



An
Bord
Pleanála

Inspector's Report ABP 312574-22.

Development	Demolition of detached dwelling and ancillary outbuilding to rear. Construction of 12 no. dwellings.
Location	Castlemungret, Mungret, Co. Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	21364
Applicant	Tony Carey
Type of Application	Permission
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant	Tony Carey
Observers	(1) David Sullivan & Grainne Ryan (2) Sean O'Donoghue (3) Mary Cronin (4) Ada Fitzgerald
Date of Site Inspection	16 th of June 2022

Inspector

Siobhan Carroll

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	8
3.4. Third Party Observations	8
4.0 Planning History.....	8
5.0 Policy Context.....	8
5.1. Project Ireland 2040 - National Planning Framework.....	8
5.2. Section 28 Ministerial Guidelines	9
5.3. Limerick Development Plan 2022 – 2028.....	9
5.4. Natural Heritage Designations	10
5.5. EIA Screening	10
6.0 The Appeal	12
6.1. Grounds of Appeal	12
6.2. Planning Authority Response	17
6.3. Observations	17
7.0 Assessment.....	19
7.1. Policy context.....	19
7.2. Design and layout	21
7.3. Residential amenity.....	24
7.4. Access and traffic.....	25

7.5. Appropriate Assessment	27
8.0 Recommendation.....	32
9.0 Reasons and Considerations.....	32
10.0 Conditions	32

1.0 Site Location and Description

- 1.1. The subject site with a stated area of 0.34 hectares is located in the village of Mungret, Co. Limerick. It is situated on the northern side of the R859.
- 1.2. The immediate area surrounding the site is characterised by residential properties on relatively large sites. There a number of commercial buildings within the centre of Mungret village including the Credit Union, barbers, hairdressers, café and pizza take-away.
- 1.3. The site has frontage of 24m and it extends back circa 112m. The dwelling on site is a dormer property with a floor area of 166sq m. There is a low stone wall to the front boundary. The property is served by a driveway and hard surfaced which extends behind the rear of the dwelling. There is a shed/garage on site circa 20m to the north of the dwelling with a floor area 45sq m.
- 1.4. To neighbouring property to the east is a bungalow. The properties to the east of this comprise single storey and dormer dwellings. The neighbouring property to the west of the site comprises a singles storey dwelling. To the northern of the site there are residential properties with frontage onto the N69. The Castlemungret cemetery is located to the east of the appeal site and the Mungret Saint Pauls GAA Club is located to the south of the appeal site.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of detached dwelling and ancillary outbuilding to rear. Construction of 12 no. dwellings comprising, 1 no. detached dormer bungalow with four bedrooms, 2 no. two-storey, semi-detached dwellings with three bedrooms and 9 no. two-storey terraced two bedroom dwellings.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was refused for the following reason.

Having regard to the proposed layout and design, poor aspect, insufficient housing mix and layout, and lack of assimilation to Mungret Village, it is considered that the

proposed development would constitute a poor quality environment and would constitute piecemeal development, which would militate against the future comprehensive redevelopment of the area. It is considered that the proposed development would conflict with the provisions of the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' published by the Department of Environment, Heritage and Local Government in May 2009, and with the policies in the Development Plan, would seriously injure the amenities and depreciate the value of properties in the area, and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested in relation to the following;

1. Submit an Acoustic Design Statement (ADS) including an assessment of road noise levels across the site. The ADS shall consider the potential impact of road noise on the proposed dwelling taking cognisance of the WHO Environmental Noise Guidelines (2018), BS8233:2014 (Guidance on sound insulation and noise reduction for buildings).
2. The number of visitor car parking spaces is not in line with the County Development Plan. Submit revised Site Layout Plan to address this.
3. Submit revised Site Layout Plan clearly showing sightlines and stopping distances in accordance with "DMURS"
4. Submit revised detailed Public Lighting Design.
5. Surface water drainage proposals including SuDs measures and revised surface water calculations.
6. Submit revised estate design – the layout and house types as presented pay little attention to the scale and bulk of surrounding dwellings. Overlooking will be exacerbated by the infill nature of these suburban style dwellings. It shall be noted at this juncture, that only Dwelling Type Number 1 would be considered suitable on this village infill site by the Planning Authority and

terrace dwellings should be reconsidered. Please submit a revised and more appropriate proposal in this regard.

7. Submit proposals for all site boundaries and written agreement with the adjoining landowners with regard to this proposal on all party boundaries.
 8. Submit a Refurbishment Demolition Asbestos Survey.
 9. Address the issues raised in the Third Party Objections in writing.
 10. Submit a photographic survey of the site and accompanying Site Layout Plan indicating the view taken.
 11. Submit revised Site Layout Plan showing rear gardens with a minimum of 11m in length.
 12. Submit a Tree and Hedgerow Survey of the site indicating what it to be retained and/or replace.
 13. Submit a Landscaping Plan prepared by a suitably qualified Landscaping Professional.
- The report of the Planning Officer in their assessment of the further information response considered that the revised development as presented fails to integrate or assimilate into Mungret Village in terms of dwelling type, size, layout etc. It was concluded that the size of dwellings was poor with the layout considered unacceptable. No internal separation was provided between living rooms, kitchens and dining rooms. No utility room or additional storage is proposed. No separation to the front of the dwelling, no defensible space, no planting is provided and there is an over dominance of car parking. 6 no. units look onto the access road and not the open space. The design approach was considered poor in a village setting. A refusal of permission was recommended.

3.2.2. Other Technical Reports

3.2.3. Roads, Operations and Maintenance Services: report dated 10/5/2021 – Further information was sought.

3.2.4. Roads Operations and Maintenance Services: report dated 3/12/21 – Clarification of further information recommended.

- 3.2.5. Environment Section: report dated 4/5/21 – Further information was sought in relation to the submission of an acoustic design statement (ADS) including an assessment of road noise levels across the site.
- 3.2.6. Environment Section: report dated 20/12/21 – Attachment of condition recommended.
- 3.2.7. Archaeology – Attachment of condition recommended requiring that the developer shall preserve, protect or otherwise record archaeological materials or features that may exist within the site ensuring that all ground disturbance associated with the site development is archaeologically monitored.
- 3.2.8. National Road Design Office – No observations to make.
- 3.2.9. Fire Officer – The Fire Authority has no objection to the application.

3.3. Prescribed Bodies

- 3.3.1. Irish Water – No objection.
- 3.3.2. Transport Infrastructure Ireland – No observations to make.

3.4. Third Party Observations

- 3.4.1. The Planning Authority received 8 no. submissions/observations in relation to the planning application. The issues raised are similar to those detailed in the observations to the appeal.

4.0 Planning History

- 4.1.1. None

5.0 Policy Context

5.1. Project Ireland 2040 - National Planning Framework

- 5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can

support sustainable development and at an appropriate scale of provision relative to location”.

5.2. Section 28 Ministerial Guidelines

5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)

5.3. Limerick Development Plan 2022 – 2028

5.3.1. The site is located on lands which are zoned ‘Existing Residential’ as illustrated on Map 3: Limerick City and Suburbs (in Limerick), including Mungret and Annacotty – Zoning Map.

5.3.2. Objective: To provide for residential development, protect and improve existing residential amenity.

5.3.3. Purpose: This zone is intended primarily for established housing areas. Existing residential amenity will be protected while allowing appropriate infill development. The quality of the zone will be enhanced with associated open space, community uses and where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area, such as schools, crèches, doctor’s surgeries, playing fields etc.

5.3.4. Section 2.3.4 refers to Population and household growth. In relation to the settlement of Mungret it is stated that Mungret and Annacotty, Patrickswell and Castleconnell are considered settlements that are suitable for growth due to their location within the MASP area and also the availability of existing infrastructure.

- 5.3.5. Map 2.2 – Limerick City and Suburbs (in Limerick), Mungret and Annacotty Density Zones. It is indicated on the map that the density of development within Mungret is envisaged at 35+ housing units per hectare.
- 5.3.6. Objective CGR O8 – Limerick City and Suburbs (in Limerick), Mungret and Annacotty. It is an objective of the Council to: (a) Promote development which incorporates a high quality, sustainable and inclusive approach to proposals in the City and Suburbs (in Limerick), Mungret and Annacotty, which is supported by sustainable means of travel, and which creates locally distinctive neighbourhoods and positively contributes to the existing built and natural heritage.
- 5.3.7. Chapter 11 refers to Development Management Standards
- 5.3.8. Section 11.4 refers to Residential Development – Quality Standards

5.4. Natural Heritage Designations

- 5.4.1. Lower River Shannon SAC (Site Code 002165) is located 1.7km to the north of the appeal site.
- 5.4.2. River Shannon and River Fergus Estuaries SPA (Site Code 004077) is located 1.7km to the north of the appeal site.

5.5. EIA Screening

- 5.5.1. The proposed development comprises 12 no. dwellings on a 0.34 hectare site.
- 5.5.2. The development subject of this application falls within the class of development described in 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended. EIA is mandatory for developments comprising over 500 dwelling units or over 10 hectares in size or 2 hectares if the site is regarded as being within a business district.
- 5.5.3. The number of dwelling units proposed at 12 is well below the threshold of 500 dwelling units noted above. Whilst within the settlement of Mungret it is not in a business district. The site is, therefore, materially below the applicable threshold of 10 hectares.
- 5.5.4. The proposal for 12 no. dwellings located within the development boundary of Mungret on lands zoned 'Existing Residential' in the Limerick Development Plan

2022- 2028. The site comprises the plot of an existing cottage. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The site is not within a European site. The issues arising from the proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive. The application is accompanied by an Urban Design Assessment with a Traffic and Transport Assessment submitted with the appeal. These address the issues arising in terms of the sensitivities in the area.

5.5.5. Having regard to

- the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, the location of the site on lands within the development boundary of Mungret on lands zoned “Existing Residential” under the provisions of the Limerick Development Plan 2022 – 2028 and the results of the strategic environmental assessment of the Limerick Development Plan 2022 - 2028, undertaken in accordance with the SEA Directive (2001/42/EC).
- the location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the area.
- the location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.5.6. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report was not necessary.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted by AK Planning on behalf of the applicant Tony Carey. The issues raised are as follows;

- Pre-planning commenced in late 2019. In 2020 pre-planning proposals were submitted for a scheme comprising 2 no. semi-detached bungalows addressing the public road with two-storey dwellings located to the rear. This layout was similar to the final layout.
- The design of the scheme was revised to reflect the requirements of Limerick City and County Council Housing Section in respect of Part V.
- Further information was requested regarding a number of matters including the submission of an acoustic report, drainage revisions, public lighting revisions, house type revisions and site layout revisions including removal of rear access footpaths.
- In relation to the Limerick Development Plan 2022-2028 Objective HO-02 and Objective HO-03 HO-02 are cited. Objective HO O2 Density of Residential Developments It is an objective of the Council to: a) Promote, where appropriate, increased residential density in the exercise of its development management function and in accordance with Table 2.6 Density Assumptions per Settlement Hierarchy in Chapter 2: Core Strategy and the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and the accompanying Urban Design Manual, DEHLG, May 2009. b) Encourage increased densities that contribute to the enhancement of a town or village by reinforcing street patterns or assisting in re-development of backlands and centrally located brownfield sites. Objective HO O3 Protection of Existing Residential Amenity It is an objective of the Council to ensure a

balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable new development.

- In relation to the Limerick – Shannon Metropolitan Area Strategic Plan, section 3.2 refers to Guiding Principles, it states in relation to accelerate housing delivery that activate strategies residential development area such as Mungret and support the steady supply of sites to accelerate housing supply, supported by better services and public transport.
- In relation to Objective ML017 it is stated that is an expired policy. The aim of this objective was to protect the existing village heritage and built features by sensitive infill development. Therefore, it is not considered that the proposed development would be contrary to this objective.
- Policy ZD1 was reference by the Planning Authority this has been replaced by Section 15.3.
- It is stated in report of the Planning Officer that the dwelling sizes are poor at 80sq m and the layout of dwellings is unacceptable with no internal division on the ground floor and no utility room or additional storage proposed. It is stated in the appeal that the comment refers specifically to the two bed house type.
- The two bed house was designed to comply with and exceed the minimum standard as laid down in the Quality Houses for Sustainable Communities Guidance (2007). There is a utility area for a washer and dryer beside the downstairs WC, 5sq m of storage space is provided where 4sq m minimum is required.
- The appeal refers to a number of other residential schemes granted by the Planning Authority that had similar open plan living area for two bed houses, Mungret Gate Reg. Ref. 19/991 and Reg. Ref. 19/990. The provision of open plan living areas in bungalow within a scheme under Reg. Ref. 21/152 is also cited.
- It is stated that the aspect of houses 8-12 with north facing rear gardens benefit from the open plan layout and allow access to south facing light with the dual aspect design.

- Units 4-7 have east-west aspect living areas which will benefit from morning and evening sunlight/daylight. In relation to separation to the front of the dwelling, House no. 1 is detached with a front driveway and rear garden. Houses 2 & 3 are semi-detached three bedroom units with individual paved driveways to the front. Houses 4,5,6 7 are terraced two bed units with paved driveways to the front and private open space to the rear. Houses 8, 9, 10, 11 & 12 are terraced two bed houses. A 1m strip of defensive space is proposed at the back of the 2.5m paved pedestrian area fronting these dwellings.
- Regarding the issue of over dominance of car parking, it is stated that when creating the layout there was a focus on reducing the dominance of car parking in the scheme. As per Development Plan standards each two and three bedroom dwelling requires 1 no. parking space per dwelling. The four bedroom dormer bungalow has 2 no. spaces provided in the enclosed yard area to the rear. Houses no. 2-7 have driveways with 1 no. off-street car parking space per unit. Houses no. 8-12 have car parking proposed to the side of the terrace with three visitor spaces. The spaces are screened by the bin store and planting.
- In relation to SUDS redesign, the Roads Section requested permeable paving on driveways and permeable surface to visitor car parking. It is stated that this has been provided.
- The report of the Planning Officer stated that 6 no. units look onto the access road and not the open space. The layout of the scheme is informed by a number of issues including the site configuration, shape, orientation and site area. Regarding dwellings overlooking the access road it is stated that this is a common practice and provides surveillance. The shape of the site and requirement for a safe entrance has dictated the road geometry. If dwellings 4-7 were reorientated there would be issues with parking, depth of gardens and overlooking.
- It is stated that the dwellings overlooking the road have ample private amenity space and are located 50m from the open space on site.
- It is stated that the existing stone wall could be retained as a unique site feature.

- Regarding the statement in the report of the Planning Officer that the overall approach is poor and not acceptable and or encouraged in a village setting in response it is stated that they are satisfied that it is a good quality infill scheme with a sustainable density and amenity in a desirable location.
- The report of the Planning Officer refers to SRDUA and states that chapter 6 refers to 'Small Towns & Villages'. It is noted that Mungret is noted listed within these locations because it is part of the Limerick City Metropolitan Area. It is stated that the relevant section of the SRDUA is chapter 5 which refers to Cities and Larger Towns.
- Mungret is designated as a Tier 1 Gateway in the Settlement Strategy of Limerick County Development Plan (2010 as extended) and represents one of the significant growth centres within the Southern Environs as set out in the LAP.
- The quantum of housing units, 1,950 is expected to be provided within Mungret. The Masterplan envisages the development of lands to the east and south-east of the village core. The site is located to the east of the village core, as a smaller existing residential backland plot it is not located within the proposed new housing zones. It is considered that the zoning of the site as "Existing Residential" along with the location of the site within the development boundary in close proximity to the village centre makes it a suitable location for a residential development in principle.
- It is submitted that with 1 no. detached dormer bungalow with four bedrooms, 2 no. two-storey, semi-detached dwellings with three bedrooms and 9 no. two-storey terraced two bedroom dwellings that it provides an acceptable mix of house types.
- Regarding the constraints of the it is stated that there was the location of the existing municipal drainage manholes and associated wayleaves at the northern end of the site which dictated that where dwellings and private and semi-private open space could and could not be located. There was a requirement to improve on the sightlines at the entrance specifically towards the village centre end which necessitated the proposed demolition of the existing dwelling which is proposed to be replaced by the access road. A

concerted effort was made to avoid any overlooking and to design the road along the boundary so as to accommodate a future spur to the lands at the rear of the cottage to the west.

- In relation to open space within the scheme a small central pocket area of open space measuring 380sq m is proposed. This is equivalent to 11% of the total site area. Each dwelling is served by 60sq m private open space. The site is located circa 700m from Mungret Civic Park which includes a large area of open space, a walking circuit and children's playground.
- The site is zoned for residential development is serviced and has connectivity to the village centre and the wider Mungret and Raheen area. The site is located east of the village core. There are new schools and a municipal park within 700m of the site. The area is to be served by an extension of the city bus network through Busconnects.
- The proposed density equates to 35 units per hectares in line with Limerick Development Plan 2022-2028 and the SE LAP 2021-2027.
- The proposed two-storey dwellings would not be directly visible from the public road. The pitches of the two-storey dwellings have been reduced in order to reduce the overall ridge heights to assuage the concerns of the Planning Authority.
- There are two-storey dwellings in close proximity to the site and the change from single storey and dormer to two-storey is considered appropriate. The terrace design of two bedroom units provides for a viable design approach providing own door accommodation.
- Appendix D of the appeal illustrates an alternative design approach for the two-storey units if required which lowers the ridge to circa 7.5m. Should the Board consider this necessary the approach has stated that they are happy to revise all the 11 no. two-storey dwellings.
- In conclusion, it is requested that the Board overturn the decision of the Planning Authority and grant permission for the proposed development.

6.2. Planning Authority Response

- None received

6.3. Observations

Observations to the appeal have been received from (1) David Sullivan & Grainne Ryan (2) Sean O'Donoghue (3) Mary Cronin and (4) Ada Fitzgerald.

(1) David Sullivan & Grainne Ryan

- The observers reiterate their concerns set out in their observation to the planning application to Limerick City and County Council.
- They state that they are pleased that some of their concerns were raised as part of the Council's request for further information specifically overlooking of their garden by 5 no. two-storey dwellings.
- Regarding the estate design the observers consider that the matter was not addressed.
- In the context of the National Planning Framework the observers consider that the proposed development of 12 no. dwellings does not in their opinion meet the criteria of "appropriate scale of provision relative to location" as stated in the National Policy Objective 33.
- There are over 850 new dwellings being planned for the Mungret area. These will contribute to the housing need in a properly planned and structured way. The observers do not consider that the proposed development which comprises a backland scheme represents appropriate development within the village. It would set a precedent for any house along the road to be demolished to access rear gardens for development.

(2) Sean O'Donoghue

- The appeal site is located to the rear of the observer's property. It is stated that the proposed development would result in 5 no. two-storey dwellings which would overlook the observers property and garden.

- The observer has concerns regarding the boundary treatment.
- It is considered that the proposed development is too dense and would set a precedent for other similar developments.

(3) Mary Cronin

- The observer states that she wishes to reiterate her objection to the proposed development which adjoins the property of her mother Bridget Fitzgerald.
- It is stated that the boundary wall between Folio LK13470 the property of Bridget Fitzgerald and the proposed development Folio LK33943F owned by the applicant Tony Carey, would not be in accordance with the boundary as agreed in 1995 when the sale of the lands took place.
- The proposed dormer house and construction of a new dividing wall will overshadow the window at the side of Bridget Fitzgerald's house. It is stated that the positioning of this house needs to be changed.
- It is considered that the proposed development would generate increased vehicular traffic into and out of the site which would impact upon pedestrian safety.

(4) Ada Fitzgerald

- The observer wishes to object to the proposed development for the construction of 12 no. house to the west of her mother Bridget Fitzgerald's property at Mungret Village.
- It is considered that the proposed two-storey houses will negatively impact the residential amenity of the neighbouring properties including that of Mrs. Fitzgerald.
- Concern is expressed the additional vehicular traffic generated by the proposed development would give rise to increased noise and disruption and that it would impact pedestrian safety.
- It is stated that house no. 1 is proposed to be located in close proximity to the boundary of Bridget Fitzgerald's property. It is considered that the location of the dwelling would restrict light into the bedroom and the construction of a

1.8m wall at the side of the house would affect light into the bedroom and kitchen.

- Concern is expressed that it is proposed to move the boundary wall which is the party boundary with Bridget Fitzgerald's property.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and observations to the appeal it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Policy context
- Design and layout
- Residential amenity
- Access and traffic
- Appropriate Assessment

7.1. Policy context

- 7.1.1. The Limerick Development Plan 2022 – 2028 was adopted by the Elected Members of Limerick City and Council's on the 17th of June 2022 and the Plan came into effect on the 29th of July 2022. On the 28th July 2022, Limerick City and County Council received notification from the Minister for Housing, Local Government and Heritage of his intention to issue a Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended). In accordance with Section 31(4) of the Planning and Development Act 2000 (as amended), those parts of the Limerick Development Plan 2022-2028 referred to in the notice shall be taken not to have come into effect, been made or amended. Having regard to this notice from the Minister for Housing, Local Government and Heritage, I note that it refers to a number of specific zonings and that it does not refer to the subject site at Mungret Village. Accordingly, I am satisfied that the provisions of the Limerick Development Plan 2022 – 2028 apply to the subject site.

- 7.1.2. The reports of the Planning Officer and the appeal refer provisions of the Southern Environs Local Area Plan 2021-2027. In relation to the Southern Environs LAP, I note that as detailed on the Limerick City and County Council website that the Southern Environs Local Area Plan 2021-2027 will be revoked once the Limerick Development Plan is in place. Accordingly, as the Limerick Development Plan 2022 – 2028 has come into effect the provisions of the now revoked Southern Environs LAP no longer apply.
- 7.1.3. The site at Mungret Village is zoned ‘Existing Residential’ under the provisions of the Development Plan. It is the objective of this zoning to provide for residential development, protect and improve existing residential amenity. In relation to the purpose of the zoning it is stated in the plan that it is intended primarily for established housing areas. It is set out under this zoning that existing residential amenity will be protected while allowing appropriate infill development. The quality of the zone will be enhanced with associated open space, community uses and when an accepted standard of amenity can be maintained, limited range of other uses that support the overall residential function of the area, such as schools, creches, doctor’s surgeries, playing fields etc.
- 7.1.4. Accordingly, under the zoning objective the proposed development of a residential scheme would be generally permitted subject to all other relevant planning considerations being satisfactorily addressed including that the proposal has adequate residential amenity, adequately safeguards the amenities of the adjoining properties, would not result in a traffic hazard and would not be likely to have a significant effect on any European Sites.
- 7.1.5. Mungret is located within the boundary of the Limerick Shannon Metropolitan Area. In relation to the Chapter 2 of the Development Plan which refers to Core Strategy, it is set out that there are a number of districts within the Limerick City and Suburbs that provide important opportunities for the sustainable development of residential, educational, recreation and amenity, employment and commercial uses and Mungret is specifically included. It is set out in the Development Plan that the National Planning Framework also recognises the importance of sustainable development of new greenfield areas and specifically refers to Mungret as a key future growth enabler for Limerick in terms of ‘progressing the sustainable development of new greenfield areas for housing and the development of supporting public transport and

infrastructure'. To do this, growth must complement and consolidate the urban form of the City as a whole to create a compact City region with improved integrated supporting infrastructure, public transport improvements to provide linkages to local residential populations and the provision of high levels of community facilities and amenities.

- 7.1.6. The proposal entails the demolition of the existing dwelling on site and the construction 12 no. dwellings, comprising 1 no. detached dwelling, 2 no. semi-detached dwellings and 9 no. terraced dwellings. The site has an area of 0.34 hectares the proposed density would be equivalent to 35.29 units per hectare. Map 2.2 of the Development Plan indicates – Limerick City and Suburbs (in Limerick), Mungret and Annacotty Density Zones. It is indicated on the map that the density of development within Mungret is envisaged at 35+ housing units per hectare. Therefore, the density of the scheme proposed is accordance with the recommended density for Mungret as set out in the Development Plan.

7.2. Design and layout

- 7.2.1. The Planning Authority refused permission for the proposed scheme on the basis that they were not satisfied with the mix of house types and the layout of the scheme. They considered that the proposed development would not assimilate into Mungret Village. The report of the Planning Officer referred to the layout and stated that they consider that there was an over dominance of car parking and that six of the dwellings within the scheme looked onto the access road. In relation to the proposed dwellings within the scheme it is stated in the report of the Planning Officer that it was considered that the size of dwellings was poor with the layout considered unacceptable. It was noted in the report that no internal separation was provided between living rooms, kitchens and dining rooms. It was stated that no utility room or additional storage is proposed.
- 7.2.2. In relation to residential development Objective HO 03 of the Development Plan refers to Protection of Existing Residential Amenity it states that it is an objective of the Council to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable new development. Accordingly, it is important that any residential

scheme such as the one proposed is appropriate to the site context having regard to the existing surrounding development.

- 7.2.3. Chapter 11 of the Development Plan refers to Development Management and section 11.3 refers to Residential Development – General Requirements and section 11.4 refers to Residential Development – Quality Standards.
- 7.2.4. In relation to the mix of house types proposed within the scheme it is submitted in the appeal that with 1 no. detached dormer bungalow with four bedrooms, 2 no. two-storey, semi-detached dwellings with three bedrooms and 9 no. two-storey terraced two bedroom dwellings that it provides an acceptable mix of house types. While I would note that the majority of units within scheme contain two bedrooms given the limited scale of the development at 12 no. units, I consider that an adequate mix is proposed. Furthermore, having regard to the site context and surrounding residential properties which are primarily single storey, the provision of alternative house types on this particular site may not be appropriate.
- 7.2.5. The reason for refusal raised the matter of the lack of assimilation to Mungret Village. The layout as proposed provides a dormer bungalow fronting onto the street having regard to the site configuration and necessity to provide an internal access road to serve the scheme it does not provide much scope have an alternative design and layout which also has regard to the site context and surrounding residential properties which are primarily single storey. Therefore, I would consider the proposed scheme acceptable on the basis of the context and site constraints.
- 7.2.6. Regarding the internal layout of the proposed two-storey terraced dwellings where the report of the Planning Officer raised the matter of the ground floor layout. It is stated in the appeal that the two bed houses were designed to comply with and exceed the minimum standard as laid down in the Quality Houses for Sustainable Communities Guidance (2007). It is highlighted that there is a utility area for a washer and dryer beside the downstairs WC, 5sq m of storage space is provided where 4sq m minimum is required.
- 7.2.7. Section 11.4.2.2 of the Development Plan refers to Floor Areas, it states that the minimum size of habitable rooms for houses shall conform with national guidelines/standards in operation at the date of application for planning permission, including the minimum dimensions as set out in Sustainable Urban Housing: Design

Standards for New Apartments Guidelines for Planning Authorities (2020) and Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

- 7.2.8. In relation to the proposed two-storey dwellings, I note that they have a floor area of 81sq m which is 1sq m above the recommended target floor area as set out in Table 5.1 – Space provision and room sizes for typical dwellings of the Quality Houses for Sustainable Communities Guidance (2007). The proposed layout provides a separate utility area adjacent to the WC and 5sq m of storage space is proposed. The ground floor layout provides a dual aspect living space. Accordingly, I am satisfied that the proposed dwellings would be in accordance with design standards as set in Quality Houses for Sustainable Communities Guidance.
- 7.2.9. Regarding the amenity space provision, each dwelling is served by a private rear garden. As set out in Table DM 3: Rear Garden Areas of the Development Plan a minimum rear garden area of 48sq m is required for 1-2 bedroom dwellings with 60-75sq m required for dwellings with 3-5 bedrooms. In relation to the proposed two bedroom and three bedroom dwellings within the scheme, I am satisfied that the rear gardens are provided in accordance with the minimum standards as set out in Table DM: 3 Rear Garden Areas. Regarding the proposed dormer bungalow, this is a four bedroom unit, the rear garden has an area of circa 50sq m with the two car parking spaces also proposed to the rear of the dwelling adjacent to the lawn area. This would be marginally below the minimum area of 60sq m recommended, however I note that a small area of front garden is proposed to the property and therefore, I would consider this shortfall acceptable in this context.
- 7.2.10. An area of 380sq m of public open space is proposed to the northern section of the site between the two areas of terrace housing. This open space is centrally located and I note that the front of houses no' 8-12 address the open space with the side of house no. 7 abutting onto the open space. Therefore, I consider that it is a usable area of open space which well overlooked. In relation to the layout of the scheme, while I would note that six of the dwellings directly address the estate access road having regard to the limited scale of the development and configuration of the site being of a rectangular shape, I would consider the layout acceptable in this context.

7.2.11. In relation to the size of the public open space at 380sq m it is equivalent to 11% of the total site area. Section 11.3.6 of the Development Plan refers to Open Space Requirements, it sets out that in accordance with the 2009 Sustainable Residential Guidelines and any subsequent guidelines, at a minimum, 15% of the gross greenfield sites should be provided as multi-functional open space in new residential developments. Accordingly, the area of public open space is less than the 15% of the site area, however it is stated in the Development Plan that a reduction in open space may be considered for residential units in new housing estates located within 100m walking distance of a pocket park/play lot, small park, local park, urban neighbourhood park or regional park. It is highlighted in the appeal that the site is located circa 700m from Mungret Civic Park which includes a large area of open space, a walking circuit and children's playground. Accordingly, having regard to the proximity of the Civic Park to the site I consider that a shortfall in public open space would be acceptable in this context.

7.3. Residential amenity

- 7.3.1. The observations to the appeal refer to impacts upon residential amenity arising from potential overlooking. The observations also raise concerns in relation to potential overshadowing of the property of Mrs. Bridget Fitzgerald. The matter of boundary treatment was raised and specifically in relation to the neighbouring property to the west.
- 7.3.2. Firstly, regarding potential overlooking having regard to the layout proposed and the separation distances provided and the absence of any directly opposing first floor windows, I am satisfied that there would not be any undue overlooking of neighbouring dwellings. The rear of the proposed dwellings no's 2-7 would face east the rear gardens have depths between 9.5m and 11m, therefore I am satisfied that adequate separation is provided to ensure no undue overlooking of the neighbouring rear garden to the east. In relation to the front of these dwellings they face west and are setback a minimum of 15m from the western site boundary. I consider this is a satisfactory level of separation in order to protect the amenities of the neighbouring property. Accordingly, having reviewed the proposed site layout of the scheme relative to the existing surrounding properties, I consider having regard to the proposed siting of the new dwellings, the relative separation distances to the existing

dwellings to the east and west and design of the proposed dwellings that it would not result in any undue overlooking of the neighbouring residential properties.

- 7.3.3. Secondly, regarding potential overshadowing of the neighbouring property to the west by proposed House no. 1, having regard to the siting and design of the proposed dwelling, I am satisfied that it would not give rise to any undue overshadowing of the neighbouring dwelling.
- 7.3.4. Finally, in relation to boundary treatment concern is expressed on the matter in a number of the observations. I consider that should the Bord decide to grant permission I would recommend the attachment of a condition requiring that details of all boundary treatments to be submitted to the Planning Authority for their agreement in writing prior to commencement of development.
- 7.3.5. Specific concern is expressed in relation to site boundary with the neighbouring property of Mrs. Bridget Fitzgerald. It is stated that it is proposed to move the boundary wall which is the party boundary. Regarding this matter, I would note that it would be civil legal issue and that it is not within the remit of the Board to determine legal interests and/or obligations held by the applicant.

7.4. Access and traffic

- 7.4.1. The observations to the appeal raised concern in respect of the proposed vehicular access arrangements and the potential impact of increase traffic on pedestrians and road users within Mungret village.
- 7.4.2. Vehicular access to serve the dwellings is proposed off the R859 part of which forms the main street of Mungret. It is proposed demolish the existing dwelling and locate the access road along the eastern boundary at the front of the site. The Site Layout Plan – Roads Layout indicates the vehicular access and pedestrian arrangements. In relation to sightlines 45m are indicated to the west at the entrance and 93m are indicated to the east. The site located within the village is located within the 50kph speed limit area. As per Table 4.2 of the Design Manual for Urban Roads and Streets (DMURS) a Stopping Sight Distance (SSD) of 45m is required for a road with a design speed of 50km/h. Therefore, I consider that the sightlines proposed are acceptable.

- 7.4.3. The observations to the appeal raised the issue of the level of traffic generated and potential impacts on vehicular and pedestrian safety. The proposed scheme includes the provision of an internal road with a carriageway width of 5m and circa 1.8m wide footpath will be located along the eastern side of the internal road along the extent of the site.
- 7.4.4. Regarding the matter of traffic generation, in terms of overall scale and intensity the proposed development it is relatively modest in scale. The nature of the traffic associated is residential which is not out of character with the existing type of traffic that frequents the road network in the vicinity of the site. Having inspected the site and road network in the vicinity I would consider that such is of sufficient capacity to deal with level of traffic likely to be generated by the proposed development. Furthermore, I note that in respect of the proposed vehicular access arrangements, that the Planning Authority in their assessment of the scheme were generally satisfied.
- 7.4.5. In relation to car parking the Limerick Development Plan 2022-2028, Table DM 9(a) refers to Car and Bicycle Parking Standards in Limerick City and Suburbs. In Zone 3 a dwelling with 3+ bedrooms would require 2 car parking spaces, dwellings with less than 3 bedrooms would require 1.5 spaces per unit. I note that as stated on the table these are maximum spaces per unit and also that it does not specify under this table that visitor spaces are provided.
- 7.4.6. In relation to the scheme proposed, 1 no. four bedroom dormer bungalow to the front of the site is served by has 2 no. car parking spaces. Houses no.'s 2-3 comprise three bedroom semi-detached dwellings and are served by 1 no. off-street car parking space to the front. Therefore, there would be a shortfall of two spaces to serve these units. House no's 4-7 are two bedroom terraced dwellings and are served by 1 no. off-street car parking space to the front. Houses no's. 8-12 are two bedroom terraced dwellings have car parking proposed to the side of the terrace. Therefore, the two bedroom units would require a total of 13.5 spaces and the four bedroom unit would require two spaces and the 2 no. three bed units would require four car parking spaces. The total spaces required based on the maximum spaces per unit would be 19.5. As indicated on the Site Layout Plan a total of 17 car parking spaces are proposed. Given this is marginally under the maximum spaces required per unit as set out in Table DM 9(a) and having regard to the village context of the

site, I would consider this shortfall would be acceptable. Furthermore, I note that as detailed in Objective TRO12 of the Development Plan which refers to Limerick BusConnects Programme that a route from Mungret, Raheen and Dooradoyle to the City Centre is a priority core bus corridor.

- 7.4.7. In conclusion, having regard to the details provided I am satisfied with the vehicular access arrangements to serve the scheme.

7.5. **Appropriate Assessment**

Stage 1 Screening

- 7.5.1. The appeal site is not in or immediately adjacent to any Natura 2000 site, so the proposed development would not have any direct effect on any Natura 2000 site.
- 7.5.2. The European site Lower River Shannon SAC (Site Code 002165) is located 1.7km from the appeal site at the closest point. The European site River Shannon and River Fergus Estuaries SPA (Site Code 004077) lies 1.7km from the appeal site at the closest point.
- 7.5.3. Lower River Shannon SAC comprises very large site stretches along the Shannon valley from Killaloe in Co. Clare to Loop Head/ Kerry Head, a distance of some 120 km. The site thus encompasses the Shannon, Feale, Mulkear and Fergus estuaries, the freshwater lower reaches of the River Shannon (between Killaloe and Limerick), the freshwater stretches of much of the Feale and Mulkear catchments and the marine area between Loop Head and Kerry Head. Rivers within the sub-catchment of the Feale include the Galey, Smearlagh, Oolagh, Allaughaun, Owveg, Clydagh, Caher, Breanagh and Glenacarney. Rivers within the sub-catchment of the Mulkear include the Killeenagarraff, Annagh, Newport, the Dead River, the Bilboa, Glashacloonaraveela, Gortnageragh and Cahernahallia.
- 7.5.4. This site is of great ecological interest as it contains a high number of habitats and species listed on Annexes I and II of the E.U. Habitats Directive, including the priority habitats lagoon and alluvial woodland, the only known resident population of Bottlenosed Dolphin in Ireland and all three Irish lamprey species. A good number of Red Data Book species are also present, perhaps most notably the thriving populations of Triangular Club-rush. A number of species listed on Annex I of the E.U. Birds Directive are also present, either wintering or breeding. Indeed, the Shannon and

Fergus Estuaries form the largest estuarine complex in Ireland and support more wintering wildfowl and waders than any other site in the country. Most of the estuarine part of the site has been designated a Special Protection Area (SPA), under the E.U. Birds Directive, primarily to protect the large numbers of migratory birds present in winter.

7.5.5. The qualifying interests/special conservation interests of the designated site, are summarised as follows:

Lower River Shannon SAC
Sandbanks which are slightly covered by sea water all the time [1110]
Estuaries [1130]
Mudflats and sandflats not covered by seawater at low tide [1140]
Coastal lagoons [1150]
Large shallow inlets and bays [1160]
Reefs [1170]
Perennial vegetation of stony banks [1220]
Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]
Salicornia and other annuals colonising mud and sand [1310]
Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]
Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]
Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]
<i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]
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]
<i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]
<i>Petromyzon marinus</i> (Sea Lamprey) [1095]
<i>Lampetra planeri</i> (Brook Lamprey) [1096]
<i>Lampetra fluviatilis</i> (River Lamprey) [1099]
<i>Salmo salar</i> (Salmon) [1106]
<i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]
<i>Lutra lutra</i> (Otter) [1355]

- 7.5.6. The Conservation Objective for Lower River Shannon SAC (Site Code 002165) is to maintain and/or restore the favourable conservation condition of the Annex I habitats and the Annex II species for which the SAC has been selected which are defined by lists of attributes and targets.
- 7.5.7. River Shannon and River Fergus Estuaries SPA comprises the estuaries of the River Shannon and River Fergus form the largest estuarine complex in Ireland. The site comprises the entire estuarine habitat from Limerick City westwards as far as Doonaha in Co. Clare and Dooneen Point in Co. Kerry. The site has vast expanses of intertidal flats which contain a diverse macro-invertebrate community, e.g., *Macoma-Scrobicularia-Nereis*, which provides a rich food resource for the wintering birds. Salt marsh vegetation frequently fringes the mudflats and this provides important high tide roost areas for the wintering birds. Elsewhere in the site the shoreline comprises stony or shingle beaches.
- 7.5.8. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Cormorant, Whooper Swan, Light-bellied Brent Goose, Shelduck, Wigeon, Teal, Pintail, Shoveler, Scaup, Ringed Plover, Golden Plover, Grey Plover, Lapwing, Knot, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Greenshank and Black-headed Gull. It is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.
- 7.5.9. The qualifying interests/special conservation interests of the designated site, are summarised as follows:

River Shannon and River Fergus Estuaries SPA

Cormorant (<i>Phalacrocorax carbo</i>) [A017]
Whooper Swan (<i>Cygnus cygnus</i>) [A038]
Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]
Shelduck (<i>Tadorna tadorna</i>) [A048]
Wigeon (<i>Anas penelope</i>) [A050]
Teal (<i>Anas crecca</i>) [A052]
Pintail (<i>Anas acuta</i>) [A054]

Shoveler (<i>Anas clypeata</i>) [A056]
Scaup (<i>Aythya marila</i>) [A062]
Ringed Plover (<i>Charadrius hiaticula</i>) [A137]
Golden Plover (<i>Pluvialis apricaria</i>) [A140]
Grey Plover (<i>Pluvialis squatarola</i>) [A141]
Lapwing (<i>Vanellus vanellus</i>) [A142]
Knot (<i>Calidris canutus</i>) [A143]
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]

7.5.10. The Conservation Objective for River Shannon and River Fergus Estuaries SPA is to maintain and/or restore the favourable conservation condition of the Annex I habitats and the Annex II species for which the SPA has been selected which are defined by lists of attributes and targets.

7.5.11. In terms of an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation objectives, I would note that in order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated. In terms of indirect effects, and with regard to the consideration of a number of key indications to assess potential effects the following matters, habitat loss / alteration / fragmentation and disturbance and / or displacement of species and water quality should be considered.

7.5.12. In relation to the matter of habitat loss / alteration / fragmentation, the subject site lies at circa 1.7km from the closest point of the boundaries of the designated sites. Accordingly, there would be no direct or indirect loss / alteration or fragmentation of protected habitats within any Natura 2000 site.

- 7.5.13. In relation to the matter of disturbance and / or displacement of species the appeal site lies within the village of Mungret, the immediate area contains residential developments. The Castlemungret cemetery is located to the east of the appeal site and the Mungret Saint Pauls GAA Club is located to the south of the appeal site. The environs of the site, therefore, can be described as being urban. No qualifying species or habitats of interest, for which the designated sites are so designated, occur at the site. As the subject site is not located within or immediately adjacent to any Natura 2000 sites and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts to land based species or habitats for which the identified Natura 2000 sites have been designated.
- 7.5.14. Regarding the issue of water quality, the proposed development relates to the construction of a residential scheme on lands within the settlement boundary of Mungret. The development will connect to existing public water services. I am generally satisfied that the principle of the proposed development is acceptable and that if permitted, is unlikely to impact on the overall water quality of any Natura 2000 site in proximity to the site due to connection to public services or during the operational phase of the development. The development site is not bound on any side by a water course / drainage ditch. It is proposed that surface water arising from the development will discharge to the existing storm water network in Mungret, and I note no objections from Limerick City and County Council Engineering Departments in this regard.
- 7.5.15. In relation to the matter of in combination/cumulative effects, having regard to the nature of the proposed development, being the construction of a housing scheme, I consider that any potential for in-combination effects on water quality in the River Shannon and River Fergus can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in the Lower River Shannon SAC and River Fergus Estuaries SPA via surface water features are also subject to AA.
- 7.5.16. Accordingly, I am satisfied that the potential for likely significant effects on the qualifying interests of the identified Natura 2000 sites can be excluded having regard to the distance to the site, the nature and scale of the development and the lack of a hydrological connection.

AA Screening Conclusion

7.5.17. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. (Site Code 002165) and European Site No. (Site Code 004077), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. I recommend that planning permission is granted for the proposed development in accordance with the following reasons and considerations:

9.0 Reasons and Considerations

9.1.1. Having regard to the location of the proposed development within the village of Mungret on zoned residential lands as set out under the provisions of the Limerick Development Plan 2022-2028, the pattern of development in the area and the nature and scale of the proposed development as amended, it is considered that subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this location, would not seriously injure the residential or visual amenity of the area, would not detract from the character of the town, and would be acceptable in terms of urban design, height, quantum of development and would be acceptable in terms of pedestrian, cyclist and traffic safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 3rd day of December 2021, except as may otherwise be required in order to comply with

the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the developer shall enter into a water and/or wastewater connection agreement with Irish Water. This permission does not commit Wicklow County Council to the provision of water services to serve the proposed development.

Reason: In the interest of public health.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. The internal road and vehicular circulation network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets. Drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and of traffic and pedestrian safety.

5. Details of all boundary treatments, including boundary treatments with adjoining properties, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

6. Trees and hedges to be removed on site shall be removed outside of bird nesting season.

Reason: In the interest of nature conservation.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. This plan shall be prepared in accordance with best practice on the Preparation of Waste Management Plans for the Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during any site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation.

Reason: In the interest of sustainable waste management.

9. A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

10. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

11. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

12. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these

facilities] [within each house plot] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Thereafter, the waste shall be managed in accordance with the agreed plan.

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

13. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be

referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

15. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of streets, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part therefore to the satisfactory completion of any part of the development. The form and amount of security shall be as agreed between the planning authority and the developer, or in default of an agreement shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to

An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Siobhan Carroll
Planning Inspector

10th of August 2022