



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
308513-20**

| | |
|-------------------------------|--|
| Strategic Housing Development | 137 no. residential units (61 no. apartments, 51 no. duplex units and 25 no. houses) and associated siteworks. |
| Location | Walkers Lane, Annacotty, Limerick. |
| Planning Authority | Limerick City and County Council |
| Prospective Applicant | Regal Park Developments Limited. |
| Date of Consultation Meeting | 21.01.2021 |
| Date of Site Inspection | 15.01. 2021 |
| Inspector | F. Fair |

1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The site is located immediately south of the R445 Dublin Road, adjoining the Annacotty Roundabout. The roundabout functions as a gateway into the National Technological Park to the north, Castletroy College to the south and Limerick City to the west. Located some 6km east of Limerick City Centre, the 2.59 hectare site is situated 2km east of the University of Limerick and across the road (south) from the entrance to the National Technological Park. Some 500m to the east is Annacotty village, whilst Castletroy College, Castletroy Neighbourhood Park and the Newtown Neighbourhood Centre are located 0.5km due south of the site.
- 2.1.2. The site is surrounded by roads on three sides. To the north is the R445 Dublin Road, to the west is the Castletroy College Road and to the south is Walkers Lane which will provide access to the site. The eastern site boundary is bound by established and mature, low density housing, positioned back to back and fronting onto two established roads leading into Annacotty village. Further established, low density housing neighbours the site to the immediate south, before the housing density increases in a southerly direction towards the Newtown Neighbourhood Centre.
- 2.1.3. The site is relatively well connected to Limerick City Centre by public transport. The proposed development is located within 200m of a bus stop on the Dublin Road, it offers an infrequent Bus Eireann service including Route 323 to Castleconnell. However, the bus stop at Newtown Neighbourhood Centre located some 400m from the subject site provides a better city service connection with the 304A providing a

service to the city every 30 minutes whilst the 308 Eurobus connects with the city every hour.

- 2.1.4. The R445 to the north of the site benefits from cycle paths in both directions and these cycle paths have been extended along the Castletroy College Road to the west of the site. These cycle paths along with a strong network of footpaths, form part of a sustainable transport connection from the site to the surrounding urban areas.
- 2.1.5. The subject site is currently a green field under fairly dense rough pasture and scrub vegetation. The site slopes from south to north with a fall of approximately 5 metres across the site from the south east corner to the north west corner. A strong line of mature trees defines the northern and western site boundaries, and an archaeological enclosure dominates the north western corner of the site. The northern site boundary is defined by a steep bank adjacent to the Dublin Road. The bank is approximately 2m in height on the eastern end and grades down to approximately 0.5 m above the adjacent path level on the western end of the bank.

3.0 Proposed Strategic Housing Development

- 3.1.1. This application is a re-submission of application ABP307014-20 which was refused planning permission for one reason, in August 2020, relating to inadequacies within the Appropriate Assessment Screening Report which prevented the Board from concluding that the proposed development would not adversely affect the integrity of Natura 2000 sites. To address this concern, a Natura Impact Statement has been prepared and accompanies the planning application.
- 3.1.2. The proposed development seeks to provide for 137 no. residential units comprising 61 no. apartments, 51 no. duplex units and 25 no. houses. In total the proposed development provides for diverse housing typologies including 20 no. different unit types and sizes with a sole access onto the local road which runs along the southern boundary of the site - Walkers Lane. The overall residential mix is detailed in Table 1.0 and provides for a density of 54.5 units on a 2.59 hectares site.

Unit Mix

- 3.1.3. It is proposed to accommodate two apartment blocks on the western side of the site.
- Block A comprises of a five-storey apartment block located in the north-western corner of the site adjacent to the Annacotty roundabout to the north-west of the site. This five-storey block is to accommodate a total of 37 units.
 - Block B is located in the south-western corner of the site, near the smaller roundabout on the Walkers Lane Castletroy College Road Intersection and comprises of a four-storey apartment block, accommodating 24 units.
- 3.1.4. In total 61 apartments are to be provided on site. Of the 61 apartments proposed, 52 comprise of two-bedroomed apartments (85%), 7 one-bedroomed apartments are proposed (12%) and 2 three-bedroomed apartments are proposed (3%).
- 3.1.5. The proposal also seeks permission for a series of three storey duplex apartments which are set along the southern boundary of the site and also centrally in the northern section of the site. These three-storey duplex units are to accommodate two-bedroomed ground floor apartments with two and three-bedroomed first floor units above. In total 51 duplex apartments are proposed.
- 3.1.6. It is also proposed to provide 25 two and three storey houses which are to be located centrally within the layout and also along the eastern boundary of the site. These units accommodate gross floor areas between 119 and 148 square metres. They comprise of three and four-bedroomed units.

Open Space

- 3.1.7. In terms of private and communal open space, it is proposed to retain the mature landscaping along the northern boundary of the site separating the units from the R445 to the north. Communal open space is also to be provided around the two apartment blocks in the western portion of the site. In total 3,906 square metres of communal open space is to be provided within four separate areas which constitutes 15% of the total site area. The largest area along the northern boundary of the site comprises mainly of passive landscaped open space (which includes the retention of the large stands of trees along the southern perimeter of the R445). Whereas Areas A, B and C adjacent to the apartment blocks provide more active and recreational

open space. The proposal also includes a kid's playground area to the front of Block B.

- 3.1.8. In terms of private open space, a mixture of rooftop terraces, exterior balconies and exterior patios at ground and first floor level provide private amenity space for the apartments.

Access and Parking

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

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

External Finishes

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

3.1.12. **Table 1:** A summary of the parameters of the proposed development is listed below:

| Parameter | Site Proposal | | | | | | | | | | | | | | | | | | | | | | | | |
|-----------------------|---|--------|--------|--------|-------|-------|---|---|---|---|-------|----|----|---|----|-------|---|----|----|----|-------|---|---|---|---|
| Site Area | 2.59 ha | | | | | | | | | | | | | | | | | | | | | | | | |
| No. of Units | 137 | | | | | | | | | | | | | | | | | | | | | | | | |
| Density | 54.5 units / ha | | | | | | | | | | | | | | | | | | | | | | | | |
| Other Uses | Apartment Blocks A and B accommodate resident services and amenities including shared co-living spaces, additional storage space, bicycle storage, communal waste management area and communal rooftop gardens at ground and first floor levels. | | | | | | | | | | | | | | | | | | | | | | | | |
| Building Height | 2 – 5 Storey (8.8m – 16.73m) Block A– 5 Storeys Block B – 4 Storeys Duplex Units – 3 Storeys Housing Units – 2 Storey | | | | | | | | | | | | | | | | | | | | | | | | |
| Unit Mix | Houses – 25 Units (3 & 4 bed) Duplex Houses – 51 Units (1, 2 & 3 bed) Apartments – 61 Units (1, 2 and 3 bed) | | | | | | | | | | | | | | | | | | | | | | | | |
| Unit Mix (bed spaces) | <table><tr><td>Apts</td><td>Duplex</td><td>Houses</td><td>Total</td></tr><tr><td>1 Bed</td><td>7</td><td>2</td><td>-</td><td>9</td></tr><tr><td>2 Bed</td><td>52</td><td>25</td><td>-</td><td>77</td></tr><tr><td>3 Bed</td><td>2</td><td>24</td><td>18</td><td>44</td></tr><tr><td>4 Bed</td><td>-</td><td>-</td><td>7</td><td>7</td></tr></table> | Apts | Duplex | Houses | Total | 1 Bed | 7 | 2 | - | 9 | 2 Bed | 52 | 25 | - | 77 | 3 Bed | 2 | 24 | 18 | 44 | 4 Bed | - | - | 7 | 7 |
| Apts | Duplex | Houses | Total | | | | | | | | | | | | | | | | | | | | | | |
| 1 Bed | 7 | 2 | - | 9 | | | | | | | | | | | | | | | | | | | | | |
| 2 Bed | 52 | 25 | - | 77 | | | | | | | | | | | | | | | | | | | | | |
| 3 Bed | 2 | 24 | 18 | 44 | | | | | | | | | | | | | | | | | | | | | |
| 4 Bed | - | - | 7 | 7 | | | | | | | | | | | | | | | | | | | | | |
| Dual Aspect | 79% overall and 49 % for Apartments | | | | | | | | | | | | | | | | | | | | | | | | |
| Open space | 3,906 sq. m (15%) | | | | | | | | | | | | | | | | | | | | | | | | |
| Car Parking | 183 Spaces in total - 61 underground - 122 at surface level. Car parking for houses 38 spaces (1.5 per unit) Duplex Units 51 spaces (1 per unit) + 13 visitor Apartments 61 spaces (1 per unit) = 16 visitor | | | | | | | | | | | | | | | | | | | | | | | | |
| Bicycle Parking | 120 | | | | | | | | | | | | | | | | | | | | | | | | |
| Vehicular Access | Via Walkers Lane | | | | | | | | | | | | | | | | | | | | | | | | |
| Part V | 14 units | | | | | | | | | | | | | | | | | | | | | | | | |

3.1.13. **Table 2:** Phasing for Construction works:

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

4.0 National and Local Planning Policy

4.1.1. National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual
- The Planning System and Flood Risk Management (2009)
- Design Manual for Urban Roads and Streets
- Design Standards for New Apartments - Guidelines for Planning Authorities (December 2020)
- Part V of the Planning and Development Act 2000 - Guidelines issued by the Minister for Housing, Planning, Community and Local Government under section 28 of the Planning and Development Act 2000
- Urban Development and Building Heights Guidelines for Planning Authorities December 2018
- Guidelines for Planning Authorities on Childcare Facilities (2001)
- Appropriate Assessment Guidelines for Planning Authorities (2009)
- Retail planning guidelines (2012)
- Childcare Facilities – Guidelines for Planning Authorities

4.1.2. **Development Plan**

4.1.3. **The Limerick City Development Plan 2010-2016** was adopted in 2010. The lifetime of this plan has been extended. The current relevant Development Plan is therefore the Limerick City Development Plan 2010-2016 (as extended).

4.1.4. Castletroy is identified as part of the Tier 1 Gateway, being located within the environs of Limerick City. According to Table 2.4 of the Plan (Population Units and Zoned Land Requirements) up to 2016, an additional 1,208 housing units were required in Castletroy, with a further 1,932 units required by 2022.

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

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

4.1.7. 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.

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

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

4.1.9. 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.

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

The Castletroy Local Area Plan 2019-2025

4.1.11. The Castletroy Local Area Plan 2019 - 2025 (LAP) seeks to implement the core strategy as set out in the CDP and referred to previously. The LAP allocates 22% of the total NPF population of 56,000 persons to Castletroy. This represents an additional 12,320 persons over the next 24 years and an additional 3,080 persons the plan period (the next 6 years). The LAP has determined that a total of 1,232

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

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

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

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

The following Housing Objectives are also relevant.

Objective H1: New Housing

(a) It is an objective of the Council on serviced land that is zoned for residential use to facilitate residential development in accordance with the principles and guidelines of the Urban Development and Building Heights Guidelines for Planning Authorities (2018), the Design Manual for Urban Roads and Streets (2013), the Sustainable

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

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

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

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

It is an objective of the Council to:

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

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

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

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

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

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

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

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

5.0 Planning History

On-site

- 5.1.1. There are three significant planning decisions relating to development on the site, extending back to 2006, 2008 and 2020.

Planning Ref. 06/1724

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

Planning Ref. 08/534

Planning permission was granted by Limerick City & County Council but refused permission on appeal to An Bord Pleanála for the development of 5 no. separate buildings including; a design/tourist retail centre of 2,958sqm; 6 no. design centre outlets with ancillary retail provision; 1 no. office/financial institution; 3,749sqm of office space; a café/bar; a medical centre; 1 no. creche; 14 no. apartments; 4 no. houses; and basement car parking with a new single priority junction onto Walkers Road.

Planning Ref. ABP307014-20

Planning permission was refused (August 2020) by An Bord Pleanála for 137 no. residential units providing for diverse housing typologies including 20 no. different unit types and sizes on grounds that they could not be certain the development would not adversely impact Natura 2000 sites.

It is considered that the Screening for Appropriate Assessment Report is inadequate as it failed to identify all Natura 2000 sites which could potentially be affected by the

proposed development and, therefore, the Board cannot be satisfied, on the basis of reasonable scientific doubt, that the proposed development would not adversely affect the integrity of the Lower River Shannon Special Area of Conservation (site code 002165) or the River Shannon and River Fergus Special Protection Area (site code 004077) in view of the sites conservation objectives. In such circumstances the Board is precluded from granting permission for the proposed development.

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1.1. A formal pre-application meeting under Section 247 of the Act was undertaken with Limerick City and County Council (the Planning Authority) on the 07/10/2020.

7.0 Submissions Received

7.1.1. Irish Water

Irish Water has assessed the proposal and has issued a Confirmation of Feasibility for 137 residential units for connection(s) to the Irish Water network(s).

The report states: All development is to be carried out in compliance with Irish Waters Standards Codes and Practices and that design layouts for the development proposal have been submitted to Irish Water and that a Statement of Design Acceptance has been issued to the applicant by Irish Water ahead of any SHD Application.

Where any proposals by the applicant to build over or divert existing water or wastewater services the applicant is required to submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water ahead of any SHD Application to the board.

8.0 Forming of Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite

consultation meeting. I shall provide brief detail on each of these elements hereunder.

9.0 Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia,

- Architectural and Landscape Drawings
- Engineering Services Drawings
- Development description and statement of consistency
- Part V Proposal
- An Architectural and Urban Design Statement with Photomontages
- A Building Life Cycle Report
- Detailed Schedule of Accommodation
- Universal Design Statement
- Landscape Design Statement
- Tree Survey Report
- Bat Survey
- Invasive Species Management Plan
- Natura Impact Statement (NIS)
- A Planning Application Services Report
- Site Public Lighting Report
- An Energy Strategy Report
- A Traffic and Transport Assessment
- A Road Safety Audit
- DMURS Compliance Statement
- Road Improvement Report
- Construction and Waste Management Plan
- An Operational Waste Management Plan
- A Sunlight and Daylight Shadow Assessment Report
- Noise Assessment

- Archaeological Report

I have considered all of the documentation submitted by the prospective applicant, relating to this case.

10.0 Planning Authority Submission

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Limerick City and County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 24th November 2020.

The planning authority's 'opinion' included the following matters: copies of record of section 247 consultation, planning history; site location, Development Plan Policy and zoning, Traffic and Transportation, Public Lighting, Surface Water disposal, Services, Flooding, Part V, Appropriate Assessment (AA), Density, Design / Layout / Building Height and together with appendices containing reports of internal departments.

The report is summarised as follows:

- Principle, density, mix, height is acceptable.
- In terms of zoning objectives for the site, the p.a. considers the proposed development is in line with the policy objectives of the City and County Development Plan and the LAP.
- The p.a. is in agreement with the findings of the NIS regarding the effects of the other Natura 2000 sites which are at a distance from the proposed development. Effects are not likely due to the physical separation from the sites.
- Of the sites listed, two may be affected by the development the Lower River Shannon SAC and the River Fergus Estuary SPA
- In relation to the SPA the p.a. agrees with the findings in the NIS. While the planning inspector has noted that the River Shannon channel is 400m distant and is indeed used by many of the SPA species, at this stage the Shannon is outside of the SPA and indeed is not subject to tidal influences which is important for

some of the species associated with the SPA e.g. waders feeding on tidal flats. These conditions and habitats are not present in this stretch of the Shannon.

- The comments in relation to the nature of the grassland and ground vegetation on the site is noted, Geese and grazing duck species prefer younger more vigorous growth. Fields under agricultural management which are not regularly cut and grazed would not be preferable for wildfowl.
- An equally important point that the author of the NIS made is that of disturbance. This is located in an urban area close to a heavily used roadway and fringed by pedestrian routes. This level of disturbance would be intolerable for most wildfowl species.
- The mitigation measures mentioned would deal with the possible effects of pollution, particularly during the construction stage. The comments regarding ground water level is noted, particularly noting that the FFL is 10m above the flood levels of the Mulkear. This should be further clarified as it infers that there is a direct link between the two.
- The NIS to be comprehensive. The conclusions of the Stage 2 NIS should reference the Lower River Shannon SAC and the River Fergus Estuary SPA
- The FFL to be identified in the NIS
- The location of the 'ditch' within the site to be mapped
- Further Consultation with central roads in the operations section of LCCC in relation to access arrangements.
- The site is within the 50 Km speed limit, sight lines of 50 m can be achieved in an easterly direction. The roads section of LCCC were satisfied with the original location. The alternative would be across from the Carrinderry estate.

I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

11.0 Consultation Meeting

- 11.1.1. A Section 5 Consultation meeting took place by way of conference call on the 21st January 2021, commencing at 10.00 am. Representatives of the prospective

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

The main topics raised for discussion at the tripartite meeting were as follows:

1. Response to Previous Refusal Reason on foot of ABP-307014-20 (Aug 2020)
 - Identify all Natura 2000 sites which could potentially be affected...i.e the Lower River Shannon Special Area of Conservation and the River Shannon and River Fergus Special Protection Area
2. Transportation, Permeability, Access, Carparking
3. Accommodation type proposed - Co-Living Spaces
4. Any Other Matters

11.1.2. In relation to previous refusal (dated Aug 2020) An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Clarification on how the reason to refuse permission in the case of ABP-307014-20 has been overcome.
- Further consideration of all Natura 2000 sites which could potentially be affected...i.e the Lower River Shannon Special Area of Conservation and the River Shannon and River Fergus Special Protection Area.
- Further consideration that the NIS submitted is comprehensive and that it meets the criteria of dispelling reasonable scientific doubt regarding potential effects on the integrity of a European site.
- Clarification that all the documents submitted are fully coordinated and that there is clear consistency and no discrepancies in information submitted.
- Consultation with National Parks and Wildlife Service (NPWS) to discuss all technical details prior to lodging an application with the Board.

11.1.3. In relation to issues raised in respect of Transportation, Permeability, Access, Carparking, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further justification regarding the proposed access arrangements from Walkers Lane.
- Clarification that all issues raised in the Stage 1 RSA have been considered and overcome or fully justified.
- Clarification that issues raised by the planning authority's Transportation Division and Operations Section of LCCC with respect to possible requirement for a Bus stop on Castletroy College Road to the western boundary, cyclepath and footpath provision along Walkers Lane are further explored and discussed between the parties and resolved or justified.

11.1.4. In relation to Accommodation Type proposed, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Further clarification with respect to co-living spaces as set out in the plans and drawings submitted, particularly, in light of SPPR9 and the recent change in Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020.
- Full Building and Life Cycle Report.
- Details of the number and percentage of dual and single aspect apartments in the context of the minimum standards set out in 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2020). It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect (50%) given the sites location. In the interests of clarity clear delineation / colour coding of floor plans indicating which apartments are considered by the applicant as dual / single aspect.

11.1.5. In relation to any other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Further justification that all matters raised in the previous application are fully and comprehensively considered.
- All reports to have regard to one another and be consistent and accurate.

- Each application is dealt with on a case by case basis and therefore it is imperative issues relating to dual aspect, archaeology and transportation are fully considered afresh.
- An online portal is now available on the Board's website to accept submissions on SHD applications, updated public notices which make note of this have also been published on the website for use of the prospective applicant when submitting an application.

11.1.6. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-308513-20' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

Submission from Irish Water:

11.1.7. Irish Water has issued a Confirmation of Feasibility which confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.

12.0 Conclusion and Recommendation

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

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

- 12.1.3. Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **constitutes a reasonable basis for an application for strategic housing development** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 12.1.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

13.0 Recommended Opinion

- 13.1.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 13.1.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.**
- 13.1.3. Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations

2017, the following specific information should be submitted with any application for permission:

1. A robust AA screening report and NIS which support and have regard to one another, and which inter alia, consider potential impacts on all of the Qualifying interests (QI's) of the Lower River Shannon Special Area of Conservation (SAC) and River Shannon and River Fergus Estuaries Special Protection Area (SPA).
2. Further clarification regarding site specific information in relation to FFLs and location of the 'ditch' within the site.
3. A detailed schedule of accommodation which shall indicate clearly dual and single aspect units. Colour coded drawings which clearly indicate single and dual aspect units.
4. A full and detailed Building Lifecycle Report.
5. A response to matters raised within the PA Opinion and Appended City and County Council Department comments submitted to ABP on the 24th November 2020, in particular, in relation to Archaeology.

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

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

PLEASE NOTE:

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

Fiona Fair
Senior Planning Inspector
29.01.2021