



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-307631-20

Strategic Housing Development	200 no. residential units (85 no. houses, 115 no. apartments), construction of 'Greenway' route and associated site works.
Location	Newcastle, Castletroy, Co. Limerick. (www.castletroyshd.ie)
Planning Authority	Limerick City and County Council
Applicant	1 Walkers Limerick Land Limited
Prescribed Bodies	Transport Infrastructure Ireland
Observer(s)	Gerard O'Donoghue
Date of Site Inspection	11 th October 2020

Inspector

Una O'Neill

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The subject site, 4.64 ha in area, is located in the eastern environs of Limerick City in the area of Castletroy, approx. 5.5km from the city centre. The site is located to the immediate south of the R445 regional route, which connects to Limerick City Centre to the west and to an interchange with the M7 to Dublin approx. 2.4 km to the east.
- 2.2. The site is located between two roundabouts on the R445 (Kilmurry roundabout to the west and Annacotty Roundabout to the east), which connect to the IDA Technology Park lands and University of Limerick to the north and to suburban residentially developed lands to the south. The site has approx. 95m of road frontage with the R445 and the site access is off an existing access/junction with the R445, with this access road also serving at present a primary school and Munster GAA HQ building. In terms of adjoining development and the wider area, Woodhaven residential estate sides/back onto the southern boundary of the site, this is a relatively new residential development and additional new residential areas under construction to the east of the primary school, accessed from Walkers Road, and extending south to the boundary with Castletroy College. Castletroy Shopping Centre/District Centre adjoins the western boundary and comprises a supervalu supermarket, miscellaneous retail units, cafes, takeaway and an Odeon Cinema. Adjoining the northwest boundary is Chawkes Petrol Station/Centra and a couple of other retail units with commercial units also located on the other side of Kilmurry roundabout to the east of Chawkes/Supervalu. The primary school adjoins part of the eastern boundary of the site, with the access street running along the northeastern boundary of the site. On the opposite side of the R445 to the north of the site is a Lidl discount food store and a small traveller accommodation site. To the west of the Lidl is a two storey hotel, Kilmurry Lodge, located off the roundabout here.
- 2.3. The site slopes gently downwards from east to west. The land is lower than the housing to the immediate southwest which appears to have been built up by approx.

1m as part of the construction of housing here. The western/southwestern portion of the site is noticeably damp with large areas of standing water and wetland plants where the site is at a low point, and a portion of the site has been disturbed from previous construction activity on the immediate surrounding lands. I note there is also a level difference at the boundary with the primary school to the east, and to the southeast of the site (beyond the boundary of the site), the land appears to have been utilised to store fill, with levels raised up to the level of the adjoining playing pitches associated with Castletroy College secondary school. The site is unfenced, and a number of pedestrian desire lines pass through it to/from housing to the south to the primary school to the east and the shopping centre to the west and to the R445/Dublin Road to the north, with connections south to Castletroy College secondary school and also Castletroy Public Park and playground. There is a tree/hedgerow belt along the western, eastern and southern boundary of the site, with the southeast section of the site comprising an existing open space area, delivered as part of the neighbouring housing development.

3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices, comprises the :

- Construction of 200 residential units, comprising 85 houses and 115 apartments.
- Construction of a section of 'Greenway' route (comprising of integrated pedestrian and cycle-lane) within the proposed scheme of development, already approved under the Limerick City and County Council Part VIII 'Castletroy Urban Greenway' development,
- Provision of temporary greenway route through the subject site, during construction to facilitate the immediate implementation of the 'Castletroy Urban Greenway' by Limerick City and County Council,
- Ancillary and supporting services and infrastructure including:
 - (i) provision of central median along the Dublin Road (R445) for a distance of circa 391m and tie-in with the existing central median pursuant to the recommendations of Limerick City and County Council;

- (ii) modification to, and tie-in with the existing footpath infrastructure along the Dublin Road (R445), and construction of new section of cycle lane on that Road;
- (iii) Diversion of existing foul sewer and storm water network traversing the site and integration of it, within the new foul sewer and surface-water design arrangement with outfall and connection to existing public mains network;
- (iv) Surface water management infrastructure and sustainable urban design solutions.

3.2. The following tables set out some of the key elements of the proposed scheme:

Key Figures

Site Area Net	4 ha
No. of Residential Units	200
Density	50 units per hectare
Childcare Facility	-
Public Open Space	0.78 ha / 16.8% of overall site area
Height	2-4 storeys (8.7m to 14.5m)
Part V	20 units

Unit Mix

	1 bed	2 bed	3 bed	Total
Apartments/Duplexes	53	62		115
Houses		7	78	85
	53	69	78	200
As % of total	26.5%	34.5%	39%	100%

Parking Provision

Car Parking	228 – surface and undercroft
Bicycle Parking	223

- 3.3. The primary vehicular access to the site is via an existing left in-left out access road onto the Dublin Road/R445, with a central median barrier proposed along the R445 to support this arrangement, in agreement with Limerick City and County Council. The junction with the R445 is to be upgraded to include pedestrian and cyclist facilities along the site-side of the development.
- 3.4. A letter of consent has been submitted from Limerick City and County Council in relation to the area of public road (R445) enclosed within the site boundary, and in relation to the Greenway alignment through the site, which forms part of the Castletroy Urban Greenway Project (approved by Part VIII). There is also no objection to the proposed connection to the existing surface water sewer on the south eastern boundary.
- 3.5. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer.
- 3.6. In addition to the architectural and engineering drawings, the application was accompanied by the following reports and documentation:
- Screening Report for AA
 - NIS
 - Development Description and Statement of Consistency
 - Statement of Response to Pre-Planning Consultation Opinion
 - Architectural and Urban Design Statement
 - DMURS and Universal Design Report
 - Schedule of Accommodation
 - Building Lifecycle Report
 - Housing Quality Assessment
 - Castletroy Urban Greenway Project
 - Engineering Report
 - Traffic and Transport Assessment

- Stage 1 RSA Report
- Outline Mobility Management Plan
- Outline Construction Environmental Management Plan
- Outline Construction Traffic Management Plan
- Construction and Demolition Waste Management Plan
- Site Specific Flood Risk Assessment
- Hydrological and Hydrogeological Investigation
- Landscape Design Statement
- Tree Survey
- Public Lighting
- Energy Analysis Report
- Japanese Knotweed Management Plan
- Daylight and Sunlight Assessments
- Environmental Noise Survey

4.0 Planning History

Eastern section of the application site forms part of the area of a previous permission on lands to the east and connected to Woodhaven development to the south:

PL13.229516 – Permission Granted (2008) for construction of 194 dwellings. Refs 13/7094 and 18/7031 relate to extension of duration permissions subsequently granted for this site. Part of this development has been constructed and is occupied at present. A portion of the site is now within the area of the current application.

Lands to east of existing access road from the R445/Dublin Road:

20877 – Concurrent application before Limerick City and County Council (decision due date of 29.10.20) for modifications to parent permission and crèche granted under ref 19/730, which permitted 93 childcare spaces. Permission is to re-orientate a part of the crèche building, with no impact on the permitted childcare spaces provided for.

Shopping Centre Lands to West

ABP-302671-18 – Permission REFUSED for extension to shopping centre for reasons related to the quantum of retail floorspace proposed and the designation of the Castletroy Town Centre as a tier 2 level 2 centre in the retail hierarchy and impact to primacy of Limerick City Centre in the retail hierarchy.

Part VIII

Castletroy Urban Greenway – 2.5m pedestrian path and 3.5m two way cycle path.

5.0 Section 5 Pre Application Consultation

5.1. Pre-Application Consultation

5.1.1. A section 5 pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 11th February 2020 (reference ABP-306051-19) in respect of a proposed development of 207 residential units (79 houses and 128 apartments). The main topics discussed at the meeting were –

1. Site Integration and Public Realm
2. Street Layout, Parking Quantum and Greenway/Landscape Design
3. Residential Amenity and Building Finishes
4. Surface Water Drainage and SuDS
5. Any other matters

Copies of the record of the meeting, the Inspector's Report, and the Opinion are all available for reference on this file.

5.2. Notification of Opinion

5.2.1. An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development, which should have regard to the following issues:

1. Greenway

Further consideration of the documents as they relate to the provision of a Greenway through the subject lands. A detailed design rationale for the route alignment and a landscape design rationale for the Greenway elements of the overall scheme should be submitted together with any necessary legal consents. In particular, detailed design proposals should be advanced for the starting point of the Greenway at the western side of the site taking account of the receiving context, the shopping centre surface car park. In addition, the onward connection to the east of the site and any other pedestrian/cyclist connections should be fully designed and included in any phasing layout for the overall development. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Drainage

Further consideration of the documents as they relate to the actual and existing condition of the lands and any proposed surface water management proposals including sustainable urban drainage systems for the site. This further consideration should have regard to the requirements of the Surface Water Drainage report contained in Appendix 2 of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment if submitted, should be prepared in accordance with 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices'). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application which can be summarised as follows –

1. The following reports that address all aspects of building appearance and durability:
 - (a) A report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and

details. Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development.

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

2. Detailed contextual elevations and cross sections that show existing development in the vicinity, specifically but not confined to the following: the relationship between the northern elevation of the apartment block, landscaped boundary and the entire width of the Dublin Road including footpaths/cycleways/busways, the relationship between duplex/house units and existing houses to the south of the site and the internal relationship between units and courtyard space within the main apartment block. Any development that integrates with the public realm either existing or modified should accord with the best practice principles of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual') and the Design Manual for Urban Roads and Streets, that seek to provide better and safe pedestrian and cyclist environments. Additional and detailed CGIs and visualisations should be submitted in this regard.
3. A Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. Specific regard should be had to ground floor apartments at sensitive locations and existing adjacent properties. Drawings that detail dual aspect ratios should be clearly laid out and accompanied by a detailed design rationale report.
4. A mobility management strategy that shall be sufficient to justify the amount of parking proposed for cars and bicycles.
5. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority, and a detailed public realm strategy that outlines the provision of durable and acceptable materials and finishes that comply with

the technical requirements of the planning authority. The applicant shall clarify how the works in the public realm will be carried out and by whom.

6. A housing quality assessment which provides the details regarding the proposed apartments set out in the schedule of accommodation, as well as the calculations and tables required to demonstrate the compliance of those details with the various requirements of the 2018 Guidelines on Design Standards for New Apartments including its specific planning policy requirements.
7. A detailed Construction Traffic Management Plan should be prepared with specific reference to the Dublin Road (R445) and the access requirements to the adjacent national school.
8. Construction and Demolition Waste Management Plan.

5.3. Applicant's Statement

- 5.3.1. A statement of response to the Pre-Application Consultation Opinion, as issued by the Board, was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016, which is briefly summarised as follows:

Item 1 Greenway:

- The Castletroy Urban Greenway ('the greenway') is a pedestrian and cycle pathway project being advanced by LCCC, and intended to extend from the Castletroy Shopping Centre to the Castletroy College Road. The applicant is not, nor cannot be responsible for the delivery of any of the Greenway on property outside the red line planning application boundary which the applicant has no legal or functional control of. The access/egress points of the greenway, where it enters and exists the subject site (at both east and west site boundaries), matches the access/egress points for which approval has been granted by LCCC for the Part VIII greenway project. The 'design rationale' in terms of the route alignment has been dictated and informed by the Part VIII proposal and consensus between all parties to date.
- Specific reference is made to the Landscape Architect response to this point and specifically material finishes of the greenway (ref Niall Montgomery & Partners Architects 171366/COS).

- The design, layout and phasing of onward pedestrian/cyclist connection to the east of the site, referenced by the Board in its opinion, has already been advanced by LCCC as part of its Part VIII application and consent. The proposed scheme of development does not affect those design arrangements or the implementation of same outside the site which LCCC intend to implement under that project programme. Consequently, no amendment to the design proposal or documents of the SHD is considered necessary.

Item 2 Drainage:

- Site specific flood risk assessment and a hydrological and hydrogeological investigation report is submitted which assesses and confirms the existing condition of the subject site, and the suitability of the proposed surface water management proposals in the context of existing infrastructure and capacities, the Flood Risk Management Guidelines, and best practice sustainable urban design solutions.
- Section 5.5 of the Site Specific Flood Risk Assessment: Assessment of the existing site conditions and occurrence of wet ground and ponding within the south west area of the site – this is as a result of overland flow path leading to this naturally low topographical zone which was previously connected to a water course, but now culverted. This is supported by evaluation of national CFRAM mapping and OPW flood hazard maps which confirms that the site is within ‘Flood Zone C’ and therefore at low risk of flooding. The Site Specific Flood Risk Assessment is satisfied in its conclusion that the proposed storm water drainage will alleviate existing pluvial ponding on the site and will not cause flooding elsewhere.
- Surface Water Management: on-site attenuation and discharge via a class 1 by pass separator and flow control device to the existing 1050mm diameter surface water sewer located to the south east corner of the development. The attenuation tank has been designed taking into account a 1 in 100-year storm event and a flow control device to limit discharge to Greenfield run-off rate of 22.9 l/s as per the recommendations of the Greater Dublin Strategic Drainage Study and LCCC requirements.

The specific information required in the Opinion issued to the applicant has also been submitted.

5.4. Applicant’s Statement of Consistency

- 5.4.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which states how the proposal is consistent with the policies and objectives of section 28 guidelines and the Development Plan.

6.0 Relevant Planning Policy

6.1. Local Planning Policy

6.1.1. Limerick County Development Plan 2010-2016 (as extended):

- Chapter 3 Settlement Hierarchy:
- Policy SS P1: Development of the gateway: It is policy of the Council to recognise the role of the Limerick / Shannon Gateway as a key driver of social and economic growth in the County and in the wider Region and to promote the Gateway as the main growth centre.
- Limerick City Environs include the areas of Annacotty, Castletroy, Dooradoyle, Mungret and Raheen and these areas accommodate a wide range of services, employment, leisure and retail facilities of Regional significance for the surrounding catchment area.
- Policy SS P6: 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 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 Plan and

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

- 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.
- Section 4.6 - Guidance regarding the design of residential development.

6.1.2. **Castletroy Local Area Plan 2019-2025**

- 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 application site is located in Phase 1.
- Two Zoning Objectives relate to the application site: Residential Development Area and Open Space and Recreation.
 - Residential Development Area: it is an objective of the LAP to provide for new residential development and other services associated with residential development.
 - Open Space and Recreation: it is an objective of the plan to protect, improve and maintain open space and recreational areas.
- A minimum net residential density of 35 units per hectares is required on residentially zoned lands.
- Map based objectives on the Zoning map, shows an indicative junction located to the east of the site on the R445. Proposed bus lanes are indicated for the site frontage along the R445 Dublin Road.

- It is an objective of the plan to provide for the widening and upgrading of the R445 to provide for improved bus lanes, cycle and walking facilities.
- Objective T8: It is the objective of the Council to safeguard the capacity of the M7 and the R445 to ensure that any future developments do not compromise the strategic function of these roads.
- Objective T10: Limerick Northern Distributor Road - It is an objective of Limerick City & County Council to support the Limerick Northern Distributor Road (LNDR), which will connect the Coonagh to Knockalisheen Road Scheme to the existing R445 (old N7) and adjoining road network to the east of Limerick City which will incorporate Smarter Travel features in accordance with the requirements of the Habitats, Water Framework, Floods, and EIA Directives. Full consideration of all environmental requirements has been made in the progression of the scheme to date. This will continue up to and including project level.
- Objective T11: Noise Mitigation - It is an objective of Limerick City and County Council to adopt a strategic approach to managing environmental noise within its functional area, which will aim to prevent members of the population in new residential and other noise sensitive developments being exposed to undesirable noise levels. Developers will be required to ensure that appropriate noise assessments are carried out and the principles of good acoustic design are applied in line with "Professional Practice Guidance on Planning & Noise" (2017) and that predicted internal and external noise levels are in keeping with World Health Organisation recommendations and guidance.
- Objective UD1 and UD2: to promote high quality urban design which makes a statement in terms of 'distinctiveness', 'landmark feature', and 'sense of place' will be expected at locations of high visibility in the built environment of Limerick. It is stated: "The Council will encourage quality innovative modern design in terms of its context with the surrounding urban area. Any development proposals at landmark locations within Castletroy and on the approaches to Limerick City should be of a high quality design. These proposals should, therefore, demonstrate innovative architectural design principles, contribute to a sense of distinctness, reflect arrival at a city and 'sense of place', and thereby, enforce a positive image of Castletroy and the greater metropolitan area."

6.1.3. **Draft Limerick Shannon Metropolitan Area Transport Strategy (LSMATS)**, published by the NTA – This is a framework for investment in transport for the Limerick Shannon Metropolitan Area for the next 20 years and includes proposals for the significant development of the cycle network and enhancement of bus services and infrastructure. One of the primary radial cycle routes identified proximate to the site is from the city centre to University of Limerick and National Technology Park along Dublin Road, Old Dublin Road and Plassey Park Road. One of the key secondary cycle routes identified links from this radial route along the R445 adjoining the application site. The Bus Connects Limerick programme envisages a network of reliable high frequency routes connecting Limerick City and suburbs, which includes provision for the widening of a number of roads including adjoining the application site along the R445, Ballysimon Road and Plassey Park Road to provide for improved bus and cycle lanes. An indicative alignment is also proposed for a Northern Distributor Road around Limerick, connecting into University of Limerick and the M7. It is an aspiration to create a Park and Ride facility within the Castletroy Local Area Plan area.

6.2. **National Policy**

6.2.1. **Project Ireland 2040 - National Planning Framework**

A number of key policy objectives are noted as follows:

- National Policy Objective 2(a): A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.
- National Policy Objective 3(b): 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.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes

in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

- National Policy Objective 27: 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.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.2.2. **Regional Spatial and Economic Strategy for the Southern Region**

6.2.3. This document came into effect on 31st January 2020 and 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.

6.2.4. 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.

6.2.5. 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'.

6.2.6. 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'.

6.3. **Section 28 Ministerial Guidelines**

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)

- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2018)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

6.4. Natural Heritage Designations

6.4.1. The subject site is not located within or contiguous to a designated European Site.

- Lower River Shannon SAC (Site Code 002165) - the Mulcair (Mulkear) River is located to the north and to the east, approx. 1.3km, from the site, which forms part of the Lower River Shannon SAC (Site Code 002165). The confluence point between the Mulcair River and the River Shannon is c.1.5 km to the northeast of the site.

Other European Sites in the vicinity include:

- The River Shannon and River Fergus SPA (Site Code 004077), approximately 5.4 km west of the site.

- Slievefelim to Silvermines Mountains (Site Code 004165), approx. 9.8 km to the east of the site.

- Glenomra Wood SAC (Site Code 001013) at approximately 10.4 km to the north of the site.

7.0 Third Party Observations

7.1. One submission was received from no. 76 Dromroe Avenue, which is located to the southwest of the application site, with the gable of that dwelling siding onto the application site. The submission is summarised as follows:

Design and Layout

- Serious concerns in relation to scale and detailed design of development.
- Dublin Road Blocks: Awkward roof form, irregular fenestration pattern, and detailed design would have a detrimental negative impact on the visual amenity of the area and negatively impact this gateway to Limerick City.
- Scale as shown in CGIs would have a negative impact. Multiple pitched roof appear too busy/fussy resulting in an awkward appearance in views along the street scene. Strongly urge a simplified design and roof form.

Impact on Residential Amenity

- Southwest corner of the site: Scale, height and design of three storey blocks to the southwest corner appear squeezed in with little or no consideration given to existing and established residential properties immediately adjoining. These dwellings would immediately overlook habitable living space and home of no. 76 Dromroe Avenue. Large first floor balconies to living room would exacerbate overlooking and loss of privacy to no. 76. In addition siting of the blocks beyond the rear wall of no. 76 Dromroe a serious concern due to first floor balconies. Urge the Board to refuse this element.
- Along southern boundary of site adjoining no. 76 Dromroe is an informal pedestrian path leading to the shopping centre. This is not within the plan lands with no ownership indicated. This area could result in antisocial behaviour.
- Removal of trees along southern boundary would negatively impact properties in Woodhaven Estate.
- Lack of defensible space to some of the dwellings fronting the greenway, negatively impacting future occupiers.

Part V

- Part V units isolated to the south-west corner of the site and not integrated resulting in ghettoisation, instead of a mixed and balanced community with a variety of tenures, which would potentially lead to social isolation.

8.0 Prescribed Bodies

8.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Limerick Childcare Committee

One of the bodies has responded as follows:

- Transport Infrastructure Ireland: No observations to make.

9.0 Planning Authority Submission

9.1. Overview

9.1.1. In compliance with section 8(5)(a) of the 2016 Act, Limerick City and County Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 11th September 2020. The report notes the planning history in the area, site description, proposal, policy context, summary of observer submissions, and summary of views of the relevant elected members. The submission includes several technical reports from relevant departments of Limerick City and County Council. The Chief Executive's Report concludes that it is recommended that permission be granted. The CE Report from Limerick City and County Council is summarised hereunder.

9.1.2. Summary of Inter-Departmental Reports

- Archaeology Report: Monitoring condition recommended.
- Heritage Officer/Ecologist: Report is not clear on the nature of the drainage ditch to north of the site and its connection to the SAC with no detailed description of it, for example if it's a seasonal drain dry for much of the year it would reduce its efficiency as a pathway to the SAC; if it is small in scale and heavily vegetated this would help filter sediments. These details are lacking and would have been useful to assess the degree of risk posed by the potential passage of pollutants, however, the use of

sediment screens would reduce this risk to an acceptable risk. There is enough information to inform mitigation conditions should this be considered.

- Noise: Noise level adjoining shopping centre, which are at same level adjoining Dublin Road, are likely to from mechanical noise and should have been assessed against BS4141:2014 and this should be undertaken and submitted. Where desirable noise levels cannot be achieved in private amenity spaces (ie beside Dublin Road and shopping centre) then desirable noise levels are expected in public open space and a central courtyard area. The central courtyard is not in easy access of residents living beside shopping centre. Good acoustic design should be considered where utility spaces located on noisy facades and living/bedroom spaces on quieter facades.
- Roads: Greenway alignment shows 10m radius versus standard NTA 20m recommendation for greenway bends. However this may be safer in this instance. Consultation with NTA recommended. Greenway crossings to be adequately lit.
- Central Roads Operations: No objection subject to conditions in relation to roads and footpaths, public lighting, and surface water disposal.
- Flooding: No objection in relation to the principle of flood risk management.

9.1.3. **Summary of View of Elected Members:**

- Support housing on this site.
- Existing road serving adjacent school and Munster GAA offices is inadequate. One access to serve existing users and proposed housing is not sufficient. Proposed development requires its own access road.
- Volumes of traffic onto the Dublin Road will be very high, with development resulting in large increase in traffic in an already congested area.
- Queries in relation to pedestrian crossing for school and future employees of Plassey Technology Park.
- Lack of consultation with residents and local representatives.
- Road safety statement outlines many issues that do not appear to have been addressed in the layout.
- Not in favour of clustering of social housing.

- Value of trees not considered properly.
- Landscape plan includes a lot of non-native species.
- Schools in the vicinity are already at capacity.
- Lack of green open space and inadequate provision of amenities. Local of open space and play area is not clear.
- Shared surfaces and the interaction with pedestrians/children could be hazardous.
- Lack of bicycle parking spaces in the proposed development.
- Density: concerns in relation to the number of units to be built.
- Lack of BER details of the proposed housing units.

9.1.4. **Planning Analysis**

- Layout and Density acceptable.
- Development is largely consistent with the Design Standards for New Apartments.
- Apartment development to R445/Dublin Road presents a visually strong and interactive streetscape. Positive in terms of place making with strong edges created.
- Castletroy Urban Greenway visually and functionally incorporated into the layout.
- Finishes are considered high quality.
- Sunlight-daylight analysis as per submitted report considered acceptable.
- A redesign of units in the southwest corner, specifically units 115-118 is required to prevent direct overlooking. Notes that units 119-122 do not directly overlook private open space. This can be addressed by condition. Subject to this revision, overall development is considered acceptable and will not lead to undue adverse impacts on residential amenity of adjacent property.
- Condition recommended in relation to acoustic design to improve units along Dublin Road and along Castletroy Shopping Centre.
- Open space requirements in accordance with Castletroy Local Area Plan. Note a local public park is located 1km from the site.

- Crèche permitted on adjacent site for 93 spaces alongside development permitted under 19/730. The permitted crèche has capacity to accommodate childcare requirements for this SHD application.
- The Board is the competent authority in relation to EIA and AA screening/scoping.
- Note invasive species management plan has been prepared for the site.
- Note the development is not within or adjacent a European Site. The Mulkear River, a tributary of the Lower Shannon SAC, is approx 1.1km from the site. Submitted Stage 1 AA concludes that a likely significant effect upon the Lower River Shannon SAC can be screened out, however, a Natura Impact Statement was prepared as a precautionary principle. Mitigation measures proposed. The heritage officer recommends a condition.
- Part V proposed in southwest corner – 16 units suitable for a housing body and multi-units need to be managed. The remaining 8 required should be dispersed throughout the development to achieve a more integrated development in terms of social cohesion.

9.2. Statement in accordance with 8 (3) (B) (II)

9.2.1. The Chief Executive's Report recommends a grant of permission, subject to a number of conditions, including the following:

- C2: Mitigation measures in NIS and those contained in Outline Construction and Environmental Management Plan, Invasive Species Plan and Noise Assessment to be implemented in full.
- C4: Revised noise assessments.
- C5: Revised drawings. (a) Units 115, 116, 117 and 118 to southwest shall be revised (Type D1 and D2). The revised units shall be two storey in height with no balconies on the rear elevation. The revised units shall include at least one four bed unit. (b) Proposed Part V housing units no. 115 to 116 to be relocated to another location within the overall scheme to provide for better dispersal and social integration. (c) The greenway alignment shall be revised to provide for 20m radius bends rather than 10m. (d) Both Greenway crossings to be adequately lit with removable bollards installed.

- C6: Private Management Company.
- C7: Section 48 contribution.
- C8: Section 96 agreement.

10.0 **Assessment**

10.1. **Introduction**

10.1.1. Having examined the application details and all other documentation on file, including the C.E. Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development
- Density and Housing Mix
- Layout and Design
- Residential Amenity
- Traffic, Transportation and Access
- Infrastructural Services including Flooding Issues

These matters are considered separately hereunder.

10.2. I have carried out an Environmental Impact Assessment Screening Determination and Appropriate Assessment in respect of the proposed development, as detailed later in this report.

10.3. **Principle of Development**

10.3.1. The site is zoned 'Residential Development Area' with a section of the southern portion of the site zoned 'Open Space and Recreation', as per the Castletroy Local Area Plan 2019-2025.

10.3.2. The proposed development is located in an area zoned for residential uses and the zoned open space is proposed to be retained as such. A number of objectives relate

to the plan lands and the development is generally in accordance with the LAP objectives.

10.3.3. The principle of residential development at this location is acceptable and supported by national policy for the consolidated development of cities such as Limerick, as set out in NPF under NPO 3(b). The proposal fulfils the objectives as espoused in the NPF in providing appropriate infill development within existing urban areas. There are a wide a range of services in the area, including primary and secondary schools, university, employment areas, public park, and leisure and retail services. The site is also well serviced in terms of public infrastructure, in terms of water supply and foul drainage arrangements, footpaths, cyclepaths, public lighting and good quality road infrastructure.

10.3.4. I note that Limerick City and County Council consider that the site is suitable for residential development.

10.3.5. I am of the view that the residential development of this site would be in keeping with national and local planning policy. The principle of the proposed development is acceptable.

10.4. **Density and Housing Mix**

10.4.1. The site is located within the environs of Limerick City and is zoned for residential development. The LAP for the area requires a minimum net density of 35 units per hectare on residentially zoned sites.

10.4.2. The site can be described as an 'intermediate urban location', as per the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018). The site is located within reasonable walking distance of a suburban centre, in this case the adjoining Castletroy Shopping Centre and within reasonable walking distance of employment locations, including the IDA Technology Park and the University of Limerick (north of the site). There is public transport available along the R445 and the site is approx. 5.8km from Limerick City Centre. I note that a quality bus corridor is proposed along the Dublin Road, albeit no timeline is indicated in relation to the delivery of this. The R445 also forms part of a plan for cycle network upgrades in the area, with the wider area comprising a well-developed cycle and pedestrian network. Such intermediate urban locations are stated in the guidelines to generally being suitable for higher density development that may wholly

comprise of apartments or alternatively, medium-high density residential development of any scale that includes apartments to some extent. Such Intermediate sites should seek to incorporate densities of greater than 45 dwellings per ha net.

- 10.4.3. The proposed total net density is stated to be 50 units/ha. The principle of high-density development greater than that prevailing in the immediate area is in my view appropriate at this location, is appropriate within the national policy context and is in accordance with the adopted Local Area Plan, subject to further consideration of impact on existing residential amenity, which is considered in more detail hereunder.

Dwelling Mix

- 10.4.4. The dwelling mix caters for a range of 1, 2, and 3 bed units, with a mix of typologies including semi-detached, detached, terraced dwellings, duplexes and apartments. 43% of the units are houses and 57% are apartments. Of the total units proposed, 26.5% of the units are 1 bed, 34.5% are 2 bed and 39% are 3 bed. I consider the overall mix to be reasonable and will enhance the housing mix of the area, which is in accordance with national policy to cater for a variety of people, with the variation in unit sizes reflecting contemporary household formation and housing demand patterns particularly to cater for smaller household sizes.

Part V

- 10.4.5. The third party observer contends that the proposed part V layout will give rise to social ghettoisation with the scheme. The proposal provides for 20 units, 16 of which are located to the southwest and 4 are dispersed. I note the proposed condition by the PA to redesign the duplex units to two storey units would result in the omission of two units from this location, and part of this condition recommends the relocation of units no. 115 to 116 to provide for better dispersal and social integration. The layout of the proposal and the distribution of Part V housing units should be subject to agreement with the planning authority by way of condition, should the Board be minded to grant permission.

10.5. **Layout and Design**

- 10.5.1. The layout of the scheme has been informed by the existing site context and requirement to incorporate the permitted urban greenway route through the site into

the proposed layout. I note the greenway was approved by way of Part VIII by Limerick City and County Council.

- 10.5.2. The main access to the site is via a left in-left out arrangement onto the R445/Dublin Road, via an existing access road which currently serves Munster GAA HQ and a primary school, both of which are relatively new modern buildings.
- 10.5.3. Apartments are proposed adjoining the R445/Dublin Road in a perimeter block 3-4 storeys high, with undercroft parking and podium open space in the centre of the block. A lift access to the courtyard level is proposed from the western side of the block from street level and three other separate stair accesses are provided for from street level. The apartment block comprises a mix of duplex over duplex units or duplex over two simplex units, with own door access from the R445 and the perimeter ground level. Duplex units 2.5 storeys high are proposed along a portion of the western and southwestern boundary of the site, with communal on street parking along the western Local Street 2 serving the duplexes and houses along Local Street 2. Two additional duplex units are proposed in the southeastern portion of the scheme on either side of the open space where the Greenway crosses Local Street 5. Two storey dwellings are proposed across the remainder of the site, with parking generally positioned to the side of the dwellings, with the dwellings separated from adjoining footpaths by a 1.5m landscaped privacy strip instead of the traditional larger front garden with parking.
- 10.5.4. A north-south linear open space is proposed toward the eastern section of the site which will connect into a rectangular block of open space to the southeast corner of the site, which is already in existence and serves existing housing within the neighbouring housing estate. The northern boundary of this open space comprises a weak hedgerow with some trees. A narrower east-west 16m deep x 110m wide landscaped area is also proposed in the centre of the scheme adjoining a portion of the permitted Greenway.

Internal Street Network and the Urban Greenway

- 10.5.5. In terms of the internal street network, a hierarchy of streets are proposed comprising local streets (5.5m wide), homezones/shared surfaces (4.8m wide, reducing to 3.6m wide at pinch points), and pedestrian paths (2m or wider), in addition to the proposed cycle/pedestrian Greenway.

- 10.5.6. The applicant proposes to facilitate the delivery of the section of the permitted Castletroy Urban Greenway project (comprising of integrated 2.5m wide pedestrian path and 3.5m wide two way cycle-lane) which traverses their lands. The Greenway has been approved by Limerick City and County Council under Part VIII process. The route traverses east-west along the southern section of the site, connecting the shopping centre to the west and the primary school Gaelscoil Chaladh an Treoigh to the east. The route then runs along the eastern boarder of the site, from the GAA HQ and Gaelscoil southward to the L1165 via Castletroy College, connecting the schools in the area, offering a safe alternative to the car for school drop offs in particular. I note the applicant proposes a temporary greenway route through the subject site, during construction to facilitate the immediate implementation of the 'Castletroy Urban Greenway' by Limerick City and County Council and the final alignment will be delivered as the lands are developed. The CE Report raises no objection to this proposal.
- 10.5.7. I note the submission from an observer questions the manner in which the Greenway route is overlooked in relation to poor defensible space to some of the dwellings fronting the greenway, negatively impacting future occupiers. The CE Report supports the route alignment and manner in which it is fronted.
- 10.5.8. For all streets within the development, the documentation submitted states a 1.5m privacy strip is proposed to the front of dwellings, between the building lines and footpath edge. Duplex Units are positioned at the southwest corner of the development where the Greenway connects into the neighbouring shopping centre. To the north of the Greenway along this entrance section (26m long) are duplex units 107-114, with a 2.5m privacy strip in front of the units onto a public footpath, adjoining which is the cyclepath. On the southern side of the Greenway are positioned duplex units 115-122, which also comprise a 2.5m privacy strip to the front of them, adjoining a public footpath and then the cyclepath. There is no provision for cars along this 26m stretch. To the east of the Duplex Units is Local Street 3, serving dwellings numbered 128-134, adjoining the southern side of the Greenway route. There is a 1.5m privacy strip to the front of these dwellings, a footpath, then Local Street 3, a landscaped strip with some on-street parking, then the Greenway Route. On the northern side of the Greenway route is a 6m deep landscaped area, footpath and then a 1.5m privacy strip to the front of dwellings 144-

164. I consider the landscaped privacy strip to the front of the duplex units to the southwest is sufficient at this location to ensure the provision of privacy at the entrance to these units, while also facilitating passive surveillance of the Greenway Route. While this will be a busy pedestrian/cyclist route, I note these units have the benefit of having no passing traffic to the front of them. I consider the proposed arrangement of dwellings along the Greenway route to be satisfactory in terms of future residential amenity.

10.5.9. Concern is also raised by the third party observer in relation to the location of an informal desire line/pathway through an area of willow trees along the boundary at the southwest corner of the site which connects into the shopping centre site and which is located outside the boundary of the application land. Concern is raised that this informal path/treed area could give rise to anti-social behaviour if it remains as is unincorporated into the development. I note from the submitted documentation that this area in question is outside the ownership of the applicant, with the lands belonging to the adjoining residential development of Woodhaven. I note the development of the lands will ultimately block this route off as a through route, with a length of 110m remaining adjoining the boundary walls of the existing dwellings at this location. As this land is outside the ownership of the applicant, I consider this issue is outside the remit of this application to address and for the Board to consider. It is for the owner/manager of the adjoining estate/neighbouring shopping centre to formalise the boundary of this estate and determine an appropriate approach to the management of this landscaped strip of land.

10.5.10. Overall I consider the street hierarchy and layout to be highly permeable for pedestrian and cyclists and in accordance with DMURS. The buildings adequately address the streets and turn corners providing for a high degree of activity and passive surveillance. The manner in which parking is addressed will result in a pedestrian friendly public realm.

Design and Height

10.5.11. The observer's submission contends that the roof form, irregular fenestration pattern, and detailed design of the apartment buildings fronting the Dublin Road/R445 would have a detrimental negative impact on the visual amenity of the area and negatively impact this gateway into Limerick City. With regard to the

frontage of development onto the Dublin Road, the CE Report states that the built edge along the Dublin Road is welcomed and the design as proposed is supported.

10.5.12. The submitted Architectural Design Statement from the applicant indicates the existing built edge to the Dublin Road is fragmented and weak, with the proposal aiming to establish a new building line which activates the street with the height of 4 storeys (approx 15m) appropriate to the scale of the street (approx. 33m wide). The buildings are set back 9m from the street edge to facilitate a future bus corridor along the Dublin Road. A 2m footpath and 2.5m cycle path is provided for. The design of the buildings are described as comprising a pitched form profiling which is stated to allow a vertical emphasis with irregular fenestration adding to the visual interest. The materials and finishes, and colour approach proposed, are set out in the submitted Architectural and Urban Design Statement.

10.5.13. From site inspection, I note the R445/Dublin Road at this location is quite wide, with few developments along either side at this entry point to Limerick. The Munster GAA building and the Lidl supermarket provide new edges to this urban road, however, overall in its current form it lacks a strong urban form and this road/street is therefore poor in terms of passive surveillance. I consider overall the scale of the buildings at 4 storeys onto the Dublin Road has adequately considered the context of the existing wide street in the height approach adopted and from an urban design perspective I consider it acceptable. I note that under Section 3.6 of the Urban Development and Building Height Guidelines (2018) it is stated that 'Development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets'. While the third party observer considers the various roof forms awkward and the irregular fenestration pattern and detailed design negative visually, I consider the pitched roof approach to the design and the varied fenestration pattern will add interest from an urban design perspective and will be a positive addition to this largely two storey suburban area. The materials and finishes are in my opinion acceptable and will contribute to the visual amenity of the area. The positioning of pedestrian accesses to the building from its edge with the Dublin Road is a positive addition to this street in terms of supporting pedestrian activity and passive surveillance along it. Overall, I consider the height, design and

scale of the buildings onto the Dublin Road, while different from what exists, are a well-considered insertion into the streetscape at this location, which will not in my opinion detract visually from this entrance to Limerick City, but will establish an urban form and edge which will sit strongly alongside the evolving design of this street as other lands are developed.

- 10.5.14. Concern is also raised by the observer in relation to the three storey dwellings to the southwest of the site and implications in terms of overlooking and loss of privacy from the proposed balconies on existing residential amenity at this location. I discuss this issue further under section 10.6 hereunder.

Existing Trees and Landscaping

- 10.5.15. The third party observer raises concerns in relation to the proposed removal of trees along the southern boundary which would negatively impact properties in Woodhaven Estate.
- 10.5.16. The site was surveyed on November 18th 2019 as part of the Appropriate Assessment Screening report and was found to comprise largely of dry meadow/grassy, with signs of previous disturbance. Remnant hedgerows are stated to comprise Ash *Fraxinus excelsior*, Hawthorn *Crataegus monogyna* and Blackthorn *Prunus spinosa* while a more developed treeline has tall Oak *Quercus sp.*, Beech *Fagus sylvatica* and Ash. To the west of the site there is a band of scrub with Grey Willow, Brambles *Rubus fruticosus* agg, Gorse *Ulex europaeus* and Dog Rose *Rosa canina*. The ground level is lower in this area and is wet. Wetland plants here included Iris *Iris pseudacorus*, Meadowsweet *Filipendula ulmaria*, Water Mint *Mentha aquatica* and Bulrush *Typha sp.* A drainage ditch is located through the northern portion of this area.
- 10.5.17. A tree survey and arboricultural assessment was undertaken in June 2019. Trees are stated to be mainly self-seeded and naturally occurring and are growing in random locations within hedgerows around the site boundaries. The trees are stated to be generally in good fair to poor condition. It is noted that there is a dense small woodland (W1) belt of *Salix spp.* (Willow) along the southern boundary adjoining a boundary block wall with neighbouring dwellings with an informal pedestrian pathway through this woodland belt, leading to/from the shopping centre carpark. The ash trees along the eastern boundary are stated to be generally in poor condition and are

showing signs of over pruning and some symptoms of some dieback and decline. The over-mature Beech tree (no. 897) has suffered from stem failure and the remaining stem is infected with the decay-causing fungus *Ganoderma applanatum* - a decay-causing fungus known to affect the species. The over mature Oak tree (no. 899), growing on a raised ditch along the southern boundary is in poor condition. I note from site inspection this tree has been retained as part of the neighbouring development, however construction works appear to have encroached on the tree. It is stated that the tree is showing signs of dieback and decline and a major overhaul is stated to be required to improve shape, reduce risk and invigorate new growth. The mainly whitethorn hedgerows (H1, H2) around the eastern and western boundaries of the site are stated to be in fair to poor condition. I note the majority of hedgerows along the boundaries are to be retained, including that section of the southern boundary adjoining the existing open space. While there are a number of trees to be removed from the site, I note the condition and age of the trees in question and the manner in which the area has self-seeded over the years. Overall, I consider the landscaping measures will mitigate the impact of the loss of trees/hedgerows proposed and the impact on the development to the south will not be so great as to warrant a refusal or variation to the layout. Should the Board be minded to grant permission, I recommend a condition to ensure trees and hedgerows to be retained will be protected, particularly prior to and during construction.

- 10.5.18. Japanese Knotweed was discovered on the site. This is classified as an invasive species in the 2011 Birds and Habitats Species Regulations and it is a serious offence to spread this species. The applicant has prepared an Invasive Species Management Plan (March 2019), which sets out treatment options in relation to the Japanese Knotweed. The applicant proposes to pursue 'Option 4', which provides for 'Controlled excavation with off-site disposal (Dig & Dump Method)', given project time constraints which rules out longer term herbicidal treatment. The Dig & Dump method is an immediate eradication method and seen as a total removal method as the underground rhizome/root system is excavated and along with all other knotweed material is disposed of, under a certified process, to an off-site licensed facility under specialist Invasive Species Management.

Public Open Space Strategy

10.5.19. The development site proposes an area of 0.78 ha / 16.8% of overall site area as open space. In terms of design, I note a detailed landscape plan has been submitted which focuses on a high level of planting and all open space proposed will benefit from passive surveillance from the units within the development. The main open space in the development comprises one large central L-shaped linear park running north-south through the eastern portion of the site, which connects into an existing rectangular public open space at the southern end of the site. The Castletroy Urban Greenway traverses the linear open space at its southern end and runs parallel to the northern edge/hedgerow of the existing public open space, up to the eastern boundary of the site. The landscaping masterplan indicates a community garden with pavilion structure in the centre of the north-south linear open space, in addition to landscaped mound areas and raised planters. An east-west linear open space is also proposed in the centre of the scheme adjoining the northern side of the proposed Greenway and is designed with planters and carved out seating areas. The open space to the south is flat and under grass at present and it is proposed to develop a pathway through it, and a naturalistic play area. Dwellings in the adjoining residential development south of the site will facing onto and overlook this public open space, with no boundaries proposed between the two developments, ensuring the open space and greenway is accessible to all. A shared courtyard open space at podium level (over undercroft parking) is proposed in the centre of the apartment block.

10.5.20. There is in addition to the on-site open space, a large public park in Castletroy within walking distance to the south of the site which the occupants of the scheme can avail of and which will be connected to the site via the proposed Greenway. Overall I consider the open space plans to be satisfactory.

Childcare Analysis

10.5.21. The childcare facility authorised under planning permission reference 19/730 (to the east of the access road from the R445) was stated to have been designed to provide capacity sufficient to address an 'all development scenario' within the applicants overall landholding at this location, i.e. the childcare requirements arising from the development authorised under the 06/4024 permission, and, the revised development authorised under the 19/730 permission (+21 residential units), and, the current SHD proposal. The total number of units (excluding one bed units) in this

landbank is stated to be 318, which equates to a requirement for 84 childcare spaces, as per The Childcare Facilities Guidelines for Planning Authorities. The submitted statement of consistency indicates that the proposed childcare facility will cater for 93 spaces.

- 10.5.22. I consider that the proposed childcare facility is of a scale to meet projected demand, in accordance with national guidelines, and is appropriately located to serve the proposed development.

Conclusion – Layout and Design

- 10.5.23. Overall, I am satisfied that the development is reflective of good contemporary architecture, would provide for a positive public realm with buildings addressing existing and proposed streets, and will be a highly legible and permeable urban environment. The provision for improved activity and engagement at street level to the Dublin Road and enhancements to the public realm in the area are positive elements of the scheme from an urban design perspective. There is a high level of connectivity and permeability within the site and into the surrounding street network, with a specific focus on direct pedestrian/cyclist movement via the proposed Castletroy Urban Greenway, which will be a positive addition to the area and which will support the development of a sustainable community at this location.

10.6. Residential Amenity

Impact on the Amenities of Neighbouring Properties

- 10.6.1. Concerns are raised by a neighbouring resident at 76 Dromroe Avenue in relation to overlooking, overbearance and loss of privacy as a result of the three storey duplexes with balconies proposed adjoining this property. This property sides onto the southwest corner of the application site. I note the C.E. report recommends a redesign of units in the southwest corner, specifically units 115-118 to prevent direct overlooking. The CE Report notes that units 119-122 do not directly overlook private open space.
- 10.6.2. I have examined the layout proposed and note the proposed duplex units 115-118 have a rear garden depth of 5m and there is a distance of 8.5m-9m between the first floor rear balconies of the duplex units and the side boundary wall and rear garden of no. 76 Dromroe Avenue. Duplex units 119-122 back onto the side of No. 76 Dromroe

and therefore will not directly overlook the rear garden of that dwelling in the same manner as units 115-118. The proposed dwellings to the east of these units are two storey houses which are back-to-back with existing dwellings to the south and are designed with the upper floor comprising non-habitable rooms, with distances of 22m back to back between these dwellings. I am of the view that the degree of overlooking arising from units 115-118 would have a significant negative impact on the residential amenity of no. 76 Drumroe Avenue and due regard has not been given to the private amenity space of the existing dwelling and the potential negative impact of three storey units with first floor balconies this proximate to the boundary, in terms of overlooking as well as potential noise nuisance, notwithstanding the existing landscaping between these properties. In my view units 115-118 should be redesigned as two storey units with no first floor balcony permitted. Should the Board be minded to grant permission, I recommend a condition to address this issue. Given the location of the development site north of Drumroe Avenue and Carrowkeel, I have no concerns in relation to loss of daylight, sunlight or overshadowing on neighbouring properties.

- 10.6.3. Overall I do not consider the proposal will seriously injure the residential amenities of the existing neighbouring properties in terms of overlooking, overshadowing or loss of outlook, subject to a condition in relation to the duplex units to the southwest.

Future Residential Amenity

- 10.6.4. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2018 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. A schedule of accommodation has been submitted to demonstrate compliance with the standards.
- 10.6.5. The apartments have been designed to comply with the floor areas as per SPPR3 and appendix 1.
- 10.6.6. SPPR4 relates to dual aspect ratios and states that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. The development achieves this.
- 10.6.7. SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with. SPPR 6 specifies a maximum of 12 apartments

per floor per core. The manner in which the development is designed is acceptable in this regard.

10.6.8. A Building Lifecycle Report has been submitted.

10.6.9. Car parking provision is considered acceptable and in accordance with guidelines. This is discussed in more detail in Section 10.7 hereunder.

10.6.10. The proposed development overall would provide an acceptable standard of amenity for the occupants of the proposed apartments.

10.6.11. In relation to housing, best practice guidelines have been produced by the Department of the Environment, entitled 'Quality Housing for Sustainable Communities'. Table 5.1 of these guidelines sets out the target space provision for family dwellings. I am satisfied that the internal accommodation of the proposed dwellings meets or exceeds the specifications of Table 5.1. The rear gardens associated with dwellings vary in shape and area, providing a satisfactory amount of private amenity space and achieve adequate separation distances to adjacent dwellings. Generally back to back distances are in excess of 22m where windows are directly opposing. Two parking spaces are proposed per dwelling.

Noise

10.6.12. An Environmental Noise Survey has been submitted as part of the submitted documentation.

10.6.13. The CE Report notes significant noise arises from road traffic from the Dublin Road and from the shopping centre to the west, from what appears to be mechanical noise, and it is stated that this category of noise should have been assessed under different criteria to that of the road noise. It is noted that noise levels across the site will be high. It is stated that external desirable noise levels should be achieved in private amenity areas. It is noted that those units backing onto the shopping centre will be affected. A condition is recommended requiring a revised noise survey for those dwellings affected by the shopping centre noise and requiring private areas achieve desirable noise levels of below 55 dB LAeqday).

10.6.14. In relation to this issue I note that the Environmental Noise Survey quotes BS 8233, which states in relation to noise level in external amenity areas: "For traditional external areas that are used for amenity space, such as gardens and patios, it is

desirable that the external noise level does not exceed 50 dB LAeq, T, with an upper guideline value of 55 dB LAeq, T which would be acceptable in noisier environments. However, it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces but should not be prohibited". The submitted report also references ProPG: Planning and Noise – Professional Practice Guidance on Planning Noise – New Residential Development, May 2017, which is applicable to new residential development which would be exposed predominantly to noise from existing transport sources and which states in relation to external areas: 'Where, despite following a good acoustic design process, significant adverse noise impacts remain on any private external amenity space (e.g. garden or balcony) then that impact may be partially off-set if the residents are provided, through the design of the development or the planning process, with access to:

- A relatively quiet facade (containing openable windows to habitable rooms) or a relatively quiet externally ventilated space (i.e. an enclosed balcony) as part of their dwelling; and/or
- A relatively quiet alternative or additional external amenity space for sole use by a household, (e.g. a garden, roof garden or large open balcony in a different, protected, location); and/or
- A relatively quiet, protected, nearby, external amenity space for sole use by a limited group of residents as part of the amenity of their dwellings; and/or
- A relatively quiet, protected, publicly accessible, external amenity space (e.g. a public park or a local green space designated because of its tranquillity) that is nearby (e.g. within a 5 minutes walking distance).

10.6.15. The submitted noise report specifically addresses the issue of private spaces on the west of the site. It is stated that some of the noise levels for private gardens in this area would be slightly above the 50 - 55dB LAeq external design criteria. To

address this issue, a 2.0m high privacy fence is proposed along the property boundaries of these rear gardens at the western side of the scheme, as indicated in Appendix E of the noise report, resulting in reduced ambient noise of 38-54dB LAeq. Landscaping features (e.g. trees, hedges, etc) are also proposed along the development perimeter boundary with the R445 roadway and service station/shopping centre. I note that the landscaping measures will provide a minimal degree of extra sound absorption / scattering / diffusion, but will nonetheless be beneficial for occupants. In addition the dwellings units have been designed to ensure a greater level of internal noise reduction.

10.6.16. While I note the recommended condition in the CE Report in relation to noise, I am of the view that the proposed mitigation measures in terms of noise barriers and unit design as proposed are appropriate. It is not in my opinion possible for the applicant to reduce the external noise environment of adjoining lands to any greater extent to that proposed by way of a noise barrier to the rear of those units most affected. All the dwellings have access to the quieter open space proposed in the centre of the scheme with the residents of the apartments addressing the R445 also having access to a central courtyard. The site is zoned for residential development and I note this location is highly accessible, is within 5.5km of Limerick City Centre and is located proximate to a wide range of local services, facilities and employment in the immediate area. Overall, having considered all the information submitted, in my opinion the applicant has adequately addressed the issue of noise in the layout and design of the scheme as proposed.

Daylight and Sunlight Assessment

10.6.17. A report titled 'Daylight & Sunlight Assessments of Proposed Housing Development' has been submitted with this application. Consideration has been given to neighbouring residential development, the closest being the residential dwellings south of the application site. Given the orientation of these dwellings to the south of the site, no significant impacts in terms of sunlight, daylight or overshadowing will arise.

10.6.18. The proposed amenity spaces within the development have been assessed, specifically the central courtyard within the apartment complex to the north. The amenity space would meet the BRE criteria for Open Space and Gardens.

10.6.19. The results of the sunlight/daylight analysis to the apartments indicates the proposal is in accordance with BRE guidance.

10.6.20. I consider the proposed apartments and dwellings are adequately designed and would provide an acceptable level of amenity for future occupants.

10.7. Traffic, Transportation and Access

10.7.1. The application has been accompanied by a Traffic and Transport Assessment Report. The existing road network, public transport routes and pedestrian/cycle facilities were assessed and the existing traffic pattern was established.

10.7.2. The Transportation Assessment (TA) Report provides details of a manual classified traffic count at seven junctions, namely, Kilmurry Roundabout (to the west), Chawke's Service Station T junction, Lidl Junction, Gaelscoil Junction, Dun an Oir Junction, Walkers Road Junction and Annacotty Roundabout (to the east). A capacity analysis was undertaken in relation to these junctions. Survey work was undertaken in May 2018 and May 2019. While the report notes that the Annacotty and Kilmurray Roundabouts operate over the recommended capacity of 85% in the AM and PM, the impact of the proposed development on the capacity is stated to be negligible, accounting for approx. 1% of traffic flows. All other junctions are indicated to operate below the recommended capacity. I note road network improvements are proposed separately to this application to address current capacity issues in relation to the Annacotty Roundabout, which will improve the capacity at Kilmurry Roundabout. A new junction is also proposed to serve the school site to the east. There are also long term plans for a Limerick Northern Distributor Road to alleviate traffic issues and the draft Limerick Shannon Metropolitan Area Transport Strategy highlights proposals for bus networks and cycle networks in this area.

10.7.3. As part of the proposed development, a central median barrier is proposed along the R445, to ensure that the left in-left out arrangement for the site access, which also serves the primary school and Munster GAA HQ, is adhered to and to prevent illegal traffic movements around the site access from road users doing u-turns at this point due to left in-left out arrangements on the other side of the road. The buildings onto the R445 have been set back to facilitate space for a possible bus lane to the city.

10.7.4. I am satisfied that the impact of the proposed development on existing traffic congestion will be negligible. I also note the proposed Castletroy Urban Greenway

proposals, which will be partially delivered as part of this development and which will support a modal shift from private car to more active modes of walking and cycling. Traffic congestion arising from car movements cannot be solved by works to the road network alone, but must be accompanied by sustainable movement options to enable the development of sustainable communities. The layout of the development as proposed, with an emphasis on walking and cycling infrastructure and connections, will support the development of a sustainable community at this location, which is served by a wide range of local services within easy walking/cycling distance of the development.

10.7.5. The submitted C.E. Report does not highlight any issues in relation to traffic and transportation in this area or in relation to the proposed street layout within the development. The TII had no comments to make.

10.7.6. Having inspected the site and the submitted documentation, I am satisfied with the findings of the Traffic and Transport Assessment and with the proposed improvement to the access junction and R445 proposed as part of the development.

Internal Street Design and Parking

10.7.7. The internal street network comprises local streets 5.5m wide, with these streets reducing down to 4.8m wide where they are parallel to the proposed Urban Greenway and to the east of the central green. Three home zone streets are proposed, one to the northwest proximate to the apartments, one in the centre of the scheme, and the other to the east. These home zones have been designed with planters/benches projecting into/placed in the streets, slowing traffic and providing for varied and reduced widths. DMURS defines home zones as 'A type of Shared Surface Street in a residential area which may also include items of street furniture that would normally be used within areas of open spaces'. Home Zones are further detailed in the document Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, where 'Home Zones' are defined as residential streets in which the road space is shared between drivers and other users (therefore separate footpaths are not provided) and where the wider needs of residents, including pedestrians, cyclists, and children, are emphasised in the design. I am satisfied that the home zones as shared spaces have been thought out in the design proposed, with distinctive shared paving proposed and with the

positioning of planters within the street making it more pedestrian dominant and distinctive from the local streets within the scheme. Overall, I am satisfied that the internal street network has been designed in accordance with DMURS, with an emphasis on pedestrian movement and connections.

- 10.7.8. The recommendations set out in the RSA have been included in the design submitted. I am satisfied with the contents of this report and the design proposed.
- 10.7.9. Car parking spaces are for the apartments to the north by way of undercroft parking in the centre of the block. Apartments are provided around the perimeter of the block at ground level supporting activity at street level, with open space proposed above the parking in the centre. Parking for the semi-detached dwellings are provided to the sides of properties. On-street communal parking is provided to serve terraced dwellings and duplexes along the western side of the site. Some on-street visitor parking is proposed on Local Street 1 and Local Street 2.
- 10.7.10. The NPF supports reduced/no parking for development in or near the centre of the five main cities (including Limerick) and a significantly reduced requirement in the inner suburbs of all five cities. The Design Standards for New Apartment 2018, encourages no or reduced overall car parking standards in certain locations to support more sustainable modes of transport. The proposed development is located in close proximity to numerous services including shops, schools, employment, and an amenity parkland with an Urban Greenway traversing this site and connecting it for cyclists and pedestrians to the surrounding services. 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 Limerick County Development Plan 2010-2016 sets out maximum Car Parking Standards. A total of 229 spaces are proposed, with the maximum provision allowed for by way of the development plan standards being 279 spaces. The proposed parking numbers and arrangements on site are in my view acceptable and in keeping with national policy.
- 10.7.11. With regard to cycle parking, the Apartment guidelines require 1 cycle parking space per bedroom for apartments, with visitor parking to be provided at a rate of 1 space per 2 residential units. This results in a requirement for 235 bicycle spaces. (177 for duplexes and apartment dwellings, and 58 spaces for visitors. The applicant

proposes 243 spaces to serve the proposed development. This is in accordance with the guidelines.

- 10.7.12. Overall, I consider that a development of the scale proposed at this site can be accommodated within the existing city road/street network and I do not consider the proposal would give rise to a traffic hazard or be seriously injurious to the residential amenity of those in the immediate area of the site.

10.8. **Infrastructural Services including Flooding Issues**

- 10.8.1. As part of the assessment of the lands, the applicant has submitted an Engineering Report. It is noted that a number of surveys were undertaken, including a ground penetrating radar survey, CCTV survey to locate existing sewers crossing the site to facilitate their diversion, and a hydrological and hydrogeological survey.

Water and Wastewater

- 10.8.2. It is proposed to connect the development to the public water and foul sewer network in the area. I note that diversion of existing foul sewer and storm water network traversing the site is required to integrate it with the new foul sewer and surface-water design arrangement, with outfall and connection to existing public mains network.
- 10.8.3. Irish Water has not submitted a report in relation to this application, however, I note the applicant has submitted the response from Irish Water to their pre-connection enquiry and a statement of design. No issues were raised.

Surface Water Management

- 10.8.4. Surface water is proposed to be collected and discharged via a mixture of traditional and Sustainable Urban Drainage System (SuDS) to an existing 1050mm diameter surface water sewer to the south east of the site. The SUDS measures proposed are stated to include tree pit systems, permeable paving, infiltration trenches, attenuation tanks, hydrobrakes, and bypass separator.
- 10.8.5. It is proposed that surface water will discharge via a class 1 bypass separator, attenuation tank and flow control device to the existing 1050mm diameter surface water sewer. The attenuation tank is located to the southeast of the site, beneath the existing open space at this location. A tanked permeable paving surface water drainage system is proposed for the home zone to the north of the development,

referenced on the SUDS drawing as home zone 1. It is stated that a tanked permeable paving system is required for this home zone given the existing levels on the Dublin Road and to ensure even pedestrian access from the Dublin Road to the proposed development.

10.8.6. A Site-Specific Flood Risk Assessment (FRA) was submitted as part of the application. The site is not identified as subject to either fluvial or coastal flooding as per the OPW CFRAM mapping. The site is categorised as being within Flood Zone C and is therefore at low risk of flooding. It is noted that a hydrological and hydrogeological investigation was undertaken by McCloy Consulting in March 2020 to investigate a wet area that has developed on a portion of the lands to the southwest of the site. It is stated that the investigation found that the wet area is a result of overland flow paths under extreme rainfall that exceeds normal drainage capacity gathering at the low point of the site which previously connected to a watercourse (now culverted). There is no apparent outlet from the depression to the western boundary where the culvert is and ground conditions are not conducive to infiltration to ground, resulting in this wet area. It is stated that the wet area has no environmental significance and is an engineering issue. The wet area can be mitigated by careful design of surface water drainage proposals and fundamentally the proposal should make provision for surface water to drain freely to the western boundary culvert or another outlet. It is stated that a new filter drain will be provided along a portion of the south eastern boundary of the site sewer to ensure protection of the proposed development from existing overland flow paths from the southeast. It will also protect against ponding occurring on adjacent sites. The proposed filter drain will discharge to the existing 1050mm diameter surface water as per the proposed main surface water drainage.

10.8.7. Having considered all of the information before me, I am satisfied the applicant has adequately addressed the issue of flood risk in the submitted Site Specific Flood Risk Assessment, including existing pluvial flooding on site, and proposes a surface water management strategy which indicates the proposed development will manage surface water from the site to the greenfield run off rate as per the GSDS and will not impact on neighbouring sites. Should the Board be minded to grant permission, I recommend a condition apply requiring a Stage 2 Detailed Design Stage Stormwater Audit, the findings of which shall be incorporated into the development, where

required, at the developer's expense and a Stage 3 Completion Stage Stormwater Audit within six months of substantial completion of the development, the findings of which shall be incorporated into the development, where required, at the developer's expense.

10.9. Planning Assessment Conclusion

10.9.1. I am of the view that, overall, the proposed development will support the consolidation and densification of this area of Limerick Environs and the site is sufficiently connected by footpath and cyclepaths to the surrounding area, bus routes, and existing services and amenities, including local schools, university, and major employment centres. I consider the layout and design of the scheme supports a high level of permeability and connectivity and will contribute positively to the visual and residential amenity of the area. I consider the development as proposed to be in accordance with the proper planning and sustainable development of the area.

11.0 Appropriate Assessment

Introduction

- 11.1.1. The application is accompanied by a Screening Statement for Appropriate Assessment (June 2020) and a Natura Impact Statement (June 2020) undertaken by Openfield Ecological Services.
- 11.1.2. The submitted Screening Statement concludes that given a hydrological pathway exists between the site and the River Mulkear, the possibility of a significant effects cannot be excluded on the Lower River Shannon SAC and specifically to its conservation objection for Atlantic Salmon, which is "no decline in the number of spawning beds (redds); water quality at least Q4 at all sites". The problem specifically identified relates not to the operation of the development but to potential for construction stage impacts, given the potential effects to water quality during construction (particularly sediment pollution), where site clearance works may result in the loss of pollutants to surface drains leading to the River Shannon. It is stated that a full AA is therefore required and an NIS has been submitted. The Screening Report states that no significant effects are likely to occur to the River Shannon and River Fergus Estuaries SPA or any other Natura 2000 site.

- 11.1.3. The submitted NIS set out a series of proposed construction management measures and concludes that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site 002165 (Lower River Shannon SAC) or any other European site, in view of the sites Conservation Objectives.
- 11.1.4. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

Stage 1 Screening

- 11.1.5. The proposal comprises a residential development of 200 units (see section 3 above for a detailed description of the proposed development). The site is a greenfield site, with some disturbance on site from building works in the surrounding area. The site was surveyed in November 2019 (see section 1.5.16 above) and local habitats are assessed as being of local biodiversity value and are not associated with any which are listed on Annex I of the Habitats Directive or species listed on its Annex II, or Annex I of the Birds Directive. Knotweed was found growing on the site, which is an alien invasive species under Schedule 3 of S.I. 477 of 2011.
- 11.1.6. The site lies within the catchment of the River Shannon, however it is stated that natural surface water pathways have been extensively altered through the imposition of urban drainage networks. No watercourses are identified on the site, however it is stated that a drainage ditch exists along the northern portion of the site. The path of this drainage ditch from the site to the SAC is not clear and there is no further description of the drainage ditch in the submitted documentation. I note the Hydrological and Hydrogeological Report submitted with the application makes no reference to this drainage ditch, but notes that a watercourse to the western site boundary was at some stage culverted and the closest mapped watercourse aside from this is located approx. 450m south-east of the site, which is a stream which is a tributary to the Mulcair River. A small wet area with ponded water is located to the southwest of the site and coincides with a topographic depression and the route of historic/potentially abandoned or culverted watercourses.

11.1.7. Surface water is proposed to be discharged to the existing public network. SUDS systems are proposed. I note that these SUDS systems are standard in all new developments and are stated not to be included here to avoid or reduce an impact to a European site. Wastewater from the development will connect via the public sewer to the Bunlicky wastewater treatment plant in Limerick City, which is operated by Irish Water and is licenced by the EPA (register no.: D0013-01) to discharge treated effluent to the Shannon. Bunlicky treatment plant is stated to be operating within its capacity.

11.1.8. In determining the zone of influence I have had regard to the nature and scale of the project, the distance from the development site to the European Sites, and any potential pathways which may exist from the development site to a European Site. The site is not within or directly adjacent to any European Site. The nearest river to the site is Mulcair (Mulkear) River, which is located approx. 1.3km to the east. This river is a European designated site, Lower River Shannon SAC (Site Code 002165). The Mulcair River joins the River Shannon c.1.4 km to the northeast of the site and from there flows west where it also joins with the River Shannon and River Fergus SPA (Site Code 004077), a further 7km west (southwest of Limerick city centre), or 5.4km as the crow flies from the application site. I note the following European sites are also within the wider area and I have also considered these within the zone of influence of the site:

- Slievefelim to Silvermines Mountains (Site Code 004165), approx. 9.8 km to the east of the site.
- Glenomra Wood SAC (Site Code 001013) at approximately 9.4 km to the north of the site.

Site Name	Conservation Objective	Qualifying Interests	Distance from Site
Lower River Shannon SAC (002165)	To maintain or restore the favourable conservation status of habitats and species of community interest – specific attributes	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130]	Approx. 1.3km to the east

	<p>and targets are listed on the NPWS website in relation to each qualifying interest.</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p>	
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		<p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [13]</p>	
<p>River Shannon and River Fergus SPA (Site Code 004077)</p>	<p>To maintain or restore the favourable conservation status of habitats and species of community interest – specific attributes and targets are listed on the NPWS website in relation to each qualifying interest.</p>	<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Scaup (Aythya marila) [A062]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p>	<p>Approx. 5.4km to the west</p>

		Black-tailed Godwit (<i>Limosa limosa</i>) [A156]	
Slievefelim to Silvermines Mountains SPA (Site Code 004165)	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Hen Harrier (<i>Circus cyaneus</i>) [A082]	Approx. 9.8 km to the east.
Glenomra Wood SAC (Site Code 001013)	To maintain the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Glenomra Wood SAC – the NPWS lists specific attributes and targets related to this site.	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	Approx. 10.4 km to the north

11.1.9. I do not consider that any other European Sites fall within the zone of influence of the project, based on a combination of factors including the intervening distances, the lack of suitable habitat for qualifying interests, and the lack of hydrological or other connections.

11.1.10. I consider that there is no possibility of significant effects on Slievefelim to Silvermines Mountains SPA (Site Code 004165) and Glenomra Wood SAC (Site Code 001013), having regard to the conservation objectives relating to the qualifying species and habitats related to these sites, due to intervening distances, to intervening land uses and the absence of a hydrological or other linkage between the development and these European sites.

11.1.11. The submitted screening report states that given the distance involved between the site and the River Shannon and River Fergus SPA that no significant effects are likely to occur to the River Shannon and River Fergus Estuaries SPA. I have reviewed the site and the information submitted with the application and with regard to direct impacts, given the distance of the site 6.6km from the SPA and the intervening land uses of the City, distance of 1.3km of this site from the Mulcair River, in addition to the existing habitats on site which would not support wetland birds, I do not consider the proposed development, which is not of a significant scale, will have a direct impact on the SPA in terms of loss or disturbance of species, habitat loss, fragmentation or other direct impacts. While the wet area on site is not mentioned in the Screening Report, I note the Hydrological and Hydrogeological Report notes the wet area is as a result of a low point of the land where a previous watercourse was relocated/culverted, with no connection from this low point of the land into the western culvert, resulting in pluvial flooding. It is noted that the wet area has no environmental significance and is an engineering issue. There are no ex-situ impacts given the habitats on the site, which as noted previously, comprises scrub, scattered self-planted trees, hedges and some wet patches of land, which could not provide significant support to populations of birds associated with the SPA.

11.1.12. With regard to the Lower River Shannon SAC (002165), this SAC stretches from Killaloe to Loop head/Kerry head and is over 720 sqm in area. The NPWS publications highlight the specific attributes and targets for the various qualifying interests in the SAC. The screening report submitted notes that a report published by the NPWS on the status of selected marine habitats which are listed under Annex I of the Habitats Directive indicated that within the Lower River Shannon SAC sandbanks (1110) and reefs (1170) were 'favourable', estuaries (1130) and mudflats (1140) were 'inadequate-unfavourable' and that unfavourable status in the Lower River Shannon SAC is due to the poorly functioning wastewater treatment plant at Ennis, rather than the wastewater treatment plant at Bunlickey (Limerick) which is performing to a high standard. It is stated that the River Mulkear is home to Otter, Atlantic Salmon and Lampreys however Freshwater Pearl Mussels are not present downstream of the subject lands. There are areas of Alluvial Forest downstream of this point. I concur with the determination in the submitted screening document that

the relevant conservation objectives relate to sea/river/brook lamprey, atlantic salmon, otter and alluvial forests.

11.1.13. Having regard to all the information submitted and the conservation objective relation to the Lower River Shannon SAC, I consider that given the distance involved between the development site and the SAC (approx. 1.3km), the limited scale of the development, and intervening landuses, that there will be no direct habitat loss as a result of the development.

11.1.14. It is considered in the submitted Screening document that there are local hydrological pathways with regard to surface water and the public wastewater treatment system, which discharges to the SAC following treatment. I consider these to be indirect hydrological connections. I note there is sufficient capacity in the Bunlicky wastewater treatment plant to cater for the development and that the treatment plant is under licence from the EPA, with evidence indicating that negative effects to water quality are not arising from this discharge. Therefore, I conclude that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the European site. I note that SUDS measures are incorporated into the design of the development, however, I note these are not included to avoid or reduce an impact on a European site. Given the distance from the site to the SAC and given the limited scale of the development, I do not consider there to be any likely significant effects on the Lower River Shannon SAC with regard to surface water discharge during the operational phase as a result of this development, with or without the SuDS design in place.

11.1.15. The submitted Screening document states that pollutants from surface water run-off during construction, which involves such toxic substances as cement, could potentially cause long term damage to fish habitats in freshwater systems, therefore negative effects to the SAC and to Atlantic Salmon in particular, cannot be ruled out. I note the heritage officer report accompanying the CE Report from Limerick County Council notes that no information has been submitted in relation to the drainage ditch to the north of the site and its connection to the SAC, with no detailed description of it, for example if it's a seasonal drain dry for much of the year it would reduce its efficiency as a pathway to the SAC; if it is small in scale and heavily vegetated this would help filter sediments. These details are lacking and would have been useful to

assess the degree of risk posed by the potential passage of pollutants, however, the heritage officer report goes on to the state that the use of sediment screens (as proposed by way of mitigation) would reduce this risk to an acceptable risk. It is stated that there is enough information to inform mitigation conditions should this be considered. Having reviewed the information submitted, I concur with the findings of the submitted Screening report that significant likely effects on the Lower River Shannon SAC cannot be excluded and a Stage 2 assessment has therefore been undertaken in relation to the Lower Shannon SAC.

11.1.16. With regard to groundwater, this is not commented on in the submitted Screening Report. I have reviewed the contents of the hydrological and hydrogeological report submitted. The bedrock aquifer underlying the site is categorised as a Locally Important Aquifer, which has a 'moderate' vulnerability in the west of the site and a 'high' vulnerability to the east with respect to surface pollutants. Following an examination involving boreholes, groundwater monitoring piezometers, trail pits and slit trenches, it is stated Groundwater strikes were recorded at various SI points across the site and ranged from 2.80 to 3.20 m bgl. I have reviewed all the documentation submitted, and having regard to the conservation objectives of Lower River Shannon SAC and given the distance involved, intervening landuses, and filtration provided by intervening soils, I do not consider it likely that significant effects will arise via groundwater.

11.1.17. I note Japanese Knotweed is present on the site and a Management Plan has been submitted to address this issue. Measures to eradicate the plant are not being undertaken to reduce or avoid any effect to a European site and so are not considered to be mitigation in an AA context. In the absence of any treatment, effects on European sites are not likely to arise from Japanese Knotweed as there are no direct pathways linking the plant to the Lower River Shannon SAC or any other European site.

11.1.18. In combination effects have been considered and I am satisfied that the proposed development in combination with other permitted developments in the area, which in themselves have been screened in terms of AA, would not be likely to have a significant effect on any European site.

Screening Determination

11.1.19. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the potential for significant effects on one European Site, the Lower River Shannon SAC (002165), as a result of the project individually or in combination with other plans or projects cannot be excluded in view of the Conservation Objectives of those sites, and Appropriate Assessment is therefore required.

11.1.20. The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment.

- River Shannon and River Fergus SPA (Site Code 004077)
- Slievefelim to Silvermines Mountains SPA (Site Code 004165)
- Glenomra Wood SAC (Site Code 001013)

11.1.21. Measures intended to reduce or avoid significant effects on European sites have not been considered in the screening process.

11.2. Stage 2 Appropriate Assessment

11.2.1. This Stage 2 assessment will consider whether or not the project would adversely affect the integrity of the Lower River Shannon SAC (002165), either individually or in combination with other plans and projects in view of the site's conservation objectives.

11.2.2. The submitted NIS lists the main area of concern in relation to the Lower River Shannon SAC relates to potential pollution during construction from toxic materials, which could result in impacts on the Atlantic Salmon. The impacts of sediment pollution are stated to include reducing light penetration, fouling the gills of animal life (such as Atlantic Salmon) and fouling fish spawning beds (particularly for Atlantic Salmon). The submitted NIS states sediment can reduce the availability of spawning beds and result in a deterioration of water quality, therefore the integrity of the SAC could be compromised.

11.2.3. Mitigation measures involve construction stage measures, which are also included in an Outline Construction and Environmental Management Plan and are listed as follows:

- Construction will follow guidance from Inland Fisheries Ireland (IFI, 2016) for the protection of fish habitat. Water leaving the site will pass through an appropriately-sized silt trap or settlement pond so that only silt-free run-off will enter the local surface water drains.
- Dangerous substances, such as oils, fuels etc., will be stored in a bunded zone. Emergency contact numbers for the Local Authority Environment Section, Inland Fisheries Ireland, the Environmental Protection Agency and the National Parks and Wildlife Service will be displayed in a prominent position within the site compound. These agencies will be notified immediately in the event of a pollution incident.
- Site personnel will be trained in the importance of preventing pollution and the mitigation measures described here to ensure same.
- The site manager will be responsible for the implementation of these measures. They will be inspected on at least a daily basis for the duration of works, and a record of these inspections will be maintained.

Evaluation of Effects

11.2.4. I consider that the proposed mitigation measures are clearly described, are reasonable, practical and enforceable. I am also satisfied that the measures outlined fully address any potential impacts arising from the proposed development and that it is reasonable to conclude on the basis of objective scientific information, that the proposed development would not be likely to have a significant effect on the Lower River Shannon SAC (002165).

Cumulative and In-Combination Effects

11.2.5. I do not consider that there are any specific in-combination effects that arise from other plans or projects. Given the negligible contribution of the proposed development to the wastewater discharge, I consider that any potential for in-combination effects on water quality in the Lower River Shannon can be excluded. Furthermore, other projects within the Limerick area are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

Appropriate Assessment Conclusion

11.2.6. Having regard to the works proposed during construction, and subject to the implementation of best practice construction methodologies and the proposed

mitigation measures, I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site 002165 (Lower River Shannon SAC) or any other European site, in view of the sites Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

12.0 Environmental Impact Assessment Screening

12.1. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

12.2. The site is a suburban site 4.64ha in area. The proposed development is for 200 residential units, on zoned and serviced land. The proposed development is considered sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017.

12.3. The proposed development is not a large-scale project and the size and design of the proposed development would not be unusual in the context of a developing urban area. The proposed use as residential would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in the vicinity and the site will connect to the public foul sewer, water and utilise the existing road network. The site is not designated for the protection of landscape or natural or cultural heritage. The proposed development is not likely to have a significant effect on any European designated site (as per the findings of section 12 of this assessment).

12.4. Having regard to:

- (a) The characteristics of the proposed development
- (b) the nature and scale of the proposed development, on zoned lands served by public infrastructure,
- (c) the absence of any significant environmental sensitivities in the area and the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

it is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. Therefore, an Environmental Impact Assessment can, therefore, be excluded.

13.0 Recommendation

It is recommended that permission is granted, subject to conditions.

14.0 Reasons and Considerations

Having regard to the following:

- (a) the policies and objectives set out in the Castletroy Local Area Plan 2019-2025 and the Limerick County Development Plan 2010-2016 (as extended)
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,
- (d) the Design Manual for Urban Roads and Streets (DMURS), issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government 2013, as amended, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009

- (e) the Guidelines for Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (f) the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in March 2018,
- (g) the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (h) the nature, scale and design of the proposed development,
- (i) the availability in the area of a range of social, community and transport infrastructure,
- (j) the pattern of existing and permitted development in the area,
- (k) the planning history of the site and within the area,
- (l) the submissions and observations received, and
- (m) the report of the Chief Executive of Limerick City and County Council,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Recommended Draft Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 17th June 2020 by HRA Planning, on behalf of 1 Walkers Limerick Land Limited.

Proposed Development:

A planning permission for a strategic housing development at this site of 4.64ha at Newcastle, Castletroy, Limerick.

The development will consist of

(1) the construction of 200 residential units comprising; 85 houses, 34 Duplex Units and 81 Apartments in the following format; (a) 78 no. 2-Storey 3-Bed Houses; (b) 7 no. 2- Storey 2-Bed Houses; (c) 17 no. 2-Storey 2-Bed Duplex units situated above 17 no. 1-Storey 1-Bed Simplex units (in 3-Stories Combined); and (d) 45 no. 2-Storey 2-Bed Duplex Apartments; and, 36 no. 1-Storey 1-Bed Simplex Apartments within a 4-storey block with under croft service areas for those units;

(2) Construction of; a section of 'Greenway' route (comprising of integrated pedestrian and cycle-lane) within the proposed scheme of development, already approved under the Limerick City and County Council Part VIII 'Castletroy Urban Greenway' development, and, provision of temporary greenway route through the subject site, during construction to facilitate the immediate implementation of the 'Castletroy Urban Greenway' by Limerick City and County Council;

(3) Ancillary and supporting services and infrastructure including;

(i) provision of central median along the Dublin Road (R445) for a distance of circa 391m and tie-in with the existing central median pursuant to the recommendations of Limerick City and County Council;

(ii) modification to, and tie-in with the existing footpath infrastructure along the Dublin Road (R445), and construction of new section of cycle lane on that Road;

(iii) Diversion of existing foul sewer and storm water network traversing the site and integration of it, within the new foul sewer and surface-water design arrangement with outfall and connection to existing public mains network;

(iv) Surface water management infrastructure and sustainable urban design solutions including provision of separate surface water design and attenuation including a bypass separator, underground attenuation tank and controlled discharge to existing storm water network;

(v) car parking including; 2 No. designated 'car share' spaces; and, 6 No. electrical vehicle charge point spaces; bicycle parking;

(vi) provision of 3 electrical substations;

(4) associated landscaping; and

(5) all associated site development works including modification to ground levels.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives set out in the Castletroy Local Area Plan 2019-2025 and the Limerick County Development Plan 2010-2016 (as extended)
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,
- (d) the Design Manual for Urban Roads and Streets (DMURS), issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government 2013, as amended, the

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009

- (e) the Guidelines for Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (f) the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in March 2018,
- (g) the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (h) the nature, scale and design of the proposed development,
- (i) the availability in the area of a range of social, community and transport infrastructure,
- (j) the pattern of existing and permitted development in the area,
- (k) the planning history of the site and within the area,
- (l) the submissions and observations received,
- (m) the report of the Chief Executive of Limerick City and County Council, and
- (n) the report of the Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Screening for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any

European site in view of the conservation objectives of such sites, other than the Lower River Shannon Special Area of Conservation (site code 002165) which is a European site for which there is a likelihood of significant effects.

Appropriate Assessment

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for the nearby Lower River Shannon Special Area of Conservation (site code 002165), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European sites in view of the sites' conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment

Screening Report submitted by the developer, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

(a) the nature and scale of the proposed development on an urban site served by public infrastructure,

(b) the absence of any significant environmental sensitivities in the area,

(c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning
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	<p>Authority prior to commencement of development or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: In the interest of protecting the environment and in the interest of public health.</p>
3.	<p>The proposed development shall be amended as follows:</p> <p>(a) Units 115, 116, 117 and 118 to the southwest shall be omitted and replaced with units no greater than two storey in height with no balconies on the rear elevation.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity.</p>
4.	<p>The development shall be completed in accordance with the submitted phasing plan.</p> <p>Reason: In the interest of orderly development.</p>
5.	<p>All recommended measures outlined in the Tree Survey and Landscape Plan shall be implemented in full.</p> <p>Reason: In the interests of biodiversity and protection of trees.</p>
6.	<p>An updated management plan for the control of alien invasive plant species including a monitoring programme, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p>

	<p>Reason: In the interest of visual amenity and to prevent the spread of alien plant species.</p>
7.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
9.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
10.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.</p> <p>Reason: In the interests of amenity and public safety.</p>

11.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
12.	<p>The number of bicycle parking spaces within the site, shall be agreed in writing with the planning authority. Details of the layout, storage arrangement, marking demarcation, and security provisions for bicycle spaces shall be submitted for the written agreement of the planning authority prior to commencement of development.</p> <p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
13.	<p>(a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>(b) The findings of the Stage 1 Road Safety Audit and the undertaking of a Stage 2/3 Road Safety Audit and its findings, shall be closed out, signed off and incorporated into the development at the developer's expense. Exact details of any improvement measures shall be submitted to the planning authority for written agreement prior to the commencement of development.</p> <p>(c) Final alignment details and finishes and materials in relation to that section of the Castletroy Urban Greenway located within the site shall be agreed in writing with the planning authority.</p> <p>Reason: In the interest of sustainable transportation.</p>
14.	<p>Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of</p>

	<p>public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
15.	<p>A minimum of 10% of all car parking spaces should be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
16.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.</p> <p>Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of public health and surface water management.</p>

17.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
18.	<p>(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s) to be retained, as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.</p> <p>(d) No trench, embankment or pipe run shall be located within three metres of any trees/hedging which are to be retained on the site.</p>

	<p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>
19.	<p>A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years, and shall include details of the arrangements for its implementation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.</p>
20.	<p>a) All entrance doors in the external envelope shall be tightly fitting and self-closing.</p> <p>(b) All windows and roof lights shall be double-glazed and tightly fitting.</p> <p>(c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.</p> <p>Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To protect residential amenities.</p>
21.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
22.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all</p>

	<p>areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
23.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
24.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; b) Location of areas for construction site offices and staff facilities; c) Details of site security fencing and hoardings;

	<p>d) Details of tree protection measures;</p> <p>e) Details of on-site car parking facilities for site workers during the course of construction;</p> <p>f) Details of the timing and routing of construction traffic to and from the construction site, and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;</p> <p>g) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
25.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

26.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
27.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
28.	<p>The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>

29.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, including all removal of topsoil associated with this development, including the construction of the heritage trail, all necessary licences or consents under the National Monuments Acts 1930 to 2014 having been obtained.</p> <p>(c) should archaeological material be found during the course of archaeological monitoring, all work which might affect that material will cease pending agreement with the National Monuments Service of the Department of Culture, Heritage and the Gaeltacht to how it is to be dealt with.</p> <p>(d) all archaeological deposits/features, within the area where groundworks will occur, which were recorded during test excavation at the site in December 2005, shall be fully archaeologically planned, photographed and excavated by a suitably qualified archaeologist, all necessary licences or consents under the National Monuments Acts 1930 to 2014 having been obtained.</p> <p>(e) all costs of archaeological work necessitated by, or arising from, the development shall be borne by the developer.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site.</p>
30.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>

<p>area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Una O'Neill
Senior Planning Inspector

15th October 2020