



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
ABP-311114-21**

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<b>Strategic Housing Development</b>	167 no. residential units (45 no. houses, 122 no. apartments), creche and associated site works.
<b>Location</b>	Lands to the south of Condell Road, R527, Clonmacken, Co. Limerick.
<b>Planning Authority</b>	Limerick City and County Council
<b>Prospective Applicant</b>	The Clonmacken Partnership
<b>Date of Consultation Meeting</b>	12/11/2021
<b>Date of Site Inspection</b>	29/10/2021
<b>Inspector</b>	Conor McGrath

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## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The subject site comprises a stated area of 6.41ha, located approx. 2 km west of the city centre. The lands are in agricultural use and located to the southwest of the Condell Road (R527). Lands in this area are generally low lying, with a fall to the south toward the River Shannon. An embankment along the northern bank of the river provides flood protection to this area. Lands to the south and west of the site are in agricultural use, while there is an area of low-density residential development to the north, accessed over a local road from the Clonmacken Roundabout further to the north. This road currently provides access to the subject site. To the east and southeast of the site, a Part 8 residential development is currently under construction, on lands between the application site and the Condell Road.
- 2.2. The site includes the site of the now demolished Clonmacken House, and substantial walls associated with the gardens of this house remain on the site. Levels across parts of the site have been raised in the past, particularly in the northwestern area of the site. The site includes the route of a proposed access road running southeast for approx. 400m to provide a new access off the Condell Road, as well a service corridor running south toward the Shannon. Some works to raise levels along the access route have previously been undertaken.
- 2.3. The River Shannon at this location is designated as the Lower River Shannon and River Shannon and River Fergus Estuaries SPA.

### 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development consists of 167 no. residential units, comprising
- 45 no. houses (3 no. 2-bed units, 41 no. 3-bed units and 1 no. 2 -bed bungalow),
  - 42 no. duplex units (21 no. 2-bed ground floor units, 13 no. 3-bed upper floor units, 8 no. 1-bed upper floor units),
  - 80 no. apartments (22 no. 1-bed, 56 no. 2-bed, and 2 no. 3-bed units).

The development will also provide a 400-sq.m. creche. Vehicular and pedestrian access will be provided via a new access road to the Condell Road, with additional pedestrian access via the existing road to the north. A pedestrian connection to the Part 8 development under construction to the east is also proposed.

3.2. Key development parameters include:

<b>Site Area</b>	6.43ha gross / 3.8ha net
<b>Proposed development</b>	167 no. residential units – 45 no. houses (27%) – 80 no. apartments (48%) – 42 no. duplex apartments (25%)
<b>Density</b>	44 / ha net
<b>Site Coverage</b>	77%
<b>Open space</b>	0.9ha / 23% net
<b>Dual Aspect apartments</b>	63% (50 / 80)
<b>Parking</b>	283 residential spaces 24 Creche spaces
<b>Creche</b>	328-sq.m.

<b>One-bed</b>	<b>Two-bed</b>	<b>Three-bed</b>
30 / 18%	81 / 48.5%	56 / 33.5%

## 4.0 Relevant Planning History

### Subject site:

**PA ref. 05/1000:** Permission granted in December 2005 to Joseph Murphy to raise levels and retain lands already raised, to the west and southwest of this site.

**PA ref. 05/2688:** Permission granted in December 2006 to Joseph Murphy & Company Ltd for road widening on the N18 Condell Road and construction of roundabout junction and access and with associated site works. This roundabout was located at location of the access currently proposed.

**PA ref. 07/2267:** Permission granted in November 2007 for a temporary construction access to facilitate enabling works for the construction of the roundabout permitted under planning ref no. 05/2688.

**PA ref. 07/2530:** Permission granted in May 2009 for the construction of 397 houses, 18 no. apartment units and creche on a site of 21.5ha, which included the subject site. This development was to be served by the roundabout permitted under PA ref 05/2688. This permission was not commenced.

The subject site occupies lands identified approximately as phase 3 of this application.

**PA ref. 19/7011:** Extension of duration of permission refused in respect of PA ref. 07/2530, on the basis that the parent permission had been previously extended under pe/145, that EIA was required before the parent permission was granted, and that no substantial works had been carried out.

**PA ref. 10/770267 ABP ref. PL30.239635:** Permission granted in August 2012 for construction of a signalised junction including road widening and associated site works, in lieu of the roundabout permitted under PA ref. P05/2688. The appeal related to a drainage condition attached to the planning authority decision to grant permission. An extension of duration of this permission was granted until June 2019 under ref. 17/7038. A further extension of duration was refused.

### Adjoining lands:

**PA ref. 18/8008:** Part 8 approval granted on lands to the east and southeast of the subject site for 43 no. residential units comprising 23 no. two storey units and a

three-storey block comprising 20 no. units, new access to the site from the Condell Road, realignment of the Condell Road to facilitate this new junction. This development is currently under construction.

**PA ref. 05/3699 ABP ref. PL13.221292:** Permission granted on the opposite side of the Condell Road for 207 no. dwellings and a new distributor road with access from the roundabout permitted under PA ref. 05/2688. This permission was not implemented.

**PA ref. 17/470:** Permission granted for 110 dwelling units on the opposite side of the Condell Road comprising 88 no. houses and 22 no. apartments & associated infrastructure including new vehicular access from the signalised junction on the Condell Road permitted under PA ref. 10/770267, PL30.239635. This development is currently under construction with a construction access to the west of this junction.

**PA ref. 21/276 ABP ref. ABP-310776-21:** The planning authority decided to grant permission for modifications to the development previously permitted under PA ref 17/470, consisting of a revised vehicular access the Condell Road (R527), relocated to the west. This development would therefore no longer require access via the signalised junction permitted under PA ref. 10/770267, PL30.239635.

This decision is currently on appeal.

## 5.0 Section 247 Consultation(s) with Planning Authority

Correspondence on the file refers to S.247 consultations between the planning authority and the prospective applications on 10/10/2020 and 23/03/2021. The main matters discussed in those meetings comprised:

- Flood risk, including location of the access road in a flood zone.
- Status of the access road and junction with Condell Road. Relationship with existing pedestrian and cycle routes along this road.
- Requirement for childcare facilities.
- Proximity to Natura Sites.
- Density.

- Co-ordination with the adjacent Part 8 development, including access from Condell Road.
- History of filling works on the subject lands.
- Drainage.

## 6.0 Planning Policy

### 6.1. National and Regional Planning Policy

#### 6.1.1. Project Ireland 2040 - National Planning Framework

The framework identifies ambitious growth targets to enable the four cities of Cork, Limerick, Galway and Waterford to each grow by at least 50% to 2040 and to enhance their significant potential to become cities of scale.

National Strategic Outcome 1 is identified as Compact Growth, recognising the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 3A seeks the delivery of at least 40% of all new housing in existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

The growth target for Limerick City and Suburbs is for growth of 50,000 - 55,000 people, to at least 145,000 in total.

Objective 11 favours development within existing cities, towns and villages, subject to appropriate planning standards and achieving targeted growth

Objective 13 provides that, in urban areas, planning and related standards will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

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

#### 6.1.2. Rebuilding Ireland – Action Plan for Housing and Homelessness 2016

The overarching aim of the Plan is to increase the delivery of housing, from its current undersupply across all tenures, to help individuals and families meet their

housing needs. The Plan identifies a target to double the number of residential dwellings delivered annually by the construction sector and to provide 47,000 social housing units in the period up to 2021. The plan identifies five pillars for action, including;

Pillar 2 - Accelerate Social Housing

Pillar 3: Build More Homes, seeks to increase the output of private housing to meet demand at affordable prices. The key action is to double housing output over the Plan period.

### 6.1.3. **Housing for All - A New Housing Plan for Ireland (Sept 2021)**

The stated aim is to provide access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life. The plan identifies the need for construction of an average of 33,000 homes per annum nationally until 2030 to meet the targets outlined in the National Planning Framework. Four overarching objectives are identified:

- Supporting Homeownership and Increasing Affordability.
- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion.
- Increasing New Housing Supply; and
- Addressing Vacancy and Efficient Use of Existing Stock.

The Pathway to Increasing New Housing Supply includes a focus on the adequate supply of serviced zoned lands to meet housing need, at required densities.

### 6.1.4. **Regional Spatial and Economic Strategy for the Southern Region (2019)**

The strategy is to build a strong, resilient, sustainable region through measures including:

1. Compact Growth Strengthening and growing our cities and metropolitan areas.
4. Sustainable Mobility.
8. Low Carbon, Climate Resilient and Sustainable Society.
9. Sustainable, Planned and Infrastructure-led Development.



Key enablers include revitalising urban areas and spaces through creative and regenerative placemaking, to deliver on Compact Growth and Housing Need.

RPO 5: Increased population growth should be planned with regard to environmental criteria, including:

- Assimilative capacity of the receiving environment;
- Proximity of Natura 2000 sites and potential for adverse effects on these sites, and their conservation objectives;
- Areas with flood potential

RPO 10: To achieve compact growth in Metropolitan Areas, the RSES seeks to:

- a. Prioritise housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.
- b. Identify strategic initiatives in Local Authority Core Strategies for the MASP areas, which will achieve the compact growth targets on brownfield and infill sites at a minimum and achieve the identified growth targets.

Limerick-Shannon MASP Policy Objective 1

- a. Strengthen the role of the Limerick-Shannon Metropolitan Area as an international location of scale, a complement to Dublin and a primary driver of economic and population growth in the Southern Region.
- b. To promote the Limerick-Shannon Metropolitan Area as a cohesive Metropolitan Area with (i) the City Centre as the primary location at the heart of the Metropolitan Area and Region (ii) compact growth and regeneration of Limerick City Centre and Suburbs, (iii) compact growth and regeneration of Shannon (iv) active land management initiatives to deliver housing and employment locations in a sustainable, infrastructure led manner.
- e. To protect, manage and through enhanced ecological connectivity, to improve the coherence of the Natura 2000 Network in the Region

Limerick-Shannon MASP Policy Objective 2:

- a. Support regeneration and continued investment into Limerick City .... and further enhance Limerick City as a primary economic driver for the Southern Region.

- f. Seek investment to achieve regeneration and consolidation in the city suburbs

Limerick-Shannon MASP Policy Objective 10: Housing and Regeneration

- a. to support the environmentally sustainable densification of Limerick City Centre, the assembly of brownfield sites for development and the regeneration and redevelopment of Limerick City and Suburbs to accommodate residential use.
- c. to ensure investment and delivery of holistic physical, social and environmental infrastructure packages to meet growth targets that prioritises the delivery of compact growth and sustainable mobility in accordance with the NPF and RSES.

6.1.5. **Draft Limerick Shannon Metropolitan Area Transport Strategy (2020)**

The draft strategy was published in September 2020 and provides for bus priority measures along the Condell Road. A secondary cycle route is proposed along the Condell Road and a Green Route is identified along the Shannon to connect to Shannon town.

6.2. **S.28 Ministerial Guidelines**

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets (DMURS)
- National Cycle Manual.
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)

- Circular Letter: NRUP 02/2021 in respect of Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
- Design Manual for Urban Roads and Streets (DMURS).
- Childcare Facilities – Guidelines for Planning Authorities.

### 6.3. Local Planning Policy

#### 6.3.1. Limerick City Development Plan 2010

(**Note:** The review of this plan was not commenced and the 2010 plan will continue to have effect until a new Development Plan for Limerick City and County is prepared.)

The Core Strategy identifies a target of 566 no. Phase 1 dwellings in the Clonmacken area by 2016 and 236 no. Phase 2 dwellings by 2022.

The subject site is predominantly zoned ZO.2 (A) Residential: *To provide for residential development and associated uses.*

The proposed access road and junction with the Condell Road appear to traverse lands zoned Objective ZO.6 (A) Public Open Space: *To retain all land dedicated for public open space.*

Overarching objective ZO.6 Open Space & Recreation, seeks to “protect, retain and provide for open space both natural and semi natural and recreation uses throughout the City. With a presumption against developing land zoned public open space areas for alternative purposes, including public open space within housing estates”.

In respect of Public Open Space, page 16.23 of the plan states that, “Planning applications which include proposals for development on public open spaces, including access across public open space, will be categorised as material contraventions of the development plan and be referred to Council for decision”.

Policy H.3 encourages the establishment of sustainable residential communities by ensuring that a mix of housing and apartment types, sizes and tenures is provided.

Policy H.5 promotes increased density where appropriate to do so, having regard to the existing or proposed public transport provision and proximity to the City Centre.

Policy H.6 seeks a balance between the reasonable protection of existing residential amenities, the established character of the area, and the need to provide for sustainable residential development.

The plan notes that historic gardens identified in a DEHLG 'Survey of Historic Gardens & Designed Landscapes' included Clonmacken House. Policy LBR.11 seeks to protect and maintain surviving remnants of Historic Gardens, Designed Landscapes and surrounding Parklands including form and patterns of hard and soft landscaping and all mature trees and vegetation as highlighted in the DEHLG survey.

Policy LBR.14 To protect, retain, improve and provide for areas of public open space for recreation and amenity purposes.

Policy WS.7 to ensure that all new developments incorporate sustainable urban drainage systems (SUDS) at application stage.

Policy WS.8 Flood Protection, to continue to work towards reducing flooding and ensure that all new development proposals comply fully with the requirements of The Planning System & Flood Risk Management Guidelines.

Chapter 16 sets out the Development Management provisions of the plan.

## 7.0 Submissions Received

**Irish Water:** The public sewer for connection is located within private lands to the north of the R527 / Condell Road. In order to complete the proposed connection, the wastewater network will have to be extended by approximately 150m including a crossing of the R527 Condell Road, at the developer's expense. Where the applicant is proposing to traverse third party lands, consent and a wayleave in the favour of IW will be required. The public watermain at the Clonmacken Roundabout shall be extended by approx. 200m at the developer's expense in order to facilitate the proposed connection.

## 8.0 **Forming the Opinion**

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

### 8.1. **Documentation Submitted**

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This includes the information and documentation listed in Appendix 1.

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and relevant guidelines issued by the Minister under section 28 of the Act of 2000. A statement under S.5(5) has been submitted in this regard and I have considered all of the documentation submitted by the prospective applicant, relating to this case.

#### 8.1.1. **Statement of Consistency**

The statement considers the following national, regional and local policy documents

- National Planning Framework
- Design Manual for Urban Roads and Streets (DMURS) (2019)
- Urban Development and Building Heights Guidelines for Planning Authorities
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December 2020)
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009
- Childcare Facilities Guidelines for Planning Authorities (2001)
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)
- Southern Regional Assembly Regional, Spatial and Economic Strategy (2020)

- Limerick City Development Plan 2010-2016

The statement notes the following:

- The proposed development is consistent with the NPF and national policy objectives in respect of compact urban growth.
- The development has been assessed for compliance with DMURS.
- The Ecological Impact Assessment and a Flood Risk Assessment demonstrate that the development will not have an adverse impact on the surrounding environment.
- The development complies with the height and density provisions of the Building Height Guidelines, including the criteria set out in section 3.2 thereof.
- The site comprises an Intermediate Urban Location as defined in the Apartment Design Guidelines.
- Apartment design complies with the requirements of the guidelines.
- The flood risk provisions of the Guidelines on Sustainable Urban Housing are satisfied, and the densities of development are appropriate for this location.
- Childcare facilities satisfy the guideline and development plan requirements.
- The SSFRA and justification test demonstrate compliance with the Flood Risk Management Guidelines.
- The development will facilitate consolidation of the urban area and is in line with the MASP provisions of the RSES for the compact growth of Limerick City.
- The Limerick City Development Plan 2010-2016 remains the relevant plan.
- The plan targets undeveloped lands in Clonmacken for the development of 776 no. dwellings by 2022.
- Cycle parking provision meets the requirements of the plan.
- The variety of housing types accords with policy H3 for sustainable communities.
- The density is sustainable and appropriate, in line with Policy H5 and H6.
- The retention and incorporation of historic walls and key trees is in line with plan policy, including Policy LBR11.
- The application will be accompanied by a NIS and Ecological Impact Statement.
- Open space provision meets development policy.

- Design will ensure compliance with plan policy in respect of energy efficiency and noise emissions.
- SUDS and flood risk measures satisfy the provisions of the plan.
- The development accords with the land use objectives of the plan.
- The development management standards set out in Chapter 16 of the plan are satisfied in the development.
- There is some shortfall in parking provision for apartment block 3, which is accommodated elsewhere on the site.

The documentation does not identify any material contravention of the development plan for the area.

## 8.2. Planning Authority Submission

A submission from Limerick City and County Council was received by An Bord Pleanála on the 23/09/2021, in accordance with Section 6(4)(b) of the 2016 Act. The submission includes details of s.247 pre-application consultations, details of relevant planning applications in the area and a report setting out the opinion of the planning authority in relation to the proposed development, which makes the following points:

- The area is well served in terms of amenities, services and transport.
- The site would comprise an Intermediate Urban Location as defined in the Apartment Design Guidelines.
- The surrounding land bank may provide some future additional amenity for this site, including the Shannon embankments, and is currently used informally.
- The site is zoned for residential use and key objectives for the Ennis Road and Caherdavin Area are relevant.
- Parts of the site have been rezoned for agricultural use in the current Draft City and County Development Plan, including the proposed access road, having regard to the SFRA.
- Parts of the site are located in Flood Zones A & B, including a number of proposed dwellings, which is not favoured.
- Flood risk and issues of emergency access should be considered.

- There is currently no public transport serving the site. There are no bus stops on the Condell Road, which does include an existing bus corridor.
- There is a dedicated pedestrian and cycle route to the city centre.
- The access arrangements are a concern. Access through the Part 8 housing development to the east should be examined which would provide a more direct route to Condell Road.
- Pedestrian and cycle connectivity through the Part 8 site to Condell Road and onward to the city centre is required.
- Details of the phasing of development and provision of apartments is required.
- The site is key to delivery of high-quality apartments in the metropolitan area.
- An acoustic design statement, including road noise levels, should be provided.
- A TTA and Road Safety Audit is required.
- A revised surface water drainage design is required.
- Issues raised in internal reports should be addressed.
- Regard should be had to the provisions of the Draft Limerick Development Plan and an overlay of existing and proposed zoning objectives should be provided.
- Restoration of the garden walls of Clonmacken House is welcome and this approach should be extended to the rest of walls on the site.
- The playground should comprise part of Phase 1.
- The housing mix should be revised, with an increased no. of 2-bed units.
- The landscape strategy is positive and should be augmented by a bio-diversity strategy. A biodiversity-led approach to development is encouraged.

#### **Internal Reports:**

- Roads and Transportation: Further detail of the quantum, design and layout of car parking is required. The preference is for access through the adjoining Part 8 development. Regard should be had to the junction layout proposed under PA ref. 21/276. A masterplan of all junctions along the Condell Road should be provided. The TTA is incomplete and revised junction design details are required, including a Road Safety Audit. Internal road layout and public lighting details are required. Flood zones should be superimposed on the layout. Revised surface water drainage details are required.



- Archaeology: Conditions on archaeological monitoring recommended.
- Physical Section (Flood): Further rationale for the approach in the SSFRA is required. 0.366ha of the site remains within Flood Zone A and 0.215ha in Flood Zone B. The justification test relies upon the current (2010) zoning objectives, however, these objectives were not established with full consideration of flood risk in accordance with the Guidelines. The development does not increase risk of flooding outside the site. Further detailed modelling will be undertaken as part of the Limerick Flood Risk Strategy.

### 8.3. The Consultation Meeting

A Section 5 Consultation meeting was held on 12/11/2021, commencing at 2.30pm, via Microsoft Teams. I refer to the record of the meeting in respect thereof.

Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting and the main topics raised for discussion at the tripartite meeting were as follows:

1. Land Use zoning and Principle of Development
2. Access and Parking
3. Drainage and Flooding Issues
4. Design and Layout, Trees, Residential amenity
5. AOB

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-311114-21' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

In relation to the Land Use zoning and Principle of Development, An Bord Pleanála sought clarification and further elaboration and justification for the development in respect of the following matters:

- Compliance with the land use objectives relating to the subject lands and the definition of Strategic Housing Development set out in section 3 of the Act.
- The status of the draft Limerick City and County Development Plan.

In relation to the Access and Parking, An Bord Pleanála sought further clarification, elaboration and justification for the development in respect of the following matters:

- Clarity regarding the ownership of lands and wayleave affecting the site.
- The rationale for the proposed access and junction arrangements, including compliance with the land use zoning objectives.
- The wider strategy for access to development along the Condell Road.
- Existing and proposed public transport on the Condell Road.
- The feasibility of providing access via the adjoining (Part 8) development site to the east.

In relation to Drainage and Flooding Issues, An Bord Pleanála sought clarification and further elaboration and justification for the development in respect of the following matters:

- The extent of flood zones affecting lands in this area.
- The basis for the SSFRA undertaken vis the CFRAMS analysis which informs the Draft Development Plan.
- The design of the proposed surface water management system.
- Details of works proposed to provide a connection to Irish Water networks (water and wastewater).

In relation to Design and Layout, Trees, Residential Amenity, An Bord Pleanála sought clarification and further elaboration for the development in respect of the following matters:

- The extent and dominance of surface car parking across the site.
- The treatment of the former garden walls on the site.
- Compliance with the requirements of the development plan for recreational facilities.

## 9.0 Conclusion and Recommendation

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and other bodies, and the discussions which took place at the tripartite meeting. I have had regard to national policy, relevant s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Based on the entirety of the information before me, I am not satisfied that the proposed development would fall within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, having regard to the zoning objectives pertaining to the lands and in particular the apparent encroachment of the proposed access road onto an area zoned as Public Open Space, which would materially contravene that objective.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements, details of which are set out in the Recommended Opinion below (if 'requires further consideration and amendment option').

- Compliance with the land use objectives of the development plan for the area, and the definition of Strategic Housing Development as set out in section 3 of the Planning and Development (Housing) & Residential Tenancies Act 2016, as amended.
- The rationale for the proposed access arrangement and design of the proposed junction with the Condell Road.
- The relationship of the development with Flood Zones A and B in this area.

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

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

## 10.0 Recommended Opinion

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

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

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

1. Further consideration of the status of the proposed development as a Strategic Housing Development, as defined in section 3 of the Planning and Development (Housing) & Residential Tenancies Act 2016, as amended, having regard to the land use objectives set out in the Limerick City Development Plan 2010-2016 relating to these lands.

In this regard a detailed statement of consistency and planning rationale should be provided, clearly outlining how, in the prospective applicant's opinion, the proposed development is in compliance with local land use zoning objectives having specific regard to route of the proposed access road which appears to traverse lands zoned ZO.6 (A) Public Open Space within the Limerick City Development Plan 2010 - 2016. The statement of consistency should have regard to the specific provisions of the Development Plan - Part III *Development Management* page 16.23 - which state, inter alia, that

*“Planning applications which include proposals for development on public open spaces, including access across public open space, will be categorised as material contraventions of the development plan and be referred to Council for decision”.*

It should be noted that section 9(6)(b) of the Act provides that the Board shall not grant permission where the proposed development, or a part of it, contravenes materially the development plan relating to the area concerned, in relation to the zoning of the land.

2. Further consideration of and justification for the proposed access arrangements, having regard to the separation of the site from the proposed junction with the Condell Road (R527), the route of the proposed access road traversing a flood zone and lands zoned as Public Open Space, and the extent of works required in respect of this development.

In this regard, a comprehensive and robust planning rationale in respect of such arrangements should be provided, to include a detailed examination of available alternatives, in particular, the potential to provide access via the adjoining development to the east permitted under PA ref. 18/8008, which is currently under construction.

This may require amendment to the documents and/or design proposals submitted.

3. Notwithstanding items no. 1 and 2 above, where a subsequent application proposes access from the Condell Road (R527) as detailed in this S.5 pre-application consultation request, further detailed design proposals should be provided which should address the matters raised in the report of the Transportation Department of Limerick City and County Council, dated 31/08/21. This shall include inter alia:
  - i. A masterplan of all existing and approved junctions along the Condell Road (R527) between the Clonmacken Roundabout and Shelbourne Road junction.
  - ii. A revised junction layout taking account of the pattern of existing and permitted development in the area and which makes provision for future sustainable and public transport infrastructure and services along the Condell Road.
  - iii. An assessment of the operation of the junction and the surrounding road network as part of a detailed Traffic and Transport Assessment.
  - iv. Details of the treatment of, and interface with, the existing pedestrian and cycle path running along the Condell Road (R527), having regard to existing and proposed ground levels at this location.
  
4. Further consideration of, and if necessary, further justification for the proposed development having regard to the location of the site / part of the site within identified flood zones A and B. The Site-Specific Flood Risk Assessment should have regard to and address the analysis contained in the draft Strategic Flood

Risk Assessment dated 26th June 2021, prepared in respect of the Draft Limerick Development Plan 2022-2028.

The application should clearly identify those areas of the proposed development, including those dwelling units, which occur within Flood Zones A and B and the extent of works proposed to address the risks arising in this regard. Such works should be fully illustrated by cross section drawings through the site, showing existing and proposed ground levels.

In carrying out a justification test in respect of the proposed development, regard should be had to the criteria set out in section 5.15 of the *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), including, that the lands have been zoned in an operative development plan, which has been adopted or varied taking account of those Guidelines.

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

1. Having regard to the location of Irish Water sewerage and water infrastructure in this area, the application should clearly identify the extent of works required to provide a connection to the proposed development and should provide evidence of the consent of any third-party landowners affected by such works.
2. The application should be accompanied by the following:
  - i. A Traffic and Transport Impact Assessment, a Mobility Management Plan and a preliminary Construction Traffic Management Plan.
  - ii. A quality audit in accordance with Annex 4 of DMURS, including a Road Safety Audit.
  - iii. Documentation which addresses the issues raised in the report of the Limerick City and County Council Transportation Department dated 31/08/21.

3. Where a subsequent application proposes access from the Condell Road (R527) as detailed in this S.5 pre-application consultation request, the application should provide further clarity with regard to the planning history, and status, of filling works previously carried out along the route thereof. In this regard, the applicant should ensure that the description of the proposed development clearly identifies the nature and scope of development for which permission is being sought.
4. The application should clearly identify the extent of filling works proposed across the site, in terms of the location, extent and quantum of fill. Potential impacts associated with such works should be clearly identified and considered as part of any and all assessments undertaken in respect of the proposed development.
5. Detailed design proposals for Sustainable Drainage System (SUDS) measures that will address issues of surface water quality and volume should be provided, which should include measures such as permeable paving, swales, green roofs, rainwater harvesting, detention basins, ponds and wetlands. Proposals in this regard should address the issues raised in the report of the Limerick City and County Council Physical Section (Flood) dated 09/09/21.

The design of the surface water management system should demonstrate that adequate regard has been had to the varying level of waters in drainage channels and of ground water in this area.

6. The application should clearly identify the extent and allocation of car parking provision across the site by unit and use. The layout of development should seek to reduce the dominance of surface car parking and should achieve a satisfactory sense of enclosure, particularly in the area between Apartment Blocks 1 & 3. A rationale for the level and extent of surface car parking adjoining the proposed childcare facility should also be provided.

Regard should be had to the provisions of the *Guidelines for Sustainable Residential Developments in Urban Areas* and the accompanying *Urban Design Manual, A Best Practice Guide*, in particular criteria numbers 7 Layout and 11 *Parking*; and to the *Design Manual for Urban Roads and Streets* (DMURS), in particular Section 2.2.1 and Section 4.4.9 thereof.



7. The design and layout of cycle parking provision should be clearly described in the application and should have regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (2020).
8. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.

The report should describe the works required to restore or reinstate the original garden walls on the site and identify opportunities for the reuse of existing materials on the site.

9. A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted and shall detail the appropriate use of external materials on all elevations. The plan shall also address the management and maintenance of public spaces and access to the development
10. The application should clearly identify the areas intended to be taken in charge by the Local Authority.
11. A comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties should be submitted. Such assessment should have regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (2020) and section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
12. The application should provide details of the relationship between the proposed development and existing and permitted residential properties adjoining the site, and how residential amenities will be protected.
13. A survey of existing trees on the site should be undertaken and a detailed Arboricultural Impact Assessment of the proposed development should be

provided with any application. Accompanying plans should clearly identify existing trees to be retained or removed, and their condition and value. The viability of retaining identified trees should be clearly established, having regard to the extent of site works proposed.

14. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.
15. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

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

1. Irish Water
2. National Transport Authority
3. Limerick City and County Childcare Committee
4. OPW
5. Minister for Housing, Local Government and Heritage - Development Applications Unit
6. Heritage Council
7. An Taisce

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the

forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Conor McGrath  
Planning Inspector

22/11/2021

## **Appendix 1 – Documents accompanying the pre-application consultation request:**

- Application Cover letter and prescribed fee.
- Section 5 Pre-Application Consultation Request Form.
- Confirmation of Feasibility Letter from Irish Water.
- Confirmation that the submission was issued to Limerick City and County Council.
- Letters of consent
- Planning Report and Statement of Consistency (MKO), which includes the following appendices:
  - Appendix 1: Pre-Planning S247 Meeting Minutes
  - Appendix 2: Area Schedule and Housing Quality Assessment
  - Appendix 3: Part V Details
  - Appendix 4: Statement of Consistency Matrix
- Architectural Drawings
- Architectural Design / Sustainability Statement (including an Area Schedule and a Housing Quality Assessment)
- Planning Application Services Report and Statement of Compliance with DMURS
- Engineering Drawings
- Flood Risk Management Report
- Progress Note - Traffic and Transport
- Appropriate Assessment Screening Report
- Natura Impact Statement
- Ecological Impact Assessment
- Winter Bird Survey Report
- Landscape Report (including Indicative Maintenance Programme)
- Landscape Masterplan