



An
Bord
Pleanála

Inspector's Report ABP 310296-21

Development	Development of 21 no. dwelling houses, new site entrance and associate site works
Location	Rathmale, Mungret, Co. Limerick
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	21/252
Applicant	Prime Bay Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party v. Refusal
Appellants	Prime Bay Ltd.
Observers	Aideen Cunnane & Others
Date of Site Inspection	11 th August 2021
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.1. Mungret is a small village which is situated on the south-western edge of the built-up area of Limerick City, to the west of Dooradoyle. The village is located c.2km to the south-west of the Dock Road junction on the N18 and a similar distance from Dooradoyle and it adjoins the Raheen Business Park. Mungret is accessed by means of the N69 (Tarbert/Listowel Road) and a roundabout junction and via the R859 which links the village with Raheen. The centre of the village is generally located around the R859 leading east from the roundabout, but also includes linear piecemeal development which has occurred along the L-1402 to the south of the roundabout. The village has a good range of facilities and services including several sporting facilities, a church, a take-away restaurant and a credit union.
- 1.1.2. The site is located within the townland of Rathmale in the south-western part of the village and is within the development boundary for the village. It is situated at the southern end of the L-1402, known locally as Pump Road, on the western side of the road. The northern end of Pump Road accommodates a soccer pitch with associated club house and grounds (Mungret Regional Football Club) which are sited on either side of the public road. There is a footpath along the eastern side of the carriageway with bollards outside the clubhouse and a pedestrian (zebra) crossing linking the clubhouse to the sports pitches opposite. To the south of this the road comprises extensive ribbon development on both sides of the carriageway, with no footpaths. Partway along Pump Road there is a cul-de-sac road leading to a small housing estate.
- 1.1.3. The site, which is roughly rectangular in shape, is relatively flat has a stated area of 0.86 hectares. It is a large agricultural field which is bounded by groups of trees and hedgerows. There is a bungalow with a large commercial sized shed on the site to the immediate north and a further, more recent bungalow, on the site to the immediate south, with a field to its rear. The western boundary is with agricultural fields. At the time of my inspection, there was a disused mobile home at the far western end of the field, a ruined shed and several horses were grazing the site. Access is gained by means of an existing agricultural entrance in the centre of the roadside boundary.

2.0 Proposed Development

2.1.1. The proposed development is for the construction of 21 no. dwelling houses comprising

- 1 no. 2-storey detached dwelling
- 14 no. 2-storey semi-detached dwellings
- 3 no. 2-storey terraced dwellings
- 1 no. detached dormer bungalow
- 2 no. semi-detached dormer bungalows

The detached dwellings are all 4-bedroomed with floor areas ranging from 1119m² to 122m². The semi-detached dwellings are comprised of 4 no. 3-bedroomed (floor area of 106m²-110m²) and 10 no. 4-bedroomed units, (floor area ranging from 117m² to 122m²). The terraced dwellings have a floor area ranging from 90m² to 110m² and are 3-bedroomed. All of the proposed dwellings would be 2-storey in height apart from Nos. 1, 2 and 3.

2.1.2. The proposed development includes internal access roads with access gained from the local road to the east via a new entrance. It is proposed to replace the existing front boundary with a stone wall and to provide a footpath adjoining the site. The existing boundary landscape screening around the remainder of the perimeter of the site will be retained and it is intended to plant further native trees and shrubs as part of the landscaping plans. The layout involves a T-shaped cul-de-sac estate road leading west from the entrance, which would have a dormer dwelling on each side. There would be two areas of open space, the main one to the north of the internal access road and a smaller one at the end of the cul-de-sac in the south-western corner of the site.

2.1.3. The density of the proposed development is 24 units/ha. A mix of housing units is proposed and 2 no. would be reserved as social housing. It is proposed to provide 2 parking spaces for each unit as well as visitor parking. The proposed development includes a lighting scheme. It is proposed to connect to the public water supply and to the public wastewater system. Separate foul and surface water systems would be

provided. Storm water will be attenuated to greenfield runoff and discharged to a new manhole on the existing line to the east of the site.

2.1.4. The application is accompanied by:

- Planning & Design Statement (Praxis Architecture)
- Engineering and Services Report (BDB Consulting Engineers)
- Public Lighting Report (Litho Circuits)
- AA Screening Report (Ash Ecology & Environmental)
- Natura Impact Statement (Ash Ecology & Environmental)

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The P.A. decided to refuse planning permission for one reason:

Having regard to the location of the site and the lack of a public footpath along the L1402 with the village core or a realistic proposal for the provision of same, the proposed development would generate increased pedestrian movement along the L1402 which would be inherently hazardous. Therefore, the proposed development would be premature in this regard, would endanger public safety by reason of traffic hazard, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report notes the contents of the technical reports and reports from the prescribed bodies summarised below, as well as the issues raised in the third-party objections. It is noted that the site is within the development boundary and is zoned Existing Residential in the Southern Environs LAP. It was further noted that the history of the site included two previous refusals of planning permission which was based on the lack of connectivity for pedestrians between the centre of the village and the site due to the lack of a public footpath. Despite the proposal to provide a

footpath, it was considered that there was no evidence of an agreement with Physical Development and that the Roads Section had recommended refusal. Refusal was recommended.

3.3. Other Technical Reports

- 3.3.1. **Area Engineer's report (Physical Development)** - Reference was made to the planning history on the site including the refusal of planning permission by the Board (304817 and Reg. Ref. 18/825) and to the subsequent application under 20/305, which had failed to address the reason for refusal by the Board. This had been based on the lack of a public footpath linking the site to the village which was considered to be unacceptable and hazardous for pedestrians and was therefore deemed to be premature development which would endanger public safety by reason of traffic hazard. Although the applicant (20/305) had submitted FI in respect of this matter, by proposing a footpath along the L-1402, but the proposal was sub-standard. In respect of the current application, it is noted that the applicant is also proposing to provide a public footpath but notes that it varies in width between 1.0m and 2.0m, and that the majority of the footpath is 1.2m wide. It was considered that it would fail to comply with the standards in DMURS and would also reduce the width of the public road in places. Refusal recommended.
- 3.3.2. **Archaeologist Report** – There are no known recorded monuments within the site. However, given the scale and greenfield nature of the site, there is a possibility of previously unknown archaeological material/artefacts. Monitoring conditions recommended.
- 3.3.3. **Environment** – required a site-specific waste management plan for the recovery/disposal of all waste arising from demolition/construction on site. In addition, provision to be made for appropriate storage and segregation of domestic/commercial/industrial waste.
- 3.3.4. **Housing Officer** – It was confirmed that an agreement in principle was reached with the applicant to comply with the Part V obligations in the form of a proposal to transfer two units to the Council, subject to specific details.

3.4. Prescribed Bodies

- 3.4.1. **Irish Water** in a letter dated 27/04/21 advised that the applicant would be required to enter into a pre-connection agreement and would have to sign a connection agreement prior to commencement of development. It was further advised that connection would be subject to the constraints of the IW Capital Investment Programme. There was no objection subject to conditions.

3.5. Third Party Observations

Objections received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3rd Party Observations on the grounds of appeal as summarised in section 6 below.

4.0 Planning History

- 4.1.1. **ABP.304817-19** – (18/825) - planning permission refused by the Board following a third-party appeal for the construction of 13 dwelling units on a slightly smaller site (which includes the site of the current appeal). The Reason for Refusal reads as follows:

Having regard to the prioritisation of pedestrian facilities, especially in the Design Manual for Urban Roads and Streets, the proposal fails to include within it any such facilities between the subject site and the village of Mungret. This site would continue to be accessed off the L-1402, which links the site to this village centre. However, over the greater proportion of this local road there is no public footpath. The proposal would generate increased pedestrian movement along this portion of the road, movement which would be inherently hazardous. Conversely, the absence of any pedestrian facilities would lead to an increase in the unsustainable use of private motorised transport. The prioritisation of pedestrian facilities would thereby be neglected and so, in these circumstances, the proposal would be premature and contrary to the proper planning and sustainable development of the area.

- 4.1.2. **PA. Reg. Ref. 20/305** – planning permission refused by the P.A. for the construction of 21 dwelling units and all associated works. The Reason for refusal -

Having regard to the location of the site and the lack of a public footpath along the L-1402 with the village core, or a realistic proposal for the provision of same, the proposed development would generate increased pedestrian movement along the L-1402 which would be inherently hazardous. Therefore, the proposed development would be premature in this regard, would endanger public safety by reason of traffic hazard, and would therefore, be contrary to the proper planning and sustainable development of the area.

This decision was appealed to the Board by the first party (Ref. ABP.309051) but was deemed invalid.

5.0 **Policy Context**

5.1. **National Planning Framework 2018**

The NPF seeks to focus growth in cities, towns and villages with an overall aim of achieving higher densities than have been achieved to date.

NP Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NP Objective 35 seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of old buildings, infill development schemes, area or site-based regeneration and increased heights.

5.2. **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)**

In order for small towns and villages to thrive and succeed, it is stated that their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past. New development should contribute to compact towns and villages and offer alternatives to urban generated housing in unserviced rural areas. The scale should be in proportion to

the pattern and grain of existing development. In terms of densities, centrally located development in small towns and villages could achieve densities of up to 30-40 dw/ha., whereas edge of centre sites should achieve 20-35 dw/ha. However, in order to offer an effective alternative to single houses in the surrounding countryside, it may be appropriate in a controlled situation to allow a density of 15-20 dwellings at the edge of a town or village, provided that it does not represent more than 20% of the housing stock of the village.

5.3. **Limerick County Development Plan 2010-2016 (as extended)**

5.4. Limerick County Development Plan 2010-2016 (as extended). Mungret is designated as a Tier 1 Limerick Gateway in the Settlement Strategy for County Limerick, along with Annacotty, Castletroy, Dooradoyle and Raheen. These areas are described in 3.5.1 as accommodating a wide range of services, employment, leisure and retail facilities of regional significance for the surrounding catchment area and are priority growth areas.

5.5. **Policy SS P1:** to recognise the role of 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.

5.6. **Policy SS P6:** 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.

5.7. **Objective SS 09:** To support this policy, it is an objective to monitor and review the LAPs for Castletroy and the Southern Environs in accordance with relevant legislation.

Policy HOU P3 and HOU P6 (a) seek to promote high quality living environments in new and existing residential areas in the interest of quality of life and sustainable communities, and which has regard to the pattern and grain of existing development.

5.8. Southern Environs Local Area Plan 2021 – 2027

A new Southern Environs Local Plan was adopted on the 19th April 2021 and came into effect on the 31st May 2021. The Planning Authority's decision (27/04/21) predates the adoption of the new Local Area Plan. This LAP replaces the zoning maps and many of the other maps of the previous extended LAP. It is stated that the Southern Environs LAP and the Castletroy LAP will be incorporated into the new Limerick Development Plan, which is due to be adopted in 2022, and which will replace both the current Limerick County Development Plan and the current Limerick City Development Plan.

The **Strategic Vision** for the **Southern Environs** is stated as

To fulfil the role of the Southern Environs, by providing for low carbon, sustainable and consolidated growth in a coherent spatial manner, protecting and maximising opportunities presented by the unique natural and built environment for green and public modes of transport, recreation and employment opportunities, while delivering an exemplar quality of life for all

The site is shown on the Zoning Map 1A as being located in an area zoned as '**Existing Residential**'. The zoning objective for this zone is -

To provide for residential development, to protect and improve existing residential amenity.

Section 5.5 – Residential Land Availability – identifies a need for 2,968 residential units in the Southern Environs during the lifetime of the plan. Approx. 90ha are identified as land suitable for new residential development and a Serviced Land Assessment Matrix identifies the infrastructure necessary to support future development.

Chapter 7 – Housing (7.2) emphasises the need for high quality residential developments, through intensification and consolidation of the existing built envelope of the Environs through redevelopment of brownfield, infill and vacant sites.

Policies H01 and H03 seek to ensure that development of serviced residential lands is sequential and that 40% is delivered within existing built-up areas on infill and brownfield sites.

Policy H02 seeks to promote and facilitate the development of the strategic lands at Mungret in accordance with the Mungret Masterplan.

Policy H04 seeks a higher density of housing of 45dw/ha at appropriate intermediate urban locations, particularly within 800m of University Hospital Limerick and Raheen Business Park and within 500m of existing or proposed quality public transport and a minimum net density of 35 dwelling units per hectare on all other lands.

Mungret is identified as a 'Development Opportunity' in Chapter 8. The Limerick/Shannon MASP recognises the potential for sustainable residential development in Mungret, for which a Masterplan has been prepared. This Masterplan is centred on residential lands at Mungret Park including former Mungret College lands, with the potential to yield c.1,950 dwelling units. The Plan proposes to create a vibrant neighbourhood with people friendly streets and spaces. The lands associated with the Masterplan area are located to the east and south-east of the centre of the village.

5.9. Natural Heritage Designations

There are two European Sites in the vicinity of the site. These are

- Lower River Shannon SAC (Site Code 002165) approx. 2km to north and approx. 4.2km to west.
- River Shannon and River Fergus Estuaries SPA (Site code 004077), approx. 2km to north and approx. 4.2km to west.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal is accompanied by a series of drawings comprising

1. Proposed Layout Plans MRD-LA-P01 to P07 inclusive
2. Proposed footpath layout along L1402 20-22-201
3. Footpath Layout Sheets 1-3 20-022-202-204 inclusive
4. Road sections 20-022-205

6.1.2. The submissions can be summarised as follows:

- **Lack of footpath along L1402** - The lack of pedestrian connectivity with the village, or realistic proposal for a footpath, is the principal issue and sole reason for refusal.
- **Premature Development disputed** – It is strongly disputed that this represents premature development as the developer had previously engaged with the P.A. under 20/305 and had reached agreement about the provision of a footpath connecting the site with the village. It had been agreed that the local authority would provide it as a Part 8 and that the developer would pay a levy as a special contribution. It is unclear why this agreement was not reflected in the final decision on 20/305.
- **Revised proposal to provide continuous footpath** – A revised proposal has nevertheless been submitted to the Board with the grounds of appeal. This would provide for a continuous footpath link on the existing carriageway without interfering with individual property boundaries. It is proposed to provide a footpath with a minimum width of 1.8m and a carriageway with a minimum width of 5.0m (apart from the pinch point to the north of the site entrance). It is stated that the intention is to replicate the existing footpath from the village core to the soccer club grounds, which is 1.5m wide with a carriageway of 5.0m width.
- **Solutions for pinch points** – It is proposed that at the pinch point immediately to the north of the site entrance there would be a short stretch of road comprising a single lane of 3.0m with a non-signalised shuttle arrangement and a speed cushion. This would involve a ‘Give-Way’, which would naturally slow and calm the traffic along the road. It is stated that a similar scheme was introduced in Corbally by Limerick City & County Council. This involved a Part 8 scheme at Mill Road, Corbally, Limerick with 5.0m carriageways with a short section where shuttle arrangements were used at pinch points along the road. A copy of the set of drawings relating to the Corbally Scheme was enclosed with the grounds of appeal.
- **Requires levy** - The developer is seeking the proposed footpath to be addressed by means of a levy, (a Special Contribution) in accordance with

Section 48(2)(c) of the Planning and Development Act 2000 (as amended). It is requested that the Board would determine the amount of money required for the works which involve road narrowing, rededication of road space to provide a new footpath (1.8m), new road lighting, traffic calming measures, new road markings, upgraded road signage, a new surface water drainage system and all ancillary works. It is sought that the Board would grant permission subject to a condition requiring the payment of a special contribution levy, which would be based on the Board's estimation of the costs.

- **Suitability of existing L1402 road** – The road is served by public lighting and is within the 50kph limit. It is therefore effectively an urban street serving zoned lands. It is possible to provide a standard regulation footpath whilst respecting minimum carriageway widths and existing front boundaries, which would benefit the whole community.

6.2. Planning Authority Response

The P.A. has not responded to the grounds of appeal.

6.3. Observations

6.3.1. Observations were received from Aideen Cunnane & Others, with an address at Rathmale, Mungret, Limerick. The 'Observation Party' contains 10 individuals, including Aideen Cunnane.

6.3.2. The main points of these observations may be summarised as follows:

- **Concurs with previous decisions by Board and P.A. to refuse permission** – Reference is made to the previous refusals under ABP. 304817-19 and P.A. Reg. Ref. 20/305. The reasons for refusal on these cases are fully supported as the road is not in a position to safely afford development. There has been no change in circumstance on the Local Road in the intervening period. There has been no consultation with the observers who all live on the lane regarding an upgrade of the road.

- **DMURS** - The minimum width of a footpath is 1.8m and of a standard carriageway is 5.0 to 5.5m, as required by DMURS. The developer claims that the road widths available indicate that the road in question can be classified as a 'local street'. The Observers disagree as the road links three villages and is heavily trafficked and is more like an arterial route. Even if it is accepted that the road is an 'urban street', the required width is unattainable, particularly at the pinch points.
- **Pinch points** – several pinch points exist such as outside Ms McLysaght's property and Mr Shire's property. The road width at this point is 6.4metres which is wholly inadequate and currently does not allow two cars to pass and a utility lorry/school bus takes up the whole road. It is not possible to achieve the required road or footpath width to ensure pedestrian safety along the road.
- **Southern Environs LAP** – The LAP has been extended to May 2021. Planning applications for single houses in the area are subject to restrictions and objectives of the LAP. For example, Objective T7 encourages the development of safe and efficient movement and prioritises walking, cycling and public transport etc. and requires facilities and access for people with disabilities in the community. However, this objective cannot be met as the proposed footpaths are too narrow for walking, the carriageways are too narrow for cycling and no cycle lanes are provided. A 5.0m width restriction would impede the provision of a bus service. The proposal has not addressed Objective T9 either which seeks to improve the provision of public transport facilities serving the area.
- **Mungret Masterplan** – The current Masterplan proposes the construction of 800 houses, of which 201 are currently under construction. The P.A. should have required a master plan including a detailed Environmental Impact Statement, taking into account the cumulative impacts of several housing developments in the area. There are over 1200 housing units either at planning stage or at construction the following developments are taking place in Mungret at present –
 - 146 houses at Skehacreggaun (12/7132)
 - 201 houses at Mungret Gate (16/1198)

- 12 units at Mungret Village (21/364)
- Part 8 planning for 253 residential units at Quins Cross (21/800)
- Construction of 96 units at Mungret (20/114)
- Construction of 29 units at Mungret (20/467)

7.0 Planning Assessment

I would agree that the principal issue arising from the appeal is the absence of appropriate pedestrian connectivity between the site and the core of the village of Mungret, and the planning authority's view that there is no realistic proposal for the provision of same. However, other issues raised by observers include whether the proposal complies with the Local Area Plan and DMURS and traffic issues. It is considered that the following issues arise from the appeal:

- Principle of development
- Adequacy of layout and density
- Traffic and road safety
- Proposed pedestrian connection with village core
- Environmental Impact Assessment
- Appropriate Assessment

7.1. Principle of development

- 7.1.1. Mungret is designated as a Tier 1 Gateway in the Settlement Strategy of Limerick County Development Plan (2010 as extended) and represents one of the significant growth centres within the Southern Environs, as set out in the new LAP. This LAP came into effect on 31st May 2021, after the lodgement of the current appeal. However, its status as a growth centre has not altered. The Southern Environs is largely urban in nature and benefits from a strategic location within the Limerick/Shannon Metropolitan Area and by its proximity to Limerick City, to several significant National Routes (M20 M7 M18) and to a number of significant assets such as the Regional Hospital, Raheen Business Park etc.

- 7.1.2. The NPF requires that 50% of all new housing within Limerick City occurs within the existing city and suburbs footprint, which includes the Southern Environs. The LAP identifies a need for 2,968 dwelling units to be provided within the S.E. area up to 2027, of which 240 units have already been provided. The LAP, in line with the MASP, recognises the potential of Mungret to provide sustainable residential development, which is reflected in the Limerick 2030 DAC Masterplan for the village. This Masterplan was amended in May 2016 (Amendment No. 2 to the Southern Environs LAP 2011-2017 as extended) and is referenced in the new LAP for the Southern Environs 2021 (Sections 7.2 and 8.3.1). It is stated that these strategic residential lands have the potential to yield approximately 1,950 dwelling units. A number of sites have been identified, which are served by infrastructure and are located in close proximity to public transport and are described as being suitable for higher density developments. In the new LAP, densities of 45 dw/ha are recommended in new residential areas which are close to major employment centres and 35dw/ha on new residential lands elsewhere.
- 7.1.3. The planning policy framework for the area indicates that the Southern Environs, and Mungret Village Masterplan in particular, are earmarked for the delivery of a significant element of the housing provision for Limerick City. It is noted that the quantum of housing units (1,950 units) that is expected to be provided within Mungret represents 66% of the total number of housing units required until 2027 in the entire Southern Environs area. However, the Masterplan envisages the development of lands to the east and south-east of the village core. The site of the proposed development, which is to the south-west of the village core, is not located within the proposed new housing zones, nor is it included in the map of the serviced sites identified in the LAP as being suitable for residential development.
- 7.1.4. Notwithstanding this, it is considered that the zoning of the site as 'Exiting Residential', together with the location of the site within the development boundary and in close proximity to the village centre, makes it a suitable location for a residential development in principle. It is acknowledged, however, that there is a problem with the connectivity with the village centre, with the lack of a public footpath, which needs to be addressed. It is noted (from the 2011 LAP) that the village has had the benefit of a Village Renewal Scheme which resulted in significant improvements to the public realm in 2013 including re-surfacing, tree planting, public

lighting, and a combined cycleway/footway to the east of the village core. The L-1402 serving the site of the proposed development has not had the benefit of such improvements and there does not appear to be any specific objective to improve the road to the south of the soccer grounds.

- 7.1.5. It is considered, therefore, that the proposed development is acceptable in principle in terms of its zoning and location but is considerably constrained due to its lack of appropriate connectivity with the village core. The Masterplan for Mungret seeks to create a walkable and cycle friendly neighbourhood that provides easy access to schools and amenities through safe and attractive network of streets and paths. Thus, the acceptability of the proposed development is dependent upon the ability to achieve an appropriate and safe pedestrian link with the village core.

7.2. **Appropriateness of Density, Scale, Design and Layout of development**

- 7.2.1. The guidance in the national and local policy framework (as summarised at Section 5.0 above), seeks to achieve higher densities in general. This would result in a density of 35-50 dwellings per hectare in centrally located sites and 20-35 units/ha in edge of town locations. However, it is noted that in the recently adopted Southern Environs LAP 2021-2027, a density of 45dw/ha is sought at appropriate intermediate urban locations, particularly within 800m of University Hospital Limerick and Raheen Business Park and within 500m of existing or proposed quality public transport. However, elsewhere a minimum net density of 35 dwelling units per hectare on all other lands is required. The site of the proposed development is located within a section of the village which is zoned 'Existing Residential' and where the village has expanded in an organic and linear fashion over the years. It is considered, therefore, that the density of development should reflect the fact that this is an infill site which needs to protect existing residential amenity.
- 7.2.2. The proposed development represents a density of approx. 24dwellings/ha. This is considered appropriate in this context and would provide for a high quality of design which would respect the established character of the surrounding area. The configuration of the site combined, with the nature of the uses of the adjoining lands, have strongly influenced the layout and design of the development. It is a long narrow site which restricts the layout, resulting in the open space being sited alongside the northern boundary. However, this facilitates a southerly orientation for

both the POS and the majority of the rear gardens as well as facilitating easy access and passive surveillance of the open space. It is considered that the landscape and open space strategy would facilitate the integration of the development into the character of the village in this edge of village location.

- 7.2.3. The gardens generally meet or exceed the minimum standards and the upper floor windows meet the 22m separation distances. It is considered, based on the layout combined with the proposed landscaping scheme, that issues of overlooking and/or loss of privacy are unlikely to be of material concern. It is noted that most of the proposed dwellings would have south-facing gardens. There is a variety of house types provided, although they are generally semi-detached or detached.
- 7.2.4. On balance, it is considered that the proposed development would not detract from the character of the village, would not adversely affect the residential amenities of the surrounding area, and is responsive to the conditions on site and is respectful of the existing built fabric and heights with an appropriate density whilst providing for adequate amenity for prospective occupants.

7.3. Traffic, access and road safety

- 7.3.1. Access is proposed via the L1402, which is a local road serving mainly single houses, farmhouses and agricultural lands. It branches off the R859 at the western edge of the village. There have been significant improvements to the road surface and pedestrian/cycle environments along the R859 in recent years. The L1402 leading to the site, however, remains substandard in width and surfacing and due to the lack of any footpath to the south of the soccer club grounds. However, it should be noted that the section leading to the site is within the village speed limit (50kph). The proposed development includes provision for improved sightlines at the entrance (75m in each direction) and to provide road markings and signage in accordance with NRA guidelines. It is further proposed to provide a footpath linking the site and the village core, to facilitate pedestrian connectivity with the village.
- 7.3.2. It is noted that the planning authority considered that the proposed footpath linking the site with the village would vary in width between 1.0m and 2.0m, but would be mainly 1.2m wide, and that the proposal would also require a reduction in the width of the public road in sections. The P.A. Road Engineers, however, considered that the proposed footpath widths were not in accordance with the required widths in

DMURS for safe use by pedestrians, and that this factor, together with the reduction in the width of the road would mean that the P.A. could not approve of the proposed scheme. As such, refusal of permission was recommended. The applicant has responded to the refusal of permission by submitting a revised proposal for the provision of a footpath for the 223m length of the local road. This will be discussed in the following section.

- 7.3.3. It is considered that the need to provide an appropriate and safe pedestrian link to the village core is of critical importance to the acceptability of the proposed development. On the basis of the scheme submitted to the P.A. with the planning application, I would concur with the recommendation of the Roads Engineer and the decision of the planning authority. I will now examine the proposed revised pedestrian link submitted with the grounds of appeal.

7.4. Proposed pedestrian connection with village core

- 7.4.1. The revised scheme submitted to the Board on the 21st May 2021 provides for a continuous footpath link of 1.8m, together with a road carriageway width of 5.0m for all but one short stretch, where the width would be reduced to 3.0m. This pinch point, which is just to the north of the appeal site would be managed by a proposed 'shuttle system' whereby vehicles would have to give way to each other, with a speed cushion measure to assist with this process. It is submitted that a similar system was used in Corbally by Limerick City and County Council recently. The first party claims that the revised proposal would not interfere with any individual property boundaries. However, it is not clear whether this statement is based on a survey of each individual property boundary. It is further claimed that the proposed scheme would comply with the requirements and standards set out in DMURS.
- 7.4.2. DMURS recommends a move away from regulatory environments and segregated streets towards a more integrated design approach which would seek to enhance the value of place and improve pedestrian/cycle environments. However, such an approach is very much dependent on the movement function of a street and its context within the overall street network. DMURS classifies streets according to movement function ranging from Arterial Streets to Link Streets and to Local streets, and notes that many rural fringe areas are likely to fall into a transition zone. The BDB document submitted with the grounds of appeal describe the existing road as

an urban street which is wide enough for two-way traffic and an undefined road verge. It is stated that the road width varies from 6.4m to 5.0m, with one section to the south of the site being 4.8m wide. The road is bordered by residential boundaries comprised of stone walls, timber fences and gateways.

7.4.3. It is considered that the proposed scheme may well be a viable proposal for improving pedestrian connectivity between the site and the village centre and in providing for a safe pedestrian environment. However, there is insufficient information provided to establish what the movement function of this road is, what the vehicular and pedestrian activity on the road is at present, and as such, whether this is the most appropriate solution for this road. It is considered that the function of the road is likely to be higher than a local street as it links the village with other villages and residential clusters nearby. The proposed footway at 1.8m is the bare minimum recommended in DMURS (Fig.4.34) and there are no proposals/room for any buffer measures such as verges or strips. As the road carriageway will also be the bare minimum recommended at 5.0m (for most of the length), there is little flexibility built into the design. The street frontage is also peppered with numerous driveway entrances, which should not involve a change in level of the footpath according to DMURS, to maintain pedestrian priority. In addition, the road currently accommodates visitor parking in an informal manner, which allows for visitors to individual houses as well as the various venues along the street (e.g. soccer club). The proposed design would be likely to prevent such parking along the road as the reduced width would probably obstruct the flow of traffic.

7.4.4. In light of these circumstances, it may be that an alternative design solution, such as a shared surface street, may be more appropriate to the function and character of the street. As the PA has not responded to the grounds of appeal and revised proposals, it is difficult to come to any definitive view on the matter. Given the nature and character of the road, together with the considerable objection from the existing residents to the current proposals, it is considered that the introduction of a new street design should ideally have some level of public support and input into the design process. The current Southern Environs LAP, (which came into effect on 31/05/21), includes several transport related objectives within the village of Mungret, but none of them include the upgrading of the local road serving the site.

- 7.4.5. It is considered, therefore, that the proposed development incorporating the revised proposals for a footpath linking the site with the village centre as shown on the drawing submitted on the 21st May 2010, would not overcome the previous reasons for refusal for similar housing developments upon which the decisions of the Board (304817) and the planning authority (20/305) were based. I would therefore agree with the planning authority's reason for refusal in respect of the likely increased pedestrian movement along the L-1402 which would be inherently hazardous in the absence of a public footpath or the realistic proposal for the provision of same.
- 7.4.6. However, I am not aware of any current proposals in the Southern Environs LAP 2021 which indicate that it is the intention of the planning authority to provide a footpath along the L-1402 at some time in the near future. For this reason and given the uncertainty regarding the most appropriate design for the proposed pedestrian link to the village, it is considered that it would be inappropriate to address the matter by way of a special contribution condition. Accordingly, it is considered that the proposed development should be refused on the grounds of inadequate pedestrian connectivity between the site and the village.

7.5. Environmental Impact Assessment

- 7.5.1. Class 10(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required where more than 500 dwelling units would be constructed and where 10-hectare urban sites would be developed. The proposal is for the development of a site with a stated area of 0.86ha to provide 21 dwelling units. Accordingly, it does not attract the need for a mandatory EIA.
- 7.5.2. The site is located within the built-up area of an existing village and is approx. 2km distant from any European sites or other sites of conservation interest. Having regard to the nature and scale of the proposed development and to its location within the development boundary of Mungret village, on serviced and zoned lands, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.6. **Appropriate Assessment - Screening**

7.6.1. **Compliance with Article 6(3) of the Habitats Directive**

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, Section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background to the application

- 7.6.2. The application is accompanied by an Appropriate Assessment Stage 1: Screening Report and a Stage 2: Natura Impact Statement Report. These reports were completed by Ash Ecology & Environmental Ltd. It is considered that the Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European sites within a possible zone of influence of the development. The submitted Screening Report identified five European sites within a 15km radius of the site. It is stated that the distances between the appeal site and the Lower River Shannon SAC and the R. Shannon and R. Fergus Estuaries SPA, respectively, is 1.6km and that the distances from Askeaton Fen Complex SAC, Tory Hill SAC and Curraghchase Woods SAC were 4.4km, 9.7km and 11.6km respectively. The three most distant sites were screened out on the basis of distance and lack of a hydrological connection, but the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA were not screened out.
- 7.6.3. The submitted Screening Statement concluded that significant effects cannot be ruled out as there may be tenuous connections to the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA via surface water. The hydrogeological Zone of Influence of the proposed development was stated as not extending beyond the boundary of the site. It was therefore concluded that there is no risk of impacts to groundwater affecting any European sites. Any pathway over land or via air was also ruled out.
- 7.6.4. The likely significant risks to these European sites arise (in the absence of mitigation) from the potential for the proposed development to affect water quality in the receiving aquatic and estuarine environments, via surface water. It was identified that an accidental event during construction works and/or during operation of the development may generate pollutants, which could potentially cause impacts on the

qualifying interests of the SAC and the SPA, alone or in combination with other plans or projects. It was stated 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 SCA and SPA. It is noted that an NIS has been submitted.

- 7.6.5. The submitted NIS sets out a series of proposed construction management measures and concludes that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the European Sites Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077), or any other European sites, in view of the Sites' Conservation Objectives.

Screening for Appropriate Assessment

- 7.6.6. The project is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

Description of Site and Surroundings

- 7.6.7. The applicant has provided a description of the site in Sections 1.3, 2.4 and 2.5 of the Screening Report. The site can be described as follows (but please see Section 1.0 above for a full site description):
- It is located in a suburban setting to the south-west of Limerick City in the village of Mungret, which is effectively a rural village which has been absorbed into the expanding built-up area. The site is located on the L-1402, which has been developed incrementally with ribbon development. The surrounding development comprises residential properties to the north and south, agricultural fields to the west and south-west and the local road to the east.
 - The site is a greenfield site comprising improved agricultural grassland with a stated area of 0.8435ha. There are mature hedgerows and treelines along the northern, southern, eastern and western boundaries. There is a vacant mobile home present on the site and there were horses grazing at time of inspection.

- The underlying bedrock is Visean Limestones (undifferentiated). The subsoils are 'Till derived from Limestone' and are described as medium permeability in the GSI. The aquifer vulnerability is described as High, which it is stated indicates an overburden depth of 3-5m with low permeability soil present. There are ridges of raised ground to the south and south-west of the proposed development site, which are located between the site and the Rathmale Stream.
- The Groundwater Body is the Limerick City Southwest GWB which is currently classified as 'Poor Status' and is at risk of not achieving good status under the Water Framework Directive. However, the hydrogeological Zol does not extend beyond the site boundary.
- There are no rivers, streams or areas of standing water within or adjacent to the proposed development site. The Screening Report describes the site as lying within the Barnakyle WFD River Sub Basin. The closest watercourse is the Rathmale Stream which is located approx. 880m to the west. It is further stated that the Rathmale Stream drains into the River Maigue, which in turn discharges to the Upper Shannon Estuary at Carrigclogher Point, some 6.3km downstream of its confluence with the Barnakyle River. The Q-value of the Barnakyle River is 3-4 upstream (EPA 2017). The River Maigue, which is tidal downstream of its confluence with the Barnakyle River, is classified as an Intermediate Quality Transitional Waterbody' under the WFD classification. The Upper Shannon Estuary is classified as an 'unpolluted' transitional waterbody. However, the site of the proposed development is not located within the Barnakyle River sub-catchment but is within the adjoining Ballynaclough River sub-catchment. This will be discussed further below.
- No invasive species were found during field surveys in August of 2020.

Description of project

7.6.8. The applicant provides a description of the project in Section 1.3 of the Screening Report. In summary the development comprises

- Construction of 21 housing units with a mix of detached, semi-detached and terraced houses, which are mainly 2-storey (see Section 2.0 above for a detailed description of the project).

- The main civil engineering works involve
 - Excavation of material and delivery of imported fill, crushed stone, concrete, reinforcement and other construction materials
 - Hardstanding and management of surface water, foul sewer drainage and process water
 - Installation of new surface water and foul drainage constructed as part of the development of the proposed car parking
 - Construction of a temporary car park with hardcore
 - Other construction activities including the temporary storage of soils, cement and concrete materials and hydrocarbons for refuelling of construction vehicles.
- Separate foul and surface water drainage systems would be provided. The proposed development will connect to the local foul sewer network and will be treated at the Limerick City and Environs WWTP in accordance with its WDL licence, before discharging to the Upper Shannon Estuary. The Treatment Plant is operating within capacity and providing a high level of treatment prior to discharge to the River Shannon.
- Surface water will be attenuated to a greenfield rate and discharged to the proposed new storm sewer manhole on the existing line to the east of the site which links into the public system.
- Construction phase wastewater/foul effluent will be managed at a temporary site compound with all waste removed from site by licensed waste disposal.

7.6.9. Taking into account the characteristics of the proposed development in terms of its location and the nature and scale of the works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related uncontrolled surface water pollution arising from an accidental pollution event.
- Accidental pollution event arising during the operational phase affecting surface water quality.

7.6.10. Habitat loss/fragmentation and/or the disturbance of habitats and species were ruled out on the basis of distance from a European site and the lack of any suitable habitats on the site to support species for which the sites have been designated.

European Sites

7.6.11. 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 of the proposed development is not located within or immediately adjacent to a European Site. The closest European sites are Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) which are located within 2km of the site.

7.6.12. A summary of the European Sites that occur within a possible zone of influence of 15km is presented in the table below. Where a possible connection between the development and a European Site has been identified, these sites are examined in more detail.

Designated European Site	Distance	Qualifying Interest/ Conservation Objectives	Connections (source pathway receptor)	Considered further in screening Y/N
Lower River Shannon (Site code 002165)	2.0km to north – closest point	<p><u>Annex I Habitats</u></p> <p>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 meadows, salt marshes, water courses, Molinia Meadows, Alluvial forests</p> <p><u>Annex II Species</u></p> <p>Freshwater pearl mussel, sea lamprey, brook lamprey, river lamprey, salmon, bottlenose dolphin, otter</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>	Potential pathway identified in Screening Report via the surface water drainage network which ultimately drains to the Lower River Shannon SAC via the Rathmale Stream, the Barnakyle River, The River Maigne and the Upper Shannon Estuary	Yes

<p>River Shannon and River Fergus Estuaries SPA (Site code 004077)</p>	<p>2km to north</p>	<p><u>Qualifying interests</u></p> <p>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>	<p>Potential pathway identified in Screening Report via the surface water drainage network which ultimately drains to the Lower River Shannon SAC via the Rathmale Stream, the Barnakyle River, The River Mague and the Upper Shannon Estuary</p>	<p>Yes</p>
<p>Askeaton Fen Complex SAC (site code 002279)</p>	<p>9.5km to west</p>	<p><u>Qualifying interests</u></p> <p>Calcareous Cladium fens, Alkaline fens</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</p>	<p>No hydrological connection</p>	<p>No due to distance and absence of hydrological link</p>

		NPWS website in relation to each qualifying interest.		
Tory Hill SAC (Site code 000439)	10km to south	<p><u>Qualifying interests</u></p> <p>Dry calcareous grasslands, Calcareous Cladium fens, Alkaline fens.</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>	No hydrological connection	No due to distance and absence of hydrological link
Curragh Chase Woods SAC (Site code 000174)	11.5km to west	<p><u>Qualifying interests</u></p> <p>Alluvial forests, Taxus baccata woods, Vertigo moulinsiana, Rhinolophus hipposideros</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>	No hydrological connection	No due to distance and absence of hydrological link

- 7.6.13. 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 a hydrological or other connection to the development site.
- 7.6.14. I consider that there is no possibility of significant effects on Askeaton Fen Complex SAC (00002279), Tory Hill SAC (000439) or Curraghchase Woods SAC (000174), having regard to the conservation objectives relating to the qualifying interests of these sites, due to distances between these sites and the site of the proposed development, the intervening land uses and the absence of any hydrological or other linkage between the development and these European sites. I therefore concur with the applicant and am screening out these designated sites at Stage 1.

Identification of likely effects

The Lower River Shannon SAC

- 7.6.15. This site 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. NPWS publications highlight the specific attributes and targets for the various qualifying interests in the SAC. This European site is located approx. 2km to the north of the site and approx. 4km to the west of the site. There is no direct hydrological pathway from the development to the SAC. However, the Rathmale Stream is approx. 880m to the west and it discharges to the Barnakyle River, which in turn discharges to the River Mague and from there to the Upper Shannon Estuary, thereby reaching the SAC. The Screening Report identifies a potential pathway via the surface water drainage network and the European site via the Rathmale Stream, Barnakyle River, the River Mague and the Upper Shannon Estuary. Pathways via land and air are ruled out due to the distances involved.
- 7.6.16. This potential pathway via surface water has not been specified in any detail in the Screening Report and it is acknowledged that it may involve a tenuous connection to the Lower River Shannon SAC via surface water. Construction works were identified as having the potential to generate pollutants, which could potentially cause impacts on the qualifying interests of the SAC. An accidental pollution event during operational phase was also identified as having the potential to affect water quality via the surface water drainage network. The Screening 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.

7.6.17. In terms of the potential hydrological link to the SAC, it is noted that the lower part of the Barnakyle River, the River Maigue downstream of its confluence and the Upper Shannon Estuary all lie within the Lower River Shannon SAC. However, the EPA Catchment Maps indicate that the site of the proposed development does not lie within the Barnakyle River sub-basin, but instead lies within the Ballynaclough sub-basin. The Rathmale Stream also lies within the Barnakyle sub-catchment. The Ballynaclough sub-catchment also includes land uses such as the Castlemungret Cement Factory and several national roads, which lie in the intervening lands between the development site and the SAC. The distance between the development site and the SAC, at its closest point, is estimated to be 2km, with no obvious hydrological connectivity between the sites. There are no surface water features on or adjacent to the site of the proposed development. It is considered, therefore, that it is unlikely that there is any realistic possibility of a hydrological link to the SAC. I do not, therefore, concur with the conclusions of the Screening Report that the Lower River Shannon SAC should be screened in for further assessment.

River Shannon and River Fergus Estuaries SPA (004077)

7.6.18. This 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. 2km to the north of the development site, and covers the estuarine section of the River Shannon, downstream of Limerick City Centre. There is no direct hydrological pathway from the development to the SPA, but the Screening Report has identified the potential for a very distant hydrological connection to the SPA from surface water runoff via the River Shannon. The Rathmale Stream is approx. 880m to the west and it discharges to the Barnakyle River, which in turn discharges to the River Maigue and from there to the Upper Shannon Estuary, thereby reaching the SPA. Pathways via land and air were ruled out due to the distances involved.

7.6.19. In terms of the potential hydrological link to the SPA, it is noted that the River Maigue downstream of its confluence with the Barnakyle River and the Upper Shannon Estuary all lie within the River Shannon and River Fergus SPA. However, the EPA

Catchment Maps indicate that the site of the proposed development does not lie within the Barnakyle River sub-basin, but instead lies within the Ballynaclough sub-catchment. The Rathmale Stream also lies within the Barnakyle sub-basin. The Ballynaclough sub-catchment also includes land uses such as the Castlemungret Cement Factory and several national roads, which lie in the intervening lands between the development site and the SPA. The distance between the development site and the SPA at its closest point is estimated to be 2km, with no obvious hydrological connectivity between the sites. There are no surface water features on or adjacent to the site of the proposed development. It is considered, therefore, that it is unlikely that there is any realistic possibility of a hydrological link to the SPA. I do not, therefore, concur with the conclusions of the Screening Report that the River Shannon and River Fergus SPA should be screened in for further assessment.

- 7.6.20. In conclusion, it is considered that there are no potential pathways via surface water to either the Lower River Shannon SAC or the River Shannon and River Fergus SPA, and that potential pathways via groundwater, air and land have also been screened out due to the distances involved.

Habitat suitability for SPA Bird Species

- 7.6.21. 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 c.2km to the north of the proposed development site at its closest point and c.4km to the west. The primary habitats for 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 one of these habitats which would be potentially suitable for these species within the boundary of the proposed development site is grassland.
- 7.6.22. The grassland on the site is improved agricultural grassland which was being grazed by horses at the time of my inspection. The site is relatively constrained in terms of its configuration, being long and narrow and is situated in the middle of a built-up residential area. The size, layout and location of the site would not make it a particularly suitable one for waterfowl and large birds, who generally need time and space to take flight and to be confident of the absence of any predators. They would

not therefore tend to favour relatively small sites within a built-up area for feeding, particularly when there would be an abundance of higher-value grazing habitat along the banks of the Shannon estuary, which would be much closer to the SPA. There is no evidence that the area within which the appeal site is located is prone to flooding, and as such, the site would be unlikely to support wetland habitat suitable for overwintering birds.

- 7.6.23. In the absence of any realistic potential for a pathway to the European sites and to the absence of any suitable habitats for bird species associated with the SPA, it is considered that the Lower River Shannon SAC 9002165) and the River Shannon and River Fergus Estuaries SPA (004077) should be screened out at Stage 1.

Invasive species

- 7.6.24. The field surveys of the site did not identify any invasive species on the site of the proposed development. As stated previously, there are no direct or indirect pathways linking the site to the European sites in the overall area. It is considered, therefore, that effects on the European sites are not likely to arise as there is no evidence of existing invasive species and no pathway linking such plants to the European sites.

In combination effects

- 7.6.25. In-combination effects have been considered by the applicant. I am satisfied that the proposed development in combination with other permitted developments and plans in the area, which in themselves have been screened for AA, would not be likely to have a significant effect on any European Site.

Mitigation measures

- 7.6.26. No measures designed or intended to avoid or reduce any harmful effects of the project on a European site have been relied upon in this screening exercise.

Screening Determination

- 7.6.27. 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 project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site No. 002165 Lower River Shannon SAC or European Site No. 004077 River Shannon and River Fergus Estuaries SPA,

or any other European Site, in view of the sites' Conservation Objectives. Appropriate Assessment is therefore not required.

7.6.28. This determination is based on the following:

The distance of the proposed development from the European Sites and the demonstrated lack of any ecological connections or suitable habitat for overwintering birds.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above-described development be refused for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the location of the site within the development boundary for Mungret which is accessed by means of the L-1402, and to the substandard nature of this road in terms of its width and surfacing and to the lack of a public footpath along the road to the village core, it is considered that the proposed development would generate increased pedestrian movement along the L-1402 which would be inherently hazardous, notwithstanding the proposal to provide a proposed footpath link between the village and the proposed development, as submitted to the Board on the 21st May 2021. Furthermore, having regard to the prioritisation of pedestrian facilities, particularly in the Design Manual for Urban Roads and Streets issued by the Government of Ireland in 2019, the absence of any pedestrian facilities would lead to an increase in unsustainable use of private motorised transport, and the prioritisation of pedestrian facilities would therefore be neglected. The proposed development would, therefore, be premature in this regard, would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

Mary Kennelly
Senior Planning Inspector
2nd September, 2021