



An  
Bord  
Pleanála

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

### Inspector's Report ABP-309999-21

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#### **Strategic Housing Development**

137 residential units (25 no. houses,  
61 no. apartments, 51 no. duplex units)  
and associated site works.

#### **Location**

Walkers Lane, Annacotty, Co.  
Limerick ([www.walkershill.ie](http://www.walkershill.ie))

#### **Planning Authority**

Limerick City and County Council

#### **Applicant**

Regal Park Developments Limited

#### **Prescribed Bodies**

Irish Water

National Transport Authority (NTA)

Transport Infrastructure Ireland (TII)

Minister for Housing, Local  
Government and Heritage

Minister for Tourism, Culture, Arts,  
Gaeltacht, Sport and Media

An Taisce- The National Trust for  
Ireland

Heritage Council

National Parks and Wildlife Service  
(NPWS)

Limerick County Childcare Committee

**Observer(s)**

11 submissions received

Residents of Carrinderry

Nick and Mags O'Meara

Vincent and Elizabeth Ireton

Joe and Una McEntee

Edward and Helen McLoughlin

Grace O'Sullivan

Tom Moylan

Anna Balurina

Colm Breen

Irish Water

Transport Infrastructure Ireland

**Date of Site Inspection**

14<sup>th</sup> July 2021

**Inspector**

Lorraine Dockery

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## 1.0 Introduction

1.1 This is an assessment of a proposed strategic housing development submitted to the Bord 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, which has a stated site area of 2.59 hectares, is located on the eastern environs of Limerick city, approximately 6 km from the city centre. Annacotty Village is located approximately 0.5 km to the east of the site while the Castletroy Shopping Centre is located approximately 1 kilometre to the west and a smaller neighbourhood shopping centre (Newtown Shopping Centre) is located approximately half a kilometre to the south of the site. The site is located to the immediate south of the former N7 National Primary Route linking Dublin with Limerick which has been re-designated as the Regional Route R445. The Annacotty roundabout is located to the immediate north-west of the subject site. This is a busy intersection, providing access to the city centre to the west and to the IDA National Technology Park to the north. The local road L1165 runs along the western boundary of the site, this road is commonly referred to as the Castletroy College Road. The southern boundary of the site is also bounded by a roadway, known locally as Walkers Lane. It serves the dwellings to the east and south-east of the subject site and also leads eastwards towards the village of Annacotty. Walkers Lane currently has no footpath along its alignment in the vicinity of the site.

2.2 The site itself is currently undeveloped and under grass. The prevailing land uses on adjacent lands comprise of low density, detached single storey and two-storey dwellings. In terms of wider land uses in the area, there are a number of high-tech enterprises located within the National Technology Park to the north of the site.

2.3 There are a number of stands of mature and semi-mature trees located along the perimeter of the site, but primarily along the northern and south-western boundaries of the site. The site incorporates a slight downward slope from SE to NW with a

differential of 3 to 4 meters. Footpaths and public lighting surround the perimeter of the site, with the exception of Walkers Lane.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development, as per the submitted public notices, comprises the construction of 137 residential units and ancillary site works. A Natura Impact Statement was submitted with the application. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Statistics

	<b>Proposed (all figures stated by applicant in submitted documentation)</b>
<b>Site Area</b>	2.59 ha (residential development area 2.51ha)
<b>No. of units</b>	137 units (25 no. houses; 112 apartments)
<b>Other uses</b>	Apartment Amenity Facilities- 746m <sup>2</sup>
<b>Demolition Works</b>	None
<b>Density</b>	54.5 units/ha
<b>Aspect</b>	49.3% dual aspect (apartments); 100% dual aspect (duplex); 100% dual aspect (houses)
<b>Height</b>	2-5 storeys over basement  Block A- 5 storeys Block B- 4 storeys Duplex units- 3 storeys Housing units- 2 storeys
<b>Public Open Space Provision</b>	3,906 m <sup>2</sup> (15%)
<b>Car Parking Provision</b>	183 spaces (61 spaces at BL; 122 spaces at GL)
<b>Bicycle Parking Provision</b>	120 spaces
<b>Vehicular Access</b>	Via Walkers Lane
<b>Part V</b>	14 units

Table 2: Unit Mix

	Studio	1 bed	2 bed	3 bed	4 bed	Total
Apartments	-	9	52	2	-	63
Duplex	-	-	25	24	-	49
Houses		-	-	18	7	25
<b>Total</b>	-	<b>9 (6.5%)</b>	<b>77 (56%)</b>	<b>44 (32%)</b>	<b>7 (5.5%)</b>	<b>137</b>

Table 3: Phasing

Construction Phase	Description of Works to be Undertaken
Phase 1	43 Units in the SW corner of the site including Block B  New cycle lane along Walkers Road
Phase 2	64 units including Block A in the N portion of the site
Phase 3	Remaining dwellings and duplexes in the eastern portion of the site

- 3.2. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. A CoF from Irish Water was submitted with the application, which states that the proposed connection to the IW network can be facilitated. A Design Submission has also been submitted. Irish Water states that based on the information provided, they have no objection to the proposal.
- 3.3. A letter of consent from Roads Section, Limerick City and County Council has been submitted, giving consent to the inclusion of lands as indicated on Drawing 117-118 (dated Feb 2020) as part of a SHD application at Annacotty (dated 02/03/2021).

## 4.0 Planning History

- 4.1 There are a relatively large number of applications in the wider area and a comprehensive list of same is included within the PA Opinion, section 5.0. I refer the Bord to same. Applications of relevance are as follows:

ABP-307014-20 (SHD application on subject site)

Permission REFUSED on the subject lands for a development comprising 137 residential units, basement car parking and all ancillary site development works. The reason for refusal was as follows:

1. 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.

Other SHD Applications in Vicinity

ABP-307631-20

Permission GRANTED for 200 residential units, construction of 'greenway' route and associated site works at Newcastle, Castletroy, Co. Limerick.

## **5.0 Section 5 Pre Application Consultation**

- 5.1 A Section 5 pre application consultation took place via Microsoft Teams due to Covid-19 restrictions on the 21<sup>st</sup> January 2021. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted constituted a reasonable basis for an application for strategic housing development to An Bord Pleanála (Ref. ABP-308513-20) and that 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.

## **Applicant's Statement**

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the specific information raised in the Opinion.

## **6.0 Relevant Planning Policy**

### **6.1. National Planning Policy**

#### **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.



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

Other policy documents of note:

- National Planning Framework
- Regional Spatial & Economic Strategy for the Southern Region

6.2. Local Planning Policy

The Limerick County Development Plan 2010-2016 (as extended) is the operative County Development Plan for the area.

- Castletroy is identified as part of the Tier 1 Gateway, being located within the environs of Limerick City. According to Table 2.4 of the Plan (Population Units and Zoned Land Requirements) up to 2016, an additional 1,208 housing units were required in Castletroy, with a further 1,932 units required by 2022.
- Chapter 3- Settlement Strategy

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 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.

The **Castletroy Local Area Plan 2019-2025** applies.

- Seeks to implement the core strategy as set out in the CDP and 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. 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 on Phase 1 lands.

## Zoning:

'Residential Development Area' (Phase 1) which seeks to 'provide for new residential development and other services associated with residential development'.

- 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.

## 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.

- 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.

**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.

### 6.3. Applicant's Statement of Consistency

A Statement of Consistency with local and national policy has been submitted with the application, as per Section 8(1)(iv) of the Act of 2016.

## 7.0 Observer Submissions

In total, 11 observer submissions were received. The concerns raised may be summarised as follows, with the topics expanded upon where necessary within my assessment:

### Residents of Carrinderry

- Insufficient car parking
- No independent road traffic study completed/overburdened road infrastructure
- Concerns regarding density proposed
- Housing mix- lack of detached houses; extent of apartments/duplex; only 4 properties are four-bed units; mix lends itself towards rental market which is not compatible for this area and not in keeping with promotion of local community
- Height relative to surrounding properties/out of character with existing development/visual impacts
- Overlooking/no shadow analysis undertaken/impacts on privacy/noise concerns
- Location of Part V units
- Concerns in light of Covid-19 pandemic
- Archaeological concerns
- Impacts on animal habitats/ impacts on bats/removal of trees
- Adequacy of existing services
- Requests the holding of an Oral Hearing

### Nick and Mags O'Meara

- Overlooking, impacts on privacy and reduction in sunlight
- Out of character
- Devaluation of property
- Lack of facilities for families including childcare
- Impacts on quality of life due to increased noise and traffic
- Road safety issues
- Extent of construction in area

### Vincent and Elizabeth Ireton

- Too many units proposed on this site
- Traffic concerns/traffic hazard/inadequate car parking provision
- Proximity of proposed houses to roadway
- Overlooking

### Joe and Una McEntee

- Size, height, scale and density of proposal
- Proposal represents piecemeal development; apartments out of character with surrounding area
- Inadequate space for car parking and open space
- Impacts on daylight and sunlight, visual outlook, overlooking, impacts on quality of life
- Noise pollution
- Traffic concerns/safety issues/inadequate car parking provision
- Adequate housing within this area
- Proximity to their property
- Lack of consistency in relation to proposed heights and those existing; height of garden wall

- Impacts of excavation; construction impacts
- Devaluation of property

#### Edward and Helen McLoughlin

- Density in excess of norm for the area
- Height out of character with the area
- Inadequate car parking provision/traffic concerns/access concerns

#### Grace O'Sullivan

- Inadequate public infrastructure
- Concerns regarding anti-social behaviour
- Height of proposal will look out of place
- Overcrowding in area

#### Tom Moylan/ Anna Baturina

- Density of development leading to increased traffic/ traffic concerns/safety concerns for cyclists
- Lack of public amenities, in particular for older people
- Increase in crime and social disturbances
- Visual disruption in terms of proposed height; scale
- Number of units, in particular one-bed units, should be reduced; height should be reduced; increased public amenities; cycle lanes and bicycle parking be provided and short-term electric car parking be provided

#### Colm Breen

- Proposal out of character with surrounding area
- Visual impacts
- Impacts on privacy
- Location of Part V units
- Inadequate car parking/ overspill on Carrinderry/access concerns/road safety

- Increased traffic is unsustainable; inadequate infrastructure to deal with additional volume
- Excessive density/ design of proposal
- Queries demand for additional dwellings at this location
- Suitability of proposal having regard to Covid-19/ health impacts
- Construction impacts
- Impacts on ringfort and Carrinderry House
- Outlines a number of recommended alterations to proposed scheme

## 8.0 Planning Authority Submission

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, 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 15<sup>th</sup> June 2021. The report may be summarised as follows:

### **Information Submitted by the Planning Authority**

Details were submitted in relation to the pre-application consultations, site description and surrounding area, proposed development, planning history, internal reports, submissions/observations, summary of views of elected members, site zoning/policy context and assessment. A summary of representations received was outlined.

8.2 A comprehensive report was submitted, which I shall refer to throughout this assessment. The report concludes that the planning authority welcomes an application for a residential scheme on this site and it is considered that the proposed development is consistent with the relevant objectives of the Limerick County Development Plan 2010 (as extended) and the Castletroy Local Area Plan 2019. Suggested conditions attached.

### Summary of Inter-Departmental Reports

#### Central Roads Section:



Conditions attached

Physical Development Directorate-Noise:

Concerns expressed regarding noise to levels at east of site. Recommendations made

Executive Archaeologist:

Archaeological Works Method Statement requires amendment. Full excavation of the NW quadrant of the site is required. Conditions attached

8.3 The report includes a summary of the views of relevant Elected Members, as expressed at a Special Meeting of the Metropolitan District of Limerick held on 17<sup>th</sup> May 2021 and are summarised below and shall be expanded upon further during the course of my assessment:

- Need for additional housing recognised
- Density concerns- should be reduced to 35 units/ha
- Height of proposal
- Queried if ABP considered previous concerns expressed by Elected Members
- Lack of one-bed units in proposal
- Out of character with surrounding area/negative visual impacts/ABP need to consider impacts of proposal on community
- Lack of adequate car parking provision
- Traffic congestion/single entrance/poor visibility
- Part V location; charging facilities for electric bicycles; secure bicycle storage needed
- Queried whether adequate assessment of impacts of proposal on river has taken place

## 9.0 Prescribed Bodies

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

- Irish Water
- National Transport Authority (NTA)
- Transport Infrastructure Ireland (TII)
- Minister for Culture, Heritage and the Gaeltacht
- Heritage Council
- An Taisce — the National Trust for Ireland
- Limerick County Childcare Committee
- National Parks and Wildlife Service (NPWS)

Two bodies have responded and the following is a brief summary of the points raised. Reference to more pertinent issues are made within the main assessment.

### Irish Water

The applicant has engaged with Irish Water in respect of design proposal and has been issued a Statement of Design Acceptance for the development. Recommends grant of permission, subject to conditions.

### Transport Infrastructure Ireland (TII)

No observation to make.

## 10.0 Oral Hearing Request

10.1 There was one request for the holding of an oral hearing, from the residents of Carrinderry. Section 18 of the Planning and Development Act, 2000, as amended, provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and

(ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

10.2 In my opinion there is sufficient information on file to allow for a proper and full assessment of the case without recourse to an oral hearing. I note the observer submissions received and the contents thereof. Having regard to the information on file, to the nature of the proposed development and to the location of the development site, I do not consider that there is a compelling case for an oral hearing in this instance.

## **11.0 Assessment**

**11.0.1** I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Limerick County Development Plan 2010 (as extended); Castletroy Local Area Plan 2019; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations; National Planning Framework; Regional Spatial & Economic Strategy for the Southern Region, together with the planning history of the site and wider area. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of Proposed Development
- Design Approach/Height/Density/Open Space Provision
- Visual Amenity
- Residential Amenity including Proposed Residential Standards
- Traffic and Transportation/Car Parking/Connectivity
- Drainage and Flood Risk
- Other Matters
- Appropriate Assessment
- Environmental Impact Assessment Screening

11.0.2 The attention of the Bord is drawn to the fact that a previous SHD application on these lands was refused permission under ABP-307014-20 for reasons relating solely to appropriate assessment (see section 4 above). The proposed development is very similar to that previously refused in terms of quantum of units, layout, mix, height and density, save for some minor changes to the design of the duplex units along the southern boundary of the site. In addition, an NIS has been submitted with this current application.

## **11.1 Principle of Proposed Development**

### Context

11.1.1 Having regard to the nature and scale of development proposed, namely an application for 137 residential units located on lands which are located with the zoning objective 'New Residential Area' (Phase 1), in which residential development is 'permitted in principle', I am of the opinion 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.

### Principle of proposed development

11.1.2 I am of the opinion that the proposal is acceptable in principle with the zoning objective and the proposal is generally in compliance with LAP objectives. The planning authority considers that the principle of a residential development on the subject lands is acceptable and is welcomed in principle. They state that the principle of a development consisting largely apartments, duplex units and houses is considered compatible with the objectives of the Castletroy LAP 2010 (as extended). They further consider that the use of the site for residential development is also compatible with adjoining land uses.

11.1.3 I note the policies and objectives within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development within the existing urban envelope. It is recognised that a significant and sustained increase in housing output and apartment type development is

necessary. I note NPO 3(b), which seeks to deliver at least 50% of all new homes in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

11.1.4 I am of the opinion that given its residential zoning, the delivery of residential development on this prime site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness. The planning authority concurs that the proposed development is acceptable in principle. The majority of third-party observers had no major objection to the principle of residential development on the subject site, but were more concerned about the detailed layout, height and density associated with the scheme. Finally, in relation to this matter I note that the Bord did not raise issue with the principle of the development on this site, in their previous refusal on site (ABP-307014-20). On the basis of all the above, I therefore consider the proposal to be acceptable in principle.

## **11.2 Design Approach/Height/Density/Open Space Provision**

### Context

11.2.1 Many of the third party submissions received raised concerns regarding the scale of the proposed development, as expressed in its height and density. Some consider it to be piecemeal development and note the level of development differs from that previously permitted in the wider area. Many consider that the proposal, if permitted would impact negatively on the character of the area. The planning authority state that they are satisfied that the proposed layout can successfully respond to the subject site and represents a high standard of urban design in accordance with the principles set out in the DMURS, the Urban Design Manual and the NPF. The planning authority further considers that the proposal would make a positive contribution to place making with strong edges created, with the two apartment blocks resulting in a development that is not monolithic in scale.

### Design Approach

11.2.2 The proposal provides for 137 residential units, ranging in height up to five storeys. The number of units and general layout remains unchanged from that previously proposed, under ABP-307014-20. Two apartment blocks are proposed, together

with duplex units and houses. The proposed apartments are located along the western side of the site, addressing the Annacotty roundabout, with the aim of creating a landmark at this location. Basement parking is proposed under Block B. The proposed development includes the provision of residential amenity facilities within Blocks A and B. The main vehicular access is proposed from Walkers Lane. An Architectural/Urban Design Statement has been submitted with the application. The proposed design approach is contemporary in nature and a limited palette of materials is proposed (brick finish to apartments and render to dwelling houses), providing visual continuity between the various elements of the proposed scheme. The planning authority is of the opinion that a high quality overall approach to the scheme is proposed with a unified contemporary style evident.

11.2.3 I acknowledge that the proposal will introduce new heights, built form and streetscape into the area, but I do not consider this to be a negative. While I acknowledge that there is an increase in intensity of development, over and above that previously permitted in the immediate area, I am of the opinion that the site has the capacity to generally absorb the level of development proposed. The Bord did not consider the proposal to be unacceptable in this regard in the previous application on the site (ABP-307014-20), nor do I in this current application. In my view, the proposal represents an appropriate scale of development and the subject site is capable of accommodating a scheme of the nature and scale proposed, having regard to national policy, the site size, the nature of the development and the area's changing context. It may be argued that the existing situation represents an unsustainable use of zoned land, given the locational context of the site. The Dublin Road (R445) is a major route into the city centre and its width (four lane carriageway) is such that it is capable, in urban design terms, of accommodating a buildings of larger scale particularly fronting onto the Annacotty roundabout. The policies and objectives of the NPF are noted in relation to the delivery of compact urban growth at appropriate locations. In fact given the locational context of the site and having regard to national policy, I would be of the opinion that a greater level of development could possibly be accommodated on the site, subject to appropriate assessments and safeguards.

## Height

11.2.4 The attention of the Bord is drawn to the fact that all third party submissions received have raised concerns regarding the height of the proposed development. Many consider the heights proposed to be, *inter alia*, inappropriate for this location and to negatively alter the character of the area. The planning authority in their Chief Executive Report acknowledge that the heights in the vicinity are generally low but that the apartment blocks are located on the western side of the site removed from the existing lower density housing to the east. The inclusion of the apartment blocks provide a focal point in an area with a pattern of low density developments. I would concur. The proposal ranges in height from single storey up to five storeys over basement level. The Bord is referred to section 1 of the submitted Architectural/Urban Design Statement which gives visual representation of proposed buildings heights.

11.2.5 The proposed heights are outlined as follows:

Table 4:

Block	Height
Block A	4-5 storeys
Block B	3-4 storeys
Duplex Units	3 storeys
Houses	2 storeys

11.2.6 At the outset, I fully acknowledge that the existing residential development in the area is primarily one and two-storey dwellings. A number of larger blocks are evident in the vicinity but these are associated with the nearby Technology Parks and other enterprises. I would however be of the opinion that the overall character of the area is changing and is becoming more urban in nature. Another SHD development was recently granted permission to the west of the site, under ABP-307631-20 with maximum height of four storeys. I note that this subject site is a relatively sizeable parcel of zoned, serviceable land within an established urban area. It is within walking distance of Annacotty village, Newtown and Castletroy shopping centres with their associated services and facilities. It has the potential to

create its own character and to create linkages to the surrounding areas. I consider that the proposed development can sit side-by-side with the more traditional housing in the locality, giving benefit to both typologies. I highlight to the Bord that, in any event, many of the proposed units in this scheme are traditional, two-storey dwellings. The location of the higher elements of the proposed scheme away from existing residential development will negate any negative impacts.

11.2.7 I am confident that the height as proposed can be satisfactorily accommodated on this site. In fact, I am of the opinion that the site may have the potential to accommodate greater height, in particular Block A. This is largely a four storey block, with fifth floor setback while Block B is largely three storey, with a four floor setback. Given the scale of the Annacotty roundabout and the R445, being one of the main routes into the city, together with the locational context of the site, I am of the opinion that the creation of a higher landmark element at this location may be appropriate, subject to appropriate assessments. While the heights currently proposed are generally greater than those existing, the proposed blocks could not be described as creating a landmark as such. Notwithstanding the above, I note that heights step down within the overall site to reflect the site constraints in terms of existing residential properties. Development is also removed from the more sensitive northern boundary where the existing tree planting is located. The proposal takes advantage of the topography of the site, placing the larger buildings at its western side, at the lower ground level, close to the Annacotty roundabout. The proposal will result in a change of context but this is not considered a negative and I consider that the proposal can be accommodated without detriment to the residential or visual amenities of the area. The design rationale is considered acceptable and the proposal provides an urban edge/perimeter block in terms of urban design. There will be a change in outlook for many of the properties in the vicinity and given the nature of the location, this is not unexpected.

11.2.8 I am cognisant of the fact that the matter of height has excited public interest and has been raised in all of the third party submissions received. I have had particular regard in assessing this proposal to these development management criteria, as set out in section 3.2 of the Urban Development and Building Height Guidelines, which states that the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála that the proposed development satisfies criteria at the



scale of relevant city/town; at the scale of district/neighbourhood/street; at the scale of site/building, in addition to specific assessments. I am of the opinion that this has been adequately demonstrated in the documentation before me and the proposal has the potential to make a positive contribution to this area. The site is not located within an Architectural Conservation Area. There are no strategic views and prospects being affected. There is no particular planning objective pertaining to the site in terms of need to provide particular types of housing and the area is not designated as being of particular character. It is an area zoned for new residential development. I am of the opinion that the height as proposed is considered marginal but acceptable in this context and I consider that the proposal if permitted would not negatively impact on the character or visual amenities of the area.

11.2.9 To conclude this point, I note the locational context of the site, in an area considered to be somewhat evolving in nature moving from a low density, single/two-storey suburban area to a more urban area with a mix of heights and densities. It is an area with good existing public transport links and a number of local bus routes are noted within the vicinity. Bus links to Dublin are also noted within the vicinity. A planned QBC is noted on the R445. It is an area with a strong employment and educational base. The proposal will bring a change to the neighbourhood and streetscape, but this is considered not to be a negative. Importantly, it is noted that the Bord did not raise concerns with the height as proposed in the previous application on this site (ABP-307014-20). Having regard to all of the above, I am satisfied in this regard.

#### Density

11.2.10 The attention of the Bord is drawn to the fact that the issue of density has been raised in many of the third party submissions received, with many considering that the proposed density is excessive and inappropriate for this location. The planning authority notes that the site is located directly south of the National Technology Park, a significant employment location within the Limerick region. They further state that the site is proximate to public transport, being 200m from the nearest bus stop and 400m from a more frequent bus route. A QBC is envisaged along the Dublin Road, with plans being prepared at present by the Council for the Dublin Road Improvement Scheme.

11.2.11 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. The site can be described as an 'intermediate urban location, as per the Sustainable Urban Housing: Design Guidelines for Planning Authorities. Both local and national policy seeks to encourage development at key locations and emphasises the need to develop sites within urban areas at more sustainable densities, close to public transport. The National Planning Framework seeks to encourage more people, jobs and activity to be located within existing urban areas. It seeks to provide well-designed, high-quality development that can encourage more people to live and work in close proximity.

11.2.12 The site is located within reasonable walking distance of suburban centres such as Newtown Shopping Centre, Annacotty Village and Castletroy Town Centre and is also in close proximity to numerous employment and educational centres. The site can also avail of existing public infrastructure (roads, public lighting, sanitation and water supply). There is public transport available along the R445 and the site is approximately 6km from Limerick city centre. Such locations are generally deemed suitable for higher density development. The Guidelines state that such intermediate sites should seek to incorporate densities of greater than 45 dwellings/ha. The proposed density in this instance is 54 units/ha which is considered to be fully in accordance with the aforementioned guidelines. The proposed density is comparable with recently permitted SHD development in the vicinity, namely ABP-307631-20, in which a density of 50 units/ha was recently permitted.

11.2.13 To conclude this point, I consider the density as proposed to be marginal but acceptable and consider that the site has the capacity to accommodate a development of the nature and scale proposed. As stated above, the site may have capacity for increased density, subject to appropriate assessments and safeguards. The development accords with national guidance in terms of sustainable development on appropriate sites. While the density is higher than that currently existing in the immediate vicinity, it is reflective of the changing context of the area and the density approved in other nearby SHD applications is noted. The planning authority are generally satisfied in this regard. The Bord did not raise concerns in relation to proposed density in the previous application on this site, under ABP-307014-20. I am also satisfied in this regard.

## Open Space Provision

11.2.14 Concern is expressed in some of the third party submissions received that the proposal lacks sufficient good quality public open space provision. The proposal comprises 15% public open space provision, set out across four main areas. One of the areas of public open space is a linear park along the northern boundary of the site, which incorporates established trees into the layout whilst also maintaining a buffer between the proposed development and the Dublin Road. This landscaping strategy is considered to be beneficial to the overall layout in terms of visual amenity and biodiversity, although there may be some merit in providing a stronger edge along the R445 at this location. The proposal complies with the open space standards in the operative Development Plan and offers a good mix of passive and recreational open space throughout the scheme. The planning authority have not raised concerns in this regard. They state that the overall open space provision is in accordance with the open space requirements of the Castletroy LAP and are satisfied in this regard. They recommend a condition be attached to any grant of permission in relation to a management company to deal with the future maintenance of the public/communal area within the proposed scheme. I would concur in this regard. I also note that there is a large public park in Castletroy, located within walking distance to the south of the site. Permeability through the site is good.

11.2.15 All proposed units have adequate private open space provision and communal roof gardens are provided in Blocks A and B. Communal resident amenity space which includes for communal lounge, co-dining spaces, games room and kids room is provided in Blocks A and B. In the interest of clarity, I note that this is not a Build-to-rent scheme nor is it a shared living scheme. These proposed facilities are an additional positive for any future occupants. I am generally satisfied in this regard.

## Conclusion

11.2.16 In my opinion, the issues of height, density, scale and massing of the proposal are inter-related. It is the sum of all these parts that, amongst other assessments, determines the appropriateness or otherwise of the proposal. I am generally satisfied in this regard and consider that appropriate transitions in scale have been

put forward in the design. Notwithstanding my comments above regarding the possibility of achieving greater height and density on this site, given its locational context, subject to appropriate assessments, I consider that the applicant has had regard in this current proposal to existing residential properties and to improving the streetscape and connectivity of the area. The open space layout and provision will ensure that the scheme is an attractive addition to the area. While, without doubt, it will bring a change to the character and context of the area, this will be a positive change in my opinion and I consider the proposal to be in compliance with national guidance in this regard.

### **11.3 Visual Amenity**

- 11.3.1 Many of the third party submissions received raised concerns with regards the impacts of the proposal on the visual amenity of the area. Many of these concerns are interlinked with concerns regarding height, scale and density of the proposal and I have dealt with many of the concerns above. Most of the third party submissions received contend that the proposal is out of character with existing development in the area and the proposal would negatively impact on the visual amenity of the area. The planning authority have not raised concerns in this regard.
- 11.3.2 The applicants have submitted photomontages comprising four viewpoint images of the proposed development. These are contained within section 6 of the Architectural/Urban Design Statement. In addition, other elements of the Architectural/Urban Design Statement are noted, as are the submitted contextual elevations and sections. All of these documents/drawings show the proposed development relative to that existing in the locality.
- 11.3.3 This is acknowledged to be a low density, established suburban area with houses primarily single storey or two-storey in height. I am generally satisfied that notwithstanding the concerns expressed in the submissions received, the proposed development would not have so great an impact on the visual amenity of the area as to warrant a refusal of permission. While the height of the proposal is a maximum of five storeys, it is noted that the much of the proposal is two and three storeys in height. I am generally satisfied with regards transition in scale. The proposed separation distances are noted; the taller buildings are located furthest away from the nearest residential properties with the top floor of Blocks A and B significantly

setback. The proposal will improve the visual amenity of the area, creating a taller element at the Annacotty roundabout at a location which has the capacity to absorb development of the scale proposed. I am satisfied in this regard.

#### Policy Guidance

11.3.4 Having regard to the Urban Development and Building Heights Guidelines, 2018, I note that specific assessments were undertaken including photomontages and daylight/sunlight analysis. I consider that at the scale of relevant town/city, the proposal will make a positive contribution to place-making introducing new streets and open spaces and utilises massing and height to achieve the required densities. I consider there to be sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape. At the scale of district/neighbourhood/street, I consider that the proposal responds satisfactorily to its overall natural and built environment and in this instance and will make a positive contribution to the urban neighbourhood at this location. The proposal is considered not to be monolithic and there is sufficient variety in elevations and break-up of blocks to create interest. Materials are appropriate for the area, with a largely brick finish. The proposal will provide enhanced public open spaces for the wider neighbourhood. The proposed development would not interfere with significant views in the locality, the site is not located within an architecturally sensitive area and I am of the opinion that the proposal can be accommodated on this site without detriment to the visual amenities of the area.

#### Conclusion

11.3.5 I have closely examined the potential visual impacts of the proposed development on nearby areas. My assessment has also been informed by my site visit, where I viewed the proposed development site from surrounding areas. In principle, I consider that the site can accommodate a development of the nature proposed and the proposal represents an acceptable form and scale of development at this location. The Bord did not raise issue in this regard in the previous decision on the site, ABP-307014-20. In my opinion, any impacts on visual amenities would not be so great as to warrant a refusal of permission.

## **11.4 Residential Amenity including Proposed Residential Standards**

### Existing Residential Amenity- Neighbouring Properties

- 11.4.1 Concerns regarding impacts on existing residential amenity have been put forward in almost all of the observer submissions received, including concerns regarding overlooking, impacts on daylight/sunlight, impacts on privacy, noise, anti-social behaviour and devaluation of property. The planning authority state that any development of a vacant site in an intermediate type urban area will have an impact on the residential amenity of the existing receiving environment. They consider that the development as proposed is consistent with the Urban Development and Building Height Guidelines and they further consider that separation distances achieved between the proposed development and the site boundaries with other development is acceptable and will not lead to undue adverse impact. Any overbearing impact that may result is not considered unduly excessive. They continue by stating that the development will not have a significant undue adverse impact on the residential amenity of the adjoining area. Having regard to the height of the proposed buildings and the distances to the site boundaries, they are of the opinion that any overbearing and overlooking impacts that will occur will be limited. I would concur with this opinion of the planning authority.
- 11.4.2 In terms of impacts on existing residential amenity, at the outset I acknowledge that, without doubt, there will be a change in outlook as the site moves from its current greenfield nature to that accommodating a higher density development, such as that proposed. This is not necessarily a negative. I am cognisant of the relationship of the proposed development to neighbouring dwellings. In my opinion, a sufficient distance is being maintained from existing properties to ensure that any impacts are in line with what might be expected in an area such as this, and therefore are considered not to be overbearing given this context. In fact, very generous separation distances are proposed in most instances. The proposed two-storey units along the eastern side of the site are perpendicular to existing development; have gardens in excess of 11 metres in many instances. Carrinderry housing development is located on the opposite side of Walkers Lane and is well set back from the road at a higher level than the subject site. The nearest single storey property is well screened and angled away from the site. I am of the opinion that

there will not be undue negative impacts on the residential amenity of these properties, as to warrant a refusal of permission.

- 11.4.3 There is an acknowledged housing crisis and this is a serviceable site, zoned for residential development in an evolving area, where there are good public transport links with ample services, facilities and employment in close proximity. I have no information before me to believe that the proposal if permitted would lead to the devaluation of property in the vicinity.

#### Daylight and Sunlight- Existing Properties

- 11.4.4 The Building Height Guidelines seeks appropriate and reasonable regard with the requirements of the BRE standards and associated British Standard (note that BS 8206-2:2008 is withdrawn and superseded by BS EN 17037:2018), and that where compliance with requirements is not met that this would be clearly articulated and justified. The Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' describe recommended values (eg. ADF, VSC, APSH, etc) to measure daylight, sunlight and overshadowing impact, however it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria (para.1.6). The BRE guidelines also state in paragraph 1.6 that:

*“Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.”*

- 11.4.5 The BRE note that other factors that influence layout include, inter alia, considerations of privacy, security, access, enclosure, microclimate (section 5 of the Standards). In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.

- 11.4.6 It is my opinion that the proposed apartment blocks and the majority of the duplex units are not situated close enough to existing dwellings to perceptibly impact daylight or sunlight levels. I note that dwellings in Carrinderry are generally located at a higher ground level than the subject site. Properties in this development are well

screened and gable/angle onto the proposed development site. Houses further along the southern side of Walkers Lane to the east are well setback from the roadway and a substantial separation distance is proposed across a roadway, proposed cycle path and footpath. Houses further west along Walkers Road and College Road are too far removed to have their daylight/sunlight levels impacted by this proposed development. Therefore, in my opinion no analysis of the impact of these proposed buildings on any of these existing properties is required, as the potential is negligible and can be ruled out without further testing as per para.2.2.4 of the BRE guidelines.

11.4..7 The existing two properties closest the eastern boundary of the subject site are situated close enough to the proposed two-storey dwellings and one three-storey duplex unit (Units 27,28) on the application site to warrant consideration of daylight and sunlight impacts and would not fall within the exception described above. As stated, all other neighbouring properties are situated a sufficient distance away from the development and it is anticipated that they would not experience any, or significant, loss of light/increased overshadowing. Therefore, noting the above and the relevant requirements of the BRE/BS, further consideration is required only in respect of two properties immediately to the east of the subject site. While these properties require consideration, I do not consider the omission of a specific daylight, sunlight and overshadowing assessment to be significant given the specific characteristics of the proposed development.

11.4.8 The proposed development is for new housing on land zoned for such, situated on the edge of an existing established residential area. The proposed development is generally two-storeys in height (one three-storey duplex) where it is situated closest to existing residents, reflecting the established scale of the area. Both these existing properties are gabling onto the subject site. Distances between the rear of the proposed two-storey houses and the gable of existing properties is greater than 11m in all cases. The proposed duplex unit is gabling onto the nearest existing property, which fronts onto Walkers Lane and is located forward of its front building line. Any impacts to this property would be to the front garden area. While there may be some impacts at this location, I consider that they would not be significant nor do I consider that this element of the proposed development would have an atypical relationship to



the existing dwelling, given that the character of this element of the proposed development reflects a normal residential estate in layout and scale. As a result, any impact upon daylight and sunlight would be within the normal range for a residential estate in my view, and not so detrimental to be considered a significantly harmful impact. In my view, the proposed separation distances are considered acceptable and I am of the opinion that adequate regard has been had to the preservation of the residential amenity of existing properties, when balanced against the need for housing on zoned and serviced lands.

11.4.9 To conclude this point, I acknowledge that there may be some very limited daylight, sunlight and overshadowing impacts to properties closest to the subject site to its immediate east, given the existing backdrop to these properties is an undeveloped field with hedging along its boundary. However, I highlight to the Bord that these properties gable onto the subject site. The existing undeveloped character of the subject site results in an entirely unobstructed outlook from properties in the vicinity, with the exception of vegetation. This existing outlook will invariably be altered by any development of the subject site. However, given the zoning objective for the lands, some level of development is to be anticipated. A lower height than the nearest two-storey proposed units, or a lower density (below that considered to meet sustainable development densities) would not accord with the proper planning or sustainable development of the area. Overall, I am content that daylight, sunlight and overshadowing impact from the proposed development upon existing properties will be within an acceptable range for the area and not significantly harmful. I have applied the guidance within the BRE guidelines and associated BS 17037:2018 in my assessment of this issue, and particularly in light of the guidelines own assertions that numerical targets should be applied flexibly (para.1.6) and that natural light is only one of many factors in site layout design (para.1.6).

#### Overlooking and impacts on privacy

11.4.10 The issue of overlooking has been raised in many of the submissions received. At its closest point, the proposed two storey semi-detached dwellings are located 11 metres from the boundary of the site, which adjoins properties to the east. These properties are gabling onto the subject site. There is considerable screening in this area of the site and I acknowledge that much of this screening is proposed for

removal. The separation distances proposed are in line with would be expected at such a location and I do not believe that excessive overlooking is probable. While there may be some perceived overlooking at this location, I am satisfied in this regard.

11.4.11 All other separation distances are noted. Given the locational context of the site, the orientation of existing and proposed development, together with the design rationale including separation distances proposed, I consider that matters of overlooking would not be so great as to warrant a refusal of permission. This is an urban/suburban area and a certain degree of overlooking is to be anticipated. It is also to be anticipated that one would see other development from their property. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission.

#### Anti-social behaviour

11.4.12 Concerns have been raised in some of the submissions received with regards to an increase in anti-social behaviour as a result of the proposed development. Specific concerns in this regard have generally not been detailed. While I acknowledge the concerns raised, I have no reason to believe that this would be an issue. Any matters relating to law enforcement are a matter for An Garda Síochána, outside the remit of this planning appeal.

#### Noise

11.4.13 The matter of construction noise has been raised in some of the third party submissions received. Given the nature of the development proposed, I do not anticipate noise levels to be excessive. There may be some noise disruption during the course of construction works. Such disturbance or other construction related impacts is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. I note that a Preliminary Construction & Environmental Management Plan has been submitted with the application, which deals with the issues of temporary traffic management and site security/hoarding. In addition, a Preliminary Construction & Waste Management Plan has been submitted, which deals with matters of waste management, noise and vibration, air quality and climate amongst other matters. As such, these plans are considered to assist in

ensuring minimal disruption and appropriate construction practices for the duration of the project. I have no information before me to believe that the proposal will negatively impact on the health of adjoining residents. Construction related matters can be adequately dealt with by means of condition. However, if the Bord is disposed towards a grant of permission, I recommend that a Construction Management Plan be submitted and agreed with the Planning Authority prior to the commencement of any works on site.

#### Proposed Residential Standards

##### Unit Size/Floor to Ceiling Heights

11.4.14 The proposal meets the requirements of SPPR3 and SPPR5 of the aforementioned Apartment Guidelines 2020 in relation to minimum apartment floor areas and floor to ceiling heights.

##### Daylight and Sunlight to Proposed Residential Units

11.4.15 I have considered the Sunlight, Daylight and Shadow Assessment submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' (2011). Both documents are referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights 2018. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development and Building Heights Guidelines. The submitted Sunlight, Daylight and Shadow Assessment describes the performance of the development against BRE guidelines in relation to daylight and sunlight and demonstrates that adequate levels of daylight would be received in most units. The proposed public and communal open spaces would benefit from good levels of daylight and would provide a high level of amenity.

##### Daylight

11.4.16 In relation to daylight, the proposed housing units were not tested as they are of standard design, all dual aspect and receive good levels of light. This is considered

acceptable and given the orientation of the units, their dual aspect nature and standard layout, it is anticipated that all proposed dwellings would receive good levels of daylight. The analysis for the apartments was undertaken at locations considered most onerous by the applicants, namely mid-block, facing into the proposed development (easterly orientation) at first floor level. It was considered that those units facing outwards (westwards) or near gable walls (dual aspect) would receive more light. For the duplex units, four units were tested. For the apartment blocks, one no. two-bed unit was tested in Block A and two no. units were tested in Block B (a one-bed and a two-bed). All units tested were at first floor level. These were considered by the applicants to give a good representative indication of the overall buildings performance. The floor is repeated on the higher floors and was therefore considered the most representative floor to test for development performance as it is stated that the ground floors have varying layouts to allow for lobbies, entrances and storage/utility requirements. I note this rationale put forward by the applicants and I accept it in this instance. Notwithstanding this, I am of the opinion that the ADF on the ground floor of the proposed apartment blocks is likely to be less than that of the first floor and could represent a worst-case scenario. Notwithstanding this and even assuming that these units were non-compliant (which I consider is unlikely to be the case, given the first floor values put forward, see section below), I have adequate information before me to fully assess the proposal and this lack of information for the ground floor units has no material bearing on my assessment or recommendation. I note that the floor to ceiling heights for the proposed ground floor units are increased over and above the higher floors which would lead to an increase in ADF. In addition, the window apertures are marginally larger to the ground floor units, again also increasing the ADF values. I consider it reasonable to assume that the proposed ground floor units would achieve adequate residential amenity in this instance and I am satisfied in this regard.

11.4.17 Following on from the above, I note the applicant's use of a 1.5% ADF value for open plan living/dining/kitchen areas and 1% for bedrooms in the units assessed. I note that section 5.6 of BS8206 refers to 2% for combined living/kitchen areas. The applicants however state that they note that for apartment developments, a majority of councils in Ireland and the UK now accept the lower value of 1.5% normally assigned to living rooms as the primary test value. The applicants continue by stating

that the usage of a reduced value accepted by local authorities is still compliant within the terms of the guidelines. In relation to BRE 209 guidance, with particular reference to BS8206 – Part 2, again I note that this guidance sets out minimum values for ADF that should be achieved and these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylighted living room. This BRE 209 guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. I reiterate that the targets described in the BRE guidelines are discretionary, not policy. The proposed units contain combined kitchen/living/dining layouts and no completely internal kitchens are proposed. In terms of information submitted, I note that analysis was not undertaken for all units on a particular floor, however I note that the units examined were mid-block with an eastern orientation. All units with a western orientation, fronting onto open lands and not facing other blocks would all be expected to achieve higher values. In my opinion, only one additional unit on the eastern elevation on each first floor would warrant analysis and these units are generally located immediately beside the units analysed, therefore there is a reasonable expectation that the results would be similar to those analysed. All other units are dual aspect and would expect to receive good levels of light. I am satisfied with the level of analysis undertaken in this regard and the lack of information relating to other units does not have a material bearing on either my assessment or recommendation.

11.4.18 Of the 3 apartment units assessed, all complied with the 1.5% value and of the 4 duplex units, all also complied with the 1.5% value. The planning authority do not raise concerns in this regard. I note that notwithstanding the 1.5% ADF utilised, an ADF value of 4.7% was achieved for the unit in Block A and 4.7% and 5.7% respectively for the two units analysed in Block 2, which indicates that the kitchens will achieve good daylight levels. For the duplex units, ADF over 3% was achieved in all instances. I note the main purpose of the combined kitchen/living/dining room is for living/dining purposes in all instances. I am satisfied that flexibility as to the target ADF is applicable, and that there is adequate justification in terms of use of an alternative target ADF of 1.5% for the open plan living/kitchen rooms, having regard

to the nature of the typology proposed and the primary use of the space, and I note that in any event the 2% value is being achieved/exceeded in all units analysed. All units have a good aspect and external amenity spaces in the form of balconies/terraces and there are no north facing, single aspect units. Results were well in excess of minimum requirements in all cases analysed. In addition, I note that the applicant has endeavoured to maximise light into the apartments while also ensuring that the streetscape, architecture and private external amenity space are also provided for.

### Sunlight

11.4.19 The report also considers internal sunlight levels to the proposed units. All open plan living/kitchen/dining areas on the 1<sup>st</sup> floor of the apartments were analysed, while living rooms to duplexes 1 and 1.2 were analysed. Results for the primary window in each case have been submitted. In relation to sunlight, analysis has been provided in accordance with the BRE guidelines on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). The APSH modelling involves assessment of the level of sunlight that reaches a window, then determining the number of windows with an APSH level greater than 25% on an annual basis or 5% on a winter basis (section 3.1.10 of the BRE 209 Guidance). The sunlight analysis of the proposed development is for living rooms, and the report states that all windows comply with BRE values in the proposed development in terms of APSH, with the exception of one unit. The figure is marginally below (0.1%) the required requirement and is east facing where there is a lower expectation of sunlight. All rooms comply with BRE requirements in term of WPSH, with the exception of two units, both these units fall marginally below the requirements by less than 0.5%. Overall, of all windows analysed 92% receive the required sunlight. Overall, I consider that the level of sunlight received to windows in the proposed development is adequate.

### Conclusion

11.4.20 In relation to the results for daylight (ADF) and for sunlight (APSH), I am satisfied that where shortfalls have been identified, they are not significant in number or magnitude.

11.4.21I note that Criteria 3.2 of the Building Height Guidelines states that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It is acknowledged in these Guidelines that, where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out. The Bord can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as urban regeneration and an effective urban design and streetscape solution.

11.4.22As noted, the assessment 1.5% value was used in daylight provision, however all units analysed significantly exceed the 2% value.

11.4.23I note the full extent of shortfalls identified and these are made clear within the Daylight and Sunlight Report. Where minor shortfalls are identified, I am satisfied that a reasonable reason has been put forward. Given the need to develop sites such as these at an appropriate density, full compliance with BRE targets is rarely achieved, nor is it mandatory for an applicant to achieve full compliance with same. In terms of compensatory design solutions, I note the favourable orientation of the majority of the units. In addition, the proposal provides a generous provision of communal/public amenity space, which will achieve good levels of sunlight due to its favourable orientation. There are no single aspect north facing apartments, with half the units being dual aspect. Each of the units has either a ground floor terrace/garden or a balcony space that meets minimum requirements. Internal residential amenity spaces have also been provided. The provision of the public realm is also of benefit to the amenity of the proposed residential units. The proposal also contributes to wider planning aims such as the delivery of housing and regeneration of an underutilised site. Overall, I consider that the applicant has endeavoured to maximise light into the apartments while also ensuring that the streetscape, architecture and private external amenity space are also provided for.

11.4.24Having regard to above, on balance, I consider the overall the level of residential amenity is acceptable, having regard to internal daylight and sunlight provision and having regard to the overall levels of compliance with BRE targets, to the

compensatory design solutions provided, and having regard to wider planning aims. As such, in relation to daylight and sunlight provision for the proposed units, the proposal complies with the criteria as set out under Section 3.2 of the Building Height Guidelines, and provides a satisfactory level of amenity for future occupiers.

#### Amenity Space

11.4.25 The BRE Guidelines recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least half of it should receive at least two hours of sunlight on March 21st. The submitted Sunlight, Daylight and Shadow Assessment demonstrates that at least 50% of the proposed communal amenity areas as a combined total will receive a minimum of 2 hours sunlight on 21st March, complying with BRE target levels. The planning authority have not raised issue in this regard. I am also satisfied in this regard.

#### Aspect

11.4.26 As stated above, the subject site is considered to be located within an 'Intermediate Urban Location', as defined under section 2.4 of the Sustainable Urban Housing Guidelines and therefore there is a requirement under SPPR4 for 50% of all apartments to be dual aspect. The applicants state that 49.6% of apartment units are dual aspect. All houses are dual aspect. In my mind, this figure of 50% is being achieved (when rounded up) and the proposal is in compliance with same. In this regard, I am of the opinion that the proposal generally complies with SPPR4 of the aforementioned Apartment Guidelines and I am satisfied in this regard.

#### Noise

11.4.27 The Physical Development Directorate-Noise of planning authority have raised some concerns in relation to road noise levels and their impacts on proposed Blocks A and B and a number of other units within the proposed scheme. They state that the noise levels are significantly in excess of WHO recommended thresholds. While I note the concerns, I acknowledge that upgraded glazing has been proposed for these facades. I also note the locations of the units concerned, many of which are located away from the R445 on relatively lightly trafficked routes, some within the proposed scheme. All are well setback from the roadway and some internal living spaces have openings on quiet facades. This is an urban environment and some level of noise is to be anticipated. Having regard to the above which includes for



upgraded glazing, I consider that the impacts of noise on future residents would not be so great as to warrant a refusal of permission.

## **11.5 Traffic and Transportation/Car Parking**

### Context

11.5.1 A Traffic and Transport Assessment, Road Improvement Report, Road Safety Audit Planning Application Services Report and DMURS Compliance Statement have been submitted with the application. The information contained within these reports appears accurate and robust. I draw the attention of the Bord to the fact that many of the third party submissions received raised concerns regarding inadequate car parking provision, road safety concerns and concerns regarding capacity of public transport. It is noted that Transport Infrastructure Ireland had no comments to make in respect of transportation matters. The planning authority have not raised concerns in this regard, subject to conditions.

### Traffic Impacts

11.5.2 Access to the development is provided via a priority-controlled T-junction off Walker's Lane, with a footpath and cycle lane extending along the full extent of the southern site boundary adjoining Walkers Lane. A setback has also been provided within the proposed development along the western site boundary adjoining Castletroy College Road to facilitate future road widening and the provision of a bus-stop lay-by. The internal road layout incorporates one circuitous road providing access to all units within the scheme.

11.5.3 The planning authority states that the proposed access location off Walkers Lane has been chosen and designed in line with the requirements of the Roads Section of Limerick City and County Council and are satisfied with the proposed location of the site entrance.

11.5.4 Traffic surveys were undertaken at 3 no. locations in February 2020- Junction 1: Annacotty roundabout; Junction 2: Walkers Road roundabout and Junction 3: Carrinderry cul-de-sac. The survey found that the peak hour traffic flow occurred between 8:00 and 9:00 in the AM and between 4:00 and 5:00 in the PM. The analysis showed that traffic estimated to be generated by the proposed development is relatively low in comparison to the traffic flows on the road network within the

vicinity of the development. The estimated traffic generated by the proposed development is predicted to be less than 1% of the traffic flows at the Annacotty roundabout during the AM and PM peak hours, a little more than 5% of traffic flows at Walker's Lane roundabout during the PM peak hour and less than 30% of existing traffic flows in the AM and PM peak hours on Walker's Lane at the location of the proposed development access junction. I accept that the proposal will give rise to additional traffic movements at this location, however I consider that the impacts of such would not be so great as to warrant a refusal of permission. The proposed pedestrian and cycle entrances will greatly enhance permeability throughout the site, through to the wider area. The proposal will offer much improved facilities for pedestrians/cyclists along Walkers Lane. I am generally satisfied in this regard.

### Car Parking

- 11.5.5 The issue of car parking provision was raised in the majority of the third party submissions received and by the Elected Members. Some submissions received raise concerns regarding the increase in traffic that the proposed development would generate, whilst at the same time arguing that increased car parking should be provided on site. A total of 183 no. car parking spaces are proposed, which includes for 2 co-travel spaces and 2 spaces with electric charging points. Basement parking under Block B will provide 61 spaces and is intended to serve the apartments. Each unit within the development will be sold with 1 no. dedicated car parking space with the remaining spaces unallocated. The planning authority have not raised issue with the quantum of car parking spaces proposed.
- 11.5.6 The Limerick County Development Plan sets out maximum car parking requirements (Table 10.5). As stated above, a total of 183 spaces are proposed, with the maximum provision allowed for by way of the Development Plan standards being 198 spaces. The proposed parking numbers and arrangements on site are in my view acceptable and in keeping with national policy. In terms of national policy, I note that both the NPF and Apartment Guidelines emphasise a need to move away from universal parking standards to a more tailored performance-based approach.
- 11.5.7 Having regard to all of the above, I am satisfied with the level of car parking provided given the locational context of the site. The proposed development is located in close proximity to numerous services, employment and an amenity parkland.

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. There is good pedestrian/cycle connectivity in the area and the applicants are including enhanced cycle/pedestrian facilities as part of the proposed development. I am satisfied in this regard.

#### Other Matters

11.5.8 The Central Roads Section of the planning authority have raised a number of other matters within their report. These include, inter alia, the submission of a revised site layout plan showing the recommendations of the Road Safety Audit. A number of other matters have been raised, all of which could be adequately dealt with by means of condition.

11.5.9 Many of the third party submissions received raise concerns in relation to sightlines, visibility and traffic safety at the entrance to the proposed development. The Central Road Section raise the issue that internal sightlines are impeded by parking areas and the matter should be addressed. I note that the Inspector in the previous application on the lands, ABP-307014-20, recommended refusal of permission with regards this matter, as it was considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on Walker Lane road at a point where sightlines are restricted in an easterly direction. The Bord did not concur with this element of the Inspector's Report and omitted this reason for refusal from the Bord Order/decision. The planning authority are not recommending refusal of permission in this regard. Given the urban location of the site, the speed limit in place and the proposal before me on zoned lands, I am satisfied in this regard.

#### Cycle Parking

11.5.10 The applicant proposes a total of 137 bicycle parking spaces. This figure meets the requirements of the operative County Development Plan, as set out in Table 10.8 of the operative County Development Plan. Having regard to national policy, the Design Standards for New Apartments- Guidelines for Planning Authorities (2020) 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 297 cycle

spaces (119 apts; 122 duplex; 56 visitor). While I note the proposal is not consistent with these aforementioned guidelines, they do state in section 4.17 that any deviation of these standards shall be at the discretion of the planning authority. Cycle spaces for the proposed apartment blocks are located securely at basement level and a good quality scheme is put forward in this regard. The planning authority consider that the number of secure cycle storage spaces should be increased and address the matter by way of condition. The matter was not raised as a concern in the previous application on this site, ABP-307014-20. I am generally satisfied in this regard and consider that additional bicycle spaces could be provided by way of condition, if the Bord was so minded.

### Connectivity

11.5.11 The proposed development includes for improved connections to both the northern and southern ends of the site, which will improve permeability and accessibility for those within the wider area. This is in line with Government guidance and such connections are welcomed.

### Conclusion

11.5.12 While I note the concerns expressed in many of the third party submissions received in relation to this matter, I am of the opinion that given the location of the site within an urban/suburban area on zoned lands, together with the nature of the use proposed, that the proposed development is acceptable in this regard. I do not have undue concerns in relation to traffic or transportation issues. I acknowledge that there will be some increased traffic as a result of the proposed development, in particular during the construction phase. However, the construction phase will be temporary in nature. The planning authority appear satisfied in this regard, subject to conditions and the TII had no observation to make in relation to the proposed development. In general, the site is well served with public transport and other services/amenities within walking distance. The proposal will improve connectivity for the wider area.

11.5.13 I consider the parking strategy, as proposed, to be acceptable in this instance. Notwithstanding concerns expressed in the Inspector's Report, the Bord did not have concerns in relation to matters of traffic and transport in their previous decision on this site, ABP-307014-20. Having regard to all of the above, I have no information

before me to believe that the proposal would lead to the creation of an unacceptable level of a traffic hazard or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

## **11.6 Drainage and Flood Risk**

11.6.1 I draw the attention of the Bord to the fact that this was not raised as a concern in the third party submissions received. A Planning Application Services Report was submitted with the application. The information contained therein appears reasonable and robust. Separate foul and surface water systems are to be provided to drain the proposed development. The proposed surface water drainage system is designed to comply with the 'Greater Dublin Strategic Drainage Study (GDSDS). SuDS measures are proposed- the planning authority state that these should include green roofs on the proposed apartment blocks. This is considered reasonable. An Irish Water Design Submission has been submitted by the applicant, which states that based on the information provided, Irish Water has no objection to the proposal. A report was received from Irish Water at application stage, which raises no objections subject to conditions being attached to any grant of permission. The report of the Drainage Division of the planning authority, as contained in the Chief Executive Report, raises no concerns in relation drainage matters, subject to conditions.

11.6.2 A Site Specific Flood Risk Assessment was not submitted with the current application. The applicants deal with the matter of flooding with section 9 of the Planning Application Services Report. It concludes that there is no risk of flooding on this site. The OPW flood maps show no record of flooding incidents in the immediate area of the proposed development. Matters of levels have been dealt with within section 2.2 of the submitted 'Statement of Response to the Notice of Pre-Application Consultation Opinion' report. The planning authority have not raised any concerns in this regard. The matter was not raised in any of the third party submissions received.

### Conclusion

11.6.3 I am generally satisfied in relation to the matter of drainage and flood risk. Both the planning authority and Irish Water are generally satisfied with regards the proposal

put forward in this regard. Any concerns of the planning authority can be adequately dealt with by means of condition.

## 11.7 Other Issues

### Ecology/Biodiversity

- 11.7.1 Some of the concerns raised by third parties relate to impacts of the proposal on flora and fauna, in particular bat roosts. The planning authority have not raised concerns in this relation to these matters. There is no report on file from the Heritage Officer of the planning authority.
- 11.7.2 No ecological designations pertain to the site nor is it considered to be ecologically sensitive. It is a greenfield site of unmanaged grassland with a woodland belt along its northern boundary. I acknowledge that the proposed development will result in some tree loss on the site to accommodate the works proposed. This is somewhat inevitable. However, the proposal seeks to retain much of the natural woodland, particularly along the northern boundary of the site, and additional planting is proposed, which will help maintain and augment the biodiversity inherent on the site. A 'Tree, Hedgerow & Vegetation Survey, Assessment, Management & Protection Measures Report' was submitted with the application. A tree and hedgerow survey was undertaken in October 2018 and a site visit was undertaken in February 2020 to validate the findings of the 2018 fieldwork. The survey indicates that the majority of existing trees on site are Category C and that those trees to be removed are of poorer quality and health, and contribute little in visual amenity terms. I am satisfied with the levels of retention and additional planting proposed.
- 11.7.3 The planning authority recommend that the existing screening along the eastern boundary of the site be retained and that proposed rear boundaries be setback from this screening. I do not concur with this as it could lead to the creation of a 'no-man's land' between the rear boundaries of the proposed units and the side boundaries of the existing properties to the east, possibly leading to anti-social behaviour. I am generally satisfied with the removal of this screening along the eastern boundary, given the extent of additional planting proposed and extent of existing planting retained.

## *Bats*

11.7.4 Bat surveys were undertaken in August 2018. The Bat Report submitted indicates that a mature ash tree on the northern boundary of the site is used as a day roost/satellite roost by a single common pipistrelle bat. The tree will be retained and incorporated into the new development, but there is a risk that a damaged limb (the location of the roost) may need to be removed for safety reasons. The applicants state that an ecologist will liaise with a tree surgeon prior to any works on this tree, and will determine whether it will be possible to retain the roosting location. If not, an alternative roosting space will be provided, and measures will be taken to ensure the protection of the bat during works. A second semi-mature ash tree is located near the eastern end of the northern treeline is considered to have low suitability for roosting bats. All other trees are considered to have negligible suitability for roosting bats. There are no buildings or other built structures within the proposed development site. During the operational phase, bat-sensitive lighting will be incorporated into lighting design to ensure that any potential impact is minimised. The planning authority have not raised concerns in this regard. The matter was not raised as a concern in the previous application of the site, ABP-307014-20. Having regard to all of the above and on the basis on the information submitted in the Bat Report and the proposal to retain much of the woodland and develop a natural parkland along the northern boundary of the site, I am satisfied in this regard and consider the impact of the development of the ecology of the site to be acceptable, subject to conditions.

## *Invasive Species*

11.7.5 An Invasive Species Management Plan was submitted with the application, which notes the presence of Japanese Knotweed and Giant Hogweed on site. A detailed management strategy will be implemented and directed by a qualified ecologist during the construction phase to ensure that the potential spread of these invasive plant species is controlled. Details of the measures to be employed is set out in the Management Plan. I am generally satisfied in this regard.

## Archaeology

11.7.6 Concerns are expressed that the proposed development would negatively impact any existing archaeological remains on the subject site. The site accommodates a

possible enclosure (visible as a crop-mark on an aerial photograph)(RMP Ref. LI006-063) in the north-western corner of the site. In addition, further archaeological material was identified in the north-western corner of the site during all three test excavations, which includes for the RMP sites LI006-094001 – Burnt Mound Activity, LI006-094002 – Cereal Drying Kiln and LI006-094003 – Miscellaneous Excavation. This material was all located within the confines of the Enclosure. None of these features are visible above ground. An Archaeological Assessment Report and Archaeological Works Method Statement were submitted with the application, the contents of which appear reasonable and robust. These reports were supplemented by on-site test trenching, undertaken in December 2017 which confirmed that archaeological material does not extend beyond the external limits of the Enclosure ditch. The Archaeological Assessment Report states that this possible enclosure is not depicted on any edition of the Ordnance Survey historical mapping. There is no survey data for the possible enclosure and it is suggested that the possible enclosure site had been severely impacted on or obliterated by the construction of the Annacotty roundabout and associated roadworks in the mid-1990s. The Works Method Statement details the methods proposed for the full archaeological excavation of archaeological features found on site during archaeological testing. The Executive Archaeologist of the planning authority has raised concerns in relation to this matter and requires full excavation of the NW quadrant of the site while the Method Statement needs to address the top soil strip over the remainder of the site. The planning authority considers that the archaeological methodology proposed requires amendment. No report was received from the Department in this regard. This matter was not raised as an issue in the previous application on site, ABP-307014-20. The planning authority are satisfied that this matter can be adequately dealt with by means of condition. I am also satisfied that the matter can be adequately dealt with by means of condition.

#### Childcare Facility

- 11.7.7 The proposal does not include for a childcare facility and the matter has been dealt with within section 7 of the submitted Development Description and Statement of Consistency Report. It states that the proposed development would give rise to a requirements of 34 childcare spaces (omitting the one-bed units). The report continues by stating that there are 8 no. crèches located within a 3km radius of the



site and that planning permission has been secured for an additional 2 no. crèche's within 1km of the subject site. The report further states that it is not proposed to provide for a childcare facility as part of the proposed development. However, if the Bord is minded to disagree and to require such a facility irrespective of the foregoing, it is confirmed that the single storey communal facility attached to Block A to the north, could easily be amended to accommodate a childcare facility capable of accommodating 34 no. children.

11.7.8 I note all of the above and that no childcare facility was provided for in the previous application on site, ABP-307014-20 and the Inspector's Report on that application stated that the need for a dedicated childcare facility was not required as part of that proposal. The Bord did not disagree with this opinion. The planning authority deal with the matter within section 11.8 of their Chief Executive Report and have not raised any issue in this regard. I too am satisfied in this regard and consider that the provision of a childcare facility is not required in this instance.

#### Part V

11.7.9 The applicant proposes to comply with the requirements of Part V of the Planning and Development Act 2000, as amended by way of transfer of 14 units. The planning authority deal with the matter of Part V within section 11.12 of their report and have not raised concern in this regard. The application documentation includes a letter of confirmation from Limerick City and County Council relating to the transfer of units and states that the applicant has engaged in discussions with the Housing Development Directorate of Limerick City and County Council to meet their Part V obligations in relation to this site and they confirm that an agreement in principle to comply with the Part V obligation has been reached with the transfer of 14 no. units on-site. I note some of the third party submissions have raised concerns in relation to the location of the Part V units, stating that they are to be located all within one block. This is incorrect- 9 units are within Block 3, 4 units are within Block 1 and there is one house (Type H-C)- all units are centrally located within the scheme. I am satisfied with the distribution of the units within the proposed scheme and the planning authority has not raised concerns in this regard.

#### Boundary Treatment

11.7.10 Some of the third party submissions received queried proposed boundary treatments. I note that the submitted Site Plan proposes some details in relation to boundary treatments, generally however information is light in relation to this matter. The planning authority have not raised concerns in relation to boundary treatments. I am satisfied that the matter of boundary treatments can be adequately dealt with by means of condition. A quality proposal has generally been put forward and any lack of information in this regard does not have a material bearing on my recommendation.

## 12.0 Appropriate Assessment

### Context

12.0.1 The previous application on this site, ABP-307014-20, was refused permission for one reason relating to appropriate assessment and that reason for refusal was as follows:

1. It is considered that the Appropriate Assessment Screening Report is inadequate as it failed to identify all Natura 2000 sites which could potentially be affected by the proposed development and therefore the Bord cannot be satisfied, on the basis of reasonable scientific doubt, that the proposed development would not adversely affect the integrity of the Lower River Shannon SAC (site code 002165) or the River Shannon and River Fergus SPA (site code 004077) in view of the sites conservation objectives. In such circumstances the Bord is precluded from granting permission for the proposed development.

12.0.2 In terms of the above mentioned inadequacy, it is noted that the main concerns raised in the ABP Inspector's Report were that:

- Two other nearby developments were not included in the section on 'potential in-combination effects'
- The 2km zone of influence for consideration of indirect effects was insufficient, particularly as it did not include the River Shannon and River Fergus Estuaries SPA, which is 6.7 km from the proposed development site
- The suitability of the site for bird species from the River Shannon and River Fergus Estuaries SPA was not considered
- A dry ditch

in north-west of the site was not discussed in the report • Impacts on groundwater arising from the construction of a basement car park were not considered • Construction-phase pollution-prevention measures were not included.

12.0.3 An 'Appropriate Assessment Stage 1: Screening and Stage 2: Natura Impact Statement Report', has been submitted with the application. The contents of this report appear reasonable and robust. The submitted Screening Statement concludes that significant effects cannot yet be ruled out as there may be tenuous connections to the Lower River Shannon SAC via surface water and groundwater. Construction works may generate pollutants, which could potentially cause impacts on the qualifying interests of the SAC. Further assessment of these potential impacts at Stage 2 of the Appropriate Assessment process will be required in order to comprehensively address potential impacts on the SAC and other Natura 2000 sites. 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. I note that an NIS has been submitted.

12.0.4 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.

12.0.5 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

12.0.6 The proposal comprises a residential development of 137 units (see section 3 above for a detailed description of the proposed development). The site is a greenfield site, comprising rank grassland. The site was surveyed in August 2018. Knotweed and Giant Hogweed was found growing on the site, which are classified as alien invasive species under Schedule 3 of S.I. 477 of 2011.

12.0.7 There are no rivers, streams or areas of standing water within or adjacent to the proposed development site. The closest watercourse is the Mulkear River, which is located approx. 500 m east of the site. A minor tributary of the Mulkear is also located approx. 500 m south of the site. There are ridges of raised ground to the south and east of the site, which would prevent overland flow toward the Mulkear River. There is a dry drainage ditch near the western boundary of the site, and a lack of information regarding this ditch, raised some concerns in the Inspector's Report of the previous application, ABP-307014- 20. The matter has been comprehensively addressed in this current application with the applicants stating that this drainage ditch is likely to be a relict of the former agricultural land use. No standing water was observed in the ditch during the applicant's site inspections, and it is not connected to any other drainage ditches or surface water features. However, during periods of high rainfall, the applicant's acknowledge that it is possible that the drain could temporarily fill with water and overflow onto nearby roads.

12.0.8 Foul water will be discharged to a local authority foul sewer on the Dublin Road and from there to the Limerick Waste Water Treatment Plant, which is operating within capacity and providing a high level of treatment prior to discharge to the River Shannon. Surface water will be channelled through a bypass separator, collected in an attenuation tank, and discharged to a local authority storm drain on the Dublin Road.

#### Designated Sites within Zone of Influence

12.0.9 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. 500m east of the development site. This river is a European designated site, Lower River Shannon SAC (Site Code 002165). The Mulcair River joins the River Shannon c.1.6 km to the north of the proposed development site and from there joins with the River Shannon and River Fergus SPA (Site Code 004077), which is 6.7km distant from the proposed development site. Having regard to the above, I would concur with the

applicants and consider the following Natura 2000 sites to be within the Zone of Influence:

**Table 5:**

Site Code	Distance	Designated Site	Qualifying Interest/ Conservation Objectives
002165	0.4km E	Lower River Shannon  SAC	<p><u>Annex I Habitats:</u> sub-tidal sandbanks, estuaries, mudflats / sandflats, coastal lagoons, large shallow inlets and bays, reefs, stony banks, vegetated sea cliffs, annuals colonising mud and sand, salt marshes, water courses, Molinia meadows, alluvial forests</p> <p><u>Annex II species:</u> freshwater pearl mussel, sea lamprey, brook lamprey, river lamprey, salmon, bottlenose dolphin, otter</p> <p><u>Conservation Objectives</u> 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>
004077	6.7km W	River Shannon and River Fergus Estuaries  SPA	<p><u>Qualifying Interests:</u> Cormorant, whooper swan, light-bellied brent goose, shelduck, wigeon, teal, pintail, shoveler, scaup, ringed plover, golden plover, grey plover, lapwing, knot, dunlin, black-tailed godwit, bar-tailed godwit, curlew, redshank, greenshank, black-headed gull</p>

			<p><u>Conservation Objectives</u></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>
004165	9km E	Slievefelim to Silvermines Mountains SPA	<p><u>Qualifying Interests:</u></p> <p>Hen Harrier</p> <p><u>Conservation Objectives</u></p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>
000930	9.5km E	Clare Glen SAC	<p><u>Qualifying Interests:</u></p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles ; Killarney Fern</p> <p><u>Conservation Objectives</u></p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected</p>
001432	9.8km E	Glenstal Wood SAC	<p><u>Qualifying Interests:</u></p> <p>Killarney Fern</p> <p><u>Conservation Objectives</u></p> <p>To maintain the favourable conservation condition of Killarney Fern in Glenstal Wood SAC</p>
001013	10km N	Glemomra Wood SAC	<p><u>Qualifying Interests:</u></p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles</p> <p><u>Conservation Objectives</u></p>

			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.
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12.0.10 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.

12.0.11 I consider that there is no possibility of significant effects on Slievefelim to Silvermines Mountains SPA (Site Code 004165), Clare Glen SAC (Site Code 000930), Glenstal Wood SAC (Site Code 001432) 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. I am therefore screening out these Designated Sites at Stage 1.

12.0.12 The Lower River Shannon SAC has been designated for the protection of a range of riparian, estuarine and coastal habitats and species associated with the River Shannon and its tributaries, including the Mulkear River. NPWS publications highlight the specific attributes and targets for the various qualifying interests in the SAC. This SAC is located approximately 400 metres from the proposed development site at its closest point. There is no direct hydrological pathway from the proposed development site to the river. The site gradient slopes away from the watercourse, meaning that surface water runoff would flow away from the SAC. However, the L1165 and R445 roads are located just outside the north-western corner of the site, and it is likely that the storm drains along these roads would discharge to the Mulkear River, providing an indirect surface water connection to the SAC. Groundwater could potentially provide a pathway to the river, although this is considered rather tenuous due to the gradient of the site (sloping away from the SAC), and the filtration provided by intervening soils/bedrock. Pathways via land and

air can be ruled out due to distances involved. Therefore, there may be tenuous connections to the Lower River Shannon SAC via surface water and groundwater. Construction works may generate pollutants, which could potentially cause impacts on the qualifying interests of the SAC. The report concludes that further assessment of these potential impacts at Stage 2 of the Appropriate Assessment process will be required in order to comprehensively address potential impacts on the SAC. Out of an abundance of caution, I would concur with this conclusion.

12.0.13 The Screening Assessment states that the River Shannon and River Fergus Estuaries SPA has been designated for the protection of a range of overwintering bird species that feed primarily in coastal and intertidal habitats. The SPA is located approx. 6.7 km west of the proposed development site, and covers the estuarine section of the River Shannon, downstream of Limerick city centre. It is possible that there could be a very distant hydrological connection to the SPA from surface water runoff via the River Shannon. However, considering that there is approximately 13 km of intervening watercourse between the closest point on the River Mulkear and the SPA boundary, any pollutants arising from the proposed development site would be diluted to negligible concentrations before they could reach the SPA. Therefore, potential pathways via surface water are screened out of the assessment. Pathways via groundwater, air and land are also screened out due to the distances involved. This is considered acceptable. The habitat suitability of the application site for SPA bird species is discussed below.

#### *Habitat Suitability for SPA Bird Species*

12.0.14 One of the concerns raised in the previous application on these lands, ABP-308014-20, related to the fact that the suitability of the site for bird species from the River Shannon and River Fergus Estuaries SPA was not considered. This matter has been comprehensively addressed within section 3.3 of the submitted AA Screening document of the submitted AA document. As stated above, the River Shannon and River Fergus Estuaries SPA has been designated for the protection of a range of overwintering bird species (waterfowl) that feed primarily in coastal and intertidal habitats. The SPA is located approx. 6.7 km west of the proposed development site. The primary habitats for all of these species are in coastal areas, but some species can also feed in grasslands, arable land, marshes and shallow ponds, freshwater rivers, inland lakes and ponds, and in urban (usually coastal) areas. The only



example of these habitats within the boundary of the proposed development site is grassland. Grassland is favoured by brent geese.

12.0.15 The grassland within the proposed development site has not been mowed or otherwise managed for many years, and is now a rank grassland/dry meadow. Brent geese typically favour grasslands that receive regular mowing/grazing or high fertiliser application. On this basis, the grassland habitat within the proposed development site is considered to be unsuitable for brent geese or any other grass-feeding species. There are substantial areas of higher-value grazing habitat along the banks of the Shannon estuary, within a short distance of the SPA that would provide much higher quality feeding areas than the proposed development site. In addition, brent geese and other waterfowl are large birds that need time and space to take flight, so they are particularly wary of potential predators, including dogs and people. They typically favour large open areas. Considering that the proposed development site supports scrub and rank grassland habitat, and that it is in a residential area frequented by people and dogs, this further reduces the suitability of the proposed development site for any such bird species. Finally, I have no evidence before me to believe that the site is prone to flooding and thus would not support wetland habitat suitable for overwintering waders. The matter of insufficient information was raised in relation to floor levels, basement and possible flooding concerns and subsequent impacts on designated sites. This matter has been comprehensively addressed in the documentation submitted, including section 2.2 of the 'Statement of Response to the Notice of Pre-Application Consultation Opinion' report submitted. I am satisfied in this regard.

12.0.16 The Inspector's Report in the previous application on the site raised some concerns as to whether birds associated with this SPA could use the riparian corridors associated with the River Shannon and Mulcair River. In response to this concern, the applicants state in the submitted Assessment that it is considered unlikely that birds associated with the SPA would use the riparian corridors in the vicinity of the site. The over-wintering waterfowl associated with the SPA all feed primarily in estuarine/intertidal areas, particularly on invertebrates or algae that are exposed at low tide. The River Shannon (upstream of Limerick City) and the River Mulkear are freshwater rivers, and are not tidal, so they do not provide suitable feeding areas for the over-wintering species associated with the SPA. If the freshwater sections of

these rivers were also of importance for the SPA bird species, then they would have been included in the SPA boundary. I am satisfied in this regard and I am screening out this Designated Site (River Shannon and River Fergus Estuaries SPA) at Stage 1 for all of the reasons outlined above. There appears to be a typographical error in conclusion of NIS, in that there is reference to the River Shannon and River Fergus Estuaries SPA even though it was screened out at Stage 1. Irrespective of this and in the interests of clarity, I reiterate that I am screening out the River Shannon and River Fergus Estuaries SPA at Stage 1 and I have not taken any mitigation measures into account when undertaking this screening.

12.0.17 The Slievefelim to Silvermines Mountains SPA has been designated for the protection of hen harriers and their breeding/roosting habitats. Hen harriers typically range over upland bogs, heaths, agricultural land, and conifer plantations. They are rarely, if ever, found in urban/suburban areas. Therefore, there is no risk that they could use the proposed development site and I again reiterate that I am screening out this designated site at Stage 1.

#### Invasive Species

12.0.18 I note Japanese Knotweed and Giant Hogweed are 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 and Giant Hogweed as there are no direct pathways linking the plant to any European site.

#### In-Combination Effects

12.0.19 In-combination effects have been considered (see section 2.3 of submitted Assessment) 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

12.0.20 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 that site, and Appropriate Assessment is therefore required.

12.0.21 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, 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. In terms of SPAs specifically, the habitats within the proposed development site are not considered suitable for any of the bird species associated with nearby SPAs.

- River Shannon and River Fergus Estuaries SPA (Site Code 004077)
- Slievefelim to Silvermines Mountains SPA (Site Code 004165)
- Glenomra Wood SAC (Site Code 001013)
- Clare Glen SAC (Site Code 000930)
- Glenstal Wood SAC (Site Code 001432)

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

#### Stage 2 Appropriate Assessment

12.0.23 Out of an abundance of caution, I am undertaking a Stage 2 AA on the Lower River Shannon SAC (002165). 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.

12.0.24 The submitted NIS lists that the main area of concern in relation to the Lower River Shannon SAC relates to potential pollution during construction due to pollutants arising during construction works, which could result in impacts on salmon, lampry and otters. In response, a series of best practice pollution prevention measures

have been proposed for the construction phase of the proposed development. These construction stage measures are listed in section 7 of the submitted NIS and have been detailed for concrete and cement; suspended sediments; hydrocarbons and chemicals. These are regularly used measures and are known to be effective.

### Potential Impacts

12.0.25 The following is noted:

- The proposed development site is not within or adjacent to the SAC, so there is no risk of direct impacts on habitats or species within the SAC.
- Potential Indirect Effects due to surface water pollution (construction phase) - pollution-prevention measures will be employed during construction works, in order to avoid or minimise the risk of impacts on the SAC.
- Potential Indirect Effects due to surface water pollution (operational phase) - will pose no risk to watercourses or the SAC at the discharge point.
- Potential Indirect Effects due to groundwater dewatering (construction phase) - no risk that groundwater will be encountered during construction works, nor that significant dewatering will be required.

### Potential In-Combination Effects

12.0.26 The proposed development site is currently zoned as a 'Residential Development Area' (Phase 1) in the Castletroy Local Area Plan 2019-2025. In summary, four developments were identified that could potentially lead to in-combination effects with the proposed development, if constructed concurrently. Pollution-prevention measures will be employed during the construction of the proposed development. 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. 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.

### Evaluation of Effects

12.0.27 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 an adverse effect on the Lower River Shannon SAC (002165).

### Appropriate Assessment Conclusion

12.0.28 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.

## **13.0 Environmental Impact Assessment (EIA) Screening**

13.0.1 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.)

13.0.2 The proposed development is for 137 residential units on a site c. 2.59 ha. The site is located within the administrative area of Limerick City and County Council and is

within a suburban area. The proposed development is considered to be 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 (as amended).

13.0.3 The criteria at schedule 7 to the Regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Assessment (section 9.1 of submitted Statement of Consistency) which includes the information required under Schedule 7A to the planning regulations. The Screening Assessment states that having regard to the criteria specified in Schedule 7 of the Planning and Development Regulations, 2001; the context and character of the site and the receiving environment; the nature, extent, form and character of the proposed development; the characteristics of potential impacts; that the proposal would not result in significant effects to the environment. I am satisfied that the submitted EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

13.0.4 The current proposal is an urban development project that would be in the built-up area but not in a business district. The proposal is for 137 residential units on a stated site area of 2.59 hectares. The nature and size of the proposed development is well below the applicable thresholds for EIA. The residential use would be similar to the predominant land uses in the area. The proposed development would be located on greenfield lands beside existing development. The site is not designated for the protection of a landscape. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Screening Report and Natura Impact Assessment that concludes that there will be no impacts upon the conservation objectives of the Natura sites identified.

13.0.5 The development would result in works on zoned lands. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. The proposed development would be a residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal.

The site is not located within a flood risk zone and the proposal will not increase the risk of flooding within the site. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance or a risk of accidents. The former use of the site is noted. The proposal will not give rise to significant environmental impacts. The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Outline Construction and Environmental Management Plan (CEMP) are noted.

13.0.6 The various reports submitted with the application (as listed in section 2 of the submitted letter to ABP) address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted development in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions and I have considered all information which accompanied the application including inter alia:

- Invasive Species Management Plan, prepared by NMEcology
- Bat Report, prepared by NMEcology
- Archaeological Assessment Report, prepared by RedArc Consulting
- Architectural/Urban Design Statement, prepared by Healy Partners Architects
- Preliminary Construction and Waste Management Plan prepared by Healy Partners Architects
- Tree Survey Report including Arboricultural Impact Assessment prepared by Austen Associates
- Landscape Design Statement prepared by Austen Associates
- Road Improvement Report, prepared by CST Group
- Traffic & Transport Assessment prepared by CST Group and
- DMURS Compliance Statement, prepared by BDB Consulting

13.0.7 In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Bord a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. An Energy Strategy Report has been submitted with the application, which has been undertaken pursuant to the EU Energy Performance of Buildings Directive and requirement for Near Zero Energy Buildings. An AA Screening Report and NIS in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) has been submitted with the application. A Preliminary Construction and Waste Management Plan has been submitted which was undertaken having regard to the EC Waste Directive Regulations 2011. An Operational Waste Management Plan has been submitted which was undertaken having regard to the EU (Household Food Waste and Bio-Waste) Regulations, 2015. I have also had regard to the SEA carried out in relation to the two statutory plans pertaining to the area, the CDP and LAP.

13.0.8 The EIA screening assessment prepared by the applicant has, under the relevant themed headings, considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

13.0.9 I have completed an EIA screening determination as set out in Appendix A of this report. That form should be read in conjunction with this section 13.

13.0.10 I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This



conclusion is consistent with the EIA Screening Statement submitted with the application.

13.0.11 I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.

13.0.12 A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## **14.0 Conclusion and Recommendation**

14.1 For the reasons outlined above, I consider that the proposal is in compliance with the proper planning and sustainable development of the area and I recommend that permission is GRANTED, subject to conditions set out below.

## **15.0 Reasons and Considerations**

Having regard to the following:

- (a) the site's location within an area with a zoning objective that permits residential development in principle;
- (b) the policies and objectives in the Limerick County Development Plan 2010-2016 (as extended);
- (c) the policies and objectives of the Castletroy Local Area Plan 2019-2025;
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (e) the Guidelines for Sustainable Residential Developments 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 Housing, Planning and Local Government in December 2020;
- (g) 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 in March 2013;

- (h) the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the Department of Housing, Planning and Local Government in December 2018;
- (i) the planning history of the site;
- (j) the nature, scale and design of the proposed development and the availability in the area of a wide range of community, social, retail and transport infrastructure;
- (k) the pattern of existing and permitted development in the area;
- (l) Chief Executive Opinion and associated appendices, including their recommended grant of permission;
- (m) the submissions and observations received, and
- (n) the report of the Inspector.

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

## **Recommended Draft Bord Order**

### **Planning and Development Acts 2000 to 2019**

#### **Planning Authority: Limerick City and County Council**

**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 21<sup>st</sup> day of April 2021 by Regal Park Developments Limited, care of HRA Planning, Limerick City.

#### **Proposed Development:**

A planning permission for a strategic housing development at Walkers Lane, Annacotty, Limerick. The site is bordered to the north by the R445 Dublin Road, to the west by the Castletroy College Road and to the south by a local road named Walkers Lane.

The development will consist of:

- 137 no. residential units comprising 61 no. apartments, 51 no. duplex units and 25 no. houses.
- The apartments are divided across two blocks (A & B) of four and five storeys respectively accommodating 2 no. 3 bed units, 52 no. 2 bed units, and 7 no. 1 bed units;
- The duplex units comprise two and three storey units providing for 24 no. 3 bed units, 25 no. 2 bed units and 2 no. 1 bed units;
- The housing units comprise two and three storey units providing for 7 no. 4 bed units and 18 no. 3 bed units;
- The proposed development will also include the provision of communal and public open space including a playground facility;
- Apartment Blocks A & B accommodate resident services and amenities including communal recreational spaces and communal rooftop gardens at ground and first floor levels;
- Provision is made for a basement car park under Apartment Block B providing for 61 no. car parking in addition to 122 no. car parking at ground level A total

of 120 no. bicycle spaces are provided within the apartment blocks and in 3 no. covered bicycle shelters;

- Access to the development is provided via a priority-controlled T-junction off Walker's Lane, with a footpath and cycle lane extending along the full extent of the southern site boundary adjoining Walkers Lane. A setback has been accommodated within the proposed development along the western site boundary adjoining Castletroy College Road to facilitate future road widening;
- Provision of ESB sub-station, SUDS drainage, and all ancillary site development works necessary to facilitate the development;
- The total floor area of the development is 16,458.1sqm (excluding basement level of 1,969sqm.).

The application contains a statement setting out how the proposal will be consistent with the objectives of the Castletroy Local Area Plan 2019 – 2025 and the Limerick County Development Plan 2010 – 2016 as extended.

A Natura Impact Statement has been prepared in respect of the proposed development.

## **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 Bord 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 Bord had regard to the following:

- (a) the site's location within an area with a zoning objective that permits residential development in principle;
- (b) the policies and objectives in the Limerick County Development Plan 2010-2016 (as extended);
- (c) Castletroy Local Area Plan 2019-2025;
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (e) the Guidelines for Sustainable Residential Developments 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 Housing, Planning and Local Government in December 2020;
- (g) 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 in March 2013;
- (h) the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the Department of Housing, Planning and Local Government in December 2018;
- (i) the planning history of the site;
- (j) the nature, scale and design of the proposed development and the availability in the area of a wide range of community, social, retail and transport infrastructure;
- (k) the pattern of existing and permitted development in the area;
- (l) Chief Executive Opinion and associated appendices, including their recommended grant of permission
- (m) the submissions and observations received, and
- (n) the report of the Inspector.

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

### **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 area, the Appropriate Assessment Screening document 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 applicant, 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, which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned to 'provide for new residential development and other services associated with residential development' in the Castletroy Local Area Plan 2019-2025, and the results of the Strategic Environmental Assessment of the plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The planning history relating to the site
- (e) The availability of mains water and wastewater services to serve the proposed

development,

(f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)

(g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

(h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Preliminary Construction and Environmental Management Plan (CEMP) .

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

### **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.



## 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 Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. 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.

**Reason:** In the interest of protecting the environment and in the interest of public health

3. Prior to commencement of development, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
  - (a) revised plans and particulars showing cycle and pedestrian connectivity onto the R445 Dublin Road from the proposed development site
  - (b) further details in relation to internal sightlines, so as to ensure such sightlines are not impeded by car parking areas
  - (c) Green roofs shall be provided for Blocks A and B and details of same shall be submitted
  - (d) All rear gardens of houses shall be bounded by concrete block walls, 1.8 metres high, which shall be rendered on both sides and capped. Concrete post and timber panels shall not be used

- (e) Privacy screens between balconies of apartments
- (f) Details of proposed playground equipment
- (g) Details of all proposed boundary treatments
- (h) Revised Surface Water Disposal Layout Plan which includes revised surface water calculations and revised hydraulic modelling

**Reason:** In the interests of proper planning and sustainable development, to safeguard the amenities of the area and to enhance permeability

4. All recommended measures outlined in the Tree Survey and Landscape Plan shall be implemented in full.

**Reason:** In the interests of biodiversity and protection of trees.

5. 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.

**Reason:** In the interest of visual amenity and to prevent the spread of alien plant species.

6. 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/An Bord Pleanála prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity.

7. A suitably qualified ecologist shall be appointed by the developer to oversee the site set-up and construction of the proposed development and the ecologist shall be present on site during construction works. Prior to commencement of development,

the name and contact details of said person shall be submitted to the planning authority. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the planning authority to be kept on record.

Reason: In the interest of nature conservation.

8. The developer shall provide for the following to the planning authority for its written agreement before the commencement of any clearance or development works on site:
  - (i) The developer shall submit a bat conservation plan for the site to include results of new bat activity and roost surveys of the site and measures to avoid injury to bats during tree felling on site. If a bat roost is identified in a tree to be removed on site, a licence from the NPWS to derogate from the Habitats Directive to destroy the bat roost should accompany this plan
  - (ii) Any clearance of trees or shrubs from the development site shall only be carried out in the period September to February inclusive, namely outside of the main bird breeding season

**Reason:** To avoid injury or death of individuals of a mammal species, namely bat species, protected under Habitats Directive (92/43/EEC) and to avoid destruction of bird nests, eggs and nestlings.

9. The internal road network, public footpaths within and outside the proposed development site, including car parking provision to service the proposed development, shall comply with the requirements of the planning authority for such works. In this regard:
  - (a) 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.

- (b) 2 No. car parking spaces shall be reserved for communal car sharing use only and shall be clearly delineated and signed for such use;
- (c) All other car parking spaces, with the exception of visitor parking, shall be sold with the residential units and shall not be sold separately or let independently;
- (d) 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.

**Reason:** In the interests of traffic, cyclist and pedestrian safety; to future proof the development and to protect residential amenity.

- 10. 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.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

- 11. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be

implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interest of residential and visual amenity.

12. (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.

(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.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

13. 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.

**Reason:** To provide for the satisfactory future maintenance of this development in

the interest of visual amenity.

14. 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.

**Reason:** To protect the residential amenity of property in the vicinity and the visual amenity of the area.

15. Drainage arrangements including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and surface water management.

16. The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

17. Proposals for the development name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment 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).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

18. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning

authority prior to commencement of any development.

**Reason:** To ensure the timely provision of services and facilities, for the benefit of the occupants of the proposed dwellings.

19. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(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.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

20. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide, inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise and dust management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

21. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of

broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

22. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays 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.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

23. 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

24. 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.

**Reason:** In the interest of sustainable waste management.

25. 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 –

(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,

(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, all necessary licences or consents under the National Monuments Acts 1930 to 2014 having been obtained,

(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,

(d) all archaeological deposits/features, within the area where groundworks will occur, which were recorded during previous test excavations, 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,

(e) all costs of archaeological work necessitated by, or arising from, the development shall be borne by the developer.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**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

26. 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.

**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.

27. 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 of roads, footpaths, watermains, drains, 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 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.

**Reason:** To ensure the satisfactory completion of the development.

28. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the 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.

**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.

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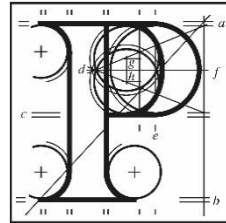
Lorraine Dockery

Senior Planning Inspector

22<sup>nd</sup> July 2021



**Appendix A: EIA Screening Form**



**An  
Bord  
Pleanála**

**EIA - Screening Determination for Strategic Housing Development Applications**

**A. CASE DETAILS**

<b>An Bord Pleanála Case Reference</b>		ABP-309999-21
<b>Development Summary</b>		Construction of 137 residential units and associated site works.
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	An EIA Screening Assessment, a Stage 1 AA Screening Report and Stage 2 NIS were submitted with the application

<p><b>2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b></p>	<p><b>No</b></p>	
<p><b>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b></p>	<p><b>Yes</b></p>	<p>SEA undertaken in respect of the Limerick County Development Plan 2010-2016, as extended, and Castletroy LAP 2019.</p> <p>See section 13.07 of my Report above</p>

<p><b>B. EXAMINATION</b></p>	<p><b>Yes/ No/ Uncertain</b></p>	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p><b>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</b></p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
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		<b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b>	
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			
<b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b>	<b>No</b>	The development comprises the construction of 137 residential units on lands zoned residential in keeping with residential development in the vicinity.	No
<b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b>	<b>Yes</b>	The proposal includes construction of an apartment complex/dwellings which are not considered to be out of character with the pattern of development in the surrounding area.	No
<b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy,</b>	<b>Yes</b>	Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a	No

<p><b>especially resources which are non-renewable or in short supply?</b></p>		<p>result of the development of the site are not regarded as significant in nature.</p>	
<p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction and Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>



<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction and Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p><b>No</b></p>
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<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. The operational development will connect to mains services. Surface water drainage will be separate to foul services.</p>	<p><b>No</b></p>
<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management</p>	<p><b>No</b></p>

		Plan will mitigate potential operational impacts.	
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Environmental Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p>	<p><b>No</b></p>

<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>
<p><b>1.10 Will the project affect the social environment (population, employment)</b></p>	<p><b>Yes</b></p>	<p>Redevelopment of this site as proposed will result in an increase in residential units of 137 no. units which is considered commensurate with the development of a residentially zoned site in the environs of Limerick City</p>	<p><b>No</b></p>
<p><b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b></p>	<p><b>No</b></p>	<p>Stand alone development, with minor developments in the immediately surrounding area.</p>	<p><b>No</b></p>
<p>2. Location of proposed development</p>			

<p><b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b></p> <ol style="list-style-type: none"> <li><b>1. European site (SAC/ SPA/ pSAC/ pSPA)</b></li> <li><b>2. NHA/ pNHA</b></li> <li><b>3. Designated Nature Reserve</b></li> <li><b>4. Designated refuge for flora or fauna</b></li> <li><b>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</b></li> </ol>	<p><b>No</b></p>	<p>An AA Screening Assessment and Stge 2 NIS accompanied the application which concluded no significant adverse impact on any European Sites.</p>	<p>No</p>
<p><b>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for</b></p>	<p><b>No</b></p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>No</p>

<p>breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>			
<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>No</b></p>	<p>The design and layout of the scheme considers all these built environment issues and mitigation measures are in place to address concerns.</p>	<p>No</p>
<p><b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b></p>	<p><b>No</b></p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>
<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>No</b></p>	<p>There are no connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.</p>	

<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>There is no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>

<p><b>3. Any other factors that should be considered which could lead to environmental impacts</b></p>			
<p><b>3.1 Cumulative Effects: Could this project together with existing and/or approved</b></p>	<p><b>No</b></p>	<p>No developments have been identified in the vicinity which would give rise to</p>	<p><b>No</b></p>

development result in cumulative effects during the construction/ operation phase?		significant cumulative environmental effects.	
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No trans boundary considerations arise	<b>No</b>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>		<b>No</b>

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<b>Yes</b>	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>	<b>No</b>		



## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned to 'provide for new residential development and other services associated with residential development' in the Castletroy Local Area Plan 2019-2025, and the results of the Strategic Environmental Assessment of the plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The planning history relating to the site
- (e) The availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (g) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- (h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Preliminary Construction and Environmental Management Plan (CEMP) .

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

**Inspector:** \_\_\_\_\_ **Lorraine Dockery**

**Date:** \_\_\_\_\_

**END**



