan and Objective H2 Adare Local Area Plan.
- Development Strategy including the distribution of density and the arrangement of streets, open spaces and car parking.
- Water Services – Wastewater (IW submission) and Surface Water (PA submission).
- Transportation – matters raised in the PA submission (inc. matters raised in relation to emergency access).
- Ecology.
- AOB

In relation to compliance with local planning policy, An Bord Pleanála sought further elaboration / discussion in relation to Objective SS01 of the Limerick County Development Plan and Objective H2 of the Adare Local Area Plan.

In relation to development strategy, An Bord Pleanála sought further elaboration / discussion / consideration in relation to the site layout, arrangements of streets and open spaces, impact on tree planting, frontage to internal streets and onto the N21, distribution of density and car parking.

In relation to water and drainage, An Bord Pleanála sought further elaboration / discussion / consideration in relation to the issues raised in the submission received from the PA's Drainage Section and in the submission received from Irish Water.

In relation to transportation, An Bord Pleanála sought further elaboration / discussion / consideration in relation to issues raised in the submission received from the PA, including sightlines, car parking, road widths, extent of roadways and accommodation for emergency vehicles.

In relation to ecology, An Bord Pleanála sought further elaboration / discussion / consideration in relation to the issues raised in the submission received from the PA.

I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

8.0 Conclusion and Recommendation

8.2.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

8.2.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted is required at application stage in respect of the following elements: compliance with local planning policy and development strategy, as sets out in the Recommended Opinion below.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making

process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

9.0 Recommended Opinion

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration and / or justification of the documents as they relate to the development strategy for the site. The further consideration and / or justification should set out a rationale for the proposed site layout having regard to the need to create high quality and people friendly streets and spaces. In particular the documents should address:
 - The integration of existing features including tree stands and hedgerows.
 - The dominance of roadways and car parking within the layout (inc. parallel and circuitous roadways and open spaces bounded by car parking).
 - The level of active frontage and enclosure along key streets and open spaces, including the interface with the N21.

- The number of car parking spaces per units having regard to the demands of the scheme.
- The design of open spaces having regard to the need to provide integrated and clearly defined public open spaces and landscape areas that provide for active and passive amenity and biodiversity (including SUDS features and children's play); and
- The design and enclosure of communal open spaces associated with duplex and apartment units.

The further consideration / justification should have regard to, inter alia, the guidance contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual, the Design Manual for Urban Roads and Streets (2013), the Urban Development and Building Height Guidelines for Planning Authorities (2018); the Architectural Heritage Protection Guidelines for Planning Authorities (2011); Limerick County Development Plan 2010-2016 (as extended) and the Adare Local Area Plan.

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

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

1. The prospective applicant is advised to address the following in the documents submitted:
 - (a) Provide further clarification / justification in relation to compliance with local planning policy. In particular, the further consideration and / or justification should address the provisions of Objective SS01 of the Limerick County Development Plan 2010-2016.
 - (b) Provide clarity in relation to net density having regard to the guidance set out in Appendix A of the Guidelines for Planning Authorities on

Sustainable Residential Development in Urban Areas 2009. The documents should address the exclusion of wayleaves and tree stands from the stated net site area.

- (c) Provide confirmation from Irish Water that it is feasible to provide a wastewater connection (s) to service the proposed development. The documents at application stage should address the issues raised in the submission of Irish Water dated 4th August 2020 and set out a clear strategy for the provision of wastewater services.
 - (d) Provide confirmation that it is feasible to provide a surface water connection (s) to service the proposed development. The documents at application stage should address the matters raised in the submissions received from the PA dated 30th July 2020 and set out a clear strategy for the provision of surface water drainage infrastructure to cater for the development.
 - (e) In the event that network upgrades or extensions are required to facilitate wastewater or surface water connections, the applicant is advised to clarify whether the proposed works require statutory consent and/or may require a compulsory purchase order and whether such consenting processes have been received or CPO completed, who is going to undertake the works required and the timelines involved in addressing the identified constraints relative to the construction and completion of the proposed development.
2. An updated Architectural Design Statement. The statement should set out a clear rationale and / or justification for the proposed site layout having regard to urban design considerations, the locational context and local character and national and local planning policy.
 3. A Materials Strategy that details all materials proposed for buildings, open spaces, paved areas, boundaries and any retaining walls. The statement should present a justification for the materials being used having regard to the need for high quality and sustainable finishes that create a distinctive character for the development overall, whilst also responding to the character of the area.

4. A Landscaping Plan that includes a schedule of open space and address the design and function of open spaces within the development including public, and semi-private spaces.
5. Arborist Report detailing the condition of existing trees onsite.
6. Details of proposed earthworks, including details of any cut and fill works and resultant gradients or retaining features.
7. Design details for the proposed surface water management system including attenuation features and cross sections of all SuDS features proposed on site in the context of surface water management on the site.
8. Details of public lighting.
9. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.
10. Letters of consent in relation to any works proposed on lands that are outside of the applicant's ownership or control.

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

1. Transport Infrastructure Ireland
2. Minister for Culture, Heritage and the Gaeltacht (nature conservation)
3. Heritage Council (nature conservation)
4. An Chomhairle Ealaíon
5. Fáilte Ireland
6. An Taisce — the National Trust for Ireland (nature conservation)
7. Irish Water
8. Inland Fisheries Ireland
9. Limerick County Childcare Committee

PLEASE NOTE:

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

Karen Kenny

Senior Planning Inspector

26th January 2020