



An
Bord
Pleanála

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

Inspector's Report ABP-311588-21

Strategic Housing Development

371 no. residential units (157 no. houses, 214 no. apartments and duplexes), creche and associated site works.

Location

Lands at the Former Greenpark Racecourse. Dock Road, Limerick City. (www.greenparkshd.ie)

Planning Authority

Limerick City and County Council

Applicant

Voyage Property Limited

Prescribed Bodies

Irish Water
Transport Infrastructure Ireland
National Transport Authority
Health and Safety Authority

Observer(s)

1 Courtbrack Land Limited

John and Millie Hassett

John Conway and The Louth

Environmental Grout (BKC Solicitors

Log na gCapall Residents Association

(LNGRA) and Green Park Close

Residents

Date of Site Inspection

15th December 2021

Inspector

Elaine Power

1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The subject site is located c.2km south-west of Limerick City Centre and c.1.2km north of the Crescent Shopping Centre (District Centre). It is located on the south western portion of the former Greenpark Racecourse, which closed in 1999. The site is principally bounded by existing undeveloped lands. To the north and south it is bound by open land formerly part of the racecourse. To the west it is bound by open ground and surface level car parking associated with the Limerick Greyhound Stadium. To the east the site is bound by Log na gCapall housing state and to the north east it is bound Greenpark Avenue which comprises of a number of detached dwellings. In the wider area, the surrounding land uses comprise low density housing, commercial, office and retail uses.
- 2.1.2. The site has a total area of 10.5ha. The proposed residential element of the development would be provided on a 7.9ha site while the remaining 2.6 ha would accommodate the proposed access road and the 'over burden area' in respect of the earthworks associated with the proposed site levelling. The site is irregular in shape and currently comprises unmanaged grassland with vegetation. It generally slopes from east to west, with existing levels varying between c. 2.5m OD and c. 10m OD.
- 2.1.3. The site is currently accessed from the Dock Road (N69) via a road network leading to the existing Greyhound Stadium and there is an existing vehicular track running through the subject site.
- 2.1.4. The Shannon River is located c.1.1km to the north-west of the site and the Ballinaclogh River which is a tributary of the River Shannon, flows adjacent to the south-western boundary of the site.

3.0 Proposed Strategic Housing Development

- 3.1.1. The proposed development consist of the construction of 371 no. residential units, comprising 157 no. 2-storey houses (10 no. 4 bed, 110 no. 3 bed and 37 no. 2 bed units), 76 no. 3-storey duplex units (14 no. 3 bed, 38 no. 2 bed and 24 no. 1 bed units) and 138 no. apartments (92 no. 2 bed and 46 no. 1 bed units). The apartments are provided in 3 no. blocks ranging between 4 and 5 storeys. The scheme includes a 2-storey, childcare facility (550sqm).
- 3.1.2. The application site includes the proposed access road which is c.374m in length, including two lanes for vehicles, a roundabout, cycle lanes and pedestrian footpath. This new road would connect to Dock Road (N69) at the north-western corner of the former Greenpark Racecourse lands and would run adjacent to the Limerick Greyhound Stadium. Emergency vehicular access is proposed via Log na gCapall and Greenpark Avenue and additional pedestrian and cyclist access via Log na gCapall.
- 3.1.3. The scheme includes 510 no. surface car parking spaces, long and short stay spaces bicycle parking, internal roads and pathways, hard and soft landscaping and boundary treatments, piped infrastructural services and connections, plant, revised entrances and tie-in arrangements to adjoining roads, waste management provision, solar panels; attenuation tank and related SUDS measures, signage, public lighting, bulk earthworks and all site development and excavation works above and below ground to accommodate the development.
- 3.1.4. The information submitted includes the following:
- Planning Report
 - Material Contravention Statement
 - Planning Statement of Consistency
 - Response to ABP Opinion
 - Design Report
 - Materials and Finishes Report
 - Quality Housing Assessment Report
 - Landscape Design Report

- Greenpark Masterplan 2020
- Assessment of Sunlight and Daylight Access within the Proposed Development
- Shadow Diagrams
- Engineering Planning Report
- Site Specific Flood Risk Assessment
- Flood Risk Assessment – Greenpark Masterplan
- Archaeological, Architectural and Cultural Heritage Impact Assessment
- Outline Landscape Works Specification
- Arboricultural Impact Assessment Report
- Traffic and Transport Assessment
- Road Safety Audit
- DMURS Compliance Statement
- Outline Mobility Management Plan
- Public Lighting Reports
- Environmental Impact Assessment Report – Volume 1 (Non Technical Summary)
- Environmental Impact Assessment Report – Volume 2 (Main Report)
- Natura Impact Statement
- Building Lifecycle Report
- Energy Report
- Social Infrastructure and Childcare Capacity Audit
- Schools Demand Assessment
- Construction Waste Management Plan
- Operational Waste Management Plan
- Planning Stage Construction and Environmental Management Plan
- Photomontages

4.0 Planning History

Subject Site

ABP PL91.246035, Reg Ref. 15/428: Permission was refused in 2016 for 110 no. houses on a portion (4.85ha) of the subject site. The reasons for refusal related to (1) the proposed development would endanger public safety by reason of a traffic hazard, due to the increased traffic through Log na gCapall estate and would also contribute to traffic congestion within the local road network and would adversely affect the carrying capacity of the South Circular Road and the Ballinacurra Road, an important traffic route for Limerick City and (2) the proposed development would constitute piecemeal and premature development pending the provision of vehicular access to the site from Dock Road in accordance with an agreed Masterplan for the entire Greenpark Racecourse site.

Reg. Ref. 05/14: Permission was granted in 2007 for the construction of a mixed use scheme comprising 353 no. residential units, a neighbourhood centre and all associated works. An extension of duration of permission (PE770135) was refused in 2012. A significant portion of the subject site was located outside of the redline boundary of this application.

Reg. Ref. 07/237: Permission was granted in 2008 to raise land levels at the Old Racecourse. A significant portion of the subject site was located outside of the redline boundary of this application.

Surrounding Sites

Reg. Ref. 21/1222: Current application for the construction of a 4-storey nursing home (5,237sqm) comprising 126 no bedspaces, 777sqm of day space and all ancillary facilities immediately adjacent to the subject site, at the south east portion of the former Greenpark Racecourse. Access to the site is proposed via the existing Log na gCapall residential estate. Further information was requested on the 21st October 2021.

ABP-302015-18: Permission was granted in 2018 for the construction of 31 no. residential dwellings on a site located immediately east of the subject site and accessed from Greenpark Avenue.

ABP-310103-21- Strategic Housing Development: Permission was granted in 2021 for the demolition of existing vacant structures and the construction of 30 no. Build to Rent apartments and 326 no. student bedspaces in 2 no. blocks with a maximum height of 7-storeys at a site c. 700m north east of the subject site.

ABP-309999-21 – Strategic Housing Development: Permission was granted in 2021 for the construction of 137 no. residential units at Annacotty c. 7.5km north east of the subject site.

ABP.307631-20 – Strategic Housing Development: Permission was granted in 2020 for the construction of 200 no. residential units at Castletroy c. 5km north east of the subject stie.

5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 pre-application virtual consultation took place on the 24th June 2021 in respect of a development of an additional 287 no residential units and a creche. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Residential Density and Planning Context
- Design and Layout of the Development
- Roads, Traffic and Transportation Issues. Pedestrian and Cycle Connections.
- Flood Risk
- Ecology

Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the Notice of Pre-Application Consultation Opinion dated 9th July 2021 (ABP-310233-21) An Bord Pleanála stated that it was of the opinion that the documents submitted require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. It was considered that the following issues needed to be addressed: -

1. Residential Density and Housing Mix

- The status of the Racecourse lands as one of the largest remaining undeveloped land banks in Limerick City.
- The strategic importance of the proposed development site and the Racecourse lands for the development of the Limerick Metropolitan area, in the context of national planning policy to achieve compact urban areas and, specifically, National Planning Objectives NPO 2a, NPO 3b, NPO 7, NPO8 regarding the development of Ireland's existing cities; NPO 5 regarding the development of cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity and NPO 35 to increase residential density in settlements, as set out in the National Planning Framework.
- National planning policy on residential development as set out in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and the Design Standards for New Apartments Guidelines for Planning Authorities.
- Table 2.4 of the Core Strategy of the Limerick City Development Plan 2010-2016 (as varied), which identifies the Racecourse lands (36 ha) as having capacity for 1,188 no. residential units, also the objectives for the Racecourse lands set out in Development Plan Chapter 14.
- The accessible location of the proposed development site close to Limerick City Centre, Mary Immaculate College, Dooradoyle District Centre and employment zones such as the Raheen Industrial Estate and University Hospital Limerick campus.
- The availability of existing and proposed roads, pedestrian, cycle and public transport infrastructure in the vicinity of the site, in the context of the draft Limerick Shannon Metropolitan Area Transport Strategy (LSMATS). The further consideration of this issue may require an amendment to the documents and/or design rationale submitted.

2. Design and Layout of the Development

The development shall comprise separate Character Areas, with an integrated hierarchy of public open spaces at accessible, well overlooked locations throughout the site. The public open spaces shall address specific functions such as active /

passive open spaces and play areas. The Character Areas shall include a consistent approach to (i) the design and finish of houses / apartment buildings; (ii) roads and footpaths layout materials and finishes; (iii) hard and soft landscaping and tree retention (where proposed); (iv) biodiversity enhancement measures; (v) relevant SuDS measures.

Details of the proposed development shall be provided in the context of any other current proposals for adjacent developments within the Racecourse lands, such as the nursing home to the south east of the development site, also the development permitted to the north east of the proposed development site under Reg. Ref. 17/1190 ABP-302015-18.

The associated provision of a public lighting scheme, to the satisfaction of the planning authority.

3. *Roads, Pedestrian and Cycle Connectivity*

Road / pedestrian / cycle connectivity to South Circular Road via adjacent residential areas to the north and east of the site, to include the capacity of existing roads, pedestrian and cycle infrastructure at these locations, as well as the potential cumulative impacts of the development of adjacent sites within the overall Racecourse lands in the context of the proposed Masterplan and any current proposals to develop adjacent sites within the Masterplan area, also the development permitted Reg. Ref. 17/1190 ABP-302015-18.

Connectivity to adjoining development sites within the Masterplan lands and to potential future connectivity to the lands owned by Limerick City and County Council to the south of the development site.

The following matters should also be taken into consideration:

- The draft Limerick Shannon Metropolitan Area Transport Strategy, including proposals for roads, pedestrian, cycle and public transport infrastructure in the area.
- The prospective applicant is advised to liaise with the planning authority regarding connectivity to Council lands to the south of the development site.

They should at a minimum not preclude any future connections to adjoining lands.

- Existing and proposed roads levels with regard to the SSFRA.

5.3. The opinion also stated that the following specific information should be submitted with any application for permission.

1. Material Contravention Statement, if required.
2. Site Plan indicating the zoning objectives that apply
3. A Masterplan for the overall Racecourse lands within the ownership of the applicant, which consider the strategic importance of the lands for the development of Limerick Metropolitan Area and address matters including land use zoning, residential density, housing mix, provision of a neighbourhood centre, childcare provision, details of the capacity of roads / pedestrian / cycle / public transport infrastructure and connectivity to adjoining areas, IW foul and watermain infrastructure, surface water drainage and flood risk, landscaping and biodiversity enhancement measures
4. A detailed phasing plan
5. A Housing Quality Assessment
6. A Building Lifecycle Report
7. Site Plan indicating the areas to be taken in charge.
8. A Sunlight/Daylight/Overshadowing analysis
9. Existing and proposed ground levels across the site. Detailed cross sections, topographical details and cross sections to indicate the relationship between the development and any adjacent watercourses and wetlands with regard to the protection of riparian zones.
10. Traffic and Transport Impact Assessment.
11. Rationale for proposed parking provision.
12. Stage I Road Safety Audit
13. A Noise Assessment
14. Landscape and Visual Impact Assessment
15. Site Specific Flood Risk Assessment
16. Comprehensive landscaping scheme for the entire site
17. Childcare proposals

18.A draft Construction Waste Management Plan, draft Construction and Environmental Management Plan and a draft Operational Waste Management Plan

19.Irish Water infrastructure

20.AA Screening Report or NIS

21.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.

5.4. A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Limerick County Childcare Committees
- Health and Safety Authority

5.5. ***Applicant's Statement***

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. The applicant addressed the 3 no. items that required further consideration and items 1-18 of the specific information to be submitted with the application. Items of note are summarised below: -

Residential Density and Housing Mix

The design of scheme has been amended to take account of its strategic location and proximity and availability to the existing and proposed roads, pedestrian, cycle and public transport infrastructure in the vicinity of the site. The pre-application scheme comprised 287 no. residential units, including 139 no. houses, 96 no. duplexes and 52 no. apartments with a net residential density of 41 units per hectare. The current scheme comprises 371 no. residential units, including 157 no. houses, 76 no. duplexes and 138 no. apartments. The net residential density for the proposed scheme is 47 units per hectare. The revised housing mix and increased residential density result in

a policy compliant scheme, having regard to the relevant national, regional and local planning policy.

The proposed net residential density of 47 units per hectare and housing mix which comprises 58% apartment development (including duplex units), aligns with the provisions of the Apartment Guidelines in relation to Intermediate locations. The proposed residential density is also in alignment with the Sustainable Residential Development Guidelines which provide for densities in the region of 35-50 u/h for locations such as the subject site.

Design and Layout of the Development

Character Areas: The proposed SHD scheme has been broken down into series of Character Areas/ Neighbourhood Areas.

Open Space: The scheme includes 11,511sqm of public open space, amounting to 14.6% of the net residential area. The submitted drawings demonstrate that the areas of open space are accessible and well overlooked by the proposed residential units. The Landscape Design Report also illustrates the location of the proposed public open spaces and presents them in the context of the communal and play spaces proposed. The report also illustrates the arrangement of the proposed public open spaces in the context of each character area.

The proposed open spaces contain both active and passive uses, including play and recreation provision.

A consistent approach to the following in each Character Area

(i) The design and finish of houses/ apartment buildings

The design and materiality of the proposed buildings is integrated with the proposed Neighbourhood Areas/ Character Areas. Each character area will have its own specific identity through the choice of difference brick colours and textures, scales and architectural treatments. The Design Report has specific regard to the architectural rationale for each character area and demonstrates how the design instils a sense

uniformity within each character area, whilst achieving architectural distinctiveness and variety on a site wide basis.

(ii) Hard and soft landscaping and tree retention

The Landscape Design Report provides specific detail regarding the proposed soft and hard landscaping. The paving materials are arranged to reflect the various changes in use and identity of the proposed public realm, while allowing a coherent and consistent treatment over the site.

(iii) Biodiversity enhancement measures

Measures include an insect hotel and planting and 20 no. bat and bird boxes.

(iv) Relevant SuDS measures

Infiltration trenches, Swale drainage, Green roofs, Permeable paving, Tree pits, Rain gardens, Attenuation tanks are incorporated into the proposed development.

Roads, Pedestrian and Cycle Connectivity

The Traffic and Transportation Assessment (TTA) has regard to the capacity of the road network and all relevant infrastructure, including pedestrian and cycle infrastructure and connectivity, in both the existing and proposed scenarios.

Connectivity between SHD site and adjoining development

The development provides cycle lane and footpath connectivity through the site, facilitating links between the subject site and Dock Road and South Circular Road. Pedestrian and cyclist access is also proposed at the boundary between the site and Log na gCapall and Greenpark Avenue. Vehicular access is provided via the proposed access road which connects into Dock Road. The Design Report and TTA also address the proposed movement strategy and provides an overview of the cyclist and pedestrian routes through the site and the connectivity achieved with the surrounding area.

Potential future connectivity with adjoining Masterplan lands

The Design Report provides an overview of the proposed connectivity and linkages across the whole Masterplan area. As well as the proposed access road that connects into Dock Road, this includes potential future vehicular connectivity with Alandale lands to the north and the Council owned lands ('Vance lands') to the south.

Potential future connection to Council lands to the South

The applicant has liaised with Limerick City and County Council Roads Department in respect of a potential future connection into the Council lands (also known as the Vance lands) to the south of the subject site. An indicative connection between the Masterplan lands and the land to the south has been agreed in principle. The proposed development would not preclude the redevelopment of the lands to the south.

Road levels with regard to the Flood Risk Assessment

The Flood Risk Assessment (FRA) provides details on the mitigation measures proposed in respect of flood risk at the site, including details of proposed site levels.

The applicant also addressed items 1-18 of the specific information to be submitted with the application. Items of note are outlined below: -

Item 1: A Material Contravention Statement was submitted.

Item 2: A Landuse Map has been included in the Statement of Consistency which shows the subject site in the context of land use zoning objectives for the subject site and adjacent sites.

Item 3: A Masterplan for the overall Racecourse lands was submitted with the application which was developed in consultation with Limerick City and County Council. It provides a mixed-use development vision for the lands and comprises an office campus, large scale residential development, a neighbourhood centre, a nursing home development, childcare facilities and all associated and facilitating infrastructure.

As well as an architectural masterplan, the document provides a comprehensive planning assessment of the masterplan scheme, including the planning policy and

context, flood risk, hydrology, soils, geology, hydrogeology, surface water drainage, traffic and transportation, biodiversity, landscape and design.

In responding to the Board's Opinion the SHD scheme was amended to include, inter alia, two further apartment blocks. The site wide Masterplan has been updated to reflect this amendment to Phase 1 (this SHD scheme). The updated Masterplan is contained within the Design Report. In addition, the TTA has regard to the impact of the proposed SHD scheme in combination with the future phases of the site wide masterplan.

Item 4: The Design Report and drawings submitted include an indicative phasing plan.

Item 5: A Housing Quality Assessment was submitted.

Item 6: A Building Lifecycle Report was submitted.

Item 7: Taking in charge drawings have been submitted.

Item 8: An Assessment of Sunlight and Daylight Access within the Proposed Development, Shadow Diagrams of the Proposed Development and Chapter 15 Microclimate – Daylight/ Sunlight of the EIAR (impact of proposed development upon receiving environment) were submitted and provide an analysis of Sunlight / Daylight / Overshadowing.

Item 9: drawings were submitted which indicate existing and proposed ground levels across the site, road sections showing existing and proposed levels, foul sewer and surface water sections and landscape levels, including open space and boundary treatments.

Item 10: A Traffic and Transport Impact Assessment (TTA) was submitted.

Item 11: The TTA and Statement of Consistency provide a rationale for proposed parking provision.

Item 12: A Stage I Road Safety Audit was submitted.

Item 13: Chapter 12 of the EIAR assess the potential impacts arising in respect of noise and vibration.

Item 14: A Landscape and Visual Impact Assessment is incorporated into Chapter 13 of the EIAR. CGI's are also included in the Design Report.

Item 15: A Site Specific Flood Risk Assessment (FRA) was submitted.

Item 16: The proposed landscaping strategy is supported by the Landscape Design Report, Outline Landscape Works Specification, landscape drawings and the Arboricultural Impact Assessment Report.

Item 17: The scheme includes a 550sqm childcare facility with capacity for 65 no. children and 14 no. staff.

Item 18: A Planning Stage Construction Environmental Management Plan (CEMP), Construction Waste Management Plan, and Operational Waste Management Plan were submitted.

Item 19: The applicant has engaged with Irish Water and a confirmation of feasibility letter is included in the Engineering Planning Report.

Item 20: A Natura Impact Statement was submitted.

Item 21: An Environmental Impact Assessment Report was submitted.

6.0 Relevant Planning Policy

6.1. ***Limerick City Development Plan 2010-2016 (as extended)***

The development site is subject to 3 no. zoning objectives. The majority of the subject site is zoned '2A Residential', with the associated landuse objective '*to provide for residential development and associated uses*'. The eastern portion of the site, which accommodates the majority of the proposed access road, is zoned '5A Mixed Use' with the associated landuse objective '*to promote the development of mixed uses that serves an area greater than its immediate catchment and to ensure the creation of a vibrant and sustainable urban area. The primary purpose of this zoning is to provide for a range of employment and related uses. Permissible uses within this zone includes general offices, conference centre, third level education, hospital, hotel, commercial leisure, cultural, residential, public institutions, childcare services, business and technology/research uses (including software development, commercial research and development, publishing, information technology, telemarketing, data processing and media activities), light industrial uses and in addition, local convenience stores/corner shops and community/civic uses. Residential uses are also permitted*'. A small area at the centre of the site is zoned '5C Neighbourhood Centres'

with the associated landuse objective *‘to protect, provide for and/or improve the retail function of neighbourhood centres and provide a focus for local services’*.

Table 2.4 Undeveloped Zoned Housing Land identifies the former racecourse lands (36 ha) as having capacity for 1,188 no. residential units.

The following policies are considered relevant: -

Policy H.3 It is the policy of Limerick City Council to encourage the establishment of sustainable residential communities by ensuring that a mix of housing and apartment types, sizes and tenures is provided within the City.

Policy H.5 It is the policy of Limerick City Council to promote 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 It is the policy of Limerick City Council to ensure 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.

Policy SC.7 It is the policy of Limerick City Council to encourage the provision of childcare facilities in appropriate locations, including residential areas, City Centre and neighbourhood centres, in areas of employment and educational institutions and convenient to public transport nodes.

Policy LBR.9 It is the policy of Limerick City Council to ensure that proposals along the River Shannon and other waterways associated with the River Shannon catchment within Limerick City will achieve an appropriate balance of uses commensurate with the sensitivity of the natural environment and avoiding adverse impacts on European conservation sites and sensitive natural receptors associated with the River Shannon.

Policy WS.9 Flood Risk It is the policy of Limerick City Council to ensure that development should not itself be subject to an inappropriate risk of flooding nor should it cause or exacerbate such a risk at other locations.

Chapter 14: Area Profiles sets out key policies and objectives for suburban areas within the city. The South Circular Road/ Ballinacurra area incorporates the racecourse lands. It states that the former Limerick Race Course represents one of the largest remaining undeveloped land banks in the City which when integrated with the adjacent Allendale developments represents the newest housing area in the City.

The development plan identifies 13 no. key objectives for the area. The relevant objectives are outlined below: -

- To provide adequate public transportation infrastructure (green routes) in the area through negotiation with the stakeholders of the area;
- To sustainably develop the Baggott Estate and the open space area in the former race course lands in a coordinated manner for recreational purposes both passive and active.
- To ensure that the residential amenities of those residences along the southern ring road are not adversely impacted.
- To ensure that the regeneration programmes do not adversely impact on the amenities of the area.
- To ensure an appropriate mix of uses in the area to support the primary residential function of the area these include specific supports for the population of the area;
- To seek the balanced development of the existing underutilised lands in the area in particular the former racecourse lands.
- To seek that the contribution of the former racecourse to the cultural and sporting history of the city is commemorated in the development of the lands.
- To ensure the provision of infrastructure appropriate to the needs of the area

In addition, Chapter 16 sets out Development Management Standards.

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

A key component of the RSES is to strengthen the settlement structure of the Region and to capitalise on the individual and collective strengths of the three cities (Cork,

Limerick and Waterford), the metropolitan areas, and a strong network of towns, villages and rural communities.

The site is located within the 'Limerick-Shannon Metropolitan Area'. The RESE incorporates Metropolitan Area Strategic Plans (MASP) to ensure coordination between local authority plans. A key component of the RSES is building partnerships and a collaborative approach between the cities and metropolitan areas to realise combined strengths and potential, and to support their development as a viable alternative to Dublin.

The MASP notes that Limerick City is the largest urban centre in the Mid-West and the country's third largest city. Limerick City and Shannon are interdependent, with their complementary functions contributing to a combined strength that is a key economic driver for the Region and Ireland. Limerick Regeneration, the amalgamation of Limerick City and County and the Limerick 2030 initiative have all contributed to enhancing Limerick's growth potential. There is capacity to build on recent successes and add to the ambitious vision for this Metropolitan Area.

The MASP highlights the need to increase residential density in Limerick City and Shannon through a range of measures including, reductions in vacancy, re-use of existing buildings, infill and site-based regeneration. The MASP supports the densification of Limerick City Centre, the assembly of brownfield sites for development and City Centre rejuvenation and consolidation.

6.3. *National Planning Framework (2018)*

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place.

Table 2.1 sets out a summary of the key national targets. With regard to Limerick city and suburbs it sets an additional population target of 50,000 – 55,000 to provide an overall population of 145,000 by 2040. It also states that to create compact, smart and sustainable growth 50% of new housing should be provided within the cities and suburbs and 30% elsewhere within the existing urban footprint.

Relevant Policy Objectives include:

National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

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

National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

National Policy Objective 57: Enhance water quality and resource management by ... ensuring flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities...

6.4. **Section 28 Ministerial Guidelines**

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

- Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009.
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020

- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

6.5. ***Applicants Statement of Consistency***

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

Material Contravention Statement

The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Limerick City Development Plan 2010 – 2016 (as extended) in relation to floor areas and private open space provision. The statement is summarised below: -

Floor Area

Table 16.5 of the development plan sets a minimum floor area of 55sqm for 1-bed apartments. The proposed 1-bed apartments have a floor area of between 52.9 sqm and 59.3 sqm and have been designed in accordance with the Apartment Guidelines minimum standard (SPPR 3) of 45sqm. The proposed floor area of the 1-bed units, therefore, fall below the minimum floor area (55 sqm) required by Table 16.5 of the Development Plan.

Table 16.5 of the development plan sets a minimum floor area of 90sqm for 2-bed apartments. The proposed 2-bed apartments have a floor area of between 80.9 sqm and 94.1 sqm and have been designed in accordance with the Apartment Guidelines minimum standard (SPPR 3) of 73sqm. The proposed floor area of the 2-bed units, therefore, fall below the minimum floor area (90 sqm) required by Table 16.5 of the Development Plan.

Private Open Space

Table 16.7 and Table 16.8 of the development plan set out private open space standards for apartments. Table 16.7 requires a minimum of 12-15 sqm of private

open space per bed space in suburban areas. Table 16.8 sets out a minimum area of 6sqm for 1-bed units and 8sqm for 2-bed units.

The balconies / terraces for the 2-bedroom and the 3-bedroom upper duplex units are 10sqm and, therefore, fall below the standard set out in Table 16.7 of the development plan. The private open space for the duplex units has been designed in accordance with the standards set out in the Apartment Guidelines.

The proposed balconies associated with the 1 no. bedroom apartment units are 5.1sqm, falling below the standard of 6 sqm set out in Table 16.8. They also fall below the per bed space private open space minimum requirement for apartments contained in Table 16.7 which is a more onerous requirement than that provided by Table 16.8. The balconies associated with the 2 no. bedroom units' range between 7sqm and 12.3sqm in area resulting in a number of balconies falling below the Development Plan minimum standard of 8sqm set out in Table 16.8 and Table 16.7. The private open space provision for the apartments has been designed in accordance with the Apartment Guidelines.

Justification for Material Contravention

The proposed development of 371 no. residential units has been designed to provide a high standard of residential accommodation to future occupiers, in line with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020). It is considered that a number of the development management standards relating to Apartment Development contained within the Limerick City Development Plan 2010-2016 are in direct conflict with the Section 28 Guidelines.

Furthermore, the proposed development can be considered strategic in nature as it complies with the overarching themes of the National Planning Framework by proposing a compact, well-designed, sustainable form of residential development on an underutilised suburban site, located in close proximity to a range of social and commercial facilities and public transport services. The proposed development accords with the relevant National Planning Objectives in addition to a full suite of national and regional policy and guidelines. On this basis, we conclude that the Board can grant planning permission for the proposed development in respect of the

standard of accommodation provided by the proposed apartments (including duplex units), having regard to Section 37(2)(b) (i) and (iii) of the Planning and Development Act, 2000 (as amended).

7.0 Third Party Submissions

4 no. third party submissions were received. The submissions are summarised below.

1 Courtbrack Land Limited

- *Permeability:* The proposed development which forms part of a masterplan concept, appears to be dependent on future vehicular accessibility and connectivity to the Dock Road via the lands and road infrastructure referred to in the submitted masterplan as “potential future road link under review” which are outside the control of the applicant, and are within the ownership of ‘1 Courtbrack Land Limited’. No discussion or consent has taken place or agreed in relation to the availability or capacity of such arrangements to facilitate the proposed development and/or masterplan concept upon which the proposed development is based.
- *Flooding:* Section 5.5.5 of the flood risk assessment suggests that under a breach scenario, there is a possibility of increased risk of flooding elsewhere and to third party lands outside the planning application site, including what appear to be lands that are within the ownership of ‘1 Courtbrack Land Limited’. It is insufficiently clear to determine as to whether or not, lands outside the development site are at an increased risk of flooding as a consequence of the proposed development when in fact the submitted breach model results indicate that increased flood levels is possible. The Board will be mindful that those lands are zoned for development use.

John and Millie Hassett

- Pedestrian and cyclist access is proposed through an old disused gateway on Greenpark Avenue. This laneway was previously a private entrance to the racecourse and has not been in use since 1999. If this laneway is to be used for access, an obstruction should be provided to ensure users of bicycles, scooters etc must dismount before entering or exiting Greenpark Avenue.

- There are concerns that Greenpark Avenue could be used as a vehicular route to access the South Circular Road (SCR).
- SCR is already at capacity and there are proposals to introduce cycle laneways on the road, which would further reduce its capacity. The impact on the capacity of the road due to the construction of an additional 31 no. residential units approved under ABP-302015 has yet to be seen.
- The applicant has not included the Deed of Conveyances which is referred in the documentation. If it is important, it should be included.
- The applicants claim of ownership of 80m of Greenpark Avenue is open to question.

John Conway and The Louth Environmental Grout (BKC Solicitors)

Section 28 Guidelines:

- The Board should refuse and cannot grant permission for the proposed development where such a grant would be justified by the Apartment Guidelines as these are not authorised by Section 28 of the Planning and Development Act, 2000 (as amended). Section 28(C) purports to authorise these guidelines, such provision is unconstitutional. The guidelines are also contrary to the SEA Directive as they authorise contraventions of the development plan without SEA or screening for SEA being conducted.
- The proposed development materially contravenes the development plan apartment development standards. This cannot be justified by S. 37 of the Act or the Apartment Guidelines.
- The proposed development materially contravenes the residential height, density and housing mix set out in the plan. The applicant has failed to identify these material contraventions.
- The risk of flooding warrants a refusal of permission as inadequate regard has been given to the impact of climate change.
- The proposed development is not of strategic or national importance and cannot be granted under S. 37 of the Act. The applicant has not provided any basis for asserting that the development is of strategic or national importance. Reliance on the definition of Strategic Housing Development is erroneous.

- The plans and particulars do not comply with the requirements of the 2001 Regulations and the 2016 Act, including the requirement for detailed plans and particulars for the basement level.
- The site notice does not contain a complete description of the proposed development and, therefore, does not comply with the 2001 Regulations.
- The documentation has not demonstrated that there is sufficient infrastructure capacity to support the proposed development, including public transport, drainage, water services and flood risk.
- The proposed development represents a traffic hazard for existing residents and would contribute to traffic congestion.

Environmental Impact Report

- The EIAR is inadequate and deficient and does not permit an assessment of the potential environmental impacts of the proposed development.
- The scoping exercise is inadequate as it does not clearly identify the statutory bodies consulted and their observations / submissions and whether these were considered in the relevant EIAR chapters.
- The Board lacks ecological and scientific expertise and / or does not appear to have access to such expertise in order to examine the EIA Screening Report as required under the EIA Directive.
- The EIAR and Construction and Waste Management Plans provide insufficient information to enable a proper and complete assessment of potential pollution and nuisances arising in respect of the development. It is not permissible for the developer to provide vague and generic information and to seek to rely on this for the purposes of EIAR to assess impacts on human health. If the Board impose a condition, it would effectively be abdicating its responsibility under the EIA Directive.
- The criteria considered in the EIAR does not comply with the requirement of the 2000 Act, the 2016 Act or the associated Regulations.
- The proposed development and submitted documentation is insufficient and does not comply with the requirements of the 2000 Act, 2001 Regulations or the EIA Directive.

- The EIA failed to provide a comprehensive cumulative assessment of the project.
- The Population and Health chapter fails to assess the impact of an increased population on services including schools, childcare and medical care.
- The impact on biodiversity and human health including noise, dust and vibrations during both construction and operational phases is inadequate and lacking in detail.
- The impact on soils and geology is inadequate and lacking in detail in that it fails to consider best scientific knowledge and factual information including likely impacts on human health. It further fails to consider likely impact on protected sites due to groundwater connectivity.
- There is insufficient information contained in the water chapter in relation to the foul water network.
- The proposed development represents a traffic hazard for existing residents and would contribute to traffic congestion.

Appropriate Assessment

- The development does not comply with the requirements of the 2000 Act and the Habitats Directive due to inadequacies in the AA Screening Report.
- The AA Screening Assessment contained within the NIS does not provide sufficient reasons or findings required under the Habitats Directive. The conclusions / statements made do not identify any clear methodology and no analysis is offered in respect of sites screened out at the AA screening stage.
- The Screening Assessment is flawed as it rules out certain designated sites on the basis of mitigation measures.
- The NIS does not consider all aspects of the construction phase, including compounds and haul roads etc.
- The NIS seeks to rely on the assessment of collision / flight risks in the EIAR. This is impermissible and non-compliant with the nature of assessment required under the Habitats Directive.

- Insufficient surveys have been carried out to assess the potential impacts arising from bird collision / flight risk insofar as the proposed development may impact bird flight paths.
- The NIS fails to identify and consider all potential impact on protected bird species.
- The Zone of Influence referred to in the NIS is not reasoned or explained.
- No regard and/or inadequate regard has been given to the cumulative effects of the proposed development in combination with other developments in the area on protected sites.

Log na gCapall Residents Association (LNGRA) and Green Park Close Residents

- The provision of housing is broadly welcomed to meet the demands of different household types. However, the needs should be compatible with the receiving environment.
- Concerns regarding the proposed emergency vehicle access through Log na gCapall onto the SCR. The Limerick Shannon Metropolitan Area Transport Strategy supposed by the development plan seeks to limit further traffic onto the SCR in the interest of more sustainable modes of transport.
- The linear nature of the access road facilitates increased speed. Children regularly play on the green spaces within the adjacent housing estate. Increased traffic volumes and in particular speeding emergency vehicles would have a negative impact on the existing residential amenities.
- Due to capacity issues and congestion on SCR it is not a suitable route for emergency vehicles. A number of photographs are included in the submission which indicated high traffic volumes on the surrounding road network.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 30th November 2021. The report includes a summary of the proposed development, description of the site and surrounding area, planning history, zoning of the site, a summary of submission by third-parties and prescribed bodies and policy context. A summary of the views of the

elected members of the Metropolitan District of Limerick as expressed at a special meeting held on the 15th November 2021. The elected members generally welcomed the development of the site. The main concerns, of the elected members related to the open space provision, size of the creche, housing tenure, concerns regarding operation of vehicular access, clarity required regarding relationship between subject site and lands in the ownership of the council, biodiversity, phasing, anti-social behaviour, and boundary treatments. Internal reports from Environment Section (Noise), Archaeologist, Heritage Officer, Physical Development Section and Roads Section are included as appendices.

- 8.2. The key planning considerations of the Chief Executive's report are summarised below.

Principle of Development: Residential development is permitted in principle under Objective ZO.2 'Residential, Local Services and Institutional'. The proposed development is considered acceptable.

Site Layout: Pedestrian and cycling access from to and through the Alandale development is considered key to providing appropriate linages to and through the Mary Immaculate College Campus. This is a more pedestrian and bicycle friendly route than the Dock Road.

Density: The site area is 10.5ha and it is proposed to construction 371 no. units. therefore, the density is 41 units per ha. This is not considered excessive at this location and is in line with the Apartment Guidelines.

Apartment Blocks: The proposed units are considered to be in accordance with the standards as set out in the Apartment Guidelines.

Design, Height, Scale, Materials and Finishes: It is considered that the development makes a positive contribution to place making and incorporates new public spaces. The breaking up of the apartments into a number of separate blocks results in a development that is not monolithic in scale, and it has well considered external finishes. Separation distances between the buildings are considered to be adequate.

Residential Amenity: Any development of a vacant / disused brownfield site in an urban area will have an impact on existing residential amenity. The impact on residential amenity of adjacent property generally arises from an increase in pedestrian footfall and cyclists traversing Log na gCappal and Greenpark Avenue. It is considered that the separation distances achieved, and limited heights proposed the scheme would not lead to overlooking, overshadowing or overbearing impact on existing residential properties.

Open Space / Landscape Strategy: The planning authority are satisfied that the development complies with the recreation matrix set out in the development plan.

Flood Risk: There are serious concerns in relation to the development of residential use in Flood Zone A/B which would be contrary to the Flood Risk Management Guidelines. The report of the Physical Section also raises concerns regarding potential flood risk.

Part V: it is noted that Cluid Housing Association have expressed an interest in taking units on the site. There is no objection in principle to the transfer of 37 no. units.

Development Contribution: If permission is granted standard Section 48 development contributions apply.

Recommendation:

It is recommended that permission be refused for the following reason: -

1. The proposed development is in an area at risk of flooding and as such would be contrary to Policy WS.9 Flood Risk as set out in the City Development Plan 2010 – 2016 and the Planning System and Flood Risk Management – Guidelines for Local Authorities, November 2009. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

If permission is being contemplated the planning authority also set out 25 recommended conditions.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant was required to notify prior to making the SHD application was issued with the Section 6(7) Opinion and included the following: -

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Limerick County Childcare Committees
- Health and Safety Authority

The applicant notified the relevant prescribed bodies listed in the Board's Section 6(7) opinion. The letters were sent on the 7th October 2021. A summary of the comments received are summarised below:

Irish Water: Irish Water records indicate there are significant existing water and wastewater infrastructure traversing through the site. In this regard the records indicate existing 300mm and 600mm diameter trunk watermains and a 1500mm foul sewer line traverse the proposed redline site boundary. Due to the size and significance of these IW assets diversion(s) will not be feasible. The applicant has engaged with Irish Water in order to assess feasibility of a potential build over/near for which an assessment of feasibility has been completed and a Confirmation of Feasibility of a build near has been issued to the applicant which is subject to a Deed of Easement being provided to Irish Water for the route of the 600mm trunk watermain through the site, prior to any construction works taking place.

Health and Safety Authority: There are no concerns in the context of Major Accident Hazards.

National Transport Authority:

In principle, the NTA supports the proposal to consolidate development on the Masterplan lands for mixed-use housing, commercial and employment use at higher densities that could potentially support public transport, walking and cycling. However, the NTA considers that there a number of elements of the proposal that require substantial redesign.

- The redesign and reconfiguration of the main spine road to access the site from Dock Road to allow greater priority and convenience to walking and cycling is undertaken;
- That the proposed roundabouts are reconfigured to enhance safety and priority for walking and cycling;
- That the underlying principles of the masterplan are reviewed in terms of land-use distribution and likely future patterns of movement;
- That the priority afforded to sustainable transport modes within the residential area is strengthened;
- That all road infrastructure to be designed in line with the National Cycle Manual and the principles of the Design Manual for Urban Roads and Streets; and
- That connections eastwards to adjoining development be delivered as part of the subject development.

Transport Infrastructure Ireland:

- The Authority considers that the proposed development is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network for the following reasons:
- Insufficient data has been submitted to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.
- The Traffic and Transport Assessment (TTA) does not include an assessment of the nearby Dock Road/N18/N69 Junction on the Limerick Southern Ring Road. The TTA should be updated to include an analysis of development impact on the N18 mainline and the associated Dock Road/N18/N69 Junction. Such an update is considered necessary as the TTA submitted with the SHD application indicates future year capacity constraints at the Dock Road/Greenpark Roundabout which might have consequent implications for the operation of the Dock Road/N18/N69 Junction.
- The Draft Limerick Shannon Metropolitan Transport Strategy identifies localised congestion on the grade separated junctions of the M7/N18, in

particular, Mackey (Newport) Roundabout, Ballysimon Interchange and the Dock Road Interchange. It is strongly advised that a an updated TTA should be undertaken to include analysis of the N18 mainline and the associated Dock Road/N18/N69 Junction.

- TII seeks to ensure that official national objectives are not undermined and that the anticipated benefits of the investment made in the national road network are not jeopardised. The Board will be aware of National Strategic Outcome 2 of the National Planning Framework, which includes the objective ‘Maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements.’
- Chapter 7 ‘Enhanced Regional Accessibility’ of the National Development Plan, 2021 – 2030, sets out the key sectoral priority of maintaining Ireland’s existing national road network to a robust and safe standard for users.

No submission was received from Limerick County Childcare Committee.

10.0 **Assessment**

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and has full regard to the chief executives report, 3rd party observations and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Principle of Development
- Quantum of Development
- Design Approach
- Open Space
- Residential Amenity
- Water Services
- Flood Risk
- Transportation

- Part V
- Material Contravention
- Chief Executives Report

10.1. Principle of Development

- 10.1.1. The development site is subject to 3 no. zoning objectives. The majority of the subject site and all the proposed residential units are located in an area zoned '2A Residential', with the associated landuse objective '*to provide for residential development and associated uses*'. The western portion of the site, which accommodates the majority of the proposed access road, is zoned '5A Mixed Use' with the associated landuse objective '*to promote the development of mixed uses that serves an area greater than its immediate catchment and to ensure the creation of a vibrant and sustainable urban area. The primary purpose of this zoning is to provide for a range of employment and related uses. Permissible uses within this zone includes general offices, conference centre, third level education, hospital, hotel, commercial leisure, cultural, residential, public institutions, childcare services, business and technology/research uses (including software development, commercial research and development, publishing, information technology, telemarketing, data processing and media activities), light industrial uses and in addition, local convenience stores/corner shops and community/civic uses. Residential uses are also permitted*'. A small area at the centre of the site, which would accommodate a small section of the proposed access road, is zoned '5C Neighbourhood Centres' with the associated landuse objective '*to protect, provide for and/or improve the retail function of neighbourhood centres and provide a focus for local services*'. The principle of residential development and a childcare facility with associated road infrastructure are, therefore, considered in accordance with the zoning objectives. It is noted that the planning authority and third parties raised no objection to the principle of the development.
- 10.1.2. Chapter 14: Area Profiles of the development plan sets out key policies and objectives for suburban areas within the city. The South Circular Road / Ballinacurra area incorporates the racecourse lands. It states that the former Limerick Racecourse represents one of the largest remaining undeveloped land banks in the city which when integrated with the adjacent Alandale developments represents the newest housing area in the city. The development plan identifies 13 no. key objectives for the

area. The relevant objectives include provision of adequate public transportation infrastructure; open space area in the former race course lands; protection of residential amenity; appropriate mix of uses to support the primary residential function of the area; the balanced development of the existing underutilised lands in the area in particular the former racecourse lands; and provision of infrastructure appropriate to the needs of the area. It is my view that the proposed development is in accordance with the key policies and objectives for the South Circular Road / Ballinacurra area as set out in Chapter 14 of the development plan.

- 10.1.3. Permission was previously refused on a portion (4.85ha) of the subject site (ABP PL91.246035) as it was considered the development of the lands was piecemeal and premature pending an agreed Masterplan for the entire Greenpark Racecourse site. To address this reason for refusal the applicant submitted a Masterplan for the former Greenpark Racecourse lands. The vision for the masterplan seeks to rejuvenate and regenerate this large undeveloped site and significant land back in the urban area. It is proposed that the lands would be subdivided into 3 no. areas, in this regard a District Park generally located on the southern portion of the overall site, a Commercial Area generally located in the north and western portions of the overall site with frontage onto Dock Road and a Residential Area generally located in the southern and eastern portions of the overall site. Section 1 of the Masterplan states that the lands would accommodate an office campus (39,500 sqm), 831 no. residential units (including houses, duplexes and apartments), neighbourhood centre, nursing home (120 no. beds) and a crèche. Section 9.5.5 of the masterplan states that the overall lands would have a residential density of 47 units per ha. The applicants Planning Report and Design Report state that the overall lands would accommodate 920 no. residential units, to provide an increased residential density and greater housing mix in the context of the relevant national guidelines. The masterplan was completed in December 2020. It is not a statutory document, however, the applicants Planning Report states that it was prepared in conjunction with Limerick City and County Council. The planning authority raised no objection to the content of the masterplan. In my opinion the submitted masterplan sets out an overall vision for the former Greenpark Racecourse and addresses the previous reason for refusal.

10.2. ***Quantum of Development***

- 10.2.1. The proposed scheme has a density of 47 units per ha (excluding the 2.6ha for the new road network). It is noted that the planning authority have included the overall site area (10.5 ha) and consider the scheme to have a density of 41 units per ha.
- 10.2.2. Chapter 16 of the development plan notes that Limerick is, in general, a low density city with net densities of between 15 to 20 dwellings per hectare in detached or semi-detached form. It is an overarching aim of the plan to promote the development of higher densities and the consolidation of the urban form of the city. Policy H.5 aims to promote increased density where appropriate to do so, having regard to the existing or proposed public transport provision and proximity to the City Centre. Part II - Quantitative Standards (page 16.8) of the plan states that high densities will be promoted throughout the city area, and in particular will be sought within a walking catchment (c. 500m) of public transport infrastructure, major centres of employment; prime urban centres, neighbourhood centres and areas in need of regeneration. It also states that higher densities can best be achieved on sites in excess of 0.5 acres.
- 10.2.3. To prevent the adverse effects of overdevelopment the development plan also sets out indicative site coverage standards. The indicative standards are provided for 3 no. Zones. The subject site is located in Zone 3 (Suburban) which has an indicative standard of 50%. It is noted that the majority of the city area is considered to be within this zone. The proposed development has a site coverage of 18.4% which is significantly below the indicative 50% standard in the plan. The plot ratio for the development is 0.47. The development plan does not provide indicative plot ratio standards.
- 10.2.4. It is also noted that Table 2.4 of the development plan states that the former racecourse lands comprises 36 ha of undeveloped zoned land with a potential yield of 1,188 no. residential units. The information submitted with the application indicates that the redevelopment of the former racecourse lands (47 ha) would accommodate c. 920 no. residential units, which is significantly below the quantum outlined in the development plan.
- 10.2.5. It is my opinion that developments should not be subject to a blanket numerical limitation and should be assessed on their merits, however, I have concerns that the

proposed quantitative standards (density, site coverage and plot ratio) result in an suburban typology which in my view is an inappropriate use of serviced and zoned land in the metropolitan area of Limerick City which is located c. 350m from public transport (bus). It is also noted that the proposed development would not support the quantum of residential development envisioned for the overall racecourse lands as set out in Table 2.4 of the development plan. Therefore, it is my opinion that the proposed density would be contrary to the provisions of the development plan.

- 10.2.6. Policy H.4 of the development plan states that it is policy to have regard to the objectives of the Sustainable Residential Development in Urban Areas Guidelines. Section 5.7 of the Sustainable Residential Development Guidelines states that where significant brownfield sites exist and, in particular, are close to existing or future public transport corridors, the opportunity for their redevelopment to higher densities should be promoted. Section 5.8 of the guidelines also recommends that increased densities should be promoted within 500 metres walking distance of a bus stop. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors.
- 10.2.7. The site is located on the periphery of the urban area, c. 2km south west of the city centre and was formerly in use as a racecourse. It is adequately served by public transport, with bus stops on the Ballinacurra Road, a minimum of c. 350m to the east of the site, which provide a link to the city centre. In addition, Colbert Train Station is located c. 2km from the site, which provides links to Dublin and Cork. The site is also located c. 1.2km north of the Crescent Shopping Centre, c. 600m south of Mary Immaculate College and c. 1.4km north of University Hospital Limerick. Access to the site is from an existing and extensive road network and the applicants Traffic and Transport Assessment notes that there are ongoing discussions between Limerick City and County Council and the NTA in relation to the upgrading of the Dock Road (N69) to have enhanced public transportation / alternative modal facilities including priority bus corridors and dedicated cycle lanes, which would significantly improve the public transport and pedestrian and cycle environment of the Dock Road. The Draft Limerick / Shannon Metropolitan Area Transportation Strategy 2040 (LSMATS) also notes the Dock Road (N69) would be reclassified as a Regional Road in the future. In addition

to the above there is also an extensive water and wastewater network available under the site.

- 10.2.8. The applicants Masterplan considers the subject site to be located in an 'outer suburban / Greenfield' location and, therefore, recommends a density of between 40 -47 units per ha for the overall racecourse lands. Section 5.11 of the Sustainable Residential Development Guidelines identifies Outer Suburban / Greenfield sites as open lands on the periphery of cities or larger towns whose development would require the provision of new infrastructure, roads, sewers, and ancillary social and community facilities. Having regard to the characteristics of the site as outlined above I do not agree with the applicant's assessment that this is an 'outer suburban / Greenfield site'. It is my view that it is a brownfield site. It is noted that the planning authority also consider this to be a brownfield site and state that the surrounding area is well serviced, with a variety of schools (primary, secondary and the third level Mary Immaculate College) and the Crescent Shopping Centre (District Centre). The planning authority further state that the area is served by public transport along O'Connell Avenue and Ballinacurra Road, connecting the city centre and the Raheen Employment Zone.
- 10.2.9. Having regard to the site's former use as a racecourse, its proximity to the city centre, to a range of services and facilities at the Crescent Shopping Centre (District Centre), to employment and education centres and to the proximity (350m) to existing bus stops and the potential future public transport infrastructure along Dock Road, it is my view that this site is a brownfield site and minimum net density of 50 units per ha should apply, in this instance. Therefore, it is my opinion that the proposed density is not in accordance with the provisions of the Sustainable Residential Development in Urban Areas Guidelines.
- 10.2.10. Table 2.1 of the National Planning Framework provides for an additional population target of 50,000 – 55,000 for Limerick city and suburbs to provide an overall population of 145,000 by 2040. It also states that to create compact, smart and sustainable growth, 50% of new housing should be provided within the cities and suburbs and 30% elsewhere within the existing urban footprint. Furthermore, Objectives 4, 13, 33 and 35 of the National Planning Framework and RPO10 (Compact Growth in Metropolitan Area), RPO34 (Regeneration, Brownfield and Infill Development) and RPO35

(Support for Compact Growth) of the Regional Spatial and Economic Strategy (RSES) for the Southern Region, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments. It is my view that the proposed density is reflective of a suburban development and would not support the aims and objectives of the NPF or the RSES to consolidate the urban area.

10.2.11. In addition, Chapter 2 of the Design Standards for New Apartments Guidelines 2020 notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. The Apartment Guidelines consider central and / or accessible locations to be within easy walking distance to / from high frequency urban bus services. This is considered a 10 min peak hour frequency. There is a caveat included in the guidelines which states that the list is not exhaustive and would require local assessment. The Transport for Ireland website indicates that the site is served by 3 no. bus routes (301, 304 and 304a) with a maximum frequency of 15 min for the 304 in the peak periods. It should be noted that there are no bus services within the Limerick city area that operate at a greater frequency than 15 min. It is my opinion that the subject site is located in an accessible area. The applicant's masterplan considers the site to be located in an intermediate urban location. However having regard to the site characteristics outlined above, I do not agree with the applicant's classification and consider this site to be suitable for higher density developments.

10.2.12. It is acknowledged that Limerick is a predominantly low density city. However, it is my view that the proposed development potential of this site should be considered with regard national and regional policy, as outlined above, to support the consolidation of the urban environment. Recent grants of permission are changing the urban context of Limerick City and environs and it is my view that the current application should be considered in this context. In particular regard should be had to ABP-310103-21 which granted permission in August 2021 for the construction of 30 no. Build to Rent apartments, 318 no. student bedspaces and 2 no. retail units with a density of 127 units per ha and a maximum height of 7 storeys at Punches Cross, c. 1.5km west of

the city centre and c. 580m north east of the subject site. It is also noted that the Board have granted permission for higher density schemes located further from the city centre. In this regard permission was granted in 2020 (ABP-307631-20) for 200 no. residential units with a density of 50 units per ha at Castletroy c. 5.5km from the city centre and in 2021 (ABP 309999-21) for 137 no. residential units with a density of 54 units per ha in Annacotty, c. 6km from the city centre. Having regard to the distance of these site, at Annacotty and Castletroy, from the city centre it is considered that it would be an inefficient use of zoned and serviced land to provide a density of 47 units per ha on a site located c. 2km from the city centre and 1.2km from a District Centre (Crescent Shopping Centre) and would undermine the objectives of the national and regional planning policies to consolidate the urban area.

10.2.13. While the redevelopment of the subject site is welcomed and would contribute towards the consolidation of the urban area. It is my view that density should achieve the optimum use of urban land appropriate to its location and context. Having regard to the significant size of the subject site (10.5ha) and the overall masterplan lands (47 ha), its strategic location on an underutilised, zoned and serviced site on the periphery of the city centre with access to public transport in the form of bus and future potential public transport at Dock Road it is my view that this site has the potential to deliver a significant quantum of residential units and associated commercial / community uses in a compact urban form in accordance with the provisions of the development plan, National Planning Framework, The Regional Spatial and Economic Strategy, the Sustainable Residential Development Guidelines and the Apartment Guidelines which in my opinion, this scheme does not achieve.

10.2.14. It is my view that a significant redesign of the scheme is required and that this cannot be addressed by way of condition. Therefore, it is recommended that permission be refused on this basis that the proposed density of the development is not in accordance with the provisions of the following:

- The Limerick City Development Plan 2010-2016 (as extended) with particular regard to Policy H.4 to have regard to the Sustainable Residential Development Guidelines, Policy H.5 to promote increased density in the city, Table 2.4 to provide a potential yield of 1,188 no. residential units on the former racecourse

lands (36 ha) and indicative site coverage standards (page 16.9) to provide a site coverage of 50% in Zone 3;

- National Planning Framework to achieve compact growth through achieving effective density and consolidation rather than more sprawl for urban development and particular regard to Table 2.1 to provide for an additional population target of 50,000 – 55,000 for Limerick city and suburbs to provide an overall population of 145,000 by 2040. National Policy Objective 7 and National Policy Objective 33 both of which encourage population growth in strong employment and service centres of all sizes, supported by employment growth and priorities the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. National Policy Objective 13 which allows for planning and related standards to be based on performance criteria that seek to achieved well-designed high-quality outcomes. National Policy Objective 35 to increase residential density in settlements through a range of measures;
- The Regional Spatial and Economic Strategy with regard to RPO10 (Compact Growth in Metropolitan Area), RPO34 (Regeneration, Brownfield and Infill Development) and RPO35 (Support for Compact Growth);
- The Sustainable Residential Development Guidelines for Planning Authorities, 2009, which sets out minimum densities of 50 units per ha for brownfield sites and promotes increased densities within 500 metres walking distance of a bus stop; and
- Chapter 2 of the Apartment Guidelines which aims to significantly increase housing supply in Irelands cities and urban areas.

Regard is also had to the Boards recent grants of permission for residential schemes with a higher density and a greater distance from the city centre and to the undesirable precedent that the proposed density would set for the overall masterplan lands.

10.3. Design Approach

- 10.3.1. As noted above the subject site forms part of the former Greenpark Racecourse. As outlined in the masterplan the former racecourse site has been subdivided into smaller areas to be developed over a number of phases. The subject site is generally located

on the higher part of the overall site, at the south eastern portion, where the now demolished grandstand and parade ring of the racecourse were located.

10.3.2. The proposed development comprises the construction of 371 no. residential units and a 2-storey (550sqm) creche. The residential units comprise 157 no. 2-storey houses (10 no. 4-beds, 110 no. 3-bed and 37 no. 2-beds), 76 no. 3-storey duplex units (14 no. 3-beds, 38 no. 2-beds and 24 no. 1-beds) and 138 no. apartments (92 no. 2-beds and 46 no. 1-beds) in 3 no. blocks ranging in height from 4-5 storeys. The scheme is generally laid out in a traditional grid pattern with 22m separation distances between rear elevations of the houses and duplex units. The main access road is generally located along the northern boundary with a mix of houses, duplexes and apartments fronting directly onto the street. There is a network of internal streets and green spaces accessed from this main street.

10.3.3. The scheme has been divided into 4 no. Character Areas comprising the following: -

Greenpark Road Upper. This area is located in the north-western portion of the site at the entrance from Dock Road and incorporates the creche building. This character area comprises houses and duplexes which range in height from 2-3 storeys. The predominate external material would be brown / red brick and render.

Greenpark Road: This area is located in the north-eastern portion of the site. It accommodates apartment Blocks A and B, duplex units and houses which range in height from 2-4 storeys. This area includes an area of public open space (1,427sqm). The external material would comprise render with a dark brick at the gable end of these buildings / terraces.

The Paddocks: This area is located in the south-western portion of the site. It generally comprises 2-storey houses with a limited number of corner duplex units. It includes 2 no. pocket parks (717sqm and 1,908sqm). The proposed external material comprises buff brick and render. The design of the houses varies with some bay windows and some hipped roofs provided.

The Gallops: This area is located in the south-eastern portion of the site and accommodates Apartment Block C, duplex units and houses which range in height from 2 -4 storeys. It also incorporates the largest area of public open space (5,879sqm)

within the scheme. The open space is proposed at the site's eastern boundary with the proposed nursing home development and the existing Log na gCapall residential estate.

The creche and an area of public open space (1,580sqm) located in the north-western portion of the site have not been included in the indicative character areas.

- 10.3.4. The proposed scheme comprises 42% (157 no.) 2-storey houses, 20% (76 no.) 3-storey duplexes and 37% (138 no.) apartments in 3 no. 4 – 5 storey blocks. This is broken down to 19% (70 no.) 1-bed units, 45% (167 no.) 2-bed units, 33% (124 no.) 3-bed units and 3% (10 no.) 4-bed units. It is stated that 62% of the apartment units are dual aspect. The proposed development includes a variety of unit types and sizes ranging from 50.3sqm 1-bed apartments to 138sqm 4-bed houses.
- 10.3.5. Table 16.5 of the development plan sets out a minimum floor area for apartment developments. It sets a standard of 55sqm for 1-bed units and 90sqm for 2-bed apartments (4-person). The scheme includes 46 no. 1-bed units and 92 no. 2-bed units. The 1-bed units (Type A, B and C) ranging in size from 50.3sqm to 59.3sqm. The 2-bed units (Type A, B, C, D and E) range in size from 76.8sqm to 87.4sqm. Therefore, some units do not accord with the provisions of the development plan. In this regard the 1-bed Type A (50.3sqm) and Type C (52.9sqm) apartments fall below the 55sqm floor area standard set out in the development plan. A total of 21 no. (45%) of the 1-bed units do not comply with the development plan standards. All 2-bed units (Types A, B, C, D and E) fall below the 90sqm floor area standard set out in the development. The scheme includes 92 no. 2-bed apartments. Therefore, a total of 113 no. (82%) of the proposed apartments do not accord with the minimum floor area standard as set out in the development plan.
- 10.3.6. The applicant submitted a material contravention statement which addressed and justified the proposed unit sizes. It is acknowledged that in some instances the total floor areas of some units may not meet the minimum floor area standard provided within the plan. However, it is noted that the proposed units broadly do meet the standards as set out in the development. It is my view such a limited non-compliance with a standard, as opposed to non-compliance with a policy, does not represent a

material contravention of the plan. It is noted that the design and layout of the units do not conflict with any policy within the plan with regard to the quality of accommodation proposed. In addition, the units are considered to be in accordance with the provisions of Chapter 16 (Housing Development) of the development plan to provide a mix of house type and size in all schemes on sites over 0.5 ha. Furthermore, the floor areas of all apartments reach and exceed the standards set out in the Apartment Guidelines, in this regard 45sqm for a 1-bed unit and 73sqm for a 2-bed (4-person) unit. It is also noted that no concerns were raised by third parties or the planning authority regarding non-compliance with standards of the development plan.

- 10.3.7. The proposed external materials are traditional in character with brick and render. Full details are provided in the Materials and Finishes Report. In my view the variety in colour and design between the character areas result in a high-quality legible scheme. It is noted that the planning authority consider the finishes to be well considered. Notwithstanding this, I have some concerns regarding the use of render in the apartment blocks and consider that a brick or similar high-quality material would be more appropriate in this instance. It is also my view that the gable end of all duplex units should be finished in brick or a similar high-quality material. If permission is being contemplated it is considered that this could be addressed by way of condition.
- 10.3.8. An indicative phasing map has been submitted which indicates that the scheme would be developed in 5 no. phases which do not directly relate to the character areas. Phase 1 comprises 108 no. units (84 no. houses and 24 no. duplex units). Phase 2 comprises 64 no. houses and the creche. Phase 3 comprises 52 no. apartments (Apartment Block C). Phase 4 comprises 61 no. units (9 no. houses and 48 no. duplex units). Phase 5 comprises 86 no. apartments (Apartment Block A and B). I have no objection to the proposed phasing. However, it is noted that the access road has not been included in any of the phases. Therefore, in the interest of clarity it is recommended that if permission is being contemplated that a condition be attached that the access road be fully completed prior to the occupation of any residential units.
- 10.3.9. It is acknowledged that the proposed scheme includes a mix of typologies and heights that is reflective of the surrounding developments and has the potential to create a high quality and visually interesting scheme that caters for a variety of housing types. It is also noted that the planning authority consider that the development makes a

positive contribution to place making and incorporates new public spaces. I have no objection in principle to a traditional suburban layout at appropriately located sites. However, the proposed design and layout which includes 157 no. traditional semi-detached and terraced houses with generous rear gardens, ranging in size from 60sqm to 120sqm, and front gardens with off street parking results in a development with a density of 47 units per ha which in my opinion would be more appropriate in a suburban location, which I do not consider this site to be.

10.3.10. Having regard to the size of the subject site and that of the overall former racecourse site and its proximity to the city centre, this site has the potential to create a new high quality residential quarter supported by mixed commercial, community and recreational facilities, which would positively contribute to the surrounding environment and consolidate the urban environment. This site should also be viewed in the context of the existing Alandale development to the north of the subject site, which in my opinion is a high quality urban scheme comprising of 3 – 5 storey duplex and apartment units. It is my view that this urban approach should be extended to the subject site.

10.3.11. In conclusion, while I have no objection in principle to the proposed suburban typology it is my view that this site is not in a suburban location and, therefore, the design and layout, which results in a density of 47 units per ha, is not appropriate in this instance. It is, therefore, my opinion that the scheme fails to positively contribute to the emerging urban environment and to support the consolidation of the urban environment.

10.4. ***Open Space***

Public Open Space

10.4.1. Table 16.4 of the development plan recommends that 10% of the site area be provided as public open space. The proposed development incorporates 11,511sqm of public open space which equates to 14.6% of the developable site area (7.9 ha) and is, therefore, in excess of development plan standards. The public open space is provided in 5 no. areas (A – E) throughout the scheme. Area A (717sqm) and Area B (1,908sqm) are pocket parks located in the western and central portions of the site. These spaces are enclosed and directly overlooked by 2-storey houses and 3-storey duplex units. Area C (5,879sqm) is a large area of open space located in the south-

eastern portion of the site adjacent to the existing Log na gCapall housing estate and the proposed nursing home site. To the east, this space is overlooked by proposed houses, however, it is bound to the north by the gable wall of duplex units. It is noted that the duplex units do not provide any passive overlooking of the open space at first or second floor level. To improve overlooking of this space it is recommended that if permission is being contemplated a condition should be attached to provide first and second floor windows to the duplex units that are immediately adjacent to Open Space Area C. Area D (1,427sqm) is located in the northeastern portion of the site adjacent to the access at Greenpark Avenue and is directly overlooked by duplex units. Area E (1,580sqm) is located in the northwestern portion of the site. It is located on the northern side of the internal access road at the entrance to the development site. This area is not directly overlooked by any dwellings and due to its location on the opposite side of the internal access road it is my view that this area is unlikely to be utilised by future residents. However, it is noted that this space would connect to a larger area of public open space proposed in later stages of the redevelopment of the site. This site is indicated on the landscape masterplan as an 'attenuation area', and it is noted that it accommodates one of six proposed underground attenuation tanks. If permission is being contemplated it is recommended that detailed landscaping and planting proposals be provided for this space to ensure it is adequately maintained and provides a level of visual amenity for future occupants.

- 10.4.2. The Landscape Design Report outlines the location of structured play elements, national playful areas and fitness station points throughout the scheme. The submitted shadow diagrams also indicated that all areas of public open space would receive in excess of the BRE Guidelines and, therefore, indicates that these spaces would be well lit throughout the year. It is my opinion that high quality public open space has been provided within the scheme and would provide active and passive uses for future and existing residents.

Communal Open Space

- 10.4.3. The development plan does not set out a standard for communal open space. The Apartment Guidelines set out communal open space standards of 5sqm per 1-bed unit and 7sqm per 2-bed (4 person) units. Therefore, there is a requirement for 874sqm of communal open space. The scheme includes 2 no. areas of communal open space to

serve the apartment units with a total area of 3,091sqm, which is significantly in excess of the Apartment Guideline standards. The areas of communal open space are provided between apartment Blocks A and B in the northern portion of the site and to the south of apartment Block C. The submitted shadow diagrams also indicated that all areas of communal open space would receive in excess of the BRE Guidelines and, therefore, indicates that these spaces would be well lit throughout the year. I have no objection to the proposed quantity or quality of the proposed communal open space.

Private Open Space

- 10.4.4. The development plan sets out a recommended standard of 15sqm of private open space per bed space for a house. In accordance with development plan standards each house has been provided with a generous rear garden, ranging in size from 60sqm to 130sqm. It is noted that houses are also provided with front gardens with off street car parking.
- 10.4.5. With regard to duplex units the development plan (page 16.26) states that private open space may be in the form of balconies, terraces, roof gardens or communal landscaped areas exclusive of surface car parking. Balconies or terraces shall be usable and be a minimum of 4sqm in area. The private open space for the duplex units is significantly in excess of this standard with duplex units provided with traditional rear garden layout and minimum 10sqm balconies at first floor levels.
- 10.4.6. With regard to apartment units Table 16.7 requires a minimum of 12-15 sqm of private open space per bed space in suburban areas. It is noted that this standard is significantly in excess of that set out for duplex units. In addition, Table 16.8 sets out a minimum area of 6sqm for 1-bed units and 8sqm for 2-bed units. The proposed balconies associated with the 1 no. bedroom apartment units are 5.1sqm, and the balconies associated with the 2 no. bedroom units' range between 7sqm and 12.3sqm. Therefore, some balconies fall below the standards set out in the development plan.
- 10.4.7. The applicant submitted a material contravention statement which addressed and justified the proposed provision of private open space for apartment and duplex units. While it is noted that in some instances some areas of private open space may not meet certain standards set out within the plan, I do not consider such limited non-

compliance with standards, as opposed to non-compliance with a policy, to be a material contravention of the plan. The proposed private open space provision broadly does achieve the standards and do not conflict with any policy with regards to quality of accommodation proposed. It is my opinion that the proposed provision of private open space to serve the apartment units is adequate to ensure high quality residential amenity for future occupants. It is also noted that the scheme includes a significant quantum of public and communal open space that would provide passive and active areas for future occupants.

10.4.8. No concerns were raised by third parties or the planning authority regarding potential non-compliance with a standard of the plan. Furthermore, the private open space of all apartments reach and exceed the standards set out in the Apartment Guidelines, in this regard 5sqm for a 1-bed unit and 7sqm for a 2-bed (4-person) unit. It is my opinion that the proposed private open space provision of some of the apartment units would not be a material contravention.

10.4.9. In conclusion, I have no objection to the quantity or quality of the open space proposed and consider that it is reflected of a suburban development, that would provide high quality active and passive spaces for future residents and existing residents in the wider environs of the site. It is noted that third parties and the planning authority raised no concerns to the provision of open space.

10.5. **Residential Amenity**

Overlooking and Overbearing Impact

10.5.1. As noted above the subject site is generally bound by existing undeveloped lands to the north, south and west. To the east the subject site is bound by the Log na gCapall Housing Estate, which comprises 2 -3 storey houses and duplexes and to the north east by Greenpark Avenue which accommodates a limited number (c. 15) of detached and semi-detached dwellings and the rear boundary walls of houses fronting onto South Circular Road. Therefore the only potential for overlooking or overbearing impact relates to the existing dwellings to the east of the subject site.

10.5.2. Indicative unit numbers have been provided on drawing no. 20133-RAU-ZZ-ZZ-DR-A-02.1015 attached as an appendix to the DMURS compliance Statement. Duplex units

(41 – 52 Greenpark Road) in the north eastern portion of the site are located a minimum of c. 12m from the site boundary with the rear boundary wall of existing dwellings no. 25, 26, 27, 28, 29 and 30 Log na gCapall and a minimum of c. 16m from the ground floor rear elevation of the existing dwellings and 20m from the first floor rear elevation. These duplex units include a balcony at first floor level on the rear elevation. It is noted that no. 25 and 26 Log na gCapall are located at an angle to the subject site and, therefore, does not result in any directly opposing windows. The topographical plan submitted with the application indicates that the site boundary with Log.na gCapall is 8.6OD. It is proposed that the proposed dwellings would have a finished floor level of 5.3OD. With regard to numbers 27 -30 Log na gCapall, it is my view that the proposed 20m separation distance between the proposed and existing residential units and the proposed 3m level difference between the sites, would ensure that the proposed development would not result in any undue overlooking or loss of privacy for existing dwellings. It is also considered that due to the separation distances, the level differences between the sites and the relatively limited height (3 storeys) of the proposed duplexes that they would not result in an overbearing impact on these existing dwellings (25 – 30 Log na gCapall). It is noted that third parties and the planning authority have not raised any concerns regarding undue overlooking or overbearing impact.

10.5.3. It is proposed to provide 2-storey dwellings (no. 32-40 Greenpark Road) in the north eastern portion of the site. These dwellings are located a minimum of 12.3m from the site boundary and c. 15m from the gable / side of existing houses and duplexes within Log na gCapall. It is my view that due to the separation distances, the level differences outlined above, and the design and layout of the existing and proposed houses that the proposed development would not result in any undue overlooking or have an overbearing impact on no. 87, 88 (duplex unit) and 89 (semi-detached house) Log na gCapall. It is noted that third parties and the planning authority have not raised any concerns in this regard.

10.5.4. The proposed scheme also includes houses (no. 1 – 7 The Gallops) and duplexes (28 – 31 The Gallops) at the site's eastern boundary. The front elevation of these units are located c. 27m from the site boundary and c. 35m from the rear elevation of duplex units 73 – 88 Log na gCapall. It is my view that due to the separation distances, the

level differences between the sites as outline above and the design and layout of the existing and proposed houses / duplexes that the proposed development would not result in any undue overlooking or have an overbearing impact on existing residential units in Log na gCapall. It is noted that third parties and the planning authority have not raised any concerns in this regard.

Daylight, Sunlight and Overshadowing

- 10.5.5. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision 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'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.
- 10.5.6. The applicant submitted a report entitled Assessment of Sunlight and Daylight within the proposed development and Chapter 15 of the EIAR addressed Microclimate – Daylight and Sunlight. Both of these assessments rely on the standards in the following documents:
- BRE Report "Site Layout Planning for Daylight and Sunlight"; and
 - British Standard BS 8206-2:2008 Lighting for Buildings – Part 2 Code of Practice for Daylighting;

- 10.5.7. I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 ‘Daylight in Buildings’), which replaced the 2008 BS in May 2019 (in the UK) I am satisfied that this document / updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines.

Internal Daylight, Sunlight and Overshadowing

- 10.5.8. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylight living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied. The proposed apartment and duplex layouts include a combined kitchen/living/dining room. As these rooms serve more than one function the 2% ADF value was applied to the kitchen / living /dining rooms.
- 10.5.9. The applicant submitted a report entitled Assessment of Sunlight and Daylight within the proposed development. The assessment selected a sample of rooms within the ground floor level of the apartment blocks. In this regard 8 no. rooms in Block A, 10 no. rooms in Block B and 12 no. rooms in Block C. The information submitted in Table 2.1 of the report indicates that all of the 30 no. rooms assessed exceed the minimum recommended ADF targets (1% for bedrooms and 2% for LKD) with LKD achieving an ADF of between 3.3% and 8.2% and the bedrooms achieving an ADF of between 3.8% and 4.3%. The assessment did not include an analysis of ADF for the proposed houses or duplex units. However, it is my view that the submitted sample of units represents

the worst case scenario which indicates that all units within the proposed development would achieve an ADF in excess of the BRE Guidelines.

10.5.10. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. The proposed scheme includes 4 no. areas of public open space. To ensure a robust assessment the proposed nursing home development (Reg. Ref. 21/1222) and the previously approved residential development of 31 no. residential units (ABP-302015) were included in the model. The assessment indicates that all areas of open space would receive in excess of the BRE Guidelines and, therefore, indicates that these spaces would be well lit throughout the year. Full details of the assessment are provided in Table 3.1.

10.5.11. Having regard to the information submitted I am satisfied that all of the rooms and amenity spaces within the scheme would receive adequate daylight and sunlight. It is also noted that the planning authority and third parties raised no concerns in this regard.

External Daylight, Sunlight and Overshadowing

10.5.12. Chapter 15 of the EIAR addressed Microclimate – Daylight and Sunlight assessed the impact of the development on access to daylight and sunlight for existing properties and those granted planning permission. The assessment examined the potential impact of the proposed development on daylight received in a sample of windows located to the east of the site at Log Na gCapall and Greenpark Avenue, both with the proposed development and the cumulative impact of the proposed development and the nursing home development on existing properties and those permitted under ABP-302015-18 (but not yet constructed).

10.5.13. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would

notice the reduction in the amount of skylight. Table 15.1 of the EIAR indicates that of the 12 no. windows assessed all would be compliant with the BRE guidelines for VSC. Table 15.2 of the EIAR indicates that of the 14 no. windows assessed (2 of which are not yet constructed) all would be compliant with the BRE guidelines for VSC. This indicates that the proposed development would have an imperceptible / not significant impact on access to daylight for existing properties.

- 10.5.14. Table 15.3 outlines the impact of the proposed development on Annual Probable Sunlight Hours (APSH) for the 12 no. existing sample windows located to the east of the subject site. The BRE Guidelines recommend that the centre of at least one window to a main living room, orientated 90 degrees of due south, can achieve 25% of An Annual Probable Sunlight Hours (APSH) and at least 5% in the winter months
- 10.5.15. The assessment evaluated the impact of the development on all 12 no. sample windows. The assessment indicates that the proposed development would have no impact on APSH for 10 no. windows assessed. The impact on the remaining 2 no windows would be imperceptible and would be in accordance with BRE Guidelines. It is noted that third parties and the planning authority have not raised any concerns in this regard and no technical documents were included with any of the submissions. I have objectively considered the information submitted, which is evidence based and robust, and considered that the proposed development would not negatively impact on access to sunlight for existing / previously approved properties.
- 10.5.16. The EIAR also assessed the impact of the development on a sample of private amenity spaces for properties located to the east of the subject stie at Log na gCapall and Greenpark Avenue. The BRE guidelines recommend that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. A breakdown of the impact of the proposed development on 12 no. amenities spaces is provided in Table 15.3 of the EIAR. This indicates that the proposed development would have no impact on 7 no. spaces. The proposed development would have an imperceptible or no significant impact on the remaining 4 no. amenity spaces and these 4 no. amenity spaces would be in excess of the BRE Guidelines.
- 10.5.17. Having regard to the information submitted which is robust and evidence based, it is my view that it would not result in any undue overshadowing of the adjacent properties.

It is also noted that the planning authority or third parties raised no concerns regarding any potential overshadowing of adjacent properties.

10.6. **Water Services**

- 10.6.1. Concerns were raised by third parties that the submitted documentation has not demonstrated that there is sufficient infrastructure capacity to support the proposed development drainage and water services.

Water and Wastewater Networks

- 10.6.2. The applicants Engineering Planning Report notes that there is existing foul water drainage infrastructure under the site. In this regard the Limerick Main Drainage 1500mm diameter pipe flows southeast to northwest through the site and a 225mm / 300mm diameter pipe flowing northeast to southwest for c. 315m before flowing south-east to north-west through the site and discharging to Limerick Main Drainage network upstream of Greenpark Racecourse. The details of the infrastructure are indicated in Figure 3-1 of the report. It is proposed that the foul water generated by the site would flow by gravity to the existing 225mm / 300mm diameter foul sewer prior to discharging to the Limerick Main Drainage Network. The proposed scheme has been designed to allow the foul network for 31 no. residential units approved under ABP-302015-18 to discharge to the public network via the subject site. The network has also been designed to allow for future residential and nursing home developments within the overall Greenpark lands.
- 10.6.3. The applicants Engineering Planning Report also notes that there is existing watermain infrastructure under the site. In this regard a 600mm diameter pipe flowing southeast to northwest through the site and a 300mm diameter pipe flowing southeast to northwest from the Dock Road roundabout for c. 220m. The detail of this infrastructure is indicated on Figures 5.1 and 5.2 of the report. It is proposed to provide a new 250mm diameter and 180mm diameter watermain for the proposed development with 125mm diameter branch lines within the development. A connection would be made to the existing 600mm diameter watermain. The proposed network has been designed to allow for future residential developments and the nursing home development within the overall Greenpark lands.

- 10.6.4. The submission from Irish Water states that there are significant existing water and wastewater infrastructure traversing through the site. Due to the size and significance of these IW assets diversions would not be feasible. It is noted that the applicant has engaged with Irish Water in order to assess feasibility of a potential build over/near for which an assessment of feasibility has been completed and a Confirmation of Feasibility of a build near has been issued to the applicant which is subject to a Deed of Easement being provided to Irish Water for the route of the 600mm trunk watermain through the site.
- 10.6.5. Having regard to the above and the information provided within the applicants Engineering Planning Report which is robust and evidence based, I am satisfied that there is sufficient capacity within the network to accommodate the proposed development and there are no infrastructural aspects that present any conflicts or issues to be clarified with regard to the water or wastewater networks.

Surface Water

- 10.6.6. The applicants Engineering Planning Report notes that there is existing surface water drainage infrastructure on the site including the following: -
- 1350mm/1500mm diameter pipe flowing northeast to southwest from the boundary of the Alandale Development to the existing lagoon. This pipe was designed to receive surface water from Greenpark, Mary Immaculate College, Oil Storage Depot, Fitzhaven, Convent and Alandale.
 - 525mm diameter pipe flowing northwest to southeast from the Limerick Greyhound Stadium roundabout to the existing lagoon. This pipe was designed to receive surface water from Greenpark lands.
 - 300mm diameter pipe from Log na gCapall which discharges to an existing surface water drain within Greenpark.
 - An existing lagoon which was designed to receive surface water from lands noted above and to attenuate flows to greenfield run off rates.
- 10.6.7. Details of the existing surface water network are indicated on Figure 4-4-1 of the report. A new surface water network is proposed as part of the scheme and would be entirely separate from the foul water network. Surface water run off would be collected

and discharged via a mixture of traditional and SuDS measures to the existing 1350mm /1500mm diameter surface water sewer. Full details of the proposed SuDS measures are outlined in Section 4.3 of the report. The proposed network has been designed to allow for future residential and nursing home developments with the Greenpark lands. The Site Specific Flood Risk Assessment (FRA) states that the surface water network has been designed to ensure that the development does not result in increased run off rates.

10.7. Flood Risk

- 10.7.1. The subject site is located c.1km from the River Shannon and c. 60m from the River Ballynaclogh, both of these rivers are considered to be tidal at this location. A Site-Specific Flood Risk Assessment (FRA) and a Flood Risk Assessment for the Greenpark Masterplan lands were submitted with the application. Both of which note that there is a line of existing flood defences along both the River Shannon and the River Ballynaclogh which offer a good standard of protection to this area of Limerick.
- 10.7.2. Flood Risk zones are determined on the probability of river and coastal flooding only, other sources do not affect the delineation of flood risk zones. The SSFRA notes that the OPW CFRAMS maps indicate that the site is not at risk of fluvial flooding and that the 0.5% AEP coastal flood event does not reach the subject site due to the existing flood defence measures.
- 10.7.3. The Planning System and Flood Risk Management – Guidelines for Local Authorities require that existing defence measure must be disregarded when establishing a flood zone. The OPW mapping and the Limerick City Council Flood Maps indicate that the majority of the subject site is located within Flood Zone C. In this regard the central and eastern portions of the site. In general, the sites northern, southern, and western boundaries are located within Flood Zone A. Small areas of land between Flood Zone A and C are located in Flood Zone B. The Flood Zones are illustrated in Figure 3.5 of the SSFRA. In addition, the OPW maps indicate that there is no record of historic flood on the subject site.
- 10.7.4. The planning authority state that a significant portion of the overall site is considered to be in Flood Zone A or B and recommended that permission be refused as the proposed development is in an area at risk of flooding and as such would be contrary

to Policy WS.9 Flood Risk as set out in the City Development Plan 2010 – 2016 and the Planning System and Flood Risk Management – Guidelines for Local Authorities, November 2009. While it is acknowledged that a significant portion of the masterplan lands are located in areas identified as Flood Zones A and B the majority of the site, which is the subject on this application, is located in Flood Zone C as outlined above and is not reliant on the development of the adjacent lands. Therefore it is considered that the proposed development should be assessed on its merits.

- 10.7.5. Third party submission (1 Courtbrack Land Limited) also raised concerns that the proposed development would increase the risk of flooding to adjacent sites, which are outside of the control of the applicant.
- 10.7.6. The Planning System and Flood Risk Management Guidelines, 2009 outlines in Table 3.1 the 'vulnerability of different types of development'. The proposed development is residential in nature and, therefore, classified as 'Highly Vulnerable Development'. A creche is not identified as a use, however, a school is identified as a highly vulnerable development, therefore, it is my view that a creche would also be considered a highly vulnerable development. As a portion of the site is considered to be located in Flood Zone A or B, a Justification Test is required in accordance with the guidelines.
- 10.7.7. Table 6.1 of the applicants FRA addresses each of the criteria set out in Box 5.1 of the guidelines. Having regard to the location of residential units and part of the creche facility in Flood Zones A and B and the concerns raised by the planning authority and third party (1 Courtbrack Land Limited) it is considered appropriate to address each of the criteria.

1. The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.

The development site is subject to 3 no. zoning objectives. The majority of the subject site is zoned '2A Residential'. All the proposed residential uses and the creche are located in lands zoned '2A Residential'. The western portion of the site, which accommodates the majority of the proposed access road, is zoned '5A Mixed Use'. A

small area at the centre of the site, which accommodates a small portion of the access road is zoned '5C Neighbourhood Centres'.

Residential development and a creche is generally permissible on lands zoned 2A. The SEA carried out as part of the Development Plan notes the Planning System and Flood Risk Management Guidelines, 2009 and states that site specific FRAs will be required for all developments that occur within Flood Zones A and B. The proposed application is considered to be in accordance with criteria 1.

2. The proposal has been subject to an appropriate flood risk assessment that demonstrates:

- (i) The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;***

As outlined above the subject site is at risk from coastal flooding from the River Shannon and River Ballynaclogh, which are considered tidal at this location. The modelling carried out as part of the SSFRA indicates that the existing flood defences are sufficiently high to ensure the subject site is not at risk of coastal flooding. However, there is a need to ensure a precautionary approach. Therefore, it is proposed to raise the levels within the subject site to provide additional protection.

The topographical plan submitted (drawing no. 20133-RAU ZZ-ZZ-DR-A-02.1001 A) indicates that the sites topography ranges from 2.5OD to 10OD and generally runs in an east-west direction, with the higher lands located at the eastern site. To reduce the potential for flood risk the entire residential portion of the subject site would be cut and filled to a level of 5.0m OD and all finished floor levels would be a minimum of 5.3m OD.

It is not proposed to raise the level of the proposed new 374m internal road, which the topographical plan indicates site at a level of between 2.5OD – 4OD, as in the event of a breach of the flood defence measures, the modelling indicates that the Dock Road and environs would be flooded to a level of 2m in certain parts. Therefore, raising the access road would result in a roadway that was significantly raised above the surrounding land and in the event of a breach would provide access to an area subject to significant flooding and it is considered that this may encourage future occupants to use a road, which should not be encouraged during a flood event. In the event of a

breach of the flood defence measures it is proposed that emergency access and egress to and from the site would be facilitated from the east, via Log na gCapall. I have no objection to the proposed level of the internal access road and consider this a reasonable approach.

The SSFRA carried out modelling to assess the potential flood risk in the event of a breach of the existing flood defences at 3 no. locations. Full details are provided in Section 5 of the applicants SSFRA. The modelling notes that each breach would generally produce the same flood extent. It is noted that even if the defences are breached, they would not reach the proposed development as the water would spread out across the entire Dock Road / Greenpark area and environs. The maximum derived water level within the vicinity of the site during a breach would be 4.3m OD. Therefore, modelling indicates that in the event of a breach the impact on the subject site is negligible for all breach locations. This is due to the relatively small amount of infill required for the site and that the majority of the site is located within Flood Zone C.

As it is proposed to raise levels within the subject site it is necessary to address the potential for the proposed development to increase the risk of flooding to adjacent sites. Based on the proposed finished levels for the site modelling was undertaken for each of the 3 no. breach locations. This was done for both present day and potential future climate change. Maps provided in Figures 5.3 – 5. 6 and Appendix E, F, G and H of the SSFRA are colour coded and outline breach modelling results for a variety of existing and proposed scenarios which clearly indicate the impact of infilling of the subject site.

The submission from 1 Courtbrack Land Limited raised concerns that the proposed development would increase the risk of potential to lands within its ownership, located to the north of the subject site. Having regard to the information provided in the SSFRA, which is robust and evidence based it is clear that the proposed development does not increase the risk of flooding to adjacent lands and I am satisfied that the proposed development does not pose a risk to any third party lands.

It is noted that the site is not at risk from any other source of flooding. It is my opinion that the information submitted, which includes a SSFRA, has clearly demonstrated

that the proposed development would not increase the risk of flooding within the site or elsewhere. The proposed application is considered to be in accordance with criteria 2(i).

- (ii) *The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;***

As outlined above the SSFRA recommended that appropriate mitigation measures be implemented including the raising of levels within the site. The proposed development would not flood during a flood event. This provides for a high level of protection and, therefore, the risk of flooding to people, property and the environment is very low. In my opinion the proposed mitigation measures minimise the flood risk to people, property, the economy, and the environment, as far as reasonably possible.

The proposed application is considered to be in accordance with criteria 2(ii).

- (iii) *The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access; and***

The report of the planning authority's Physical Section notes that the Arterial Drainage embankments were constructed to provide protection to agricultural land and were not constructed to modern engineering standard that would be applied now when providing urban flood protection. It is considered that until such time as the condition of the embankments has been established the 0.5% AEP and with freeboard and climate change, the proposed finished floor level for the development is not appropriate. Concerns were also raised regarding access to the site in the event of a flood event.

Section A.1.3 Strategic Flood Risk Assessment carried out as part of the Draft Limerick Development Plan 2022 – 2028 relates to Enterprise and Employment lands at Greenpark, which incorporate some of the subject site (new road infrastructure) and lands immediately to the north of the subject site. The report notes that *the site (and*

proposed development area) is not within the existing area of risk (although is largely within Flood Zone A) so risk is from residual risk of breach rather than direct inundation. The defences are part of the OPW arterial drainage scheme and are of unknown condition and standard of protection, although the defence height (as modelled by CFRAM and RPS) provides protection to the site in the 0.5% and 0.1% tidal events. Any development proposals will have to address and manage flood risk with the site plans, typically through appropriate setting of finished floor levels, ground raising and use of the sequential approach within the development to ensure more vulnerable elements of the design are at a higher level. As breach is likely to happen rapidly, with little time for issue of a warning, consideration should be given to emergency access during a breach event and the means of ensuring the safety of all site users. Where it is not possible to manage risks within the development, or such proposals cause an increase in flood risks to third party lands, the development will be deemed premature until the flood relief scheme has been completed. While it is noted that the plan is in draft form, the SFRA contains relevant and up to date flood risk data. This report is available on the Limerick City and County Council's website.

Having regard to the report of the Physical Section of the planning authority it is acknowledged that the existing embankment was not constructed to modern standards. However, there are existing flood defences, and I am satisfied that the applicant has submitted sufficient modelling of 3 no. potential breaches of the existing embankment and the potential flood risk to the subject site. Notwithstanding the level of protection afforded via the existing flood defence measures it is noted that the majority of the subject site is located in Flood Zone C and that the applicant has incorporated mitigation measures to ensure that if the defence measures fail the proposed development would be reasonably protected.

It is also noted that in the draft development plan the subject site is zoned for development. in this regard the site is subject to 2 no. proposed zoning objectives, 'New Residential' and 'Enterprise and Employment'.

It is my view that adequate measures have been provided as part of the development to ensure that residual risks to the area and the development can be managed to an acceptable level.

With regard to implementation and funding of any future flood risk management measures it is noted that the planning authority have not requested that any financial contribution be provided to facilitate any proposed upgrade works to the flood defence measures and there does not appear to be any plan or project to facilitate such works in the short term.

The proposed application is considered to be in accordance with criteria 2(iii).

(iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes

The proposed development is located on zoned and serviced land and is contiguous to existing residential developments and c. 2km south west of Limerick City Centre. With regard to the site specific flood risk assessment, it is my opinion that the proposed development contributes to the wider objective of consolidating the urban environment and incorporates high quality design which would support and enhance the development of Limerick City. The proposed application is considered to be in accordance with criteria 2(iv).

10.7.8. It is my opinion that the proposed development satisfies each of the criteria set out in the justification test, in this regard the site is zoned for residential uses and contributes to the wider objective of consolidating the urban environment. The scheme has also been subject to a SSFRA and it is noted that the majority of the site is located within Flood Zone C. The FRA includes a number of flood mitigation measures, in particular the proposal to raise the level of the site 5.0m OD and all finished floor levels would be a minimum of 5.3m OD, which is significantly above 4.3m OD, which is the maximum modelled water level within the vicinity of the site during a breach of the flood defences. It is noted that even if the defences are breached, they would not reach the proposed development as the water spreads out across the entire Dock Road / Greenpark area.

10.7.9. Policy WS.9 Flood Risk of the development plan states that it is the policy to ensure that development should not itself be subject to an inappropriate risk of flooding nor should it cause or exacerbate such a risk at other locations. Having regard to the

information submitted and outlined above which I consider to be robust and evidence based, I am satisfied that the proposed arrangements would not result in a potential flood risk within the site or to any adjoining sites and, therefore, I am satisfied that the proposed development would not contravene policy WS.9 and that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.

10.8. ***Transportation***

Traffic Assessment

- 10.8.1. The subject site is located in Greenpark, c. 2km south west of the city centre. There are tracks running through the subject site, however, there is no formal road network. The main vehicular access to the site is from the western boundary of the site via an existing link road which currently serves the Limerick Greyhound Stadium. This link road connects with the Dock Road (N69) which is a heavily trafficked arterial route to the city centre. In the vicinity of the site the Dock Road is characterised by low density industrial units and retail warehousing. There are footpaths on both sides of the road with no dedicated cycle infrastructure.
- 10.8.2. There are also existing vehicular access gates to the subject site from Log na gCapall, which is a relatively recent residential estate and from Greenpark Avenue. Greenpark Avenue is a residential street c. 240m in length that accommodates a number (c. 15) of detached dwellings and the rear boundary walls of houses that front onto South Circular Road. The access from Greenpark Avenue formerly operated as a private access road to the former Racecourse. Both Log na gCapall and Greenpark Avenue provide direct links to the South Circular Road. There is no dedicated cycle infrastructure in the immediate vicinity of the site.
- 10.8.3. The site is adequately served by public transport, with bus stops on the Ballinacurra Road, a minimum of c. 350m from the site which provide a link to the city centre, Crescent Shopping Centre and Raheen Employment Zone. In addition, Colbert Train Station is located c. 2km from the site, which provides links to Dublin and Cork.
- 10.8.4. The TTA notes that there are ongoing discussions between Limerick City and County Council and the NTA in relation to upgrade of the Dock Road to have enhanced public

transportation / alternative modal facilities including priority bus corridors and dedicated cycle lanes. In addition the Draft Limerick / Shannon Metropolitan Area Transportation Strategy 2040 (LSMATS) notes the Dock Road (N69) would be reclassified as a Regional Road in the future. Under this strategy cycling infrastructure would also be developed. In the short to medium term a number of primary routes would be provided including along the South Circular Road. In the longer term, a secondary network is also proposed which includes cycle infrastructure along the Dock Road. The proposed cycle network is indicated on figure 4-15 of the TTA. The LSMATS also indicates that there would be a bus route along the Dock Road. The proposed bus network is indicated on Figure 4-16 of the TTA.

- 10.8.5. It is noted that there is no dedicated public transport or cycling infrastructure in the vicinity of the site. However, the implementation of the objectives outlined in the LSMATS would bring an alternative modal choice and enhanced pedestrian and cycle environment for the Dock Road, which would significantly alter the transportation environment of the area. Notwithstanding this, the subject site is located c. 2km from the city centre and, the improved connectivity from Greenpark Avenue and Log na gCapall ensures that the site is highly accessible by public transport, walking and cycling.
- 10.8.6. Third parties raised specific concerns relating to a potential negative impact on the capacity of South Circular Road. It is noted that permission was previously refused on the site (ABP PL91.246035), in 2016 for the constriction of 110 no. houses on a portion of the current site, as it was considered that the proposed development would endanger public safety by reason of a traffic hazard, due to the increased traffic through Log na gCapall estate and would also contribute to traffic congestion within the local road network and would adversely affect the carrying capacity of the South Circular Road and the Ballinacurra Road, an important traffic route for Limerick City. To address this reason for refusal the applicant is proposing to provide vehicular access from Dock Road only. The proposed to provide emergency vehicular access from Log na gCapall with .additional pedestrian and cycle access from both Greenpark Avenue and Log na gCapall.
- 10.8.7. The applicants TTA assessed the impact of the proposed development and the development of the overall Masterplan lands on the surrounding road network. Due to

the impact of covid restrictions 3 no. existing traffic surveys were utilised. In this regard surveys at Dock Road / Greenpark Roundabout (Junction 1); Greenpark Avenue / South Circular Road (Junction 2); and Log na gCapall / South Circular Road (Junction 3).

- The survey at the Dock Road / Greenpark Roundabout (Junction 1) was undertaken on the 6th February 2018. This survey indicates that the AM and PM peak periods are 08.00-09.00 and 15.45-16.45.
- The survey at Greenpark Avenue / South Circular Road (Junction 2) was undertaken on 26th September 2017. This survey indicates that the AM and PM peak periods are 08.00-09.00 and 17.00-18.00.
- The survey at Log na gCapall / South Circular Road (Junction 3) was undertaken on the 3rd February 2015. This survey indicates that the AM and PM peak periods are 08.00-09.00 and 16.45-17.45.

Full details of the traffic counts are provided in Appendix A of the TTA.

- 10.8.8. The TTA also used the survey data from Junction 1 – Dock Road / Greenpark Roundabout to generate traffic flows for Cahirduff / Dock Road (Junction 4). It is noted that this is designed as a signalised junction, however, the Cahirduff arm is not open to traffic at present.
- 10.8.9. The TTA also notes that the provision of the Limerick Northern Distribution Road (LNDR) has the potential to reduce forecasted traffic volumes in the city with a portion of the traffic currently utilising the Dock Road rerouting in the AM and PM. It is policy (TR.5) of the Limerick City Development Plan and an objective (TRO6) of the Draft Development Plan to support the development of the Limerick Northern Distributor Road.
- 10.8.10. The TRICS database has also been used to estimate the number of trips potentially generated by a development of 371 no. units and a 550sqm creche. TRICS estimated that the proposed development would generate 326 no. trips (64 no. arriving and 262 no. departing) in the AM peak and 271 no. trips (173 no. arriving and 98 no. departing) in the PM peak. Having regard to the proximity of the site to the city centre, the number (510 no.) of car parking spaces proposed and as the creche is likely to serve the

proposed residential units, it is my view, that the proposed trip generation would represent a worst case scenario.

- 10.8.11. The TRICS database has also been used to estimate the number of trips potentially generated by the overall Masterplan lands for a development of 920 residential units, 1,400sqm creche, 39,500sqm of office use, 126 bed nursing home and a 1,000sqm nursing home. TRICS estimated that the proposed development would generate 1,431 no. trips (682 no. arriving and 749 no. departing) in the AM peak and 1,257 no. trips (537 no. arriving and 720 no. departing) in the PM peak. Again having regard to the proximity of the site to the city centre and the mix of uses within the scheme it is my view that the proposed trip generation represents a worst case scenario.
- 10.8.12. The TTA assessed 5 no. junctions (Junction 1: Dock Road / Greenpark, Junction 2: Greenpark Avenue / South Circular Road, Junction 3: Log Na gCapall / South Circular Road, Junction 4: Cahirduff / Dock Road and Alandale Roundabout) in the AM and PM peak for the baseline (existing surveys), Opening Year (2024), Design Year (2029) and Design Year (2039). Estimated turning movements for each year were calculated by applying growth factors to the baseline traffic movements and adding the predicted trips generated by the proposed development. Further details of the modelling are provided in Appendix C, D and E of the TTA. It is noted that the proposed vehicular access to the development would be accessed via the existing Dock Road / Greenpark Junction (Junction 1) only. However, to ensure the assessment is robust it also incorporates potential trips generated by the overall Masterplan lands at 4 no. additional junctions (Junction 2, Junction 3, Junction 4 and 5).
- 10.8.13. As a junction approaches values of 85% - 90% this typically indicates traffic congestion, with queues beginning to form. The lower figure (85%) is generally assigned to unsignalised junctions which rely on human behaviour while the higher figure (90%) is assigned to signalised junctions. The TTA notes that once the RFC is above 100% the modelling software produces results for queue lengths and delays that are unrepresentative of the actual or likely effects.
- 10.8.14. *Junction 1: Dock Road / Greenpark Roundabout:* The proposed development would be accessed via the existing Dock Road / Greenpark Roundabout. Table 7.2 of the TTA provides a breakdown of the junction without the development, with the

development and with the development of the overall masterplan lands. The 2018 surveys indicate that this roundabout is operating above the design capacity, with a RFC of 85%, in the PM peak (2018) and would reach capacity with or without the development by 2029 in the AM peak. It is noted that with the development of the overall masterplan lands the junction would reach capacity in the AM peak by 2024. It is acknowledged that the proposed development would increase traffic movements at this roundabout, however, the information submitted indicates that the increase would be negligible, and this junction would reach capacity with or without the development.

- 10.8.15. The submission from TII considers that insufficient data has been submitted to demonstrate that the proposed development would not have a detrimental impact on the capacity, safety, or operational efficiency of the national road network in the vicinity of the site. While this submission is acknowledged it is noted that the scope of the assessment was agreed with the planning authority, and I am satisfied that sufficient information has been submitted to assess the impact of the proposed development on Dock Road and the surrounding road network. In particular it is noted that the Dock Road / Greenpark Roundabout it is already operating above design capacity in the AM peak and the proposed development would have a negligible impact on this junction.
- 10.8.16. The information submitted indicates that the section of the N69 in the vicinity of the subject site operates as a main arterial route to the city in the AM and PM peaks and experiences congestion. The Draft Limerick / Shannon Metropolitan Area Transportation Strategy 2040 (LSMATS) seeks to reclassify the Dock Road (N69) from a National Road to a Regional Road in the future. While it is acknowledged that the Dock Road is currently classified as a national road, on balance and having regard to the negligible impact of the proposed development on the capacity of Dock Road, the proximity of the site to the city centre, the land use zoning objectives for the site, the lack of an alternative access route to the site and overall national, regional and local policy to consolidate the urban area, it is my view that the proposed access onto a National Road is acceptable in this instance.
- 10.8.17. As noted above, the submitted TTA indicates that the Dock Road / Greenpark Roundabout operates above design capacity with or without the development in both the AM and PM peaks by 2029. Improvements to the surrounding road network may

be required to alleviate traffic congestion within the city, including the construction of the Northern Limerick Distributor Road. The TTA also notes that this junction would see increased capacity if it was upgraded to a signalised junction to accommodate potential trips generated by the overall masterplan lands. While it is noted that upgrading this roundabout to a signalised junction would increase capacity, it is my view that the proposed development is not reliant on these improvement works. It is also noted that the planning authority have not raised any concerns in this regard or required a special contribution towards any infrastructural improvements on the surrounding road network.

- 10.8.18. *Junction 2: Greenpark Avenue / South Circular Road:* The proposed development would not result in any additional trips at this junction. However, it is proposed that 31 no. units from the overall masterplan lands would utilise this access. Table 7.3 of the TTA indicates that the development of the masterplan lands would have a negligible impact on this junction with a maximum RFC of 16% in the AM peak in 2025, 2030 and 2040 and a maximum RFC of 7% in the PM peak in 2025, 2030 and 2040.
- 10.8.19. *Junction 3: Log Na gCapall / South Circular Road:* The proposed development would not result in any additional trips at this junction. However, it is proposed that a nursing home development, currently proposed Reg. Ref. 21/1222, on the overall masterplan lands, would utilise this access. Table 7.4 of the TTA indicates that the proposed nursing home development on the masterplan lands would have a negligible impact on this junction with a maximum RFC of 35% in the AM peak in 2040 and a maximum RFC of 11% in the PM peak in 2025, 2030 and 2040.
- 10.8.20. *Junction 4: Cahirduff / Dock Road (signalised junction):* The proposed development would not result in any additional trips at this junction. Currently, this junction is not operating, as the Cahirduff arm is closed for vehicular traffic. It is assumed that once the masterplan lands are development, 50% of the trips generated would utilise this junction (excluding 31 no. residential units and the nursing home development). Table 7.5 of the TTA indicates that this signalised junction would operate above design capacity in the opening year 2024 with a RFC of 101% in the AM peak and a RFC of 97.8% in the PM peak. The TTA notes that with the implementation of the objectives of the LSMATS it is likely that traffic patterns would change considerably in the medium term and by the time the masterplan lands are completed.

- 10.8.21. *Junction 5: Alandale Roundabout:* The proposed development would not result in any additional trips at this junction. Currently this roundabout is not operational. Once the masterplan lands are developed vehicular connectivity is proposed via the Alandale Roundabout (to the north of the masterplan lands). From Alandale roundabout vehicles would access the Dock Road by Junction 4: Cahirduff / Dock Road or utilise Ashbourne Avenue to / from the city. As this roundabout is not currently operating there is no baseline data it is not considered necessary to carry out a detailed capacity assessment.
- 10.8.22. It is noted that the submission from '1 Countbrack Land Limited' states that the proposed development, appears to be dependent on future vehicular accessibility and connectivity to the Dock Road via the lands and road infrastructure referred to in the submitted masterplan as "potential future road link under review" which are outside the control of the applicant. This concern appears to relate to the future potential access to Alandale roundabout (Junction 5). It is noted from the land ownership drawing submitted indicates that there is a strip of land located between the masterplan lands and the Alandale development. However, it is noted that this current proposal is not dependant on the future access to Alandale Roundabout.
- 10.8.23. The proposed development would not result in any additional vehicular movements on Greenpark Avenue or Log na gCapall and, therefore, would not impact on the capacity of the South Circular Road. It is noted that no technical reports have been submitted by the third parties in this regard and no concerns were raised by the planning authority regarding a potential impact on the capacity of the South Circular Road.
- 10.8.24. It is acknowledged that that in some instances the Dock Road / Greenpark junction operates above the design capacity. However, having regard to the information provided in the TTA, which is robust and evidence based, it is my view that the proposed development would have an insignificant impact on the capacity of the Dock Road / Greenpark Junction and would not endanger public safety by reason of a traffic hazard.

New Road Layout

- 10.8.25. The subject site is a former racecourse and is surrounding by existing residential, commercial and industrial uses, including the existing Greyhound Stadium. The

proposed residential element of the development is located c. 500m from Dock Road to the rear of the overall Masterplan lands. As outlined above, vehicular access to the site is not considered appropriate from existing residential estates to the east (Log na gCapall and Greenpark Avenue) and, therefore, the only potential access to the site is from Dock Road.

- 10.8.26. To facilitate the development it is proposed to construct c. 374m of new road including a roundabout, footpaths and cycle lanes. A section of the existing road from the Dock Road to the existing Limerick Greyhound Stadium would be retained. The existing roundabout at the subject site's western boundary, which provides access to the stadium, would also be retained. A proposed new road would extend from the existing roundabout to a new roundabout at the western boundary of the proposed residential element of the development. This section of the proposed road is c. 5.5m in width with speed ramps and has 2m wide cycle lane and 2m wide footpaths and a grass verge / planting on either side.
- 10.8.27. The submission from the National Transport Authority (NTA) generally supports the proposal to consolidate development. However, it is considered that there a number of elements of the proposal that require substantial redesign including the redesign and reconfiguration of the main spine road to access the site from Dock Road to allow greater priority and convenience to walking and cycling is undertaken, and the proposed roundabouts are reconfigured to enhance safety and priority for walking and cycling.
- 10.8.28. The fundamental principles of DMURS are to promote a high quality street layouts that prioritises people movement rather than vehicular movement. Having regard to the relatively limited width of the carriageway (5.5m) and the provision of speed ramps, and relatively wide footpaths, dedicated cycle lanes and a grass verge on either side of the carriageway, it is my view that this roadway would operate as a link road is in accordance with objectives of DMURS and would allow for future access to the masterplan lands. However, I agree with some of the concerns raised by the NTA and consider that additional priority could be given to pedestrians and cyclists at certain locations. In this regard, it is my view that insufficient justification has been provided for the requirement for an additional / new roundabout at the western boundary of the site. The masterplan indicates that this roundabout would also provide access to a car

park, for the future public open space / district park to the southwest of the overall lands and to a car park for a future apartment development to the west of the subject site. It is my view that these future uses could be accessed alternatively from the proposed spine road or from within the proposed development. Therefore, to improve pedestrian and cycle priority from the proposed development, it is recommended that if permission is being contemplated the proposed roundabout be omitted and replaced with a simple priority junction. It is my view that should a roundabout be required at a future date this could be provided as part of a subsequent planning application to serve adjacent lands.

- 10.8.29. It is also recommended that the final design of the existing roundabout, that provides access to the Greyhound Stadium, be submitted to the planning authority for written agreement. In this regard, the design and geometry of the roundabout shall ensure reduce vehicular speeds on approach to the junction and dedicated pedestrian cross points including dished kerbs should be provided to ensure pedestrian safety. In addition to appropriate signage and road markings to indicate pedestrian and cycling priority.
- 10.8.30. It is my view that the majority of pedestrians would utilise the footpath on the north-eastern side of the road, which would provide a more direct link to the city centre. However, it is recommended that at least 1 no. dedicated crossing area, including dished kerbs be provided along the spine road to ensure pedestrian safety.
- 10.8.31. In conclusion, the concerns of the NTA are acknowledged. However, the subject site is located on a former racecourse with an existing access road. The proposed residential element of the development is located c. 500m from Dock Road to the rear of the overall Masterplan lands. As outlined above vehicular access to the site is not considered appropriate from existing residential estates to the east and, therefore, the only potential access to the site is from Dock Road. To facilitate access to the subject site and overall masterplan lands a new link road is required. Having regard to the nature of the site and the surrounding Greenpark / Dock Road area which generally comprises low density manufacturing, industrial and warehouse retail it is my view that on balance the proposed road layout is acceptable and subject to conditions outlined above would be in accordance with the principles of DMURS. It is also noted that the planning authority raise no concerns regarding the proposed road layout.

Internal Road Layout

- 10.8.32. The scheme provides a traditional grid pattern layout. There is a clear hierarchy of streets with the main access road generally located along the northern boundary, indicated on the drawings as 'Greenpark Road'. This street connects with the proposed new spine road to the east and a pedestrian only connection to Greenpark Avenue to the west. 4 no. access roads are located to south of this main street which provide access to the majority of the residential units and 1 no. local road is provided to the north to provide access to the surface level car parking for Apartment Blocks A and B.
- 10.8.33. Concerns are raised by third parties that the linear nature of the access road facilitates increased speeding. The street is linear and is c. 480m in length. However, as it is a cul-de-sac with only a pedestrian / cycle access onto Greenpark Avenue, and therefore, it would not generate through traffic / rat running. The street is c. 5m in width with a footpath on either side and a cycle lane on the southern side of the road. There are 5 no. junctions on the roads and ramps have been designed into the layout. It is also noted that a number of houses and duplexes access directly onto this street. Having regard to the residential nature of the street and the design which includes junctions and speed ramps it is my opinion that it would not result in undue speeding and has been designed in accordance with the principles of DMURS. It is noted that a DMURS compliance statement has been included with the submission.
- 10.8.34. The proposed development provides pedestrian and cycle links to the east and west of the site and also allows for future potential connections to lands to the north and south, which would be developed as part of the masterplan and are subject to third party agreements. The increased permeability is welcomed and supported.

Car Parking

- 10.8.35. Table 16.1 of the Limerick City Development Plan 2010 – 2016 sets out car parking standards for a variety of uses. The subject site is located in Zone 3: Suburban with minimum car parking standards of 2 no. spaces per house and 1.25 no. spaces per apartments plus 25% visitor spaces. The development plan also sets out a minimum standard of 1 no space per staff member and 1 no. space per 5 no. children.

10.8.36. Tables 9.1 of the TTA provides a breakdown of the minimum number of car parking space that would be required in accordance with the development plan standards and Table 9.2 provides a breakdown of the car parking spaces proposed. It is noted that the applicant has applied a standard of 1 no. space per 25 no. apartments. However, it is my view that the development plan standard is 1.25 no. spaces per apartment.

Use	Standard	Required	Proposed
House	2 no. spaces per unit	314	296
Apartment / Duplex	1.25 per unit	268	150
Visitor	25% of residential	146	49
Creche	1 per staff member & 1 per 5 no. children	27	15
Total		755	510

10.8.37. As outlined in the table above a minimum of 755 no. spaces are required in accordance with development plan standards, and it is proposed to provide 510 no. car parking spaces. Car parking to serve the houses and duplexes are proposed in private driveways with car parking for the apartments, creche and visitors provided in communal areas at surface level. It is noted that 4 no. spaces would be assigned to a car club.

10.8.38. Section 16.4 of the development plan states the standards may be relaxed in certain scenarios including '*where on the particular planning merits of the case or in central urban areas, it would be unreasonable to require full provision*'. It is acknowledged that this is not a central urban area, however, having regard to the particular planning merits of this case which include site's location c. 2km from the city centre, its proximity a range of services and amenities within the city and the Crescent Shopping Centre and to employment centres in this regard Mary Immaculate College, c. 600m north of the subject site and University Hospital Limerick located c. 1.4km south of the site and its proximity to public transport in the form of bus and to the overall size of the subject site and the masterplan lands it is my view that a relaxation of car parking

standards is appropriate in this instance and in accordance with the provision of the development plan.

10.8.39. In addition, the Apartment Guidelines (2020) state that in central and accessible locations, the default policy is for car parking to be minimised, substantially reduced or wholly eliminated in circumstances. It is my opinion that this site is an accessible location, due to its proximity to a range of services and facilities outlined above and to public transport. Having regard to the characteristics of this particular site it is my view that car parking should not be wholly eliminated, however, it is considered appropriate that car parking should be minimised or substantially reduced.

10.8.40. The under provision of car parking is noted. However, having regard to the particular planning merits of this site and the provisions of the Apartment Guidelines, I am satisfied that sufficient car parking has been provided to serve the proposed development and complies with the provisions of the development plan and the Apartments Guidelines and would not result in overspill onto the surrounding road network. It is noted that no concerns were raised by the planning authority or third parties with regard to car parking provision.

Cycle Parking

10.8.41. The development plan sets out a cycle parking standard of 1 no. space per residential unit. Therefore, 371 no. cycle parking spaces are permissible. The plan does not set out a standard for childcare facilities. It is proposed to provide 498 no. spaces, in this regard 371 no. to serve the residential units, 20 no. spaces for the creche and 107 no. visitor spaces. I have no objection to the proposed level of cycle parking proposed and it is noted that no concerns were raised by the planning authority or third parties in this regard.

10.9. ***Part V***

10.9.1. It is proposed to provide 31 no. Part V units, representing 10% of the overall units in the scheme. It is noted that the Affordable Housing Act, 2021 requires that land purchased on or after the 1st of August 2021 or prior to September 2015 must have a 20% Part V requirement. In this regard at least half of the Part V provision must be used for social housing. The remainder can be used for affordable housing, which can

be affordable purchase, cost rental or both. The applicants Statement of Consistency states that on the basis that the subject lands were purchased by the Applicant in 2019, the 10% requirement continues to apply to the subject site. It is further stated that applicant has engaged with the Housing Department in Limerick City and County Council and Clúid Housing Association and have agreed in principle to the transfer of 37 no. units on-site to the Council. Clúid Housing Association has also issued an expression of interest in respect of acquitting the Part V units, which is included with the application. I have no objection to the proposed arrangements, and it is noted that no concerns are raised by the planning authority or the third parties in this regard.

10.9.2. Subject to the provisions of the Regulation of Commercial Institutional Investment in Housing Guidelines, I have no objection to the ratio of social / affordable / private housing provided within the site and consider that this is an agreement to be reached between the local authority and the developer. As such, I am satisfied that if permission is being contemplated it would be appropriate to attach a condition to any grant of permission that the final details of the Part V provision be agreed with the planning authority.

10.10. ***Material Contravention***

10.10.1. The applicant's Material Contravention Statement considered that the proposed development would materially contravene the Limerick City Development Plan 2010 – 2016 (as extended) with regard to the following: -

- Table 16.5: Minimum Floor Areas; and
- Table 16.7 and Table 16.8: Private Open Space Standards for Apartments.

The applicants Material Contravention Statement submitted with the application addresses and provided a justification for these material contraventions

Floor Area

With regard to apartment developments Table 16.5 of the development plan sets a minimum floor area of 55sqm for 1-bed apartments and a minimum floor area of 90sqm for 2-bed apartments.

The proposed 1-bed apartments have a floor area of between 52.9 sqm and 59.3 sqm and the proposed 2-bed apartments have a floor area of between 80.9 sqm and 94.1 sqm. Therefore, some of the proposed units fall below the minimum floor area set out in the development plan. The applicant's material contravention statement considered that the proposed unit sizes would be a material contravention of the development plan and justified this shortfall with regard to the standards set out in the Apartment Guidelines.

It is acknowledged that in some instances the total floor areas of some units may not meet the minimum floor area standard provided within the plan. However, it is noted that the proposed units broadly do meet the standards as set out in the development. It is my view such a limited non-compliance with a standard, as opposed to non-compliance with a policy, does not represent a material contravention of the plan. It is noted that the design and layout of the units do not conflict with any policy within the plan with regard to the quality of accommodation proposed. In addition, the units are considered to be in accordance with the provisions of Chapter 16 (Housing Development) of the development plan to provide a mix of house type and size in all schemes on sites over 0.5 ha. Furthermore, the floor areas of all apartments reach and exceed the standards set out in the Apartment Guidelines, in this regard 45sqm for a 1-bed unit and 73sqm for a 2-bed (4-person) unit. It is also noted that no concerns were raised by third parties or the planning authority regarding non-compliance with standards of the development plan.

No concerns were raised by third parties or the planning authority regarding non-compliance with a standard of the plan. The planning authority note that the apartments are designed in accordance with the Apartment Guidelines.

Private Open Space – Apartments and Duplexes

With regard to apartment developments Table 16.7 requires a minimum of 12-15 sqm of private open space per bed space in suburban areas. Table 16.8 sets out a minimum area of 6sqm for 1-bed units and 8sqm for 2-bed units. The applicant has also applied to this standard to the duplex units.

The balconies / terraces for the 2-bedroom and the 3-bedroom upper duplex units are 10 sqm. The proposed balconies for the 1 no. bedroom apartment units are 5.1sqm and the balconies for the 2 no. bedroom units range between 7sqm and 12.3sqm. The applicant's material contravention statement considered that the shortfall in the provision of open space would be a material contravention of the development plan and justified this shortfall with regard to the standards set out in the Apartment Guidelines.

With regard to duplex units the development plan (page 16.26) states that private open space may be in the form of balconies, terraces, roof gardens or communal landscaped areas exclusive of surface car parking. Balconies or terraces shall be usable and be a minimum of 4sqm in area. The private open space for the duplex units is significantly in excess of this standard with ground floor duplex units provided with traditional rear garden layout and minimum 10sqm balconies at upper levels. Therefore, it is my opinion that the private open space provision for the duplex units is in accordance with development plan standards.

While it is noted that in some instances some areas of private open space may not meet certain standards set out within the plan, I do not consider such limited non-compliance with standards, as opposed to non-compliance with a policy, to be a material contravention of the plan. The proposed private open space provision broadly does achieve the standards and do not conflict with any policy with regards to quality of accommodation proposed. It is my opinion that the proposed provision of private open space to serve the apartment units is adequate to ensure high quality residential amenity for future occupants. It is also noted that the scheme includes a significant quantum of public and communal open space that would provide passive and active areas for future occupants.

No concerns were raised by third parties or the planning authority regarding non-compliance with a standard of the plan. The planning authority note that the apartments are designed in accordance with the Apartment Guidelines.

10.11. ***Chief Executives Recommendation***

- 10.11.1. The planning authority recommended that permission be refused as the proposed development is in an area at risk of flooding and as such would be contrary to Policy WS.9 Flood Risk as set out in the City Development Plan 2010 – 2016 and the Planning System and Flood Risk Management – Guidelines for Local Authorities, November 2009.
- 10.11.2. The OPW mapping and the Limerick City Council Flood Maps indicate that the majority of the subject site is located within Flood Zone C. In this regard the central and eastern portions of the site. In general, the sites northern, southern and western boundaries are located within Flood Zone A with small areas of land between Flood Zone A and C are located in Flood Zone B. In addition, the OPW maps indicate that there is no record of historic flood on the site.
- 10.11.3. It is my opinion that the proposed development satisfies each of the criteria set out in the Flood Risk Management Guidelines, as outlined above a site specific FRA was submitted with the assessment which addressed each criteria in detail. In summary, the site is zoned for residential uses and contributes to the wider objective of consolidating the urban environment. The scheme has also been subject to a site specific FRA. The FRA includes a number of flood mitigation measures, in particular it is noted that it is proposed to raise the level of the site 5.0m OD and all finished floor levels would be a minimum of 5.3m OD, which is significantly above 4.3m OD, which is the maximum modelled water level (within the vicinity of the site) during a breach of the flood defences. It is noted that even if the defences are breached, they would not reach the proposed development as the water spreads out across the entire Dock Road / Greenpark area.
- 10.11.4. The detailed information and modelling submitted as part of the SSFRA indicates that the proposed development which includes site levelling works, would not result in increased flood risk off site.
- 10.11.5. Policy WS.9 Flood Risk of the development plan states that it is the policy to ensure that development should not itself be subject to an inappropriate risk of flooding nor should it cause or exacerbate such a risk at other locations. Having regard to the

information submitted I consider to be robust and evidence based, I am satisfied that the proposed arrangements would not result in a potential flood risk within the site or to any adjoining sites and, therefore, I am satisfied that the proposed development would not contravene policy WS.9.

11.0 Environmental Impact Assessment (EIA) Screening

Environmental Impact Assessment Report

- 11.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project. The proposed development provides for 371 no. residential units and a 550sqm creche on a site area of 10.5 ha. The site is located within the administrative area of Limerick City and County Council. Concerns are raised in the third party submission from John Conway and the Louth Environmental Group that the submitted EIAR is inadequate and does not sufficiently assess the potential negative impacts on the environment. The specific concerns are addressed below.
- 11.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:
- Construction of more than 500 dwelling units
 - Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- 11.1.3. The proposed development relates to a site of 10.5 ha and is located within an area which falls under the definition of 'other parts of a built up area'. It is, therefore, within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and the submission of an environmental impact assessment report is mandatory because the size of the site exceeds 10 ha. The EIAR comprises a non-technical summary (Volume 1) and the Main Report (Volume 2). Table 1.3: EIAR Project Team and Environmental Specialists and the introduction to each subsequent chapter describes the expertise of those involved in the preparation of the EIAR.

- 11.1.4. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered

I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from Limerick City and County Council, the prescribed bodies and members of the public which are summarised in sections 7, 8 and 9 of this report above. Concerns are raised by third parties that the scoping exercise is inadequate as it does not clearly identify the statutory bodies consulted and their observations / submissions and whether these were considered in the relevant EIAR chapters. I am satisfied that the participation of the prescribed bodies has been effective. I am also satisfied that the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions. I note that some third parties have raised issues concerning the various findings and conclusions of the EAIR and that they are flawed, particularly with regard to the assessment of population and human health, biodiversity, soils and geology, groundwater and traffic. However, for the purposes of EIA, I am satisfied that the EIAR is suitably robust and contains the relevant levels of information and this is demonstrated throughout my overall assessment.

11.2. ***Vulnerability of Project to Major Accidents and/or Disaster***

The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. The EIAR does not address this issue directly,

however, I note that the development site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO. Therefore, this is not a source for potential impacts. In addition, the submission from the Health and Safety Authority raised no concerns in the context of Major Accident Hazards. There are no significant sources of pollution in the development with the potential to cause environmental or health effects.

Chapter 8 Biodiversity and Chapter 10 Hydrology – Surface Water of the EIAR address the issue of flooding. The site is protected from flooding by existing embankments along the Ballynaclogh River and River Shannon. The risk of flooding during the construction period is therefore limited to an embankment breach scenario and then only during the bulk earthworks operations. Once the earthworks are complete, the entire SHD site will be above the breach flood levels. An embankment breach is a catastrophic scenario with potential to cause widespread flooding, pollution and risk to life in the vicinity. The likelihood of flooding during the earthworks operations is extremely low. The likelihood of flooding is further minimised with adequate sizing of the on-site surface network and SuDS measures. Adequate attenuation and drainage have been provided for to account for increased rainfall in future years. The proposed development is primarily residential in nature and will not require large scale quantities of hazardous materials or fuels. I am satisfied that the proposed use is unlikely to be a risk of itself. Having regard to the sites zoning objective, its urban location, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

11.3. **Alternatives**

11.3.1. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;

Annex (IV) (Information for the EIAR) provides more detail on ‘reasonable alternatives’:

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

Chapter 4 Consideration of Alternatives of the EIAR provides a description of the project and alternatives. A do nothing scenario was considered in respect of the site, which would represent an unsustainable and inefficient use of strategically important lands for the delivery of residential development. It is stated that alternative designs of the site were considered during the masterplan and design process. This included a low density scheme comprising 3 – 4 bedroom houses, different road layouts were explored including the provision of vehicular access from Log na gCapall. The layout was further altered during the pre-application consultation process with both An Bord Pleanála and Limerick City and County Council. The design has been progressed with design amendments and considerations with regard to density, housing mix, unit size, connectivity and revised site attenuation. I am satisfied that the alternatives have been adequately explored for the purposes of the EIAR. In the prevailing circumstances the overall approach of the applicant is considered reasonable, and the requirements of the directive in this regard have been met.

11.4. **Consultations**

- 11.4.1. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions

11.5. **Likely Significant Direct and Indirect Effects**

The likely significant indirect effects of the development are considered under the headings below which follow which is in accordance with Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity;
- land, soil, geology and Hydrogeology

- Hydrology – Surface Water
- Air Quality and Climate
- Noise and Vibration
- Landscape and Visual Impact Assessment
- Cultural Heritage, Archaeology and Architecture
- Microclimate- Daylight and Sunlight
- Material Assets: Roads and Traffic, Waste Management, Built Services
- Summary of principle interaction of effects
- Cumulative Impacts

11.6. ***Population and Human Health***

- 11.6.1. Population and Human Health is addressed in Chapter 7 of the EIAR. The methodology for assessment is described as well as the receiving environment. Recent demographic, socio-economic and health trends are examined. The principal findings are that human population and job opportunities will increase as a result of the proposal. In terms of human health, the most likely impact will be from air quality, noise and vibration and traffic during the construction phase of the development.
- 11.6.2. Third parties have raised concerns that there is insufficient information to assess the impact on risk to human health. This chapter notes the interrelated topics assessed as part of the EIAR and notes that these have been addressed in greater detail in the relevant chapters under the topics of Land, Soils, Geology and Hydrogeology and the potential health effects arising mainly through the potential for soil and ground contamination; air quality and climate and the potential effects arising from dust soiling and possible exposure to air quality pollutants; noise and vibration and the potential effects arising from emissions during the construction phase; landscape and visual and the potential effects arising from visual effects on existing properties. Where required mitigation measures are proposed in the relevant chapters. All of the proposed mitigations measures would be implemented in full, and no significant adverse effects would arise with regard to the population during the construction or

operational phase of the development. I am satisfied that this provides an adequate basement for assessment with regard to the impact on population and human health.

11.6.3. Third parties have also raised concerns that this chapter is inadequate in that it fails to assess the impact of an increased population in the area on services in the area. I am satisfied that these concerns have been addressed as part of the scheme, which includes non-residential uses including a creche and areas of public open space. I have considered all of the written submissions made in relation to population and human health and I am satisfied with regards the level of information before me in relation to population and human health.

11.6.4. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

11.7. ***Biodiversity***

11.7.1. Chapter 8 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. It is noted that an Appropriate Assessment Screening Report and a Natura Impact Assessment were prepared as standalone documents. The proposed development site is not located within any designated nature conservation area. However, there are 7 no. Natura 2000 sites located within 15km of the proposed development site. As assessed in section 12 below, the proposed development was considered in the context of sites designated under Directive 92/43/EEC or Directive 2009/147/EC

11.7.2. A desk study was undertaken and included review of available ecological data within zone of influence. Field surveys were carried out over the period of June 2020 – March 2021 and comprised the following:

- Habitat and Botanical Survey (June, July and September 2020)
- Aquatic Ecology Survey (June 2020)
- Mammal Camera Survey (June 2020 – February 2021)
- Mammal Walkover surveys (June and July 2020)

- Active Bat detector survey (Summer / Autumn 2020)
- Passive Bat detector survey (Summer 2020 to Spring 2021)
- Other Fauna Surveys (Amphibians, Invertebrates – June, July and September 2020)
- Breeding and wintering bird surveys (Summer 2020 and Winter 2020 / 2021)

11.7.3. The site accommodates a variety of habitats. The site predominately comprises Scrub (WS1), Wet Grassland (GS4), Dry Meadows & Grassy Verges (GS2) and disturbed and recolonising areas of spoil and bare ground (ED2/ED3). There are also areas of Immature Woodland (WS2) and Dry Calcareous and Neutral Grassland (GS1). No plant species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 or classified as a 'risk of high impact invasive species' were present

11.7.4. The drainage channels in the area were classified as local 'lower-higher' value. The site is hydrologically connected to the Ballynaclogh River and the Lower Shannon SAC (002165) which is known to support a range of transitional fish species including European eel as well as Annex II Otter and the Flora (Protection) Order, 2015 plant species Triangular club rush and Opposite-leaved pondweed. Common Frog was recorded at several locations across the former racecourse site.

11.7.5. The breeding and wintering bird assemblages recorded in the area are typical of the garden, parkland and scrub-type habitats present. There were relatively few waterbirds recorded in the area. Winter bird surveys included night-time walkovers using a thermal imager to record birds present in the hours of darkness. Third parties have raised concerns that insufficient surveys have been carried out to assess the potential impacts arising from bird collision / flight risk insofar as the proposed development may impact bird flight paths. Section 8.3.4.2 of the EIAR notes that birds were recorded in flight over the wider study area. Having regard to the characteristics of the site and the wider environs and the limited height of the proposed buildings I am satisfied that the proposed development does not represent a risk of collision for birds.

11.7.6. Excluding livestock and domestic pets, 9 no. mammal species were recorded on wildlife cameras deployed at the site. Of these several, including Red Squirrel, Pine Marten and Stoat, had not previously been recorded in the 2km Grid Squares in which

the study area is located. The most frequent and widespread of the non-volant mammals recorded were fox and wood mouse. None of the species recorded are of conservation concern in Ireland. Evidence of the presence of three further non-volant mammal species, Irish Hare, Rabbit and Otter, were noted during the walkovers of the wider racecourse and adjoining lands. No burrows or resting places of protected mammal species were recorded within (or close to) the proposed development site.

- 11.7.7. A total of 6 no. bat species (Common Pipistrelle, Soprano Pipistrelle, Leisler's Bat, Daubenton's Bat, Brown Long-eared Bat and Lesser Horseshoe Bat) were confirmed to be present at the overall Greenpark site. The most notable finding from the bat surveys was the confirmation of Lesser Horseshoe Bats from the study area. None were recorded from within the proposed housing development boundary and overall, only 16 of over 30,000 registrations were Lesser Horseshoe Bat.
- 11.7.8. Section 8.4 of the EIAR presents a detailed assessment of the potential effects of the proposed development (construction phase and post-construction impacts) on the receiving environment. The potential for impacts on hydrologically connected sensitive habitats and species is given particular consideration, given the close proximity of the SHD site to the River Shannon. Mitigation measures to minimise the impact of the development on habitats and biodiversity during the construction and operational phases of development are detailed in Section 8.5 and include the incorporation of best practice construction measures, controlling surface water run-off, retain existing trees and hedgerows where possible, compensatory planting, pre-construction mammal and bat surveys and appropriate lighting. A mitigation by design approach was undertaken which greatly reduces the risks of adverse impacts on flora, fauna and their habitats arising from the development. A dedicated planning phase Construction and Environmental Management Plan has been prepared for the proposed development and this provides details of responsibilities and timeframes for the implementation of measures and management controls. The proposed mitigation measures are considered satisfactory. Having regard to the foregoing it is not likely that the proposed development would have significant effects on biodiversity.
- 11.7.9. Cumulative impacts have been considered in Section 8.10 of the EIAR and relate to recently approved planning applications and the current application for a nursing home development to the east of the site. The construction phase could have a cumulative

impact through hydrological or water quality impacts such as increase siltation, nutrient release and contaminated run-off arising from other developments. All projects have been assessed independently. Having regard to the proposed environmental management and controls integrated into the project design for this development and for other developments planned or proposed cumulative and in-combination effects relating to other developments are not considered relevant in this instance. There are no other effects which could act in a cumulative way to result in significant impacts to biodiversity.

11.7.10. Having regard to the present condition of the site, with no special concentrations of flora or fauna, I am satisfied that the development of the site and the proposed landscaping and planting provides greater benefits in terms of biodiversity. I draw the Boards attention to the AA section of my report (section 12) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

11.8. ***Land, Soils Geology and Hydrogeology***

11.8.1. Chapter 9 of the EIAR deals with land, soils, geology and hydrogeology of the site. The methodology for assessment is described in Section 9.2 as well as the receiving environment in Section 9.4.

11.8.2. The proposed development is located in an area defined by urban soils, tills and estuarine sediments. The GSI 100k Bedrock Geology map indicates that the entire site area is underlain by Visean Limestones, described as undifferentiated limestones of Carboniferous age. The geological mapping does not show any faults or structural features within the site or its vicinity.

11.8.3. The Ballynaclogh River is located c. 60m from the site boundary. The overland flow of waters on the site would drain towards this watercourse. This river is considered to have a medium quality or value on a local scale, corresponding to a Medium sensitivity/importance ranking. All the other aspects of the lands, soils, geology and hydrogeology are considered to have a Low importance or sensitivity ranking.

11.8.4. Intrusive ground investigations were undertaken in 2020 and 2021. They comprised sample boreholes and dynamic probes to identify the ground make up and trial pits to

identify ground make up and approx. depth to bedrock. The ground investigations identified that groundwater is generally absent within the soils and subsoils across the site. One groundwater strike was noted during drilling (BH03). It is noted however that BH03 is located within the closest proximity to the Ballynaclogh River and the likely direction of groundwater flow would be towards this river. However, groundwater is generally absent within the soils and subsoils across the site and the contribution of shallow groundwater to the baseflow of the river is likely to be minimal.

- 11.8.5. Bulk earthworks are required to raise the levels of the development. comprising 47389m³ of cut and 46953m³ of fill. Cut in-situ material will be excavated from the central and eastern site areas and relocated to fill lower elevation areas, in the southern and northern site areas. It is proposed to keep all soils on site to achieve an earthworks balance. Mitigation measures have been proposed to manage the impact of the development on land, soils, geology and hydrogeology. The mitigation measures principally relate to good construction practice in terms of surface water management and pollution control in relation to fuel, oils and chemicals. Basement levels are not proposed as part of the development.
- 11.8.6. The operational stage of the residential development consists of the typical activities in a residential area and will not involve significant disturbance on land, soils, geology and hydrogeology.
- 11.8.7. The cumulative impact of other adjacent developments has been assessed. No significant cumulative impacts on land, soil, geology and hydrogeology will occur due to the proposed development.
- 11.8.8. Third parties raised concerns that the impact on soils and geology is inadequate and lacking in detail in that it fails to consider best scientific knowledge and factual information. I have considered the written submissions made in relation to land, soils, geology and hydrogeology of the site. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land, soils, geology and hydrogeology of the site.

11.9. ***Hydrology***

- 11.9.1. Chapter 10 of the EIAR addresses Hydrology. The methodology for assessment is described in Section 10.2 as well as the receiving environment in Section 10.3. Existing water quality in the vicinity of the project is established based on available water quality information and WFD monitoring programmes.
- 11.9.2. The significance of impact on surface water quality likely to occur during the construction and operation phases of the development are determined through consideration of a combination of receptor sensitivity and the potential magnitude of the impact on the water environment, in order to determine significance.
- 11.9.3. The development is located within Ballynaclogh_SC_010 sub catchment and the Shannon Estuary South sub-catchment. The Limerick Dock (IE_SH_060_0900) transitional water body runs parallel to the proposed development and incorporates the tidal reaches of the Ballynaclogh River. The Ballynaclogh_010 (IE_SH_24B040800) river water body is upstream of the Limerick Dock transitional water body.
- 11.9.4. The development has the potential to directly impact upon the Limerick Dock water body and to indirectly impact upon the downstream Upper Shannon Estuary water body and sensitive areas further downstream via surface water pathways. The receiving environment is considered to be of high importance due to its location within the Shannon Estuary South catchment, which has nutrient sensitive areas, drinking water protected areas, Natura 2000 sites and shellfish waters. Whilst there will be no direct impact on these areas there is a possibly hydrological link.

Construction Phase Impacts

- 11.9.5. The construction works will involve the use of plant and machinery, as well as the associated temporary storage of construction materials, oils, fuels and chemicals. During the construction phase, there is the potential for accidental spillage or release of construction materials which could have a significant adverse impact on water quality and a toxic effect on the biological elements resulting in a possible further deterioration in the ecological status or compromise the improvement in ecological status through the implementation of the programme of measures included in the River

Basin Management Plan. Given the scale and nature of the works, the magnitude of the impact associated with general construction is considered to be large adverse. The significance of the environmental effect is therefore severe / significant in the absence of mitigation based on the high sensitivity of the receiving environment.

- 11.9.6. The potential for such effects arises in projects that involve building on urban sites. It is, therefore, commonplace. There are standard measures that are used to avoid such effects which are described in section 10.5.2: Construction Phase Mitigation Measures of the EIAR. The efficacy of such measures is established in practice. Subject to the implementation of those measures, the construction of the proposed development would be unlikely to have significant effects on the quality of water.

Operational Phase Impacts

- 11.9.7. The proposed development has been designed to incorporate flood mitigation and flood water retention/detention into its design. There should be limited direct impact to Limerick Dock water body particularly as the storm water would discharge through existing outfall at greenfield rates. In addition, the proposed attenuation tanks and lagoon would have a beneficial impact through the further attenuation of contaminants.
- 11.9.8. *Wastewater:* Wastewater generated on-site would be piped and discharged to the existing Irish Water network. Irish Water have confirmed the feasibility of such a proposal. The proposed effluent generated by the scheme is predicted to have a minimal impact on the receiving drainage infrastructure.
- 11.9.9. *Surface Water:* The development has incorporated a variety of SuDS techniques to counteract the potential increased runoff as a result of increased hardstanding. SuDS, supplemented by bypass separators on the piped storm water network, will include green roofed apartments and crèche, permeable paving of driveways and car parks, tree lined areas, infiltration trenches, attenuation tanks, swales as well as, grassed and open space landscape portions of the site. The development site has an existing lagoon, which is capable of servicing an area of 39 ha. The lagoon would require a design capacity of 21,000m³ for a 100 year Return Period with a 10% allowance for climate change. The built capacity of the existing lagoon is approximately 23,000m³.

Therefore, the existing lagoon has sufficient capacity to attenuate flows from the subject site and adjoining lands. After attenuation in the lagoon the storm water runoff discharges via the existing storm water outlet.

11.9.10. *Storm Water Run-off:* In the event of flooding, there is potential for storm water run-off to be impacted by pollutants arising within the car parking areas and roadways. This runoff has the potential to provide pathways for a wide range of contaminants arising from general operations to the aquatic environment. The lagoon and pervious pavements have proposed dual purpose and whilst they are flow attenuation features, they also mitigate against potential water quality issues associated with storm water run-off. The entirety of the surface water drainage is to discharge to the proposed attenuation. Gravity pipe networks will collect runoff from hardstanding areas and roof areas, while parking areas will be constructed with pervious asphalt. All surface water drainage from hard standing areas will ultimately drain to the lagoon via suitable sized interceptors. The potential impact to receiving water environment from storm water runoff would be negligible.

11.9.11. A site specific Flood Risk Assessment (FRA) for the development has been submitted with the application. The environmental impacts from the proposed development are detailed in the EIAR, to avoid repetition and to be clear, I have assessed in detail the impact of Flood Risk above in Section 10.7 of the planning assessment of my report. The flood risk assessment has been carried out in accordance with the OPW publication "The Planning System and Flood Risk Assessment Guidelines for Planning Authorities". The SSFRA assessed in detail the site setting and its potential flood risk and concludes that there is no flood risk on the site or adjacent sites due to the proposed development.

11.9.12. *Foul Sewerage:* Third parties have raised concerns that there is insufficient information contained in the water chapter in relation to the foul water network. The foul sewerage from the development will be collected in the existing Irish Water network. Irish Water have confirmed the feasibility of such a proposal. Foul Water would, therefore, be collected into the existing system and appropriately treated prior to discharge to the receiving environment. The foul system is completely separate to the surface water network. The potential impact to receiving water would be negligible.

11.9.13. I have considered all of the written submissions made in relation to hydrology and the relevant contents of the file including the EIAR. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions.

11.9.14. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of water quality.

11.10. ***Air Quality and Climate***

11.10.1. Air Quality and Climate are outlined in chapter 11 of the EIAR. The methodology for assessment is described as well as the receiving environment. The proposed development and associated open spaces would not accommodate activities that would cause emissions that would be likely to have significant effects on air quality.

11.10.2. There is a potential for dust and dirt emissions associated with construction vehicles and plant to occur during the construction phase, however, standard construction practices are proposed to mitigate against any potential negative impacts. Best practice operational phase mitigation measures are also proposed to reduce the impact of emissions to air at sensitive. These include good design principles, and measures to help minimise vehicular trips and encourage more sustainable modes of travel. The mitigation measures are set out in Section 11.5 of the EIAR. They are likely to be effective. It is therefore concluded that the proposed development is unlikely to have significant effects on air quality.

11.10.3. During construction, there is the potential for a number of greenhouse gas emissions to atmosphere. However, due to the size of the proposed development, the impact on national greenhouse gas emission is predicted to be insignificant in terms of Ireland's obligations under the EU 2020 target. I am satisfied that the EIAR complies with all the relevant national and international requirements on climate change.

11.10.4. Cumulative impacts have been considered in conjunction with future and current developments in the vicinity of the subject site. all developments would follow site specific Construction and Environmental Management Plans or Dust Management Plans and Construction Traffic Management Plans that would adequately control emissions. The cumulative effects are not considered significant.

11.10.5. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

11.11. **Noise and Vibration**

11.11.1. Noise and Vibration are outlined in chapter 12 of the EIAR. The EIAR describes the typical construction related activities that are expected to generate noise and vibration, including use of plant and machinery, both on, and travelling to, the subject site. Vibrations impacts may occur during the construction phase as a result of ground preparation works and plant and machinery movements. No significant sources of vibration are expected to arise during the operational phase of the development.

11.11.2. Mitigation measures are described in Section 12.5 of the EIAR. During the construction phase of the project there will be some impact on nearby residential properties due to noise emissions from site traffic and other activities. The application of binding noise limits and hours of operation, along with implementation of appropriate noise and vibration control measures, will ensure that noise and vibration impact is kept to a minimum. The resultant residual noise impact from this source will be of negative, moderate, short-term impact.

11.11.3. During the operational phase, the outward noise impact to the surrounding environment will be limited to noise from any proposed new building services plant, noise due to additional vehicular traffic on public roads and noise due to car parking on site. The residual impact of the operational phase of the proposed development will be of neutral, not significant, permanent impact.

11.11.4. A noise risk assessment of the proposed site confirms that the site is of Low Risk, in terms of inward noise emissions, and thus is suitable for residential development

11.11.5. I concur with the conclusions of the EIAR in relation to noise and vibration impacts from the proposed development during both construction and operational phases. I am satisfied with the level of information submitted and that construction impacts

resulting from the proposed development are within acceptable limits and can be addressed by way of condition.

11.12. *Landscape and Visual Impact Assessment*

11.12.1. Chapter 13 of the EIAR outline landscape and the visual impacts that would arise from the development.

11.12.2. The site is categorised as being within the Limerick City and County Council Administrative Area and is not included in any other Landscape Character Assessment designations. There are no protected views or prospects and no Tree Preservation Orders within the site. Furthermore, the site is zoned for development within the Development Plan.

11.12.3. The ecological assessment has identified some habitats as being of Local Importance within the site. There are no Natura 2000 Protected Areas or nationally designated NHA or pNHA within the site. However, the proximity, to the Lower Shannon SAC and the on-site habitats of Local Importance have an impact on the sensitivity of the landscape within the site, which would generally be considered medium. This assessment is tempered by the residential zoning designation as per the Development Plan. This would be characterised as areas with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area.

11.12.4. During the construction phase this landscape will undergo a change from that of an area of agricultural fields to a large construction site. This results in a very significant magnitude of change in the landscape. The visual impacts during construction will affect all sensitive receptors. This is due to construction activities, vehicles, structures associated with development. Mitigation measures are outlined in section 13.6 of the EIAR and include site hoarding to restrict views of the site during construction, restricted hours of construction activity and tree protection measures.

11.12.5. During the operational phase the main landscape impacts of the proposed development are associated with the change in land use from agricultural lands of medium sensitivity to a more intensified, residential use. This is considered to be a moderately negative impact, as the existing landscape is of medium sensitivity. As

outlined in section 13.6 of the EIAR the mitigation measures include high quality landscaping. The medium-term landscape impacts (seven to twenty years), as the existing planting matures there will be a slight positive impact upon the subject site. Long-term landscape impacts (over twenty years) as maturing trees and hedgerows further integrate the proposed development into the existing landscape, resulting in a long term slightly negative impact on the landscape.

11.12.6. Effects on views would not be significant for receptors to the north AND north-east due to the distance from the site and the oblique views from the assessed areas. Due to the proximity of the site immediately to the east the effect on views would be moderately negative. There would be a slightly negative effect on views towards the site from the south-east. This is due to the screening element of proposed trees and vegetation within the new open spaces that abut this portion of the site

11.12.7. The EIAR also considered the cumulative impact of the development. Any further development within the vicinity of the proposed lands could have the possibility of impacting on the sensitive receptors. This could lead to potential impacts of a slightly higher level of significance on the identified receptors when assessed cumulatively. These future developments will have further impact on the named receptors above that cannot, at this stage, be fully quantified. The most likely of these potential impacts will be loss of vegetation and an impact on views.

11.12.8. I have considered the urban design and placemaking aspects of the proposed development in my planning assessment above. From an environmental impact perspective, I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme. I am, therefore, satisfied that the proposed development would have an acceptable direct, indirect and cumulative effects on the landscape and on visual impact.

11.13. ***Cultural Heritage, Archaeology and Architecture***

11.13.1. Chapter 14 of the EIAR considers archaeological, architectural heritage and cultural heritage. This chapter in addition to the submitted Archaeological, Architectural and Cultural Heritage Impact Assessment examines the potential significance and sensitivity of the existing archaeological and cultural heritage environment and

evaluates the likely and significant impacts of the proposed development on this environment. Remedial and/or reductive measures are proposed where necessary to safeguard any monuments, features or finds of antiquity or features of local cultural heritage interest that are identified during the course of the present study. The assessment involved a desk study and field inspection on the 8th April 2021.

11.13.2. There is some archaeological potential on the subject site due to its proximity to the River Shannon. There are no protected structures, or structures in the National Inventory of Architectural Heritage (NIAH) recorded within or immediately adjacent to the proposed development site. The nearest NIAH structure is c. 209m from the subject site. Nothing of archaeological or architectural interest was noted as upstanding during the walkover inspection.

11.13.3. *Archaeology*: It is possible that the construction phase on the subject site has a low potential to impact on previously unrecorded archaeological features of merit that may lay subsurface. There are no operational archaeological heritage impacts predicted for the residential phase.

11.13.4. In order to mitigate any potential negative impact on the archaeological heritage which may lie subsurface on the subject site it is recommended that a test trenching assessment be undertaken in the unfilled northern portion of the site. This measure should be undertaken prior to commencement, immediately after grant of permission given the time it takes to complete this particular survey work. The remainder of the subject site, due to previous disturbance, is suggested for archaeological monitoring of the ground works associated with construction. In the event that the test trenching or monitoring reveals archaeological features further mitigation measures can be put in place, which include avoidance / preservation in situ or excavation / preservation by record which would be carried out by a qualified archaeologist. Further details of the mitigation measures are provided in Table 6.1 of the Archaeological, Architectural and Cultural Heritage Impact Assessment.

11.13.5. *Cultural Heritage*: It is possible that the construction phase on the subject site has a very low potential to impact on previously unrecorded cultural heritage features of merit that may lay subsurface. There are no operational cultural heritage impacts predicted for the residential phase.

11.13.6. *Architectural Heritage*: It is unlikely that the construction phase on the subject site has the potential to impact on previously unrecorded architectural heritage features of merit that may lay subsurface. There are no operational architectural heritage impacts predicted for the residential phase.

11.13.7. Due to the relative size of the adjacent sites and the fact that they do not contain any known archaeological monuments, known features of historic architecture or known cultural heritage features, no cumulative effects are anticipated in relation to cultural, archaeological or architectural heritage.

11.13.8. Overall, the proposed development is not predicted to have an impact on the archaeological, architectural or cultural heritage, and there are no known features of cultural heritage interest within the development footprint. Nothing of a cultural heritage, archaeological or historic architectural nature was located as upstanding during the walkover inspection. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I, therefore, consider that the proposed development would have an acceptable level of direct or indirect impacts on cultural heritage archaeology and architecture.

11.14. ***Microclimate – Daylight and Sunlight***

11.14.1. Chapter 15 of the EIAR addressed microclimate. The environmental impacts from the proposed development are detailed in the EIAR, to avoid repetition and to be clear, I have assessed in detail the impact of Daylight, Sunlight and Overshadowing above in Section 10.5 of the planning assessment of my report.

11.14.2. *Daylight*: The construction of the proposed development is likely to result in little or no change in daylight access within neighbouring existing buildings. The potential impact of the proposed development on daylight access within neighbouring existing residences surrounding the application site, in this regard on residential lands to the east of the site at Log Na gCapall and Greenpark Avenue is likely to range from none to “imperceptible” to “not significant”.

11.14.3. The potential impact of shadows cast by the proposed development on sunlight access to lands to the east of the application site is assessed as ranging from none to “imperceptible” to “not significant”.

11.14.4. Sunlight: There is a potential for the proposed development, in combination with nearby planned and permitted developments, to result in cumulative impacts on daylight access within existing buildings. However, notwithstanding this, the overall cumulative impact of the proposed development, in combination with nearby planned and permitted developments, on daylight access within neighbouring existing buildings at Log Na gCapall is also likely to fall in the range of “imperceptible” to “not significant”.

11.14.5. The cumulative impact of the proposed development, in combination nearby planned and permitted developments, on sunlight access to neighbouring residential lands to the east at Log Na gCapall is likely to fall in the range of “imperceptible” to “slight” under a worst case scenario.

11.14.6. I have considered the potential impact on residential amenity in my planning assessment above. From an environmental impact perspective, I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme. I am, therefore, satisfied that the proposed development would have an acceptable direct, indirect and cumulative effects on daylight, sunlight and overshadowing.

11.15. ***Material Assets: Transportation***

11.15.1. Chapter 16 addresses Built Assets: Roads and Traffic. Third parties have raised concerns in relation the capacity of the surrounding road network. From an environmental perspective, the EIAR addresses these aforementioned matters in detail alongside potential construction and cumulative impacts. My assessment of Transportation in Section 10.7 above also considers these matters.

11.15.2. The subject site includes a public road network. The modelling submitted with the Traffic and Transport Assessment indicates that the proposed development would not impact upon the operational capacity of the adjacent junctions and would not have a significant influence on the operation of these junctions.

- 11.15.3. Construction operations on site and deliveries to the site will be in accordance with the Construction and Environmental Management Plan (CEMP). Construction traffic will access the site via the existing eastern arm of the Greenpark Roundabout. The traffic volume associated with the construction phase is not considered to be excessive, will be spread out over the duration of the construction period of the development, and there will be no significant disruption to the traffic flows on the Dock Road. A Construction Traffic Management Plan (CTMP) and Construction & Demolition Plan will be prepared prior to commencement of any works and will identify haulage routes and restrictions, construction traffic and times and an assessment of the nearby employment, education and commercial facilities to establish peak times, which will inform the optimum start/finish/delivery times to minimise impact.
- 11.15.4. The design of the site layout, roads and accesses are in accordance with the relevant guidelines and codes of practice which is likely to mitigate any potential roads and traffic impacts during the operational phase. It is considered that the development will have a slight long term neutral impact in traffic and transport terms with the mitigation measures proposed implemented.
- 11.15.5. Cumulative impacts have been considered with regard to the future year performance assessment conducted as part of the TTA, which includes other traffic flows potential generated by proposed developments in the vicinity of the site. This included calculations for a nursing home portion of the masterplan which will be accessed separately to the proposed residential units via Log na gCapall housing estate and permission granted under ABP-302015-18 for the construction of 30 no. residential dwellings. The proposed development is not likely to result in significant adverse impacts on roads and traffic either alone or in combination with the existing planned or likely future projects
- 11.15.6. I have considered all of the written submissions made in relation to traffic and transport. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of traffic and transport.

11.16. ***Material Assets: Waste Management***

- 11.16.1. Chapter 17 considers waste management impacts associated with the construction and operational phases of the proposed development and the potential impact that it may have on the receiving environment and on local and regional waste management infrastructure. This chapter is informed by the site-specific Construction Waste Management Plan (CWMP) and Operational Waste Management Plan (OWMP) submitted with the application.
- 11.16.2. Bulk earthworks are required to reprofile the site to the design levels of the development. It is proposed to keep all soils on site to achieve an earthworks balance and therefore minimise spoil generation. Construction and Demolition (C&D) waste will be generated during the construction process, the anticipated volumes of each waste stream have been estimated. Details on the management of waste during the construction phase are presented in the Construction Waste Management Plan (CWMP). Mitigation measures have been proposed to manage the impact of the development on waste management during construction. Overall, the construction phase of works is not expected to have any significant waste generation with a low to moderate and short-term impact.
- 11.16.3. The operational stage of the development will generate domestic waste streams that will be generally managed through good design practice and regular collection regimes. Details on the management of waste during the operational phase are presented in the Operational Waste Management Plan (OWMP). Mitigation measures have been proposed to manage the impact of the development on waste management during the operational phase. the effects during the operational phase will be cumulative and long term, however, the impacts will be low to moderate on the basis of good waste management practices
- 11.16.4. The cumulative impact during construction will be short term if construction of adjacent developments overlaps with construction of the SHD. The cumulative impact during the operational phase will be an overall increase in waste generation and associated management over life of the development.
- 11.16.5. I consider that the EIAR has adequately assessed impacts and that the environmental impacts have been adequately detailed and appropriately mitigated against. I am

satisfied that there are no significant permanent adverse impacts from waste management.

11.17. ***Material Assets: Built Services***

11.17.1. Chapter 18 of the submitted EIAR considers built services and infrastructure associated with the proposed development.

Transport Infrastructure: Access is proposed from an existing road network from the N69- Dock Road. The TTA submitted addressed the impact of the development on the surrounding road network and is addressed in Section 10.7 of my planning assessment.

Foul Water Disposal: The proposal will involve providing a connection to the existing foul water infrastructure. This has been assessed and validated by Irish Water. The potential impact of the proposed development on the public foul sewerage system is likely to be negative, slight and long term.

Surface Water Disposal: The proposal will involve providing a connection to the existing surface water infrastructure, The impact is likely to be neutral, imperceptible and temporary.

Potable Water Supply: The proposal will involve providing a new connection to the existing potable water supply network. This has been assessed and validated by Irish Water. There is potential for some short-term impacts by way of disruption in water supply due to these works to facilitate connecting the development to the existing public water supply network. The potential impact on the local public water supply network is likely to be negative, not significant and temporary.

Natural Gas Supply: There is no requirement for gas.

Electrical Supply: ESB have advised that there is capacity in both the HV & LV network to facilitate the project. The impact is likely to be neutral, imperceptible, and temporary.

Information and Communications Technology: The EIR Duct network is to be extended to serve the site. The impact is likely to be neutral, imperceptible and temporary

11.17.2. It is unlikely that the cumulative impact of permitted and proposed developments would give rise to significant impacts on material assets built services during the construction or operational stage of those projects and any impacts are likely to be temporary in nature.

11.17.3. Section 18.6 of the EIAR sets out mitigation measures to ensure that the scheme will have a minor impact on the services. Subject to adherence to best practice requirements of the relevant providers and implementation of best practice mitigation measures, I am satisfied that will be no significant permanent adverse impact on material assets: built services as result of the proposed development.

11.18. ***Principle Interactions of Effects***

11.18.1. A specific section is provided in each chapter on interactions between the topic described and how it relates to and interacts with other chapters. Chapter 19 addresses Interactions and highlights those interactions which are considered to potentially be of a significant nature and Table 19.1 provides a matrix of interactions.

Population and human health interact with land, soils, geology and hydrogeology; air and climate; noise and vibration; landscape and visual; daylight and sunlight; and waste mainly arising from the construction phase.

Biodiversity interacts with hydrology; land, soils, geology and hydrogeology; and landscape and visual as the water environment and impact on water quality has the potential to impact on water dependent habitats and species in the water bodies affected and therefore there is a strong interaction with biodiversity.

Land, soils, geology and hydrogeology interacts with biodiversity, hydrology and population and human health as the earthworks for the site have the potential to impact on the surface water quality, by silt generated from runoff or chemicals/oils from construction vehicles carrying out the works. Potential health effects arise mainly through the potential for soil and ground contamination.

Hydrology interacts with population and human health; biodiversity; and roads and traffic as the water environment and impact on water quality has the potential to impact on water dependent habitats and species in the water bodies affected and therefore

there is a strong interaction with biodiversity. The protection of the water environment will help to ensure that biodiversity is not significantly impacted. Geology and soils also have a strong interaction with the water quality with the interaction of surface and sub surface water important to the generation of run-off.

Air Quality and Climate interacts with population and human health; biodiversity; and roads and traffic due to dust soiling and possible exposure to air quality pollutants.

Noise and Vibration interacts with population and human health; and roads and traffic during the construction phase.

Landscape and Visual Impact interact with population and human health; and biodiversity as the proposed project generates visual effects.

Cultural Heritage, Archaeology and Architectural: No interactions are identified.

Microclimate – Daylight/ Sunlight interact with population and human health; and landscape and visual impact as the development would result in a change to the daylight and sunlight environment of an area.

Material Assets - Roads and Traffic interact with air quality and climate; and noise and vibration due to changes to traffic in the surrounding area during both the construction and operational phase of the development

Material Assets – Waste Management interact with population and human health as the proposed project will generate waste.

Material Assets – Built Services: No interactions are identified.

11.19. **Cumulative Impacts**

11.19.1. A specific section is provided in each chapter on the potential cumulative impact arising from the topic described in combination with other permitted or proposed developments. Chapter 20 addresses the potential cumulative impact arising from the proposed development in combination with other developments permitted or proposed in the surrounding area.

11.19.2. The proposed development could occur in tandem with the development of other sites that are zoned in the area, including permitted housing developments in the vicinity.

Such development would be unlikely to differ from that envisaged under the county development which was subject to Strategic Environment Assessment. The nature and scale of the proposed development is in keeping with the zoning of the site and the other provisions of the relevant plans and national policy. The proposed development is not likely to give rise to environmental effects that were not envisaged in the plans that were subject to SEA. It is therefore concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

11.20. ***Environmental Commitments / Mitigation Measures***

Chapter 21 of the EIAR provides a consolidated list of all of the environmental commitments / mitigation measures that have been recommended by the various specialists throughout the Chapters of the EIAR. The mitigation and monitoring measures have been recommended on that basis that they are considered necessary to protect the environment during both the construction and operational phases of the proposed project. A summary table is provided in Table 21.2.

11.21. ***Reasoned Conclusion on the Significant Effects***

Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the applicant, and to the submissions from the planning authority, prescribed bodies and third parties in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of underutilised brownfield land to residential. Given the location of the site c. 2km from Limerick city centre and the public need for housing in the region, this would not have a significant negative impact on the environment.

- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the removal of potentially hazardous material from the site, and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- A positive effect on the streetscape as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in many of the individual EIAR chapters are satisfactory, I am satisfied with the information provided to assess the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

12.0 **Appropriate Assessment**

- 12.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the

Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate Assessment of implications of the proposed development on the integrity each European site

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

- 12.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).
- 12.2.2. The applicant has submitted a report entitled Natura 'Impact Statement (NIS) in support of the Appropriate Assessment Process'. Sections 1-4 of the report provide a Stage 1 Appropriate Assessment Screening and Section 5 is an NIS. The document has been prepared by Ecology Ireland Limited. The Report provides a description of the proposed development and identifies European Sites within a possible zone of influence (in this case 15km radius) of the development. The report notes that the subject site has potential hydrological connectivity with both the Lower River Shannon SAC and the River Shannon and Fergus Estuaries SPA via an open drain to the Ballynaclogh River. Significant effects during the construction phase cannot be discounted without the implementation of best practice construction design measures. Therefore, a Stage 2 NIS is required.

- 12.2.3. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

12.3. **Screening for Appropriate Assessment - Test of likely significant effects**

- 12.3.1. 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).
- 12.3.2. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

12.4. **Brief Description of the Development**

- 12.4.1. The applicant provides a description of the project in Section 3 of the report. The site comprises c. 10.5ha on lands at the former Greenpark Racecourse, located off Dock Road (N69), on the western edge of Limerick City. The Lower River Shannon SAC is located c. 0.06km west of the subject site and the River Shannon and Fergus Estuaries SPA is located c. 0.13km west of the subject site.

12.5. **Submissions and Observations**

- 12.5.1. The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 7, 8 and 9 of this Report.
- 12.5.2. The planning authority and prescribed bodies raised no concerns regarding Appropriate Assessment.
- 12.5.3. The third party submission from John Conway and The Louth Environmental Group (BKC Solicitors) considers that the submitted documentation is inadequate and does not provide sufficient reasons for findings under the Habitat Directive and that no

regard and/or inadequate regard has been given to the cumulative effects of the proposed development in combination with other developments. The submission also raised concerns that certain designated sites have been ruled out on the on the basis of mitigation measures.

- 12.5.4. In my opinion, having regard to the information submitted sufficient information has been provided to allow for a full assessment of the impact of the proposed development on designated sites and to allow for a reasoned determination to be issued, which is outlined below.

12.6. European Sites

- 12.6.1. The development site is not located in a European site. While the proposed development site is not located immediately adjacent to a European site, it is located c. 60m from The Lower River Shannon SAC and 130m from the River Shannon and Fergus Estuaries SPA.
- 12.6.2. A summary of European Sites that occur within a possible zone of influence (15km) of the proposed development is presented in the table below. The table lists the Identification and Assessment of Likely Significant Effects on Natura 2000 Sites within the Precautionary Zone of Influence of the Proposed Development (15km). The features of the proposed development that have the potential to directly or indirectly impact on the qualifying interests and/or conservation objectives of 6 no. SACs and 1 no. SPA are located within the precautionary zone of influence are detailed. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

<i>European Site</i> <i>Site Code</i>	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
Lower River Shannon SAC 002165	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130]	60m	Yes, via surface water networks, drainage ditches on site to the Ballynaclogh River	Yes

	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p>			
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	<p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>			
<p>River Shannon and River Fergus Estuaries SPA</p> <p>004077</p>	<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Scaup (Aythya marila) [A062]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p>	130m	<p>Yes, via surface water networks, drainage ditches on site to the Ballynaclogh River</p> <p>Disturbance / displacement of species due to construction works.</p>	

	Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]			
Tory Hill SAC 000439	Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (*important orchid sites) [6210] Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210] Alkaline fens [7230]	11.2km	No	No
Glenomra Wood SAC 001013	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]	12.3km	No	No
Askeaton Fen Complex SAC 002279	Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210] Alkaline fens [7230]	12.7km	No	No

Ratty River Cave SAC 002316	Caves not open to the public [8310] Rhinolophus hipposideros (Lesser Horseshoe Bat) [130]	14.6km	No	No
Curraghchase Woods SAC 000174	Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Taxus baccata woods of the British Isles [91J0] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	14.7km	No	No

- 12.6.3. It is considered that 3 no. designated sites, Tory Hill SAC (000439), Glenomra Wood SAC (001013) and Askeaton Fen SAC (002279), can be screened out from further assessment due to the separation distances, the nature of the qualifying interests of sites and the lack of hydrological connections.
- 12.6.4. In addition, Curraghchase Woods SAC (000174) and Ratty River Cave SAC (002316) have been screened out. It is noted the Lesser Horseshoe Bat is a qualifying interest for both of these sites. However, as the typical foraging distance for the Lesser Horseshoe Bat is believed to be c. 2.5km from a roost site it is considered outside of the potential zone of influence. It is also noted that this qualifying interest has a limited distribution with no records in the western environs of Limerick City. It is, therefore considered reasonable that both Curraghchase Woods SAC (000174) and Ratty River Cave SAC (002316) be screened out due to the separation distances, the nature of the qualifying interests of sites and the lack of hydrological connections.

- 12.6.5. It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Tory Hill SAC (000439), Glenomra Wood SAC (001013) and Askeaton Fen SAC (002279), Curraghchase Woods SAC (000174) and Ratty River Cave SAC (002316). I am satisfied, and concur with the applicant, that there is no potential for likely significant effects on these 5 no. designated sites and they can, therefore, be screened out from further assessment.
- 12.6.6. I concur with the applicant that further assessment is required for both Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077). It is considered that the proposed development could result in likely significant effects in relation to: -
- The possibility of discharge / run off of surface waters containing sediment, silt, oils and / or other pollutants during the construction phase from the proposed development site to the SAC and SPA which has the potential to impact relevant qualifying interest.
 - Disturbance due to increased noise, vehicular movements and presence of people.

12.7. **Screening Determination**

- 12.7.1. 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 could have a significant effect on European Sites, Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077), in view of the site's Conservation Objectives, and Appropriate Assessment and submission of a NIS is, therefore, required.
- 12.7.2. The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment:
- Tory Hill SAC (000439)

- Glenomra Wood SAC (001013)
- Askeaton Fen SAC (002279)
- Curraghchase Woods SAC (000174)
- Ratty River Cave SAC (002316)

12.8. **The Natura Impact Statement**

The application included a NIS which examines and assesses the potential adverse effects of the proposed development on the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077). It was prepared in line with current best practice guidance and provides an assessment of the potential impacts to the designated sites and an evaluation of the mitigation measures proposed.

Having reviewed the documents, submissions and consultations I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) alone, or in combination with other plans and projects

12.8.1. *Appropriate Assessment of implications of the proposed development*

The following is a summary of the objective assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

12.8.2. *European Sites*

The following sites are subject to Appropriate Assessment: -

- Lower River Shannon SAC (002165) and
- River Shannon and River Fergus Estuaries SPA (004077),

Sections 4.1 and 4.2 of the report provide a detailed description of the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. The qualifying interests and conservation objectives for these sites are set out in Tables 5.1 and 5.2 of the applicants NIS.

The aspects of the proposed development that could adversely affect the conservation objectives of these European sites have been identified as impacts from construction discharges and disturbance. Tables 1 and 2 below summarise the appropriate assessment and integrity test for both the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. The conservation objectives, targets and

attributes as relevant to the identified potential adverse effects have been examined and assessed in relation to all aspects of the project (alone and in combination with other plans and projects). I have also examined the Natura 2000 data forms as relevant and the conservation objectives supporting documents for these sites available through the NPWS website (www.npws.ie). Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed. In terms of possible in-combination effects, plans, programmes and existing and proposed developments were considered. This allows for clear, precise and definitive conclusions to be reached in terms of adverse effects on the integrity of European sites.

12.8.3. **Potential Adverse Impacts**

The main aspects of the proposed development that could adversely affect the conservation objectives of European sites include the following: -

Hydrological Link: Surface water run off associated with the construction stage could potentially enter both the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. There is a direct hydrological link from an open drain on the northern portion of the site via the Ballnaclogh River which flows to the River Shannon. Therefore, there is potential for indirect effects on surface water quality during site preparation and earthworks, including potentially contaminating material such as oils, fuels, lubricants, other construction related solutions and cement based products would be used on site during the construction phase and the accidental emission of such a material would have the potential to undermine water quality within the River Shannon.

Any uncontrolled release of contaminated surface water to the open drain would likely be rapidly diluted and distributed prior to reaching the River Shannon. Notwithstanding this, the ongoing discharge of waters with high concentrations of contaminating substances could over time lead to the deposition of such contaminants, which has the potential to undermine the conservation status of the designated sites.

Sections 5 of the NIS recommends control mitigation measures to protect the environment from pollutants. These include the preparation of a Construction and Environmental Management Plan, limiting earthworks to summer months (where

possible), temporary drainage systems, sediment control measures, including silt fences and the correct storage, use and maintenance of all equipment, materials and chemicals.

The site is protected from flooding by existing embankments along the Ballynaclogh River and River Shannon. The risk of flooding during the construction phase is limited to an embankment breach. An embankment breach would lead to pollution. Once the earthworks are complete the site would be above flood levels. In the event of a breach it is proposed that the stockpiles of soil kept on the highest points of the site, silt fencing and settlement ponds would be located at the highest points of the site, earthworks would be exposed for the minimum time possible, landscaping and retaining structures would be carried out as early as possible and an Emergency Response Plan.

Adherence to best practices methodologies during the construction phase would control the release of sediments to surface water and prevent surface and ground water pollution as a result of accidental spillages or leaks.

Noise Disturbance: Potential noise disturbance has the potential to impact on qualifying interests during the construction phase. The NIS sets out mitigation measures to limited potential disturbance / displacement. These include construction activity being limited to within the site; use of lined and sealed acoustic covers for compressors and generators; and appropriately designed lighting.

Table 1: Lower River Shannon SAC (002165)

Lower River Shannon SAC (002165) Key issues that could give rise to adverse effects includes: - <ul style="list-style-type: none"> • Water quality and water dependant habitats • Disturbance of QI species Conservation Objective: To maintain or restore the favourable conservation status of habitats and species of community interest.					
Summary of Appropriate Assessment					
Qualifying Interest feature	Conservation Objective	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Sandbanks which are slightly covered by sea water all the time [1110]	To maintain the favourable conservation condition of Sandbanks which are slightly covered by sea water all the time in the Lower River Shannon SAC	Discharges – activities associated with construction may result in the release of sediment, chemical or other waste material pollution.	Adherence to best practices methodologies during the construction phase. Temporary construction surface drainage and sediment control measures, including silt fences and the correct storage, use and maintenance of all equipment, materials and chemicals.	No effect	Yes
Estuaries [1130]	To maintain the favourable conservation condition of Estuaries			No effect	Yes

	in the Lower River Shannon SAC				
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in the Lower River Shannon SAC		Limiting earthworks to summer months (where possible). Stockpiles of soil, silt fencing and settlement ponds kept on the highest points of the site. Landscaping and retaining structures carried out as early as possible.	No effect	Yes
Coastal lagoons [1150]	To restore the favourable conservation condition of Coastal lagoons in the Lower River Shannon SAC		A Construction and Environmental Management Plan would be implemented. An Emergency Response Plan would be provided.	No effect	Yes
Large shallow inlets and bays [1160]	To maintain the favourable conservation condition of Large shallow inlets and bays in the Lower River Shannon SAC			No effect	Yes
Reefs [1170]	To maintain the favourable conservation condition of Reefs in			No effect	Yes

	the Lower River Shannon SAC				
Perennial vegetation of stony banks [1220]	To maintain the favourable conservation condition of Perennial vegetation of stony banks in the Lower River Shannon SAC			No effect	Yes
Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	To maintain the favourable conservation condition of Vegetated sea cliffs in the Lower River Shannon SAC,			No effect	Yes
Salicornia and other annuals colonising mud and sand [1310]	To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in the Lower River Shannon SAC			No effect	Yes
Atlantic salt meadows (Glauco-	To restore the favourable conservation			No effect	Yes

Puccinellietalia maritimae) [1330]	condition of Atlantic salt meadows (Glauco- Puccinellietalia maritimae) in the Lower River Shannon SAC				
Mediterranean salt meadows (Juncetalia maritimi) [1410]	To restore the favourable conservation condition of Mediterranean salt meadows (Juncetalia maritimi) in the Lower River Shannon SAC			No effect	Yes
Water courses of plain to montane levels with the Ranunculon fluitantis and Callitricho- Batrachion vegetation [3260]	To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculon fluitantis and Callitricho-Batrachion vegetation in the Lower River Shannon SAC,			No effect	Yes

Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]	To maintain the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt laden soils (Molinion caeruleae) in the Lower River Shannon SAC,			No effect	Yes
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	To restore the favourable conservation condition of Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) in the Lower River Shannon SAC			No effect	Yes
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	To restore the favourable conservation condition of Freshwater Pearl Mussel in the Lower River Shannon SAC, w			No effect	Yes

Petromyzon marinus (Sea Lamprey) [1095]	To restore the favourable conservation condition of Sea Lamprey in the Lower River Shannon SAC			No effect	Yes
Lampetra planeri (Brook Lamprey) [1096]	To maintain the favourable conservation condition of Brook Lamprey in the Lower River Shannon SAC,			No effect	Yes
Lampetra fluviatilis (River Lamprey) [1099]	To maintain the favourable conservation condition of River Lamprey in the Lower River Shannon SAC,			No effect	Yes
Salmosalar (Salmon) [1106]	To restore the favourable conservation condition of Salmon in the Lower River Shannon SAC			No effect	Yes

Tursiops truncatus (Common Bottlenose Dolphin) [1349]	To maintain the favourable conservation condition of Bottlenose Dolphin in the Lower River Shannon SAC			No effect	Yes
Lutra lutra (Otter) [1355]	To restore the favourable conservation condition of Otter in the Lower River Shannon SAC			No effect	Yes

Table 2: River Shannon and River Fergus Estuaries SPA (004077)

River Shannon and River Fergus Estuaries SPA (004077) Key issues that could give rise to adverse effects includes: - <ul style="list-style-type: none"> • Disturbance of QI species • Water quality and water dependant habitats Conservation Objectives: To maintain the favourable conservation status of habitats and species of community interest.					
Qualifying Interest feature	Conservation Objectives	Potential adverse effects	Mitigation Measures	In-combination effects	Can adverse effects on integrity be excluded?
Cormorant (Phalacrocorax carbo) [A017]	To maintain the favourable conservation condition of Cormorant in the River Shannon and River Fergus Estuaries SPA	Discharges – activities associated with construction may result in the release of sediment, chemical or other waste material pollution. Disturbance due to increased	Adherence to best practices methodologies during the construction phase. Temporary construction surface drainage and sediment control measures, including silt fences and the correct storage, use and	No effect	Yes
Whooper Swan (Cygnus cygnus) [A038]	To maintain the favourable conservation condition of Whooper Swan in the River Shannon	noise, vehicular movements and presence of people.	maintenance of all equipment, materials and chemicals.	No effect	Yes

	and River Fergus Estuaries SPA		Limiting earthworks to summer months (where possible).		
Light-bellied Brent Goose (Branta bernicla hrota) [A046]	To maintain the favourable conservation condition of Light-bellied Brent Goose in the River Shannon and River Fergus Estuaries SPA		Stockpiles of soil, silt fencing and settlement ponds kept on the highest points of the site.	No effect	Yes
			Landscaping and retaining structures carried out as early as possible.		
Shelduck (Tadorna tadorna) [A048]	To maintain the favourable conservation condition of Shelduck in the River Shannon and River Fergus Estuaries SPA		A Construction and Environmental Management Plan would be implemented.	No effect	Yes
			An Emergency Response Plan would be provided.		
			Construction activity limited to within the site.		
Wigeon (Anas penelope) [A050]	To maintain the favourable conservation condition of Wigeon in the River Shannon and River Fergus Estuaries SPA		Use of lined and sealed acoustic covers for compressors and generators.	No effect	Yes
			Appropriately designed lighting.		

Teal (<i>Anas crecca</i>) [A052]	To maintain the favourable conservation condition of Teal in the River Shannon and River Fergus Estuaries SPA				
Pintail (<i>Anas acuta</i>) [A054]	To maintain the favourable conservation condition of Pintail in the River Shannon and River Fergus Estuaries SPA				
Shoveler (<i>Anas clypeata</i>) [A056]	To maintain the favourable conservation condition of Shoveler in the River Shannon and River Fergus Estuaries SPA				
Scaup (<i>Aythya marila</i>) [A062]	To maintain the favourable conservation condition of Scaup				

	in the River Shannon and River Fergus Estuaries SPA				
Ringed Plover (Charadrius hiaticula) [A137]	To maintain the favourable conservation condition of Ring Plover in the River Shannon and River Fergus Estuaries SPA				
Golden Plover (Pluvialis apricaria) [A140]	To maintain the favourable conservation condition of Golden Plover in the River Shannon and River Fergus Estuaries SPA				
Grey Plover (Pluvialis squatarola) [A141]	To maintain the favourable conservation condition of Grey Plover in the River Shannon and River Fergus Estuaries SPA				

Lapwing (Vanellus vanellus) [A142]	To maintain the favourable conservation condition of Lapwing in the River Shannon and River Fergus Estuaries SPA				
Knot (Calidris canutus) [A143]	To maintain the favourable conservation condition of Knot in the River Shannon and River Fergus Estuaries SPA				
Dunlin (Calidris alpina) [A149]	To maintain the favourable conservation condition of Dunlin in the River Shannon and River Fergus Estuaries SPA				
Black-tailed Godwit (Limosa limosa) [A156]	To maintain the favourable conservation condition of Black-				

	tailed Godwit in the River Shannon and River Fergus Estuaries SPA				
Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]	To maintain the favourable conservation condition of Bar-tailed Godwit in the River Shannon and River Fergus Estuaries SPA				
Curlew (<i>Numenius arquata</i>) [A160]	To maintain the favourable conservation condition of Curlew in the River Shannon and River Fergus Estuaries SPA.				
Redshank (<i>Tringa totanus</i>) [A162]	To maintain the favourable conservation condition of Redshank in the River Shannon and River Fergus Estuaries SPA				

Greenshank (Tringa nebularia) [A164]	To maintain the favourable conservation condition of Greenshank in the River Shannon and River Fergus Estuaries SPA				
Black-headed Gull (Chroicocephalus ridibundus) [A179]	To maintain the favourable conservation condition of Black- headed Gull in the River Shannon and River Fergus Estuaries SPA				
Wetlands [A999]	To maintain the favourable conservation condition of the wetland habitat in the River Shannon and River Fergus Estuaries SPA				

Following the appropriate assessment and the consideration of mitigation measures, I conclude with confidence that the project would not adversely affect the integrity of both the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077), in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

12.9. In Combination Effects

- 12.9.1. Table 5-3 of the NIS details planning applications in the vicinity of the proposed works. In general, the projects and plans are subject to their own assessments that will need to ensure that they will not in themselves or in combination with other plans or projects have the potential to adversely impact upon the nearby designated sites.
- 12.9.2. Potential cumulative effects in relation to other developments include construction related surface-water run-off, where qualifying interests associated with Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA could be subject to cumulative impact through hydrological or water quality impacts such as increased siltation, nutrient release and contaminated run-off arising from other developments. All of these projects have been considered on their own and in relation to the potential for any cumulative or in combination impacts arising from any combination of these projects proceeding in the future.
- 12.9.3. Having regard to the proposed environmental management and controls integrated into the project design and for other projects planned or proposed in the area cumulative and in-combination effects relating to other developments are not considered to be relevant in this case. I am satisfied that the proposed project will not have an effect individually or together with any other plan or project.

12.10. Conclusion

- 12.10.1. The proposed development has been considered in light of the assessment requirements of Section 177 of the Planning and Development Act, 2000 (as amended).

Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of its / their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077), or any other European site, in view of the site's Conservation Objectives.

12.10.2. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of both the Lower River Shannon SAC (002165) and the River Shannon and River Fergus Estuaries SPA (004077).
- Detailed assessment of in-combination effects with other plans and projects including current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of both the Lower River Shannon SAC (002165) and the River Shannon and River Fergus Estuaries SPA (004077),

13.0 Recommendation

Having regard to the above assessment, I recommend that permission is REFUSED for the development as proposed for the reasons and considerations set out below.

14.0 Recommended Order

Application: for permission under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and

particulars, lodged with An Bord Pleanála on the 11th day of October 2021 by Tom Phillips and Associates, on behalf of Voyage Property Limited.

Proposed Development: The construction of 371 no. residential units, comprising 157 no. 2-storey houses, 76 no. 3-storey duplex units and 138 no. apartments. The apartments are provided in 3 no. blocks ranging between 4 and 5 storeys. The scheme includes a 2-storey, childcare facility (550sqm). A new proposed access road which is c.374m in length, to connect to the Dock Road (N69). Emergency vehicular access is proposed via Log na gCapall and Greenpark Avenue and additional pedestrian and cyclist access via Log na gCapall.

The scheme includes 510 no. surface car parking spaces, long and short stay spaces bicycle parking, internal roads and pathways, hard and soft landscaping and boundary treatments, piped infrastructural services and connections, plant, revised entrances and tie-in arrangements to adjoining roads, waste management provision, solar panels; attenuation tank and related SUDS measures, signage, public lighting, bulk earthworks and all site development and excavation works above and below ground to accommodate the development.

Decision:

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Matters Considered:

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

15.0 Reasons and Considerations

The Board Considers that

1. Having regard to recent grants of permission for residential schemes with a higher density and located at a further distance from Limerick city centre and associated services and amenities it is considered that the proposed density of 47 units per hectare, which is achieved through a traditional suburban layout with generous rear gardens and off street car parking, would not be sufficiently high to provide for an acceptable efficiency and use of serviced and zoned lands in the metropolitan area of Limerick City and would set an undesirable precedent for the remaining overall masterplan lands. It is, therefore, considered that the proposed development would be contrary to: -
 - The Limerick City Development Plan 2010-2016 (as extended) with particular regard to Policy H.4 to have regard to the Sustainable Residential Development Guidelines, Policy H.5 to promote increased density in the city, Table 2.4 to provide a potential yield of 1,188 no. residential units on the former racecourse lands (36 ha) and indicative site coverage standards (page 16.9) to provide a site coverage of 50% in Zone 3;
 - National Planning Framework to achieve compact growth through achieving effective density and consolidation rather than more sprawl for urban development and particular regard to Table 2.1 to provide for an additional population target of 50,000 – 55,000 for Limerick city and suburbs to provide an overall population of 145,000 by 2040. National Policy Objective 7 and National Policy Objective 33 both of which encourage population growth in strong employment and service centres of all sizes, supported by employment growth and priorities the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. National Policy Objective 13 which allows for planning and related standards to be based on performance criteria that seek to achieved well-designed high-quality outcomes. National Policy Objective 35 to increase residential density in settlements through a range of measures;
 - The Regional Spatial and Economic Strategy with regard to RPO10 (Compact Growth in Metropolitan Area), RPO34 (Regeneration, Brownfield and Infill Development) and RPO35 (Support for Compact Growth);

- The Sustainable Residential Development Guidelines for Planning Authorities, 2009, which sets out minimum densities of 50 units per ha for brownfield sites and promotes increased densities within 500 metres walking distance of a bus stop; and
- Chapter 2 of the Apartment Guidelines which aims to significantly increase housing supply in Irelands cities and urban areas.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Elaine Power

Senior Planning Inspector

17th January 2022