

An
Bord
Pleanála

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

Inspector's Report ABP-312683-21

Strategic Housing Development

Construction of 165 residential units, crèche facility and associated site works.

Location

Lands to the west of Condell Road (R527), in the townland of Clonmacken, Limerick (www.clonmackengardensshd.com/)

Planning Authority

Limerick City and County Council

Applicant

The Clonmacken Partnership

Prescribed Bodies

1. Irish Water
2. An Taisce-the National Trust for Ireland
3. Department of Housing, Local Government and Heritage
4. The Heritage Council

5. OPW
6. National Transport Authority
7. Limerick City and County Childcare Committee

Observer(s)

3 submissions received
Dan Moloney and Suzanne Moloney
Patricia Moloney
Irish Water

Date of Site Inspection

04th May 2022

Inspector

Lorraine Dockery

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site, which has a stated gross area of 4.55 ha, is located on lands to the west of Condell Road, approximately 2km west of Limerick city centre.
- 2.2. The lands are in agricultural use and located to the south-west of the Condell Road (R527). Lands in this area are generally low lying, with a fall to the south toward the River Shannon. An embankment along the northern bank of the river provides flood protection to this area. Lands to the south and west of the site are in agricultural use, while there is an area of low-density residential development to the north, accessed over a local road from the Clonmacken Roundabout further to the north. This road currently provides access to the subject site. To the east of the site, a Part 8 residential development is currently under construction, on lands between the application site and the Condell Road.
- 2.3. The site includes the site of the now demolished Clonmacken House. Walls associated with the gardens of this house remain on the site. Levels across parts of the site have been raised in the past, particularly in the north-western portion.
- 2.4. The River Shannon at this location is designated as the Lower River Shannon and River Shannon and River Fergus Estuaries SPA.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises a residential development on a site of 4.55 hectares on lands to the west of Condell Road, Limerick.
- 3.2. The proposed development consists of the construction of 165 no. residential units (43 houses, 42 duplex units and 80 apartments), crèche and associated site development works.

3.3. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures of Overall Development (as stated in application documentation)

Site Area	4.55 hectares (gross) 3.8 hectares (developable)
No. of residential units	165 (43 houses, 42 duplex units and 80 apartments)
Other Uses	Childcare facility- 438m ²
Demolition Works	N/A
Density	43.5 units/ha
Height	1-6 storeys
Dual Aspect	62.5%
Site Coverage	77%
Public Open Space Provision	23% of site
Part V	33 units – 2 x one-bed; 15 x two-bed; 16 x three-bed
Parking	263 car spaces; bicycle spaces unclear
Access	Priority junction onto the Condell Road.

Table 2: Overall Unit Mix

	1 bed	2 bed	3 bed	4 bed	Total
Houses	-	1	42	-	43
Duplex	8	21	13	-	42
Apartments	17	61	2	-	80
Total	25	83	57	-	165
As % of total	15.2%	50.3%	34.5%	1	100%

3.4. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the

application, as required. It states that the proposed connections are feasible, subject to upgrades.

- 3.5. It is anticipated that the duration of the construction phase will be approximately 12-18 months. Construction programme is set out in section 6.1 of the submitted Construction and Environmental Management Plan.
- 3.6. An EIA Screening Statement has been submitted with the application which concludes that there is no requirement for Environmental Impact Assessment of the proposed project. A 'Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 – 2021' was also submitted with the application documentation.
- 3.7. The application is accompanied by a Natura Impact Statement.
- 3.8. Three letters of consent have been submitted with the application documentation- from Jack Divilly, Grangechurch Ltd, Graigueachullaire, Dunmore, Co. Galway; from Limerick City and County Council and from Sean O'Brien, Formation Homes Ireland Ltd.

4.0 Planning History

Subject Site

PA Ref. 05/1000:

Permission GRANTED to raise levels and retain lands already raised, to the west and southwest of this site (December 2005).

PA Ref. 05/2688:

Permission GRANTED for road widening on the N18 Condell Road and construction of roundabout junction and access and with associated site works. This roundabout was located at location of the access currently proposed (December 2006).

PA Ref. 07/2267:

Permission GRANTED for a temporary construction access to facilitate enabling works for the construction of the roundabout permitted under planning Ref No. 05/2688 (November 2007).

PA Ref. 07/2530:

Permission GRANTED for the construction of 397 houses, 18 no. apartment units and crèche on a site of 21.5ha, which included the subject site. This development was to be served by the roundabout permitted under PA ref 05/2688. This permission was not commenced. The subject site occupies lands identified approximately as phase 3 of this application (May 2009).

PA Ref. 19/7011:

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

PA Ref. 10/770267/ABP Ref. PL30.239635:

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

Adjoining Lands:

PA Ref. 18/8008:

Part 8 approval GRANTED on lands to the east and southeast of the subject site for 43 no. residential units comprising 23 no. two storey units and a three-storey block comprising 20 no. units, new access to the site from the Condell Road, realignment of the Condell Road to facilitate this new junction. This development is currently under construction.

PA Ref. 05/3699/ABP Ref. PL13.221292:

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

PA Ref. 17/470:

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

PA Ref. 21/276/ABP Ref. ABP-310776-21:

The planning authority GRANTED permission for modifications to the development previously permitted under PA ref 17/470, consisting of a revised vehicular access the Condell Road (R527), relocated to the west. This development would therefore no longer require access via the signalised junction permitted under PA ref. 10/770267, PL30.239635. This decision is currently ON APPEAL.

5.0 Section 5 Pre Application Consultation

5.1 A Section 5 pre application consultation took place via Microsoft Teams due to Covid-19 restrictions on the 12th November 2021. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála (ABP-311114-21).

5.2 The applicant was advised that the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration of the status of the proposed development as a Strategic Housing Development, as defined in section 3 of the Planning and Development (Housing) & Residential Tenancies Act 2016, as amended, having regard to the land use objectives set out in the Limerick City Development Plan 2010-2016 relating to these lands. In this regard a detailed statement of consistency and planning rationale should be provided, clearly outlining how, in the prospective applicant's opinion, the proposed development is in compliance with local land use zoning objectives having specific regard to route of the proposed access road which appears to traverse lands zoned ZO.6 (A) Public Open Space within the Limerick City Development Plan 2010 - 2016. The statement of consistency should have regard to the specific provisions of the Development Plan - Part III Development Management page 16.23 - which state, inter alia, that "Planning applications which include proposals for development on public open spaces, including access across public open space, will be categorised as material contraventions of the Development Plan and be referred to Council for decision". It should be noted that section 9(6)(b) of the Act provides that the Board shall not grant permission where the proposed development, or a part

of it, contravenes materially the Development Plan relating to the area concerned, in relation to the zoning of the land.

2. Further consideration of and justification for the proposed access arrangements, having regard to the separation of the site from the proposed junction with the Condell Road (R527), the route of the proposed access road traversing a flood zone and lands zoned as Public Open Space, and the extent of works required in respect of this development. In this regard, a comprehensive and robust planning rationale in respect of such arrangements should be provided, to include a detailed examination of available alternatives, in particular, the potential to provide access via the adjoining development to the east permitted under PA ref. 18/8008, which is currently under construction. This may require amendment to the documents and/or design proposals submitted.
3. Notwithstanding items no. 1 and 2 above, where a subsequent application proposes access from the Condell Road (R527) as detailed in this S.5 preapplication consultation request, further detailed design proposals should be provided which should address the matters raised in the report of the Transportation Department of Limerick City and County Council, dated 31/08/21. This shall include inter alia:
 - i. A masterplan of all existing and approved junctions along the Condell Road (R527) between the Clonmacken Roundabout and Shelbourne Road junction.
 - ii. A revised junction layout taking account of the pattern of existing and permitted development in the area and which makes provision for future sustainable and public transport infrastructure and services along the Condell Road.
 - iii. An assessment of the operation of the junction and the surrounding road network as part of a detailed Traffic and Transport Assessment.
 - iv. Details of the treatment of, and interface with, the existing pedestrian and cycle path running along the Condell Road (R527), having regard to existing and proposed ground levels at this location.
4. Further consideration of, and if necessary, further justification for the proposed development having regard to the location of the site / part of the

site within identified flood zones A and B. The Site-Specific Flood Risk Assessment should have regard to and address the analysis contained in the draft Strategic Flood Risk Assessment dated 26th June 2021, prepared in respect of the draft Limerick Development Plan 2022-2028. The application should clearly identify those areas of the proposed development, including those dwelling units, which occur within Flood Zones A and B and the extent of works proposed to address the risks arising in this regard. Such works should be fully illustrated by cross section drawings through the site, showing existing and proposed ground levels. In carrying out a justification test in respect of the proposed development, regard should be had to the criteria set out in section 5.15 of the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), including, that the lands have been zoned in an operative Development Plan, which has been adopted or varied taking account of those Guidelines.

5.3 The applicant was advised that the following specific information should be submitted with any application for permission:

1. Having regard to the location of Irish Water sewerage and water infrastructure in this area, the application should clearly identify the extent of works required to provide a connection to the proposed development and should provide evidence of the consent of any third-party landowners affected by such works.
2. The application should be accompanied by the following: i. A Traffic and Transport Impact Assessment, a Mobility Management Plan and a preliminary Construction Traffic Management Plan. ii. A quality audit in accordance with Annex 4 of DMURS, including a Road Safety Audit. iii. Documentation which addresses the issues raised in the report of the Limerick City and County Council Transportation Department dated 31/08/21.
3. Where a subsequent application proposes access from the Condell Road (R527) as detailed in this S.5 pre-application consultation request, the application should provide further clarity with regard to the planning history, and status, of filling works previously carried out along the route thereof. In this regard, the applicant should ensure that the description of the proposed

development clearly identifies the nature and scope of development for which permission is being sought.

4. The application should clearly identify the extent of filling works proposed across the site, in terms of the location, extent and quantum of fill. Potential impacts associated with such works should be clearly identified and considered as part of any and all assessments undertaken in respect of the proposed development.
5. Detailed design proposals for Sustainable Drainage System (SUDS) measures that will address issues of surface water quality and volume should be provided, which should include measures such as permeable paving, swales, green roofs, rainwater harvesting, detention basins, ponds and wetlands. Proposals in this regard should address the issues raised in the report of the Limerick City and County Council Physical Section (Flood) dated 09/09/21. The design of the surface water management system should demonstrate that adequate regard has been had to the varying level of waters in drainage channels and of ground water in this area.
6. The application should clearly identify the extent and allocation of car parking provision across the site by unit and use. The layout of development should seek to reduce the dominance of surface car parking and should achieve a satisfactory sense of enclosure, particularly in the area between Apartment Blocks 1 & 3. A rationale for the level and extent of surface car parking adjoining the proposed childcare facility should also be provided. Regard should be had to the provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, in particular criteria numbers 7 Layout and 11 Parking; and to the Design Manual for Urban Roads and Streets (DMURS), in particular Section 2.2.1 and Section 4.4.9 thereof.
7. The design and layout of cycle parking provision should be clearly described in the application and should have regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (2020).
8. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and

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

9. A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted and shall detail the appropriate use of external materials on all elevations. The plan shall also address the management and maintenance of public spaces and access to the development
10. The application should clearly identify the areas intended to be taken in charge by the Local Authority.
11. A comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties should be submitted. Such assessment should have regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (2020) and section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
12. The application should provide details of the relationship between the proposed development and existing and permitted residential properties adjoining the site, and how residential amenities will be protected.
13. A survey of existing trees on the site should be undertaken and a detailed Arboricultural Impact Assessment of the proposed development should be provided with any application. Accompanying plans should clearly identify existing trees to be retained or removed, and their condition and value. The viability of retaining identified trees should be clearly established, having regard to the extent of site works proposed.
14. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the Development Plan for the area. Such statement should have regard to the Development Plan or local area plan in

place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.

15. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement attempts to address the points raised above.

6.0 Relevant Planning Policy

National Planning Policy

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

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

- Circular Letter: NRUP 02/2021 in respect of Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

Other policy documents of note:

- National Planning Framework

Objective 4

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

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.

Objective 27

...to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

Objective 35

Increase residential density in settlement, 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.

- Housing For All

Regional Policy

Regional Spatial and Economic Strategy (RSES) for the Southern Region, 2019

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

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

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

RPO 5: Increased population growth should be planned with regard to environmental criteria, including: o Assimilative capacity of the receiving environment; o Proximity of Natura 2000 sites and potential for adverse effects on these sites, and their conservation objectives; o Areas with flood potential

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

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

Limerick-Shannon Metropolitan Area Strategic Plan (MASP)

Policy Objective 1

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

Policy Objective 2:

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

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

Policy Objective 10:

Housing and Regeneration

a. to support the environmentally sustainable densification of Limerick City Centre, the assembly of brownfield sites for development and the regeneration and redevelopment of Limerick City and Suburbs to accommodate residential use.

c. to ensure investment and delivery of holistic physical, social and environmental infrastructure packages to meet growth targets that prioritises the delivery of compact growth and sustainable mobility in accordance with the NPF and

RSES Draft Limerick Shannon Metropolitan Area Transport Strategy (2020)

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

Local Planning Policy

The **Limerick City Development Plan 2010-2016** is the operative City Development Plan.

Table 2.4 Undeveloped Zoned Housing Land identifies lands at Clonmacken (23 ha) as having capacity for 759 no. residential units.

Table 2.5 Core Strategy identifies a target of 540 no. Phase 1 dwellings in the Clonmacken area by 2016 and 236 no. Phase 2 dwellings by 2022.

Zoning:

The lands are zoned 'ZO.2 (A) Residential' which seeks 'To provide for residential development and associated uses'

'Residential' is a permissible use under this zoning objective.

The Plan notes that historic gardens identified in a DEHLG 'Survey of Historic Gardens & Designed Landscapes' included Clonmacken House (LI-65-R-548568, Grid Reference: 548568).

The following policies are noted:

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

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

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

Policy LBR.11 seeks to protect and maintain surviving remnants of Historic Gardens, Designed Landscapes and surrounding Parklands including form and patterns of hard and soft landscaping and all mature trees and vegetation as highlighted in the DEHLG survey.

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

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

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

Policy WS.9 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 16 sets out the Development Management provisions of the Plan.

Draft Limerick City and County Development Plan 2022-2028

The Chief Executive's Report on Material Alterations was due to issue to the Elected Members of Limerick City and County Council on 10th May 2022. The Elected Members have 6 weeks to consider the Chief Executive's Report. A Special Council Meeting has been provisionally scheduled for the 17th June 2022, at which the Elected Members may adopt the Proposed Limerick Development Plan 2022 – 2028. The Plan would then come into effect 6 weeks later.

Designated Sites

The site is located within the vicinity of the following European Designated sites:

Special Areas of Conservation (SAC)

- Lower River Shannon SAC (Site Code:002165), 277 meters south of the proposed development site

Special Protection Areas (SPA)

- River Shannon and River Fergus Estuaries SPA (Site Code: 004077), 273m south of the proposed development site

7.0 Third Party Submissions

7.1 Two third party submissions were received. In addition, one submission was received from a Prescribed Body (Irish Water). The contents of the submission received from Irish Water is further detailed below in section 8. All submissions have been taken into account in my assessment. Reference is made to more pertinent issues, which are expanded upon, within the main assessment. The issues raised of concern can be broadly categorised as follows:

Boundary

- Design and materials of proposed boundary between subject site and observer's property- considered unsightly, negative impact on the aesthetics of the neighbourhood, highly visible, at odds with other boundary treatments in the vicinity. Preference for a 2m high plastered, blocked and capped wall, similar to neighbouring wall or 2m high natural stone wall in place of the current stone wall/mature hedgerow that serves as the current boundary.
- Location of proposed boundary wall inside the current sparsely planted mature hedgerow/natural stone wall. This will effectively leave dead space

between it and the current boundary. Questions regarding maintenance of this area. Would have preference to plant this area with additional whitethorn hedging and some tall trees to help augment the existing hedgerow during the initial landscaping phase. The planting of tall trees in this area would also help offset some privacy concerns we have regarding the overlooking of 15 houses along the length of their property

Flooding

- Concerns expressed regarding impact of the loss of any flood storage from the area is a concern as the recent failure of the flapped outfall to Shannon Estuary which resulted in flooding of the lower sections of their property
- This is the second development in the area that seeks to develop on the flood storage area. Queries the combined effect of both developments on flood storage.

Other Matters

- Consent to make application/ownership matters
- Considers that north exit and proposed pedestrian/cycle connectivity cannot be developed as applicant does not own lands in question- fundamentally changes how the development integrates with wider community
- SHD procedural matters

8.0 Planning Authority Submission

8.1 In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Limerick City and County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 05th April 2022. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to the applicant's summary of the proposed development, planning history, site location and description, submissions received, internal reports, policy context, planning assessment; EIA/AA Screening, submissions, Part V and bonds/contributions. Appendices in relation to interdepartmental reports. A summary of comments from Area Committee Meeting

are outlined.

Summary of Inter-Departmental Reports

Physical Section (Flood Risk):

- Proposed attenuation tank appears to be located within flood zone A- consider relocating elsewhere on site
- Clarification required in relation to Point No. 4 in section 7.11 of the FRA
- Noted that residential development in Flood Zones A and B (even as adjusted) has not passed the Justification Test for the Draft Plan and accordingly is not in strict accordance with Guidelines

Roads Section:

Additional information required; conditions attached

Heritage Officer:

NIS: queries displacement due to raising of development lands and habitat for otters

Considered to be minor issues and broadly agrees with finding of NIS

EIA Screening: flooding not mentioned; should be cross reference between EIA screening and any flooding assessment

Archaeologist:

Conditions attached

Environment (Noise) Section:

Impact of road noise from Condell Road on residents of the proposed development is not addressed. An Acoustic Design Statement should be submitted, which includes for a noise assessment.

Assessment

An assessment of the proposal has been undertaken by the planning authority and reference has been made to same within the main body of my report. The assessment concludes as follows:

'Having regard to a significant portion of the development on lands subject to flood risk and in line with the Planning System and Flood Risk Management Guidelines,

2009, the Planning Authority recommend refusal for the following reason. However, the Planning Authority would be in favour of a revised site layout whereby no development occurs within the Floodzone A/B'.

Recommended Reason for Refusal:

'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'.

The planning authority note however that they would be in favour of a revised site layout, whereby no development occurs within Flood Zone A/B.

8.2 The report includes a summary of the views of relevant Elected Members, as expressed at the Metropolitan District of Limerick meeting held on 21/03/2022 and are broadly summarised below:

- Connectivity with adjacent Part 8 development and the wider area

9.0 Prescribed Bodies

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

1. Irish Water
2. Limerick City and County Childcare Committee
3. National Transport Authority
4. OPW
5. The Heritage Council
6. An Taisce- the National Trust for Ireland
7. Department of Housing, Local Government and Heritage

In total, one prescribed body responded and the following is a brief summary of the points raised. Reference to more pertinent issues are made within the main assessment.

Irish Water:

Water:

In order to facilitate the proposed connection, the Irish Water network will have to be extended to serve the proposed development. The public watermain for connection is located adjacent to the Clonmacken Roundabout and depending on the proposed development layout, the watermain shall be extended by approximately 200m. The applicant will be required to fund these network upgrades as part of a connection agreement.

Wastewater:

In order to complete the proposed connection, the Irish Water wastewater network will have to be extended to serve the proposed development. The public sewer for connection is located within private lands to the north of the R527 Condell Road and depending on the proposed development layout, the sewer shall be extended by approximately 150m including for a crossing of the R527 Condell Road. Irish Water currently does not have any plans to extend its network in this area. The applicant will be required to fund these network upgrades as part of a connection agreement. Where the applicant is proposing to traverse third party lands, consent and a wayleave in the favour of IW will be required.

Design Acceptance:

The applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the design and construction of all water and/or wastewater infrastructure within their site redline boundary. The applicant has recently provided designs and layouts to Irish Water for assessment which is currently ongoing and therefore has not yet been issued with a Statement of Design Acceptance for the proposed development.

Recommended conditions attached

10.0 Oral Hearing Request

10.1 There was no oral hearing request in this instance.

11.0 Assessment

- 11.1 This assessment is divided into a Planning Assessment, an Appropriate Assessment and an Environmental Impact Assessment Screening. In each assessment, where necessary, I refer to the issues raised by Prescribed Bodies in submissions to the Board, together with the Chief Executive Report, in response to the application.
- 11.2 There is an inevitable overlap between the assessments, with matters raised sometimes falling within more than one of the assessments. In the interest of brevity, matters are not repeated but such overlaps are indicated in subsequent sections of the report.

12.0 Planning Assessment

12.0.1 I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Limerick City Development Plan 2010; relevant section 28 Ministerial guidelines; National Planning Framework; Limerick-Shannon Metropolitan Area Strategic Plan; provisions of the Planning Acts, as amended and associated Regulations and the nearby designated sites. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of Development/SHD Process
- Design Approach/Density/Height/Materials Strategy/Open Space Provision
- Impacts on Existing Residential Amenity
- Quality of Proposed Residential Development
- Traffic and Transportation
- Drainage and Flood Risk
- Biodiversity
- Other Matters

12.0.2 I again highlight to the Board that the draft County Development Plan 2022-2028 is currently being prepared. It is my understanding that the Chief Executive's Report on Material Alterations was due to issue to the Elected Members of Limerick City and County Council on 10th May 2022. The Elected Members have 6 weeks to consider

the Chief Executive's Report. A Special Council Meeting has been provisionally scheduled for the 17th June 2022, at which the Elected Members may adopt the proposed Limerick Development Plan 2022 – 2028. The Plan will come into effect 6 weeks later. As required, I have assessed this proposal against the Plan currently in place, namely the Limerick City Development Plan 2010. I refer the Board to section 6.4.1 of the submitted Planning Report and Statement of Consistency where the applicant has referenced the draft Plan.

12.1 Principle of Development/SHD Process

Principle of Development

- 12.1.1 The site is currently zoned 'Objective ZO.2 (A) Residential' which seeks '*To provide for residential development and associated uses*'. It is noted that 'residential' is a 'Permissible Use' under this zoning objective. I note that elements of the application site are proposed to be downzoned from a residential land zoning to agricultural zoning in the draft County Development Plan, due to planning authority concerns in relation to flooding. However, as stated above, I am basing my assessment on the adopted Plan, currently in place. The planning authority have also based this element of their assessment, on the operative Development Plan in place.
- 12.1.2 The planning authority state that the zoning objective facilitates the development of a vibrant residential area and they consider the proposed development is in line with the policy objectives of the City Development Plan. They note the key objectives for the Ennis Road and Caherdavin Area, as set out in the current Development Plan, which are relevant to the location of the site. I have examined these key objectives and consider the proposal to be broadly in compliance with same, where relevant. While the planning authority are recommending a refusal of permission due to flooding concerns, they do state however that they would be in favour of revised site layout, whereby no development occurs within Flood Zone A/B. The matter of the principle of development on the lands was not raised as a matter in the third party submissions received.
- 12.1.3 Having regard to the nature and scale of development proposed, namely an application for 165 residential units and childcare facility, located on lands on which

such development is permissible under the zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.1.4 I am of the opinion that the proposal accords with the current zoning objective for the site, together with predominate zoning objective for the area, with 'residential' use being a permissible use within the operative County Development Plan. The Core Strategy identifies a target of 566 no. Phase 1 dwellings in the Clonmacken area by 2016 and 236 no. Phase 2 dwellings by 2022. I note national guidance in this regard, including the National Planning Framework, which seeks to facilitate compact growth by targeting a greater proportion of future housing development within and close to the existing footprint of built-up areas and by making better use of under-utilised land services by existing facilities and public transport. I note NPO 3b in this regard, which seeks to 'deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints'. The planning authority are of the opinion that the principle of a development consisting of dwellings, apartments and a childcare facility is considered acceptable at this location and is in line with the current zoning objective. I consider that such lands can contribute towards the housing requirements of the city. I am satisfied with the principle of the proposal in this instance.

SHD Process

12.1.5 One of the third parties have raised concerns with regards the strategic housing development process, in particular the lack of the provision for further information. An Bord Pleanála are obliged to implement the provisions of planning law, including the SHD process laid down in the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended), and related Regulations. They are also obliged under section 9 of that Act to have regard to, inter alia, the policies of the Government and the Minister, including guidelines issued to planning authorities and to the provisions of Development Plans.

12.2 Design Approach/Density/Height/Materials Strategy/Open Space Provision

Context

- 12.2.1 With respect to design and layout, documents accompanying the application include a Design/Sustainability Statement, photomontages, together with detailed drawings for each unit type. A Housing Quality Statement provides details about individual units. A coherent design strategy has been put forward for the subject site.
- 12.2.2 The subject site, which has a stated developable area of 3.8ha, is located approximately 2km from Limerick city centre. Lands to the south and west of the site are in agricultural use, while there is an area of low-density residential development to the north. The subject site is currently under grass.
- 12.2.3 The site forms part of the former Clonmacken Estate. While Clonmacken House was demolished in the 1990's, the garden walls are still largely intact.

Design Approach

- 12.2.4 The proposal involves the construction of a residential development, which includes for 165 residential units (43 houses; 42 duplex units; 80 apartments), a childcare facility (438m²) and associated site development works.
- 12.2.5 Public/communal open space is proposed at a stated 23% and includes for an area within the retained/restored garden walls, together with a parkland area to its north. Private open space is provided to all units.
- 12.2.6 Vehicular access is proposed from the Condell Road, through a Part 8 housing development which is currently under construction. The Condell Road connects the site with the motorway network (Dublin, Shannon, Cork and Galway) while also connecting the site with Limerick city centre.
- 12.2.7 The proposed childcare facility is located in the southern quadrant of the site. It has a stated capacity for 48 no. children and 11 no. employees.
- 12.2.8 The planning authority are generally satisfied in relation to the design approach of the proposal. They note that this area of the city is well served with a variety of schools (primary, secondary and third level) and the proximity to the Jetland shopping centre is noted. They note that the overall layout and design of the

proposal takes cognizance of the garden walls, which they consider are successfully integrated within the overall design. They consider that the apartment units are not monolithic in scale. I would generally concur with this opinion, however I do have some concerns in relation to the materiality proposed, which I shall deal with below.

12.2.9 Having examined the documentation before me, including photomontages, I am of the opinion that the massing, scale and heights of the proposed development are generally considered acceptable. I am of the opinion that the proposed development incorporates a design response that respects the sensitivities of the site.

Notwithstanding this, I consider that the proposed scheme is quite car dominated, with extensive tracts of surface car parking evident. I am of the opinion that the removal of some of this surface parking would enhance the overall scheme. I deal with this matter further in section 12.5 below. In addition, I have some concerns in relation to materiality that I shall address below. I note the matter of tree loss and its impacts on the visual amenity of the area. I do not consider the tree loss to be excessive and this has not been raised as a concern of the planning authority. They note that the parkland areas facilitate the retention of a number of existing trees. They further note that a number of mature trees are being retained as part of the proposed development, in particular those along the pedestrian access at the north-eastern end of the site. They are satisfied in this regard. The matter of tree loss has not been raised as a concern in the third party submissions received. One third party recommended additional planting along the northern boundary of the site, between the proposed boundary treatment and existing boundary. I acknowledge this submission and consider that this matter could be dealt with by means of condition, if the Board are disposed towards a grant of permission. I do have some concerns in this regard, primarily in relation to the maintenance of this additional planting and I am therefore not recommending a condition in relation to this matter. I note that there are no special designations pertaining to the site and no tree protection orders apply to any of the trees. In my opinion, the trees being retained are those that offer the greatest streetscape/visual amenity value. Compensatory planting is proposed. I note the landscaping proposal put forward in this regard. I am generally satisfied in this regard.

12.2.10 Impacts on views are noted. There are no protected views in the immediate vicinity. Landscape sensitivity is generally low, although I do note the proximity of the site to

the River Shannon and its associated designated sites. I am satisfied that any impacts on views would not be so great as to warrant a refusal of permission. I have inspected the site and viewed it from a variety of locations across the wider area. I have also reviewed all the documentation on the file. I am of the opinion that while undoubtedly visible, the proposal would not have such a detrimental impact on the character of the area, as to warrant a refusal of permission. Given the relatively limited heights proposed, there is greater potential for visual impacts at a more local level and this is acknowledged. The setback from the Condell Road is noted and the proposal will not be unduly visible from the public realm, located as proposed, to the west of the residential development currently under construction. Landscape and visual impacts are likely to be perceived initially as negative by virtue of the landscape change and the scale of the development proposed, however these impacts will become more acceptable over time as the buildings are occupied and the development offers new facilities to the wider area, for example the public open space provision and childcare facility. I consider the transition in scale to be acceptable in this instance. A quality proposal has generally been put forward. I am satisfied that the proposed development will not impact negatively on the character or setting of any historic structures. Clonmacken House has previously been demolished and the incorporation of its garden walls into the proposal is welcomed and will be an attractive addition to the scheme, adding character and retaining sense of history. I am generally satisfied with the design approach proposed and am not unduly concerned with regards the matter of visual impacts.

Density

12.2.11 Density at approximately 44 units/ha is proposed (based on a site area of 3.8 ha).

The planning authority note the zoning objective for the site and its location within the city limits. They consider it to be an 'intermediate urban location', as per the Sustainable Urban Housing: Design Standards for New Apartments (2020). The planning authority note that the site meets the criteria for walking distance to the city centre and employment zones such as the University Maternity hospital, St. Camillus Hospital, Jetland Shopping Centre/Retail Park and Clondrinagh Industrial Area. It is also within walking distance of a number of high level amenities. They acknowledge however that there are currently no public transport links running in close proximity to the site. They note that there is an existing bus corridor on the Condell

Road, but no bus stops. The nearest bus stops are on the Ennis Road. They highlight however that as part of BusConnects, there are future plans for improved bus services within Limerick city, of which the Condell Road forms part of. They also highlight that there is a dedicated pedestrian and cycle track along the banks of the Shannon and along the Condell Road, which leads past the site to the city centre.

12.2.12 The planning authority consider that the proposed density is in accordance with the stated 35-50 units/ha for 'intermediate urban locations' as per the Sustainable Urban Housing: Design Standards for New Apartments (2020). I am of the opinion that given its zoning, the delivery of a residential development of the density proposed would be consistent with the zoning objective for the site and with the policies and intended outcomes of current Government policy, including the National Planning Framework, which seeks to increase densities in suitable locations. The site is proximate to good pedestrian links, employment, retail and amenity facilities within the city limits. I therefore consider the proposed density to be acceptable. I highlight that neither the planning authority nor third parties have raised concerns in this regard. I am generally satisfied in this regard.

Building Height

12.2.13 The proposal seeks to introduce a development of one to six storeys in height. The proposed dwellings are generally two-storey (with 1 single storey dwelling proposed) while the proposed duplex units are two and three storey in height, located primarily along the eastern boundary backing onto the adjacent Part 8 development. The proposed apartment blocks comprise 2 no. four storey blocks and one no. six-storey block. The four-storey elements are towards the centre of the site, adjacent to the walled garden while the six-storey block is located towards the south-western portion of the site, furthest away from existing residential development at the lower portion of the site.

12.2.14 The planning authority acknowledge that the general height of existing development in the vicinity is mixed. They note the provisions of the Urban Development and Building Height Guidelines in this regard, in particular reusing brownfield land and urban infill sites to meet the needs of a growing population without growing urban areas outward. They have assessed the proposal in the context of section 3.2 of these aforementioned guidelines. They note the existing pedestrian and cycle links

along the Condell Road, connecting the site with the city centre and the Jetland District Centre, both of which are within walking distance of the site. They again note that there is an existing bus corridor along the Condell Road but no stops but highlight that there are public transport facilities within walking distance of the site along the Ennis Road (approximately 15 minute walk). I note that Limerick bus and train station is within approximately 40-minute walking distance. The planning authority also highlight that as part of BusConnects, there are future plans for improved bus services within Limerick city, of which the Condell Road forms part of. The planning authority do not raise concerns in relation to the heights proposed and they do not reference the adopted City Development Plan in this regard. This has not been raised as a matter of concern within the third party submissions received.

12.2.15 I note section 16.9 of the operative City Development Plan in relation to building heights, which recognises the needs of the city to grow and to reach its full potential as a significant Gateway for the Mid-Western Region and it is Limerick City Council's policy to allow for the development of high buildings in appropriate locations in order to promote investment, vitality and identity. Special standards have been set out for medium and high rise buildings, but no specific height limits have been set. I consider that the proposed six storey apartment block could be considered a medium rise building and I am of the opinion that the considerations set out in section 16.9 of the operative Plan have been largely met. I am of the opinion that given the locational context of the site; national policy guidance in relation to increasing heights at appropriate urban locations; recently permitted heights within the wider area and the anticipated public transport improvements in the area, that additional height may be appropriate on the lands.

12.2.16 Notwithstanding this opinion, I consider the proposed height to be consistent with the provisions of the adopted City Development Plan and national guidance. I am generally satisfied in this regard.

Materials Strategy

12.2.17 The primary material for the scheme is brick, of selected colour and painted plaster. I am generally satisfied with the approach taken in this regard for the housing units, however I highlight the extent of render proposed to the duplex/apartment units and crèche facility. I have concerns regarding its weathering into the future and the

quality of finish proposed in this regard. I highlight that it is not self-coloured render but a painted plaster finish that is proposed. If not properly maintained into the future, this painted render has the potential to detract significantly from the visual amenity of the area and the overall quality of the proposed scheme. I am of the opinion that this painted plaster finish should be omitted from the proposal and replaced with a more durable finish, for example a brick finish. I am satisfied that if the Board is disposed towards a grant of permission, that exact details relating to this matter could be adequately dealt with by way of condition

12.2.18 One of the third party submissions received raised concerns regarding the materiality of the boundary wall with their property, namely the approximately 138m long concrete slab and post fence, proposed along the northern boundary of the site. They are of the opinion that a 2m high plastered block and capped wall, similar to neighbouring developments or a 2m high natural stone wall would be more appropriate at this location. I do not have issue with the concrete slab and post fence at this location. I am of the opinion that it would provide a quality, secure treatment along this boundary and would not detract from visual amenity of the area. If the Board considers otherwise, this matter could be adequately dealt with by way of condition.

Open Space Provision

12.2.19 The applicants state that they are seeking to create a high quality parkland & walled garden setting for the proposed residential development. Central to this is the retention and integration of two key elements - the existing mature trees and the stone walled garden walls. I note that the existing stone walls are to be retained and incorporated into the landscape design to form an enclosed walled garden in conjunction with the two of the proposed apartment buildings. Small plaza areas are provided for at the entrance to the residential apartment blocks and a network of pedestrian looped pathways are proposed through the site.

12.2.20 The planning authority, as contained in the Chief Executive Report, note that the proposal provides for private open space provision in the form of balconies, rear and side gardens (depending on unit type) and large, well-landscaped semi-formal areas including a walled garden. They note other outdoor spaces including the outdoor

space associated with the childcare facility; two no. children's playground areas and two no. dedicated parkland areas. They further note that the parkland areas facilitate the retention of a number of existing trees. The planning authority is satisfied that the proposed development complies with the recreation matrix set out in the Development Plan.

12.2.21 I note that a Landscape Report and an Arboricultural Report (which includes for a Tree Protection Plan and Tree Removal Plan) were submitted with the application documentation, together with landscape drawings. In addition, an Ecological Impact Assessment and a Bat Report were also submitted.

12.2.22 Matters relating to tree removal and biodiversity are dealt with below.

Public Open Space

12.2.23 The applicants state that a total of 23% public open space is proposed. This would equate to approximately 8740 square metres.

12.2.24 Table 16.4 of the Development Plan recommends that 15% of greenfield sites be provided as public open space, with a 10% requirement for other sites. The subject site is currently considered to be a greenfield site (although the previous use is noted) and therefore I am of the opinion that the 15% requirement applies. This would give a requirement of approximately 5,700 square metres.

12.2.25 I am satisfied that the quantum and quality of the proposed open space provision is satisfactory and will provide a high level of amenity. I welcome the retention of the garden walls and the provision of open space within these areas. I also consider that the public open space provision is generally in compliance with Development Plan standards. I also note the proximity of the site to wider public open space infrastructure and in this context, consider the location and extent of open space acceptable to serve the needs of future occupants.

Communal Open Space

12.2.26 In terms of communal open space provision, I note that the operative City Development Plan does not appear to set out specific requirements for communal open space. The applicants do not differentiate in their documentation between public and communal open space. I note that the aforementioned Apartment

Guidelines require the following minimum standards for communal open space in apartment developments:

12.2.27 Table 3:

Studio	4m ²
One-bed	5m ²
Two-bed (3 person)	6m ²
Two-bed (4 person)	7m ²
Three-bed	9m ²

12.2.28 In terms of the proposed apartment blocks, this would give a maximum requirement of 530m² for communal open space provision. As stated, 23% of the site area comprises public/communal open space, well in excess of the 15% Development Plan requirement. If the additional area was calculated as communal open space, it is evident that the apartment element of the proposal would comfortably meet the required standards for communal open space. I am satisfied in this regard.

Private Open Space

12.2.29 The operative City 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 area. It is noted that houses are also provided with front gardens with off-street car parking.

12.2.30 With regard to duplex units, it is noted that 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 proposed for the duplex units is significantly in excess of this standard, with ground floor duplex units provided with a traditional rear garden (60 sqm in some instances) while approximately 14sqm balconies are proposed at first floor levels.

12.2.31 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; 8sqm for 2-bed units and 10sqm for 3+-bed units.

12.2.32 In addition, private open space standards for apartments are set out in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments. This sets out the following floor areas for private amenity space:

Table 4:

One-bed	5m ²
Two-bed (3 person)	5m ²
Two-bed (4 person)	7m ²
Three-bed	9m ²

12.2.33 The proposed balconies associated with the 1 bedroom apartment units are 5-12sqm. The proposed balconies associated with the 2 bedroom apartment units are 7-15sqm. The proposed balconies associated with the 3 bedroom apartment units are 9sqm.

12.2.34 It is noted that in terms of some of the apartment units, the proposal does marginally not comply with the standards of the operative Development Plan in this regard. It does however comply with those set out in Appendix 1 of the aforementioned Apartment Guidelines. Neither the planning authority nor the Elected Members raised concerns in relation to this matter. The third party submissions did not raise concerns in relation to this matter.

12.2.35 I note the marginal non-compliance with this standard of the operative County Development Plan. However, I do not consider this to be a material contravention of the Plan.

12.2.36 Part III of the adopted Limerick City Development Plan states that 'In considering applications for new developments the Planning Authority will refer to the Department of the Environment, Heritage and Local Government guidelines on 'Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities' (DEHLG, September 2007) and 'Quality Housing for Sustainable Communities' (DEHLG, 2007)'. The adopted Plan continues by stating that 'All applications shall have regard to the 'Sustainable Urban Housing: Design

Standards for New Apartments: Guidelines for Planning Authorities', 2007'. It is noted that since the adoption of the Limerick City Development Plan 2010-2016, the Sustainable Urban Housing: Design Standards for New Apartments (2015) have been updated (December 2020). I consider it reasonable to apply the updated section 28 guidance in this regard. I note that the Chief Executive Report regularly applies both its own standards and current national guidelines. This is considered to be a reasonable approach. As stated above, the planning authority has not raised concern in this regard.

12.2.37 As stated elsewhere within my assessment, I consider the proposed development to be broadly in compliance with both the operative Development Plan and national guidance. While there is some non-compliance with Development Plan standards in terms of private open space, I do not consider this to be material in nature.

12.2.38 Having regard to all of the above, I consider that the proposed private open space is acceptable in this instance given the locational context of the site, the changing context of the area, together with national guidance in this regard. I note the extent of public/communal open space provision. A good quality of residential amenity is proposed and I am generally satisfied in this regard.

Conclusion

12.2.39 To conclude this section, I am satisfied with the design approach proposed and consider that the proposal will generally provide for a quality scheme at this location, without detriment to the residential or visual amenities of the area. Notwithstanding this, I consider that the proposed scheme is quite car dominated, with extensive tracts of surface car parking evident. I am of the opinion that the removal of some of this surface parking would enhance the overall scheme. I am also satisfied with the height and density proposed given current local policy in this regard. However, given the locational context of the site, its proximity to existing/planned public transport and national guidance in this regard since the adoption of the CDP, I consider that the site may have capacity to accommodate greater height and/or density than that proposed, subject to appropriate assessments. Notwithstanding this opinion, I am generally satisfied with the proposed development in this regard and if permitted, I consider that it would be an attractive place in which to reside and would offer planning gain to the wider public by virtue of the public open space

provision and provision of childcare facility. I am satisfied with the quantum and quality of open space provided and am of the opinion that this provision is such that it will be an attractive addition to both future residents and the wider community. I consider the proposal to be generally in compliance with the adopted Development Plan and national guidance. I do not have concerns in this regard.

12.3 Impacts on Existing Residential Amenity

Context

- 12.3.1 The planning authority have not raised concerns in this regard. They consider that impact on the residential amenity of adjacent property generally arises from an increase in pedestrian footfall and cyclists using the pedestrian access to the north-east of the site which runs along the front of residential properties. One of the third party submissions received raised issue with land ownership in this area of the site. This is considered to be a legal matter and is dealt with below under 'Other Matters'. The planning authority note the layout of the proposed scheme including setbacks and considers there not be overlooking, overshadowing or any overbearing impact of the scheme as a whole. They consider that the development as proposed is consistent with the Urban Development and Building Height Guidelines (2018). They further consider that the separation distances between the proposed development and site boundaries with other development are acceptable and will not lead to adverse impact. They state that overlooking is not deemed to be an issue and that the proposal will not have significant undue adverse impacts on the residential amenity of the adjoining area. Finally, they state that given the relatively limited height of the proposed buildings and the distances to site boundaries, they consider that any overshadowing impact that will occur will be limited. Third party concerns in this regard relate to the visual impacts/materiality of the proposed boundary wall. I have dealt with this matter above.
- 12.3.2 In terms of impacts on existing residential amenity, at the outset I acknowledge that, without doubt, there will be a change in outlook as the site moves from its current level of development to that accommodating a development, such as that proposed. This is not necessarily a negative.
- 12.3.3 I am cognisant of the relationship of the proposed development to neighbouring properties. In my opinion, separation distances in excess of what would normally be

anticipated within such an established, urban area are proposed with existing properties. This will ensure that any impacts are in line with what might be expected in an area such as this. The proposed development is considered not to be excessively overbearing given this context.

Overlooking and impacts on privacy

12.3.4 I note the separation distances proposed, together with the level of screening along many of the site boundaries. Given the locational context of the site, the orientation of existing and proposed development, together with the design rationale proposed, which includes for extensive setbacks and separation distances, I consider that matters of overlooking or impacts on privacy would not be so great as to warrant a refusal of permission. In any event, given the urban location of the site, a certain degree of overlooking is to be anticipated. Given the separation distances involved, this is not an issue in this instance. Again, this is an urban area and the overall scale of development reflects its location. The site is zoned for residential development and the principle of a scheme such as that proposed at this location, accords with national policy in this regard.

Daylight and Sunlight

12.3.5 In designing a new development, I acknowledge that it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms.

12.3.6 I note the layout of the proposal is such that a significant separation distance is proposed between the proposed development and nearby residential properties and the attention of the Board is drawn to this fact.

12.3.7 The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' and ask that 'appropriate and reasonable regard' is had to the BRE guidelines. However, it should be noted that the standards described in the BRE guidelines are discretionary and are not mandatory policy/criteria and this is reiterated in Paragraph 1.6 of the BRE Guidelines. Of particular note is that, while numerical guidelines are given with the guidance, these should be interpreted flexibility since natural lighting is only one of many factors in site layout design, with factors such as views, privacy, security, access, enclosure, microclimate and solar dazzle also playing a role in site layout

design (Section 5 of BRE 209 refers). The standards described in the guidelines are intended only to assist my assessment of the proposed development and its potential impacts. Therefore, while demonstration of compliance, or not, of a proposed development with the recommended BRE standards can assist my conclusion as to its appropriateness or quality, this does not dictate an assumption of acceptability or unacceptability.

12.3.8 I note that the criteria under section 3.2 of the Building Height Guidelines at the scale of site/building include the performance of the development in relation to minimising overshadowing and loss of light.

12.3.9 A 'Daylight, Sunlight and Overshadowing Study' was submitted with the application. The information contained therein generally appears reasonable and robust. I note that the submitted Report has been prepared in accordance BRE BR209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', 2nd Edition 2011 and BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting). The Design Standards for New Apartments - Guidelines for Planning Authorities (2020) and section 3.2 of the Urban Development and Building Heights Guidelines (2018) are also referenced. I have considered the report submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight: A guide to Good Practice (2011). The latter document is referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights (2018). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development and Building Heights Guidelines. I have carried out an inspection of the site and its environs.

Daylight

12.3.10 In relation to daylight, paragraph 2.2.7 of the BRE Guidance (Site Layout Planning for Daylight and Sunlight - 2011) notes that, for existing windows, if the VSC is greater than 27% then enough skylight should still be reaching the window of the

existing building. Any reduction below this would be kept to a minimum. BRE Guidelines recommend that neighbouring properties should retain a VSC (this assesses the level of skylight received) of at least 27%, or where it is less, to not be reduced by more than 0.8 times the former value (i.e. 20% of the baseline figure). This is to ensure that there is no perceptible reduction in daylight levels and that electric lighting will be needed more of the time.

12.3.11 Properties analysed are set out in section 9.3 of the submitted report- 45 points in total (14 points on properties to north; 11 points on properties on eastern side of Condell Road; 16 points on Part 8 development under construction to east and a further 4 points on development to SE). All points tested have a value greater than 27% or not less than 0.8 times their former value. The proposed development is considered to meet the recommendations of the BRE guidelines.

12.3.12 I am satisfied with the assessment above and concur with its conclusion.

Sunlight

12.3.13 The impact on sunlight to neighbouring windows is generally assessed by way of assessing the effect of the development on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). A target of 25% of total APSH and of 5% of total WPSH has been applied and is applied only to windows that face within 90 degrees of due south. The BRE Guidelines suggest that windows with an orientation within 90 degrees of due south should be assessed.

12.3.14 Of the 15 points tested, 100% meet the recommendations of the BRE guidelines.

12.3.15 I am satisfied with the assessment above and concur with its conclusion.

Overshadowing

12.3.16 In relation to overshadowing, BRE guidelines state that an acceptable condition is where external amenity areas retain a minimum of 2 hours of sunlight over 50% of the area on the 21st March. The results demonstrate that the existing neighbouring amenity areas will not be affected by the proposed development and will continue to receive the same level of sunlight even with the proposed development in place.

12.3.17 I am satisfied in this regard.

Conclusion

12.3.18 Overall, it is considered that there will be no impact to the daylight and sunlight to the adjacent dwellings and any reduction in daylight or sunlight will be negligible. There will be no reduction in the sunlight to any of the adjacent amenity spaces. I am satisfied in this regard.

12.4 Quality of Proposed Residential Development

Context

12.4.1 The planning authority are generally satisfied in this regard. The planning authority have assessed the proposal against the SPPRs of the Sustainable Urban Housing- Design Standards for New Apartments (2020). I note that the planning authority refer to the 2018 guidelines in their assessment but it is assumed this is a typographical error.

Unit Mix

12.4.2 SPPR 1 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) states that:

‘Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory Development Plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant Development Plan(s)’.

12.4.3 The proposed unit mix is as follows:

Table 2: Overall Unit Mix

	1 bed	2 bed	3 bed	4 bed	Total
Houses	-	1	42	-	43
Duplex	8	21	13	-	42
Apartments	17	61	2	-	80
Total	25	83	57	-	165
As % of total	15.2%	50.3%	34.5%	1	100%

- 12.4.4 I note that one-bed units comprise just over 15% of the proposed residential mix with 34.5% of the proposal being three-bed units. The proposal is considered to be in compliance with SPPR 1 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).
- 12.4.5 I note Policy H.3 of the operative City Development Plan which states that ‘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’. The Plan does not appear to set standards in terms of unit mix within such developments. The planning authority, while noting the mix, have not raised concerns in this regard.
- 12.4.6 Having regard to all of the above, I consider that the proposed unit mix is acceptable in this instance given the locational context of the site, the changing context of the area, together with national guidance in this regard. I fully acknowledge changing household sizes. As stated in the National Planning Framework, seven out of ten households in the State consist of three people or less and this figure is expected to decline to approximately 2.5 persons per household by 2040. The proposed development will add to the availability of one and two bedroom units in the area.
- 12.4.7 The proposal complies with Policy H.3 of the operative City Development Plan and meets the standards of the aforementioned Sustainable Urban Housing: Design Standards for New Apartments (2020). I am satisfied in this regard.

Floor Areas

12.4.8 SPPR 3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) sets out Minimum Apartment Floor Areas, as follows:

- Studio apartment (1 person) 37 sq.m
- 1-bedroom apartment (2 persons) 45 sq.m
- 2-bedroom apartment (3 persons) 63 sq.m
- 2-bedroom apartment (4 persons) 73 sq.m
- 3-bedroom apartment (5 persons) 90 sq.m

12.4.9 The proposal complies with SPPR 3 in this regard.

12.4.10 Table 16.5 of the operative City Development Plan sets out minimum apartment floor area as follows:

- 1-bedroom apartment 55 sq.m
- 2-bedroom apartment (3 persons) 80 sq.m
- 2-bedroom apartment (4 persons) 90 sq.m
- 3-bedroom apartment 100 sq.m

12.4.11 I note that all units do not meet the minimum standards set out in the City Development Plan in relation to floor areas. All shortfalls are considered to be relatively minor in nature. The applicant has not submitted a material contravention statement in this regard. I do not consider the shortfalls to represent a material contravention of the operative Plan. While in some instances the total floor areas of some units may not meet the minimum floor area standard provided within the Plan, it is noted that the proposed units broadly meet the standards as set out in the operative City Development Plan. 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. It is

also noted that no concerns were raised by third parties or the planning authority in this regard. The planning authority have assessed the proposal against the Sustainable Urban Housing: Design Standards for New Housing Guidelines and state that minimum apartment floor areas have been achieved, according to the submitted compliance document.

12.4.12 All units comply with the SPPR3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) and I am satisfied in this regard.

Aspect

12.4.13 SPPR 4 of the aforementioned Sustainable Urban Housing Guidelines (2020) deals with the minimum number of dual aspect apartments that may be provided within any single apartment scheme and states that a minimum of 50% dual aspect units will be required in suburban or intermediate locations. I would consider this to be one such area. The operative City Development Plan states that 'the majority of apartments in a development must be dual aspect. Single aspect dwellings will only be acceptable where it is not possible to accommodate dual aspect dwellings' (Part III, page 16.26).

12.4.14 The proposed development includes a stated 62.5% dual aspect units. The planning authority are satisfied in this regard.

12.4.15 I note that the quantum of dual aspect units proposed is well in excess of minimum standards. The proposal, if permitted would provide a good quality of residential amenity to any future occupiers. (Note the matter of residential amenity is dealt with below). I note SPPR4 of the aforementioned Apartment Guidelines, together with the operative City Development Plan in this regard and consider the proposal to be in compliance with same. I am satisfied in this regard.

Floor to Ceiling Heights

12.4.16 SPPR5 of the aforementioned Sustainable Urban Housing: Design Standards for New Apartments (2020) relates to floor to ceiling heights and states that:

'Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality'.

12.4.17 Part III of the operative City Development Plan states that 'Ground floor apartments onto city streets will not be permitted in order to protect residential amenity, animate the street and encourage a mixed-use culture. On particularly noisy streets, apartments on the upper floors facing directly onto the street may be discouraged. In some cases apartments onto minor streets may be allowed at ground floor level, but a floor-to-ceiling height of 3.5m. to 4m. will be required to allow for subsequent conversion to non-residential use' (pages 16.24 and 16.25). It is noted that the proposed development is not opening onto existing streets in the city (neither minor/noisy streets) and therefore this standard of the Plan is considered not to apply in this instance.

12.4.18 It is noted that the submitted drawings indicate floor to ceiling heights of c.2.775m for ground floor apartments. The proposal is therefore considered to comply with SPPR5 in this regard.

Lift and Stair Cores

12.4.19 SPPR 6 states that:

'A maximum of 12 apartments per floor per core may be provided in apartment schemes. This maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations'.

12.4.20 The number of units per floor/core does not exceed 12 apartments per floor per core. It is therefore considered that the proposed development is consistent with SPPR6.

Daylight and Sunlight to Proposed Residential Units

12.4.21 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.

12.4.22 As before, I have considered the Daylight, Sunlight and Overshadowing Study submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' (2011). The latter document is referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights 2018. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development and Building Heights Guidelines.

Daylight

12.4.23 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.

12.4.24 In relation to daylight, a significant number of units were analysed for ADF (87 rooms in apartments and 142 rooms in houses). The information has been set out in section 10 of the submitted Daylight, Sunlight and Overshadowing Study.

12.4.25 I highlight to the Board that there are a number of different typologies proposed, namely apartment units, duplex units and houses. All apartment units contain combined kitchen/living/dining layouts. Some houses have combined kitchen/living areas with separate living areas (12 spaces tested).

12.4.26 The applicant has applied the 2% ADF value and the 1.5% ADF value within the submitted assessment. It is noted that in the tabular form (pages 74-90 inclusive) the proposal is benchmarked against the 2% value for K/L and 1% in bedrooms.

12.4.27 When combined kitchen/living/dining rooms in the apartment units are benchmarked against the 2.0% ADF, 92% of the rooms tested are stated meet the relevant BRE 209 standard. The units that do not meet the 2% target are all located within Block 3 and all have a relatively marginal shortfall, with values ranging from 1.56% to 1.83%. When combined kitchen/dining/living rooms in the houses/duplex units are benchmarked against the 2.0% ADF, 96% meet the relevant BRE 209 standard. Those that do not meet that 2% standard are located in duplex housing D3-L01 but again the shortfall is considered to be marginal with values of 1.55%-1.93% recorded.

12.4.28 The planning authority note that 92% of the tested rooms within the three apartment blocks are achieving ADF above the BRE guidelines when l/k/d spaces are assessed. They note that compensatory measures have been incorporated into the design to offset reduced daylight performance in some l/k/d such as larger floor areas (greater than minimum floor area requirements) and larger windows. The planning authority agree that the incorporation of these compensatory measures offset the reduced daylight performance within the living/kitchen/dining areas.

12.4.29 While the above marginal shortfalls are acknowledged in a limited number of units, I note the open plan nature of the units with combined living/kitchen/dining spaces in

these units. It is noted that the kitchen area is not the primary function of the room, instead given the layout it is clear that the living/dining areas are considered to be the primary function where future residents would spend more of their time. I note that the kitchen areas are generally located within well-lit living spaces. The kitchen spaces have not been excluded from the calculations. I note the associated requirement within BS.8206-2 for "Kitchens" (ADF>2.0%) was developed for residential housing where the kitchen would be an identifiable separate room with seating and where occupants would be expected to eat and spend time as well as being generally present throughout the day. In general, the apartments assessed do not include a kitchen of this type; they instead include a kitchen area which would be expected to be used solely to prepare food with the residents spending most of their time in the living area. I therefore consider that flexibility as the use of a target value of 1.5% is acceptable in this instance. Using the 1.5% target value, 100% of living/dining (kitchen) rooms achieve this target.

12.4.30 I note that the applicants have addressed the matter of compensatory measures within section 10.7 of the submitted Study whereby they note that 71% of the apartment units have a floor area 10% greater than the minimum floor area requirements; larger windows have been incorporated into the units; 63% of units are dual aspect and open space above the minimum requirements has been provided for. I am of the opinion that all units would offer a good quality of residential amenity to future occupiers. I consider all of these to be alternative, compensatory design solutions.

12.4.31 I am of the opinion that the higher 2% ADF is more appropriate in a traditional house layout, and that in the apartment elements of developments such as this, it is a significant challenge to achieve 2% ADF, and even more so when higher density and balconies are included. Often in urban schemes there are challenges in meeting the 2% ADF in all instances, and to do so would unduly compromise the design/streetscape and that an alternate 1.5% ADF target is generally considered to be more appropriate. It is the ground and first floor units which have been analysed in this study, which would be anticipated, to give the 'worst-case' scenario results. It is highlighted that 100% of units tested comply with the 1.5% standard for l/k/d and 1% standard for bedrooms.

12.4.32 I acknowledge that there are some limited shortfalls in this regard. Neither the planning authority nor third parties have raised issue in this regard. I again highlight that while the recommended standards set out in the guidelines can assist my conclusion as to its appropriateness or quality, they do not dictate an assumption of acceptability. I note the compensatory measures put forward. In addition, I note that the applicant has endeavoured to maximise light into the apartments while also ensuring that the streetscape, architecture and private external amenity space are also provided for. I therefore consider that having regard to all of the above, the majority of units tested should receive adequate levels of daylight.

Sunlight

12.4.33 The report also considers internal sunlight levels to the proposed units, and this is dealt with in section 8 of the submitted Study. Analysis has been provided in accordance with the BRE guidelines on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). All main living room windows within the proposed development have been assessed. The APSH modelling involves assessment of the level of sunlight that reaches a window, then determining the number of windows with an APSH level greater than 25% on an annual basis or 5% on a winter basis (section 3.1.10 of the BRE 209 Guidance).

12.4.34 The report states that of the 84 no. points tested, 56 no. points (67%) meet the BRE recommended values over both the annual and winter periods. 8 no. points (10%) meet the recommended values over the winter period only. The windows that do not meet this recommendation are predominantly as a result of their orientation, namely north facing windows with the provision of a balcony. Noting the orientation of some units and acknowledging that the provision of a balcony enhances the residential amenity for future occupiers, I am satisfied with the results in this regard. As stated above, I note that the applicant has endeavoured to maximise light into the apartments while also ensuring that the streetscape, architecture and private external amenity space are also provided for. I therefore consider that having regard to all of the above, the majority of units tested should receive adequate levels of sunlight.

Internal Open Spaces

12.4.35 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. 61% of the selected private garden amenity areas are achieving the recommended 2 hours of sunlight on the 21st of March. The applicant states that this is typical of this type of development as not all gardens can be south, east or west facing in unobstructed locations. All proposed public amenity spaces meet this target. I am satisfied in this regard.

Conclusion

12.4.36 I have considered all of the information before me in this regard. The planning authority have not raised concern in relation to this matter. I am generally satisfied with the quality of residential development being put forward and am generally satisfied that the design results in sufficient daylight and sunlight for future residents.

12.5 Traffic and Transportation

Context

12.5.1 It is noted that a number of transport related documents have been submitted with the application documentation including Traffic and Transport Assessment, DMURS Compliance Statement, Mobility Management Plan, Stage 1 Quality Audit, Construction Traffic Management Plan and Response to Limerick City and County Council Transport Department Report. While the Roads Section of the planning authority raise some concerns in relation to this matter, the planning authority (as contained in Chief Executive Report) do not raise issue and do not recommend a refusal of permission in relation to this matter. This matter was not raised as a concern by third parties.

Access

12.5.1 Access to this development will be via a priority junction onto the Condell Road, through a residential development which is currently under construction (PA Ref. 18/8008). The priority junction onto the Condell Road will provide access to the

proposed residential development. It is noted that the Condell Road has a 2.5m wide footpath on the southern side of the carriageway; a 2m wide on-road cycle lane on either side, street lighting and there is a dedicated bus lane on the eastern side of the carriageway. The speed limit is 50kph. The Roads Section, as contained in the Chief Executive Report, raise some concerns in relation to the proposed junction layout arrangements and the layout of the section of the Condell Road within the red line boundary in terms of road markings and signage. It is stated that such details are not clearly shown to determine their suitability. In addition, they are not in favour of a left and right exit lanes from the development and have preference for a single lane exit. They consider that a revised Site Layout Plan should be submitted to address these concerns. If the Board is disposed towards a grant of permission, I am of the opinion that these matters could be adequately dealt with by means of condition. I have no information before me to believe that the proposed entrance, which forms a continuum of an existing permitted access road on lands zoned for residential development would constitute a traffic hazard, subject to compliance with planning conditions.

Trip Generation/Operational Assessment

- 12.5.2 The TRICS database has been used to predict the trip generation to and from the proposed residential development for the AM and PM peak periods. In total, it is anticipated that there would be 143 trips generated by the proposed development in the AM peak and 120 trips in the PM peak.
- 12.5.3 In terms of operational assessment, one junction was assessed, namely the proposed R527 Condell Road / Development Access priority junction. Capacity assessments have been undertaken using the computer program PICADY for the AM and PM peak hours. The results indicate that in 2024, 2029 and 2039 with development operational, the proposed priority junction will operate within capacity with minimal queues and delays during the AM and PM peak hour.
- 12.5.4 The matters raised by the Roads Section of the planning authority have been outlined above. The planning authority have not raised concerns in this regard, within the Chief Executive Report. I am satisfied in this regard and am of the opinion that given the nature and scale of the development proposed, the existing road network in the vicinity will be capable of accommodating the development proposed.

12.5.5 I have no information before me to believe the proposed development would lead to the obstruction of road users or creation of a traffic hazard.

Car Parking

12.5.6 The applicant is proposing to provide 263 car parking spaces, which gives a breakdown of 5 no. spaces for the three-bed apartment blocks, 104 spaces for the one/two-bed apartments, 128 no. spaces for the houses and 23 no. spaces for the crèche facility. This provision is based on the requirements of the draft Limerick County Development Plan 2022-2028, which gives a requirement of 260 spaces. As stated above, this Plan is not yet adopted.

12.5.7 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 for the crèche facility. The crèche facility is stated to have capacity for 48 no. children and 11 no. employees.

12.5.8 Assessing the proposal against the current CDP, the proposal would give rise to a requirement of approximately 319 spaces (238 resident/60 visitor/21 crèche).

12.5.9 The planning authority have not raised concerns in relation to this matter within the Chief Executive Report, although I note the report of the Roads Section which requires further information in order to confirm if adequate car parking has been provided for the crèche facility. They also consider that there is a lack of clarity in relation to resident/visitor parking and request that a revised Site Layout Plan be submitted to address this matter. Other concerns raised relate to accessible parking and distance between perpendicular parking spaces. The details required could be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission.

12.5.10 The under provision of car parking is noted against the adopted County Development Plan. However, 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*'. As stated previously, the planning authority consider this is be

an 'Intermediate Urban Area' as per the Apartment Guidelines. However, given its location, it could be argued to be a central, accessible area. While it is acknowledged that the site is not within the city centre 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, to employment centres and its proximity to public transport, it is my view that a relaxation of car parking standards is appropriate in this instance and in accordance with the provisions of the Development Plan.

12.5.11 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 the city centre, 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.

12.5.12 I consider that the proposed scheme is quite car dominated, with extensive tracts of surface car parking evident. I am of the opinion that the removal of some of this surface parking would enhance the overall scheme and I highlight a number of areas in particular, namely to the south of proposed crèche, to the south of Units 74-77, to the east of the walled garden area and to the south of the play area. Most of these spaces could be incorporated into the public open space.

12.5.13 I am satisfied that given the nature of the development, the locational context of the site, national guidance in relation to sustainable travel patterns and the opinion of the planning authority, that a reduced parking allocation, as recommended, is acceptable in this instance.

Cycle Parking

12.5.14 In total, the proposal includes for cycle spaces within individual gardens of dwellings, together with covered and secure spaces for residents within the apartment blocks. Exact details relating to the number of such spaces do not appear to be contained within the submitted reports. In addition, 45 no. cycle spaces for visitors are provided for. The planning authority do not raise concerns in this regard. There is

ample space to provide adequate cycle parking facilities within the overall site. Exact details relating to same could be dealt with by means of condition, if the Board were disposed towards a grant of permission. I am generally satisfied in this regard.

Construction Traffic

12.5.15 The information contained in the documentation in relation to management of the construction phase of development is noted and is considered reasonable. The period of construction will be relatively short-lived. It is noted that a Construction Traffic Management Plan was submitted with the application. I recommend that if the Board is disposed a grant of permission, that the matter of construction management be dealt with by means of condition.

Conclusion

12.5.16 To conclude, I do not have undue concerns in relation to traffic or transportation issues. I am satisfied that the proposed development can be accommodated on the existing road network. I am satisfied that the proposal is acceptable in terms of numbers of spaces for car and bicycle parking, as well as other road improvement works proposed, having regard to the accessible location of the site and its proximity to existing/future public transport, together with section 28 ministerial guidelines which allow for reduced standards of parking at certain appropriate locations. I am of the opinion that the matters raised by the Roads Section of the planning authority in this regard could be adequately dealt with by means of condition. Having regard to all of the above, I have no information before me to believe that the proposal would lead to the creation of a traffic hazard or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

12.6 Drainage and Flood Risk

Drainage

12.6.1 A number of documents were submitted which deal with the matter of drainage and flood risk, including, inter alia, a Planning Application Services Report and a Flood Risk Assessment.

12.6.2 In term of site services, new water supply and wastewater connections are proposed. The foul effluent from the development will be collected and discharged into the existing 250mm diameter Irish Water foul sewer at the west of the site. A

pumping station is to be provided to facilitate connection to this sewer. A letter of consent has been submitted with the application documentation with regards the connection to foul sewer on third party lands. In terms of water supply, it is proposed to connect to existing 200mm diameter watermain along the public road to the north of the site. In terms of surface water drainage, the development provides for on-site disposal of stormwater which will be discharged directly to an existing 300mm diameter storm water sewer at the southeast corner of the site. It is stated in the submitted documentation that the drainage has been designed in accordance with the principles of Sustainable Urban Drainage Systems (SuDS) in accordance with the Greater Dublin Strategies Drainage Study (GDSDS).

12.6.3 The Roads Section of the planning authority, as contained in the Chief Executive Report, states that they are not in agreement with the proposed surface water system for a number of reasons. They note that at least half the development is not being attenuated and that no Class 1 By-Pass Interceptor has been included in the proposal. They note that the Surface Water Layout Plan and Service Document has demonstrated SuDS by way of permeable paving only, however the roof plan of the apartments shows sedum roof. While the Service Document refers to filter drains, rain water harvesting, swales, detention basins and stormwater wetlands, none of these are indicated on the layout plan. The Roads Section is of the opinion that there is no reason why rain gardens, tree pits and swales could not have been used. In addition, the applicant has not demonstrated that the surface water system to which they propose to connect into is suitable in size. The surface water pipeline associated with the Part 8 application to which they propose to connect to, was not shown on the Part 8 Surface Water Layouts. These concerns regarding surface water drainage proposals are highlighted to the Board.

12.6.4 Irish Water states that in terms of water, in order to facilitate the proposed connection, the Irish Water network will have to be extended to serve the proposed development. The public watermain for connection is located adjacent to the Clonmacken Roundabout and depending on the proposed development layout, the watermain shall be extended by approximately 200m. The applicant will be required to fund these network upgrades as part of a connection agreement. In term of wastewater, they continue by stating that in order to complete the proposed connection, the Irish Water wastewater network will have to be extended to serve the

proposed development. The public sewer for connection is located within private lands to the north of the R527 Condell Road and depending on the proposed development layout, the sewer shall be extended by approximately 150m including for a crossing of the R527 Condell Road. As stated above, a letter of consent has been submitted with the application documentation in this regard. Irish Water continues by stating that it currently does not have any plans to extend its network in this area. Irish Water further note that the applicant will be required to fund these network upgrades as part of a connection agreement. Where the applicant is proposing to traverse third party lands, consent and a wayleave in the favour of Irish Water will be required. Irish Water have attached recommended conditions to their submission. I am of the opinion that this matter could be adequately dealt with by means of condition, if the Board are disposed towards a grant of permission. I have no information before me to believe that the existing/proposed infrastructure does not have capacity to facilitate a development of the nature and scale proposed. Neither the planning authority nor Irish Water have expressed concerns in this regard. I am satisfied in this regard.

Flooding

12.6.5 I highlight to the Board that this is the matter of the greatest concern within this planning application.

Planning Authority Opinion

12.6.6 As stated above, the planning authority is recommending a refusal of permission in this regard and their reason for refusal is as follows:

‘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 County 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’.

12.6.7 In this regard, I note Policy WS.9 of the operative Development Plan states that ‘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’.

- 12.6.8 The report of the Flooding Section of the planning authority, as contained in the Chief Executive Report, is brief and in my opinion, lacks adequate detail. It notes that residential development in Flood Zone A/B (even as adjusted) has not passed the Justification Test for the Draft Plan and accordingly is not in strict accordance with the Guidelines. While it notes a typographical error in the submitted FRA and recommends the relocation of the proposed attenuation tank to flood zone A, it critically does not provide any further assessment of the documentation submitted by the applicants.
- 12.6.9 As part of a the review of the current Development Plan, a Strategic Flood Risk Assessment was carried out by the planning authority to inform the draft Limerick Development Plan 2022. The planning authority highlight that in the draft Development Plan, a significant portion of the overall site is considered to be in Flood Zone A/B and has been zoned for less vulnerable uses, namely agriculture. The planning authority state that they have serious concerns in relation to the provision of residential development in Flood Zone A/B, which would be contrary to the Food Risk Management Guidelines for Planning Authorities, 2009. The planning authority are of the opinion that if development is to be progressed on this site, the layout should be amended so that no development occurs on the flood plain.
- 12.6.10 I highlight to the Board that the planning authority are silent and provide no response to the argument/justification put forward by the applicants in relation to their revised topographical data and information contained within the referenced updated study to the ICPSS entitled Irish Coastal Wave and Water Level Study (ICWWS) that was published in October 2020.

Applicants Opinion

- 12.6.11 The applicants have submitted a Flood Risk Assessment with the application documentation. This FRA concludes by stating that the proposed development site is currently zoned for residential development and is considered to be a strategic site located within 1.6km of the city centre area. It is sufficiently elevated, with much of

the site within Zone C and accessed by public roads from flood Zone C. It is also demonstrated that it is feasible to infill this site in order to manage flood risk on the slightly lower lands that fall into flood zones A and B, without causing significant displacement of back-drain storage or causing significant increase in flood levels or flood risk to other properties and lands or to the development itself currently or in the future.

12.6.12 The applicants acknowledge the strategic flood risk assessment (Stage 1) carried out by Limerick City and County Council as part of the Limerick Development Plan 2022- 2028. As part of their site-specific FRA, the Strategic Flood Risk Assessment (sFRA) was reviewed by the applicants in the context of the identified flood risk and flood levels at the subject site. The sFRA identified that the lands at Clonmacken are defended lands by the OPW arterial drainage tidal embankment and have a residual flood risk from coastal flooding via potential overtopping of embankments and/or serious breach in the embankment. The flood zones as is the requirement of the Flood Risk Management Planning Guidelines (2009), ignore the presence of flood defences and identify all lands in Clonmacken that are below 200year present day tide level to be in Flood Zone A (High probability of flooding), lands with ground level between the 200year and 1000year to be in Flood Zone B (Medium probability of flooding) and lands elevated above the 1000year flood level to be flood Zone C (low probability of Flooding).

12.6.13 The applicants note that the sFRA study uses where available the CFRAM flood modelling results to define the flood levels from fluvial and coastal sources. In respect to the Clonmacken area and the subject site, the CFRAM study uses the estimated 200 year and 1000year coastal flood levels from the Irish Coastal Protection Strategic Study (ICPSS, 2011) based on Node S26 to establish the Flood Zones. The applicants further note that the mapping of flood zones from CFRAM and the ICPSS (available on the OPW Geoweb site) use the airborne Lidar survey which generally has an accuracy of c. 150 to 200mm vertically. This lidar survey dates back to 2010/2011 and the applicants contend that it is not the most up to date and is considerably less accurate than a physical topographical survey of the site. The applicants state that they undertook such a survey in November 2019 and used the survey results along with the available OPW lidar to generate a more accurate site contour map. This is shown in Figure 3 of the submitted FRA.

12.6.14 The applicants state that a significant limitation of the sFRA that was published in June 2021 by the planning authority is that it does not appear to have considered the more recent OPW updated study to the ICPSS entitled Irish Coastal Wave and Water Level Study (ICWWS) that was published in October 2020. This study is available on the OPW website (www.floodinfo.ie). This updated study shows, due to datum error for the Shannon Estuary and specifically the Limerick City Area that the previous ICPSS and by default the CFRAM study significantly overestimates the tidal return period flood levels in the inner Estuary and at Limerick City by the order 0.27m at the 200year and 0.45m at the 1000year return period flood events. This combined with the lidar survey presents incorrect mapping of flood Risk and Flood Zones at the Clonmacken subject site. The applicants contend that the sFRA is generally regarded as more a regional and somewhat more generalised mapping of flood risk developed to assist the preparation of a development plan, whereas the site-specific FRA study allows for more detailed site specific topographical and flood modelling information to be presented at the planning application stage. One of the objectives of the site-specific FRA is to present a more detailed flood risk map with flood zones for the proposed development.

My assessment

12.6.15 As stated elsewhere within my assessment, I must assess this current proposal in the context of the adopted Plan currently in place. I note that under the draft Plan part of site being down-zoned from residential to agriculture and I highlight this matter to the Board. The reason for this down-zoning relates to planning authority concerns in relation to flooding. I have examined the draft Plan in this regard, which I note is not anticipated to be adopted until summer 2022. I note that within the current adopted Plan, the site is zoned for residential development in its entirety. I note that the proposed development is largely residential in nature which is considered to be a 'highly vulnerable development'. Much of the site is located within Flood Zone C. However, there are areas within the north-western portion and southern portion of the site that are located within Flood Zone A and B. Therefore, a Flood Risk Assessment (FRA) has been prepared by the applicants, which assesses the proposed development in relation to the flood risk of the site and sets out justification and mitigation measures for the development of the site as suitable to accommodate a development of the nature proposed. A Justification Test is

therefore required and has been undertaken by the applicants. The test determined that the development as proposed is suitably justified; that the proposed development passes the Justification Test and that the proposal represents sustainable development in respect of flooding currently and into the future.

12.6.16 The site is located to the north of the River Shannon and south of the Condell Road on an undulating site. It is within the back drain catchment behind the tidal defences of the River Shannon. Much of the wider site outside of the red line boundary is located within Flood Zones A and B while the majority of the site within the red line is located within Flood Zone C. However, as stated above, it is acknowledged that there are limited areas of the site within the red line boundary which are located within Flood Zones A and B. There are no streams within the proposed site area and the nearest major drainage channel is the OPW back drain that runs along the toe of the Tidal Embankment and which outfalls to the Shannon via a number of flapped sluices through the tidal embankment. There are two streams adjacent to the site - namely the Shannabooly Stream to the East (just east of the site access road) and the Clonmacken Stream c. 200m to the west. These are small local streams that discharge into the back drain system.

12.6.17 It is explained by the applicants in the submitted documentation that the function of the back-drain is to store local drainage water from the surrounding local catchments within the channel inside the embankments until such time that the tide has sufficiently retreated to allow opening of the flap gate and the outflow under gravity.

12.6.18 The source of flood risk to the proposed development site is identified as tidal flooding from storm surges and wind set-up. The fluvial assessment shows that the 100 and 1000year flood levels in the adjacent back-drain lands will not exceed the 2m O.D contour level; will not inundate the proposed site and therefore do not represent a flood risk to the proposed development site.

12.6.19 I have assessed all of the information before me in relation to this matter. I acknowledge that the planning authority are recommending a refusal of permission in relation to this matter. Their reports in relation to this matter are light on detail and they do not address the argument put forward by the applicants in this regard. Importantly, they do not state that they disagree with the justification put forward by the applicants in relation to the more accurate topographical levels and in relation to

the information put forward in the updated study to the ICPSS entitled Irish Coastal Wave and Water Level Study (ICWWS) that was published in October 2020. In their assessment of flooding (as contained in section 11.13 of the Chief Executive Report), they reference the draft Development Plan, which is not yet adopted. Notwithstanding this, I have examined the draft Plan in this regard and note the proposals contained therein in relation to the down-zoning of elements of this to agriculture due to planning authority concerns in relation to flooding.

12.6.20 I must assess the proposal in accordance with the Planning System and Flood Risk Management-Guidelines for Planning Authorities (Nov 2009). The proposal has been subject to an appropriate flood risk assessment and a site-specific Flood Risk Assessment has been undertaken by the applicants using the most up-to-date data and analysis. As stated above, a Justification Test was undertaken by the applicants, having regard to the areas of the subject site located within flood zones A and B. In terms of the Justification Test, I note that the site is currently zoned for residential development in the adopted Development Plan, currently in place. The site is located within a well serviced urban area, close to the city centre. It is considered to be an appropriate location for a development of the nature and scale proposed and I am satisfied with the principle of such a development at this location. The proposal is considered to be compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.

12.6.21 Having regard to the information before me, I note that the majority of the site is within Flood Zone C, including the access to the proposed development. With regards the limited areas within Flood Zone A/B, the applicants are proposing works to address the in-site risk and I am generally satisfied in this regard. These measures seek to minimise flood risk to people, property, the economy and the environment as far as reasonably possible. I note the existence of flood defences in the vicinity of the site and as per the Guidelines, these have not been taken into account in the analysis. It is noted that in the case of the Limerick CFRAM study, tidal flood simulations examined the current defended case in the Clonmacken area and the CFRAM flood inundation mapping showed no inundation from the estuary through breach analysis and overtopping reaching the proposed development site. Given the overall scale of the works proposed, I am generally satisfied that the

proposal will not lead to an increased risk of flooding outside of the site. I note the extent of flood zones A and B outside of the subject site and given the small extent of areas flood zone A/B within the subject site, I consider that the matter of displacement would be minimal. One of the third party submissions received, raises concerns with regards to loss of flood storage. This matter is addressed in section 7.4 of the submitted Flood Risk Assessment and the applicant states that the flood storage loss at the site is in the region of 0.02%. I concur with the applicants that these potential losses in flood storage represent negligible impact on flood levels.

12.6.22 I consider that the topographical study undertaken by the applicants is more accurate than the data contained within the CFRAMS study. I accept the flood zones contained within the applicants report. I note that the bulk of the site is located within Flood Zone C and this is consistent with www.floodmaps.ie. The site is substantially more elevated than lands to its south and east. I acknowledge the concerns of the planning authority in relation to flood zones A/B but note that these are small in extent relative to the overall site. The planning authority's focus on flood zones A/B is based primarily on the draft Development Plan rather than the information contained within CFRAM. I note that the planning authority have not rejected the justification put forward by the applicants in relation to the topographical data and the updated Irish Coastal Wave and Water Level Study (ICWWS) that was published in October 2020. Based on the above, it could therefore be argued that the Development Plan strategy is not as precise in relation to this matter and I am of the opinion that a more detailed level of information has been submitted with the application documentation. In this regard, I note the draft Strategic Flood Risk Assessment in relation to the draft Development Plan acknowledges that such a situation may arise and states that *'it should be borne in mind that the input data was developed at a point in time and there may be changes within the catchment that mean a future study, or more localised assessment of risk may result in a change in either flood extent or depth. This means a site-specific flood risk assessment should begin with a review of flood data, including more recently published predictive mapping and flood events occurring since the Flood Zones were developed. This may result in locally appropriate information which could show a greater or lesser level of risk than is included in the Flood Zone maps. This is to be expected and it will require discussion between the developer and Limerick City and County Council*

planning and engineering sections to ensure the assessment is appropriate and relevant to the site in question'. I have no information before me to show that discussions between the applicant and Limerick City and County Council planning and engineering sections to ensure the assessment is appropriate and relevant to the site in question. Based on the information before me, it appears that the application documentation contains site specific, locally important and more up-to-date analysis than that contained within the adopted Development Plan. Importantly, as stated above, the planning authority have not rejected the updated topographical or study information contained within the application documentation.

12.6.23 It is noted that the Flooding Section of the planning authority seek clarification on point no. 4 in section 7.11 of the Flood Risk Assessment report. I am satisfied that this is a typographical error within the assessment report.

Surface Water

12.6.24 The report of the Roads Section, as contained in the Chief Executive Report, raises some concerns in relation to surface water disposal. They note that at least half the development site is not being attenuated. They also consider that the proposed attenuation tank should be relocated to a location outside of Flood Zone A. As per the CFRAMS mapping, the proposed attenuation tank appears to be located within Flood Zone C. The planning authority also note that the only SuDS measure proposed is permeable paving. I note from Drwg No. 20-049-015 that green roofs are proposed to the apartment blocks. The Service report refers to other SuDS measures but these are not outlined on the submitted plans. There is a lack of clarity in relation to this matter. I concur with the planning authority that inadequate details in relation to the proposed green roofs have been submitted and that additional SuDS could be proposed. Additionally, the Roads Section state that the applicant has not demonstrated that the surface water system to which they propose to connect into is suitable in size and additional information is needed in this regard. I am of the opinion that these matters could be adequately dealt with by means of condition, if the Board are disposed towards a grant of permission.

Conclusion

12.6.25 I note that this is a serviced, appropriately zoned site at an urban location. Based on all of the information before me, including the guidance contained within the relevant

Section 28 guidelines, I am generally satisfied that the site can be serviced adequately and that the proposed development will have no adverse effects on the surrounding area, subject to standard drainage conditions. I am not recommending a refusal of permission in relation to this matter.

12.7 Biodiversity

- 12.7.1 A number of documents relating to biodiversity matters have been submitted with the application including an Ecological Impact Assessment, Bat Report and Arboricultural Assessment. A Natura Impact Assessment (with Appropriate Assessment Screening Report in appendices) and EIA Screening Report were also submitted with the application. Surveys of the proposed development site were conducted in 2020 and 2021. These included, inter alia, bat, badger, otter and wintering bird surveys.
- 12.7.2 The proposed development site predominantly comprises local importance (lower value) habitats and the site is dominated by Improved Agricultural Grassland. A farm access track leads from the northern site boundary into the centre of the site. Mature Treelines occur along field margins in the northern section of the site and fringe the farm access track from the northern site entrance.
- 12.7.3 The proposed development site is located in the Shannon (Lower) hydrological sub-catchment. No EPA mapped rivers or streams occur within the proposed development site, however there are drainage ditches along the southern site boundary. The Shannabooley Stream lies just outside of the eastern boundary of the site. The North Ballycannan watercourse lies approximately 170m west of the proposed development site. These watercourses flow in a southerly direction, ultimately discharging to the River Shannon Estuary. The drainage ditches adjacent to the site have hydrological connectivity with the River Shannon, via the network of drainage ditches in the wider area. The River Shannon Estuary occurs outside of the proposed development site boundary, approximately 300m south of the proposed development site and is categorized as an Estuary.
- 12.7.4 It is stated in the submitted EclA that loss of habitats to the footprint of the proposal is not considered to be significant at any geographic scale. These habitats are common and widespread in the locality and have a low biodiversity value. The construction phase of the proposal has the potential for some localised disturbance

to local faunal species. However, no significant faunal species or signs of significant mammal activity were recorded within or immediately adjacent to the proposed development site during the site visit. No direct or indirect impacts on adjacent habitats are considered likely as a result of the operational phase of the proposed development.

12.7.5 I have considered all of the written submissions made in relation to biodiversity including the Chief Executive Report of the planning authority and the third party submissions received.

Tree Removal

12.7.6 I refer the Board to the submitted Arboricultural Assessment, together with the contents of the EclA and landscaping plans/drawings. Of the 120 individual tree species surveyed, common ash and sycamore make up the majority of the tree population.

12.7.7 It is noted that there are 44 'Category A'; 50 'Category B'; 10 'Category C' and 16 'Category U' trees on site. It can be seen that the majority of trees on site are categorised as being 'Category A' and 'Category B' (94 trees). A total of 44 trees are proposed for removal (28 of which to facilitate development; 16 due to their condition). Of the 28 trees proposed for removal to facilitate the proposed development, the following is noted:

Table 5:

Category	Number Proposed for Removal to Facilitate Development
Category U	-
Category A	5
Category B	16
Category C	7

12.7.8 The loss of the above tree vegetation is to be mitigated against with landscaping as outlined in the landscape management plan. The planting of native species and the

use of native species and pollinator friendly species within the landscape plan will enhance the biodiversity value of the completed development.

12.7.9 The report of the planning authority does not raise issue in relation to tree removal and noted that a number of mature trees are being retained as part of the proposed development, in particular those along the north-eastern end of the site.

12.7.10 I acknowledge that the proposed development will result in the removal of trees from the site. Much of the removal to facilitate the development are 'Category B' trees, although I do note that 5 'Category A' trees are also proposed for removal.

12.7.11 The proposed development will result in the permanent removal of trees on site. I am of the opinion that this is somewhat inevitable when dealing with the redevelopment of such sites. I note that there is no objective in the CDP relating to the trees in this site. There are no Tree Preservation Orders pertaining to the site. I am of the opinion that a balance needs to be achieved between protecting existing species/habitats on site and developing the site to an appropriate scale, as per statutory plans and guidance. I note additional planting proposed. I am generally satisfied in this regard.

Flora

12.7.12 The habitats on the site are of low ecological importance. There are no Annex I habitats listed under the EU Habitats Directive present within the site boundary. No botanical species protected under the Flora (Protection) Order (1999, as amended 2015), listed in the EU Habitats Directive (92/43/EEC), or listed in the Irish Red Data Books were recorded on the site and no suitable habitat occurs within the site boundary.

12.7.13 No invasive species were recorded within the development site.

Fauna

12.7.14 No evidence of badger was recorded, including latrines, snuffle holes or prints and no badger setts were recorded within the development site boundary.

12.7.15 In terms of otter, I refer the Board to section 13 Appropriate Assessment which deals further with this matter. A comprehensive search for otter was undertaken of the drainage ditches immediately adjacent to the proposed development site and along the bank of the River Shannon Estuary, including a 10m riparian buffer. There are

no mapped EPA watercourses within the proposed development site that offer suitable supporting habitat for Otter. No signs of otter including holts, couches, spraints or prints were recorded during the field survey. However, the applicant notes that the Lower River Shannon SAC lies 277m south of the proposed development site and otter is a listed QI species of the SAC, therefore otter are likely to occur in the wider area of the proposed development site. I note the report of the Heritage Officer of the planning authority notes that the NIS states that the site does not provide suitable habitat for otters but that drains are mentioned as site features. The Heritage Officer notes that otters use such features for hunting and that this matter requires further examination, perhaps through the use of camera traps. The report continues that this is a minor issue and that the Officer broadly agrees with the findings of the NIS. I note that the site does not offer suitable habitat for otter, but that drainage ditches are used by them for hunting. From both a local ecology and appropriate assessment perspective (which I shall deal with below), I am generally satisfied in relation to this matter. From the information before me, I note that a comprehensive search of the drainage ditches proximate to the site was undertaken and along the bank of the River Shannon (including riparian buffer) and no signs of otter were found. I am satisfied that the proposal if permitted would not unduly impact upon the otter. However, if the Board were disposed towards a grant of permission, I recommend that further examination be undertaken by the use of camera traps, prior to the commencement of any works on site.

12.7.16 The drainage ditches adjacent to the proposed development site offer suboptimal habitat for aquatic faunal species, as they are small, shallow and heavily vegetated.

12.7.17 Irish hare was recorded on one occasion during one of the winter bird surveys. This species has a widespread and favourable range in Ireland and suitable habitat is widespread in the area.

12.7.18 No evidence of other species such as pygmy shrew and Irish stoat protected species under the Irish Wildlife Act 1976-2018, were recorded during the site visit but these species are likely to occur in the wider area, at least on occasion. However, these species have widespread and favourable ranges in Ireland and suitable habitats are widespread in the area.

12.7.19 No suitable habitat for other taxa protected under the EU Habitats Directive was identified within the boundaries of the proposed development site.

Birds

12.7.20 Wintering bird surveys were undertaken monthly between October 2020 and March 2021.

12.7.21 No significant habitat for bird species, including wintering or breeding habitat for Annex I or red-listed species, occurs within the proposed development site.

12.7.22 No SCI species of the nearby SPA were recorded roosting or feeding within the proposed development site. Only one listed SCI species, black-headed gull, was recorded in flight over the proposed development site, with small flocks of this species recorded on two occasions. One red listed bird species was recorded from within the proposed development site, with an individual snipe recorded on a single occasion.

12.7.23 The remaining target species recorded within the site included common gull and grey heron. A small flock of common gull (three individuals) were recorded in flight over the site during the November survey and a single heron was recorded in flight during the December survey. Neither species landed in the habitats within the proposed development site. Neither of these species are listed SCI species of the nearby River Shannon and River Fergus Estuaries SPA.

12.7.24 A section of the Lower River Shannon and River Fergus Estuaries SPA, approximately 99 metres south of the development site was also surveyed. The vantage point overlooked an area of tidal mudflat, reedbed and estuarine habitat in order to record bird distribution during high and low tide and to determine whether birds listed as Special Conservation Interests of the SPA may utilize the habitats within the development site. During the surveys there were no movements of wintering wildfowl between the development site and this SPA. No large flocks of SCI species were recorded within the section of the SPA surveyed during any of the wintering bird surveys carried out.

Bats

12.7.25 I refer the Board to section 13 Appropriate Assessment which deals further with the matter of bats. Surveys of the study area were carried out in June and July 2021.

- 12.7.26 No structures with roosting potential were identified within the site. The remains of the walled garden were assessed as having Low-Moderate potential for roosting bats. The walls contained some cracks/gaps in the stone/brickwork and were partially covered in ivy and scrub. No evidence of bat use was identified. The remains of the walled garden are proposed to be retained and restored as part of the proposed development. A number of mature trees were assessed as having Moderate or High roosting potential.
- 12.7.27 The applicants undertook a review of the National Bat Database of Ireland which yielded results of bats within a 10km radius of the proposed development site. The search yielded five bat species within 10km, which included the Lesser Horseshoe bat. There are four Natura 2000 sites within 15km radius designated for the conservation of bats, namely the Lesser Horseshoe bat. The applicants state that as the proposed development is within the known distribution range of Lesser Horseshoe bat, the NPWS were consulted to provide any records of lesser horseshoe roosts within 10km of the proposed development. Details of this correspondence is attached to the submitted EclA (see Appendix 4). The proposed development site is not located within 2.5km of any Lesser horseshoe designated SAC, however, there are Lesser horseshoe bats recorded in the wider area. Additionally, no suitable roosting habitat for this species was recorded on the site of proposed development. I highlight to the Board that although the subject application was referred to the Department of Housing, Local Government and Heritage as a Prescribed Body, no submission was received from them.
- 12.7.28 It is noted that the Lesser Horseshoe bat roosts for which the SACs have been designated, are significantly outside the core foraging range (2.5km) of Lesser Horseshoe bat. There is therefore no potential for significant effect on the Lesser horseshoe bat population for which the SACs have been designated. I deal with this matter further below in the Appropriate Assessment section.
- 12.7.29 Seven bat species were recorded across the proposed development site. Common pipistrelle bats were most commonly recorded during the survey periods followed by Leisler's bat and soprano pipistrelle. These species are common and widespread across Ireland. Lesser Horseshoe bat accounted for less than 1% of the total bats recorded. No roosting bats were identified within or using any of the mature tree or walls within the site during the surveys. Foraging and commuting was mainly

associated with mature trees forming field boundaries, particularly along the south-western boundary. The submitted documentation concludes that the proposed development will not result in any significant effects on bats.

12.7.30 Mitigation measures proposed to prevent bat mortality during tree felling are set out in the EclA and the Bat Survey Report. These include that any tree felling will be undertaken outside the main bat activity period (including maternity season) and that alternative roost sites will be provided for potential roosting bats (bat boxes will be erected on mature trees within the survey area following best practice guidelines). The installation of bat friendly lighting is also proposed during the development's operational phase. It is also noted that the majority of mature trees and linear habitat features on site will be largely retained and the proposal includes for supplementary planting.

12.7.31 Having regard to all of the information before me, I am generally satisfied that the matter of bats can be adequately dealt with by means of condition and that no significant effect on the conservation status of the local bat population is anticipated.

Conclusion

12.7.32 I note the internal reports of the planning authority, as contained in the Chief Executive Report. The matter of impacts on biodiversity was not raised as a concern by third parties. I again highlight to the Board that although the subject application was referred to the Department of Housing, Local Government and Heritage as a Prescribed Body, no submission was received from them.

12.7.33 Having regard to all of the above, I am of the opinion that impacts on biodiversity are in line with what is to be expected for the redevelopment of such a site. I note that many of the mitigation measures proposed/recommended relate to protection of ecology at a local level and would be recommended irrespective of the presence of Natura 2000 sites or otherwise. See section 13 below in relation to Appropriate Assessment. On balance, it is considered that the proposed development is acceptable in biodiversity terms having regard to the suburban context and the zoning of this site which allows for potential residential development; the submitted ecological impact assessment which anticipates no significant effect on bats and birds and recommended conditions in this regard. The trees retained within this site area are those of most value in terms of streetscape/visual amenity. The landscaping

proposed is of a high quality; compensatory planting is proposed. The proposed mitigation and monitoring measures are noted. The clearance of scrub and other vegetation that may be suitable for use by nesting birds will be undertaken outside the bird nesting season. Tree protection measures have been put forward in the documentation submitted with the application and I am generally satisfied with the measures proposed, subject to condition. No significant effect on the conservation status of the local bat or otter population is anticipated.

12.7.34 I am generally satisfied in this regard.

12.8 Other Matters

Archaeology

- 12.8.1 There is an historic walled garden on the subject site, which was once an orchard within the grounds of Clonmacken House, which is no longer standing on site. The existing structures are not subject to any protections and are not listed on the planning authority's Record of Protected Structures (RPS). It is proposed within this current application that the walls be restored to form a walled garden, as outlined in the submitted landscape masterplan (dwg. no. 21535_3_100). This is considered to be in accordance with Development Plan policies BHA.11 and BHA.16.
- 12.8.2 It is noted that to the south of the proposed access, there is a National Monument in the form of an Enclosure (Ref: LI005-055), which is located approximately 100m from the subject site. In addition, there is a Cremation Pit located approximately 200m to the north of the site, adjacent to the Clonmacken Roaundabout (Ref: L1005-092). There is a redundant record (Ref: L10056-072) also located along the bank of the River Shannon to the south-west of the site, approximately 730m from the site. The applicants state that these sites will not be impacted by the proposed development.
- 12.8.3 I note the report of the County Archaeologist which states that under a previous planning permission (07/2530), an architectural report was carried out on the ruins of Clonmacken House, followed by advanced archaeological test trenching in the vicinity of the house, as the potential site of an earlier castle. Therefore, an area of approximately 0.8 ha has already been advance tested. The Archaeologist is of the opinion that the developer shall preserve, protect or otherwise record archaeological

materials/features that may exist within the site by ensuring that all ground disturbance associated with the site is archaeologically monitored under licence from the National Monuments Service. I would concur with this opinion and if the Board is disposed towards a grant of permission, I recommend that the matter be dealt with by means of condition.

Part V

12.8.4 It is proposed that the provisions of Part V of the Planning and Development Act, 2000 (as amended) will be satisfied by the transfer of 33 no. units to the planning authority, namely 2 x one-bed units, 15 x two-bed units and 16 three-bed units. The planning authority addressed this matter within section 11.17 of their Chief Executive Report and have not expressed concerns in this regard. I note that the applicant has previously engaged with the Housing Department in relation to the above development. I note the recent changes to the Part V legislation and I note that it is not clear from the application documentation when the applicant purchased the lands. I recommend that the matter of Part V be dealt with by means of condition, if the Board is disposed towards a grant of permission. Details of compliance can be dealt with by the planning authority, or ABP, in case of disagreement. In any event, the applicant will be obliged to comply with these new requirements as amended. I have no issue in relation to this matter.

Waste

12.8.5 The Board is advised that the matter of waste management could be adequately dealt with by means of condition, if they were disposed towards a grant of permission. The submission of an Operational Waste Management Plan could also be dealt with adequately by means of condition.

Noise

12.8.6 The Environment Section (Noise) of the planning authority notes that the impact of road noise from the Condell Road on residents of the proposed development is not addressed. They state that road noise levels expected at the facades of the proposed apartments will potentially exceed recommendations in the Environmental Noise Guidelines and they consider that an Acoustic Design Statement should be submitted, which includes for a noise assessment. I am not unduly concerned in this regard. The subject site is located in an urban environment and is zoned for

residential development. The proposed development does not immediately adjoin the Condell Road and is setback behind the Part 8 housing, which is currently under construction. I note the location of the proposed units relative to the Condell Road. The speed limit on the Condell Road at this point is 50 kph. I am generally satisfied in this regard.

13.0 Appropriate Assessment

Introduction

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

Compliance with Article 6(3) of the EU Habitats Directive

13.2 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.

13.3 The proposed development is located on lands to the west of Condell Road (R527), in the townland of Clonmacken, Limerick. The proposal comprises a residential development comprising 165 residential units and a childcare facility, approximately 2.4km west of Limerick city centre. The Lower River Shannon SAC lies 277m south

of the proposed development and the River Shannon and River Fergus Estuaries SPA lies 273m south. 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).

13.4 Context

13.4.1 The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site. This is considered Stage 1 of the appropriate assessment process i.e. screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and Appropriate Assessment carried out.

13.4.2 An Appropriate Assessment Screening Report and Natura Impact Statement were submitted with the application. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. The information contained within the submitted reports is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development. The screening is supported by associated reports, including ecological field surveys involving habitat survey and mapping, botanical survey, bird survey, bat, badger and otter survey, Site Specific Flood Risk Assessment, Construction and Environmental Management Plan, Landscape Report, Arboricultural Assessment and Outdoor Lighting Report.

13.4.3 The AA Screening Report notes that the report assesses the potential for the proposed development to result in significant effects on European sites in the absence of any best practice, mitigation or preventative measures. The AA Screening Report concludes that:

'It cannot be concluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, would not be likely to have a significant effect on the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. As a result, it is recommended to the competent

authority that an Appropriate Assessment is required, and a Natura Impact Statement will be prepared in respect of the proposed development’.

Having reviewed all of the information before me, I am satisfied that it allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

Appropriate Assessment Screening

13.4.4 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).

13.4.5 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.

13.5 Brief Description of Proposed Development/Site

13.5.1 The proposal comprises a residential development of 165 residential units and childcare facility (see section 3 above for a detailed description of the proposed development). The site is greenfield in nature. It is noted that a house previously located on the site is now demolished- all that remains are the garden walls. The land is currently unused and overgrown. The site was surveyed in 2020 and 2021. The Lower River Shannon SAC lies 277m south of the proposed development and the River Shannon and River Fergus Estuaries SPA lies 273m south.

13.5.2 The site is bounded by a residential housing development currently under construction to the east, existing residential houses to the north and by agricultural farmland to the south and west. The habitats on the site are of low ecological importance. There are no Annex I habitats listed under the EU Habitats Directive present within the site boundary. No invasive species were recorded within the development site. Bedrock geology is limestone while groundwater vulnerability for the site is classified as high.

13.5.3 The foul effluent from the development will be collected and discharged into the existing 250mm diameter Irish Water foul sewer at the west of the site. A pumping

station is to be provided to facilitate connection to this sewer. The development provides for on-site disposal of stormwater which will be discharged directly to an existing 300mm diameter storm water sewer at the southeast corner of the site. The proposed surface water drainage system has been designed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works. SuDS measures are proposed. In terms of water supply, it is proposed to connect to existing 200mm diameter watermain along the public road to the north of the site. A site-specific Flood Risk Assessment (FRA) was carried out for this development and the primary flood risk management measure proposed is through raising the development lands above the flood risk where such areas are low.

- 13.5.4 The proposed development site is located in the Shannon (Lower) hydrological sub-catchment. There are drainage ditches outside of the site boundary in the eastern section of the proposed development site, with a further drainage ditch occurring just outside the boundary at the north-western corner of the site. No rivers or streams occur within the proposed development site but a drainage ditch occurs just outside the boundary at the north-western corner of the site. The Shannabooley Stream lies just outside of the eastern boundary of the site. The North Ballycannon watercourse lies approximately 170m west of the proposed development site. These watercourses flow in a southerly direction, ultimately discharging to the River Shannon Estuary. The drainage ditches adjacent to the site have hydrological connectivity with the River Shannon, via the network of drainage ditches in the wider area.
- 13.5.5 The River Shannon Estuary occurs outside of the proposed development site boundary, approximately 350m south of the proposed development site. The River Shannon Estuary is designated as part of the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. A flood defence embankment occurs along the riverbank and is approximately 3-4 metres in height.
- 13.5.6 The 'source-pathway-receptor' model was used to determine potential links between sensitive features of the natura sites and the source of the effects.

13.6 Submissions/Observations

13.6.1 The planning authority in their Chief Executive Report note the submission of the AA Screening Report and NIS. They do make comment in this regard.

13.6.2 The report of the Heritage Officer, as contained in Appendix 3 of the Chief Executive Report, is noted. In relation to the raising of the development lands above the flood risk where areas as low, the report notes that this could lead to displacement which requires further examination. It also raises the point (as referred to above under section 12.7.15) in relation to impacts on habitat for otter. The report of the Heritage Officer states that this is a minor issue and they would broadly agree with the findings of the NIS.

13.6.3 None of the third party submissions received raised concerns in relation to this matter. I have reviewed all submissions made and issues where relevant are addressed within my assessment hereunder.

13.7 Designated Sites and Zone of Impact

13.7.1 A potential zone of influence has been established having regard to the location of a European site, the Qualifying Interests (QIs) and SCIs of the sites and their potential mobility outside that European site, the source-pathway-receptor model and potential environment effects of the proposed project.

13.7.2 The subject site is not located within any designated European site, however the following Natura 2000 sites are located within the potential zone of impact:

Table 13:

Site Name and Code Qualifying Interests/SCI Conservation Objectives	Distance from Dev Site	Screening Comment in submitted AA Screening Report
Lower River Shannon SAC (Site Code 002165) <u>Qualifying Interests/SCI</u> Sandbanks which are slightly covered by sea water all the time [1110]	c.277m south	No potential for direct effects Indirect impacts on the following QIs can be ruled out due to the terrestrial/marine nature of the habitats/species, the distance from the proposed development site and the absence of a complete source-pathway-receptor chain:

<p>Estuaries [1130]</p> <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 (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p>		<ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • Sandbanks which are slightly covered by sea water all the time [1110] • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] • Perennial vegetation of stony banks [1220] <p>The distribution of Freshwater Pearl Mussel and area of suitable habitat within the SAC is located in the Shannon-Cloon catchment in Co. Clare. There is no connectivity between this catchment and the proposed development site and no source-pathway-receptor chain for effect was identified.</p> <p>Potential for impact on these above listed habitats/species is therefore not considered further by the applicant.</p> <p>The proposed development site lies within an area of high groundwater vulnerability (as per the EPA maps). Following a precautionary approach, the construction and operational phase of the proposed development may result in pollution to groundwaters via the percolation of polluting materials through the limestone bedrock underlying the site.</p> <p>In addition, the proposed development site has potential surface water hydrological connectivity with this SAC, via a network of drainage ditches adjacent to the site that have hydrological connectivity with the North Ballycannon_010 watercourse. This watercourse lies approximately 170m west of the proposed development site and flows in a south-easterly direction, ultimately discharging to the Shannon Estuary and this SAC. The construction and operational phase of the proposed residential</p>
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<p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p> <p><u>Conservation Objective:</u></p> <p>Detailed conservation objectives</p>		<p>development may result in pollution to surface waters via sedimentation and pollutants.</p> <p>A potential pathway for indirect effects on the following aquatic QI species/habitats was therefore identified in the form of deterioration of water quality and supporting habitats for aquatic fauna:</p> <ul style="list-style-type: none"> • Salicornia and other annuals colonising mud and sand • Atlantic salt meadows • Alluvial forests with Alnus glutinosa and Fraxinus excelsior • Mediterranean salt meadows • Estuaries • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation • Mudflats and sandflats not covered by seawater at low tide • Coastal lagoons • Large shallow inlets and bays • Reefs • Otter • Common Bottlenose Dolphin • Brook Lamprey • River Lamprey • Sea Lamprey • Salmon <p>Given the proximity of the proposed development site to this SAC, on a precautionary basis, the potential for indirect effect in the form of otter disturbance was also identified.</p>
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		Based on the identified pathways for impact, this designated site is within the likely Zone of Impact and the applicants consider that further assessment is required.
<p>Glomra Wood SAC (Site Code 001013)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p><u>Conservation Objective:</u></p> <p>Detailed conservation objectives</p>	c.11.6 km NE	<p>This SAC is located 11.6km from the proposed development site and is designated for a terrestrial habitat.</p> <p>No source-pathway-receptor chain for impact was identified.</p> <p>Not considered to be within the likely zone of influence. Potential for direct or indirect impact on the European Site can be excluded.</p> <p>This site is not considered further by the applicant.</p>
<p>Askeaton Fen Complex SAC (Site Code 002279)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Alkaline fens [7230]</p> <p><u>Conservation Objective:</u></p> <p>Detailed conservation objectives</p>	c.12.3 km distant	<p>Distance noted.</p> <p>Located on the opposite site of the Shannon Estuary, in a separate groundwater catchment.</p> <p>No source-pathway-receptor chain for impact was identified.</p> <p>Potential for direct or indirect impact on the European Site can be excluded. This site is not within the likely zone of impact.</p> <p>This site is not considered further by the applicant.</p>
<p>Tory Hill SAC (Site Code 000439)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia)</p>	c.12.8km S	<p>Distance noted.</p> <p>Located on the opposite side of the Shannon Estuary, in a separate groundwater catchment.</p> <p>No source-pathway-receptor chain for impact was identified.</p>

<p>(*important orchid sites) [6210]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Alkaline fens [7230]</p> <p><u>Conservation Objective:</u></p> <p>Detailed conservation objectives</p>		<p>Potential for direct or indirect impact on the European Site can be excluded.</p> <p>This site is not considered further by the applicant.</p>
<p>Ratty River Cave SAC (Site Code 000205)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Caves not open to the public [8310]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [130]</p> <p><u>Conservation Objective:</u></p> <p>Detailed conservation objectives</p>	<p>c.12.9 km NW</p>	<p>Distance noted. Site is designated for terrestrial habitats and species.</p> <p>No source-pathway-receptor chain for impact identified.</p> <p>The proposed development is outside of the core foraging range of lesser horseshoe bat (2.5km) (NPWS, 2018).</p> <p>Potential for direct or indirect impact on the European Site can be excluded</p> <p>This site is not considered further by the applicant.</p>
<p>Danes Hole, Poulnalecka SAC (Site Code: 000030)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Caves not open to the public [8310]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p><u>Conservation Objective:</u></p>	<p>C. 14.1 km NW</p>	<p>Distance noted. Site is designated for terrestrial habitats and species.</p> <p>No source-pathway-receptor chain for impact identified.</p> <p>The proposed development is outside of the core foraging range of lesser horseshoe bat (2.5km) (NPWS, 2018).</p> <p>Potential for direct or indirect impact on the European Site can be excluded</p> <p>This site is not considered further by the applicant.</p>

Detailed conservation objectives		
<p>Curraghchase Woods SAC (Site Code 000174)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Taxus baccata</i> woods of the British Isles [91J0]</p> <p><i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p> <p><u>Conservation Objective:</u></p> <p>Detailed conservation objectives</p>	c.14.4 km SW	<p>Distance noted.</p> <p>Located on the opposite side of the Shannon Estuary, in a separate groundwater catchment.</p> <p>No source-pathway-receptor chain for impact was identified.</p> <p>The proposed development is outside of the core foraging range of lesser horseshoe bat (2.5km) (NPWS, 2018).</p> <p>Potential for direct or indirect impact on the European Site can be excluded.</p> <p>This site is not considered further by the applicant.</p>
<p>River Shannon and River Fergus Estuaries SPA (Site Code 004077)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p>	c.273 m S	<p>Located entirely outside of the proposed development site boundary. No potential for direct effect.</p> <p>Potential for loss of supporting habitat was considered. The proposed development site is dominated by agricultural grassland, scrub and recolonising bare ground habitats. The SCI species of this SPA are principally associated with intertidal mud and sand flats and sheltered and shallow subtidal habitats within the SPA. Monthly wintering bird surveys were carried out at this site from October 2020 – March 2021. No SCI bird species were recorded using the habitats within the proposed development site during any of the winter bird surveys.</p> <p>This SPA is also designated for its breeding population of Cormorants. This species breeds in colonies and breeds primarily on rocky cliffs and offshore island, but may occasionally use</p>

<p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p> <p><u>Conservation Objective:</u></p> <p>Detailed conservation objectives</p>		<p>inland trees. No evidence of Cormorant nests or whitewashing of trees was recorded within the proposed development site during any of the site visits carried out.</p> <p>The habitats within the proposed development site are not of ecological significance to the listed SCI species of this SPA, therefore the potential for habitat loss can be ruled out.</p> <p>The proposed development site lies within an area of high groundwater vulnerability (as per the EPA maps). Following a precautionary approach, the construction and operational phase of the proposed development may result in pollution to groundwaters via the percolation of polluting materials through the limestone bedrock underlying the site.</p> <p>In addition, the proposed development site has potential surface water hydrological connectivity with this SPA, via a network of drainage ditches adjacent to the site that have hydrological connectivity with the North Ballycannan_010 watercourse. This watercourse lies approximately 170m west of the proposed development site and flows in a south-easterly direction, ultimately discharging to the Shannon Estuary and this SPA.</p> <p>The construction and operational phase of the proposed development may result in pollution to surface waters via sedimentation and pollutants.</p> <p>A potential pathway for impact in the form of deterioration of water quality during the construction and operational phase of the development was identified, potentially affecting the supporting wetland habitat for SCI species within the SPA: Wetland and Waterbirds [A999].</p>
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		<p>Potential effects on all SCI species are also considered under 'A999 Wetland and waterbirds'.</p> <p>Given the proximity between the proposed development site and this SPA, the potential for disturbance related impacts to SCI species during the construction and the operational stage was also identified.</p> <p>Based on the identified pathways for impact, the applicants consider this designated site to be within the likely Zone of Impact and they consider that further consideration is required.</p>
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13.7.3 The Appropriate Assessment Screening Report states that it cannot be concluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, would not be likely to have a significant effect on the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. As a result, it is recommended in the AA Screening Report that a Natura Impact Statement will be prepared in respect of the proposed development.

13.8 Identification of Likely Significant Effects

13.8.1 Further to the assessment in the submitted Screening Report, I concur with the opinion of the applicants and consider that given the location, nature and scale of the proposed project, the separation distances, the nature of the qualifying interests of sites and the lack of hydrological connections and conservation objectives, the following designated sites do not require further consideration and can be screened OUT. These are as follows:

- Tory Hill SAC (Site Code: 000439),
- Glenomra Wood SAC (Site Code: 001013) and
- Askeaton Fen SAC (Site Code: 002279)

- Curraghchase Woods SAC (Site Code: 000174),
- Ratty River Cave SAC (Site Code: 002316) and
- Danes Hole, Poulnalecka SAC (Site Code: 000030)

13.8.2 It is noted the Lesser Horseshoe Bat is a qualifying interest for the latter three sites (Curraghchase Woods SAC, Ratty River Cave SAC and Danes Hole SAC). 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, therefore considered reasonable that these three designated sites be screened out due to the separation distances and the nature of the qualifying interests of sites.

13.8.3 It is evident from the information before me 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 (Site Code: 000439), Glenomra Wood SAC (Site Code: 001013), Askeaton Fen SAC (Site Code: 002279), Curraghchase Woods SAC (Site Code: 000174), Danes Hole, Poulnalecka SAC (Site Code: 000030) and Ratty River Cave SAC (Site Code: 002316). I am satisfied, and concur with the applicant, that there is no potential for likely significant effects on these six no. designated sites and they can, therefore, be screened out from further assessment.

13.8.4 I concur with the applicant that further assessment is required for both Lower River Shannon SAC (Site Code: 002165) and River Shannon and River Fergus Estuaries SPA (Site Code: 004077). It is considered that the proposed development could result in likely significant effects in relation to: -

- The construction and operational phase of the proposed development may result in pollution to groundwaters via the percolation of polluting materials through the limestone bedrock underlying the site.
- The construction and operational phase of the proposed development may result in pollution to surface waters via sedimentation and pollutants.
- deterioration of water quality during the construction and operational phase of the development was identified, potentially affecting the supporting wetland habitat for SCI species within the SPA

- Given the proximity of the proposed development site to this SAC, on a precautionary basis, the potential for indirect effect in the form of otter disturbance was also identified.
- Given the proximity between the proposed development site and this SPA, the potential for disturbance related impacts to SCI species during the construction and the operational stage was also identified.

13.9 Screening Determination

13.9.1 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) that significant effect on two European Sites in view of the Conservation Objectives of those sites could not be ruled out, and Appropriate Assessment is therefore required for the following:

Table 14:

Site Name	Site Code	Distance
Lower River Shannon SAC	002165	c.277m
River Shannon and River Fergus Estuaries SPA	004077	c.273m

13.9.2 The possibility of significant effects on all other European sites has been excluded on the basis of objective information. I have screened out all other European sites for the need for appropriate assessment, based on a combination of factors including the location, nature and scale of the proposed project, the separation distances, the nature of the qualifying interests of sites and the lack of hydrological connections. I am satisfied that there is no potential for likely significant effects on these screened out sites.

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

13.9.4 I confirm that the sites screened in for appropriate assessment are included in the NIS prepared by the project proponent.

13.10 Stage 2- Appropriate Assessment

Introduction

13.10.1 The application included a NIS for the proposed development on lands to the west of Condell Road (R527), in the townland of Clonmacken, Limerick. The NIS provides a description of the project and the existing environment. It also provides a background on the screening process and examines and assesses potential adverse effects of the proposed development on a number of European Sites (identified above). Section 4 outlines the characteristics of the relevant designated sites. Potential adverse effects arising from the construction and operational phases are outlined in section 5. Details of mitigation measures are outlined. Cumulative, in-combination effects are examined within section 6 and it is concluded that there is therefore no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.

13.10.2 The NIS concludes that where the potential for any adverse effect on any European site has been identified, the pathway by which any such effect may occur has been robustly blocked through the use of avoidance, appropriate design and mitigation measures as set out within the NIS and its appendices. The measures ensure that the construction and operation of the proposed development does not adversely affect the integrity of European sites. Therefore, it can be objectively concluded that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European site.

13.10.3 On the basis of objective information, it is my opinion, that the designated sites within closest proximity to the development site, require further consideration only. Based on the above and taking a precautionary approach, I consider that it is not possible to exclude that the proposed development, individually or in combination with other plans or projects, will have a likely significant effect on the following sites:

Table 15:

Site Name	Site Code	Distance
Lower River Shannon SAC	002165	c.277m
River Shannon and River Fergus Estuaries SPA	004077	c.273m

13.10.4 Having reviewed the documentation available to me, submissions and consultations, I am satisfied that the information allows for a complete assessment of any adverse affects of the development on the conservation objectives of the two European sites listed above, alone or in combination with other plans and projects.

13.11 Appropriate Assessment of implications of the proposed development on each European Site

13.11.1 The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the two 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.

13.11.2 I have relied on the following guidance:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009);
- Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002);
- Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011);
- Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

13.11.3 A description of the two designated and their Conservation Objectives and Qualifying Interests, including any relevant attributes and targets, are set out in the NIS and outlined above as part of my assessment. 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).

13.12 Potential Adverse Effects on identified European Sites

13.12.1 The development site lies entirely outside of the boundary of any European Site. There is no potential for direct effects. The proposed development is located in excess of 270m from the nearest European Designated Site and is buffered from it

by agricultural fields and an embankment. The following potential indirect effects have been identified:

Deterioration of Water Quality

13.12.2 The proposed development site lies within an area of high groundwater vulnerability (as per the EPA maps). Following a precautionary approach, the construction and operational phase of the proposed residential development may result in pollution to groundwaters via the percolation of polluting materials through the limestone bedrock underlying the site.

13.12.3 The site has potential surface water hydrological connectivity with the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA, via a network of drainage ditches adjacent to the proposed development site boundary that have hydrological connectivity with the North Ballycannon_010 watercourse. This watercourse lies approximately 170m west of the proposed development site and flows in a south-easterly direction, ultimately discharging to the River Shannon Estuary and these European Sites. The construction and operational phase of the proposed residential development may result in pollution to surface waters via sedimentation and pollutants.

13.12.4 A potential pathway for indirect effects on the water dependent qualifying interests/special conservation interests of Lower River Shannon SAC and the River Shannon and Fergus Estuaries SPA was identified.

Disturbance and Displacement of Otter

13.12.5 I refer the Board to section 12.7.15 of my assessment above, where further assessment of this matter has been undertaken. Although the site itself does not provide suitable habitat for otter, potential supporting habitat for the species exists in the wider area and the potential for disturbance to the otter population associated with the River Shannon SAC is considered on a precautionary basis.

13.12.6 There will be no increased access to the Shannon Estuary foreshore as a result of the proposed development and there is no potential for disturbance effects to otter species during the operational stage of the development. Based on a review of scientific literature and given that no otter evidence was recorded during dedicated surveys, together with the best practice disturbance limitation measures included,

the potential for adverse impact on the integrity of the otter population associated with Lower River Shannon SAC can be excluded.

13.12.7 I note the Heritage Officer in the planning authority notes that drains are mentioned as site features and that otters use such features for hunting. The Heritage Officer is of the opinion that this requires further examination, perhaps through the use of camera traps. The Heritage Officer states that this is a minor issue.

13.12.8 I note that a comprehensive search for otter was undertaken of the drainage ditches immediately adjacent to the proposed development site, and along the bank of the River Shannon Estuary, including a 10m riparian buffer (Section 3.3.5 of EclA). Notwithstanding the presence of drains on site, there is no suitable habitat for this QI species within the proposed development site. No signs of otter, including holts, slides, prints or spraints were recorded within the site during the course of the survey. There is no impact pathway which could lead to a decline in the distribution of this species associated with the proposed development. There will be no decline in the extent of terrestrial or freshwater habitat associated with the proposed development. I refer the Board to section 5.3.15 of the NIS in this regard.

Disturbance and Displacement-SCI Bird Species

13.12.9 Due to the proximity of River Shannon and River Fergus Estuaries SPA to the proposed development, the potential for adverse effects as a result of disturbance and displacement of the SCI species during the construction and operational phases of the development, was identified with regard to identified SCI species, see section 5.2.1.3 of submitted NIS.

13.12.10 It is noted that the River Shannon and River Fergus Estuaries SPA is designated for the wintering and breeding populations of cormorant and wintering population of the remaining SCI species. An assessment of the potential effects on these SCI species in respect of disturbance and displacement impacts is provided in the NIS and in Table 5-1 of same. This assessment is informed by the detailed field and desk surveys that were undertaken and are described in this NIS and in the bird survey report accompanying this application. The potential for adverse effects on these species in view of their site-specific conservation objectives have been considered in this assessment. The Heritage Officer of the planning authority notes that on page 10 of the submitted NIS (section 3.2.4), the applicants state that 'The

primary flood risk management measure proposed... is through raising the development lands above the flood risk where such areas are low'. The Heritage Officer states that this could lead to displacement, an issue which requires further examination. Further, the Heritage Officer states that they would broadly agree with the findings of the NIS. While I acknowledge this matter, given the extent of information before me, I do not have concerns in this regard. Wintering bird surveys were undertaken monthly between October 2020 and March 2021 (six dates) and results of same have been included. A combination of low and high tide counts has been used due to the differences in behaviour and site use between tidal states, with different species likely to be foraging and roosting in different areas of River Shannon and River Fergus Estuaries SPA and the surrounding terrestrial habitats, depending on the stage of the tidal cycle.

13.12.11 None of the listed SCI species of River Shannon and River Fergus Estuaries SPA were recorded utilising habitats within the development site during any of the wintering bird surveys undertaken between October 2020 and March 2021. The site of the proposed development did not support significant wintering bird populations. None of the SCI species for any nearby SPAs were recorded roosting or feeding within the development site during the surveys undertaken. The site consists predominantly of species poor improved agricultural grassland, scrub and recolonising bare ground. The proposed development site is set back 273m from the boundary of River Shannon and River Fergus Estuaries SPA and is buffered from the shoreline by agricultural grassland, scrub and a 3-4m flood defence embankment. The flood defence embankment acts as a visual screen. The intertidal habitats within the SPA are shielded from view of the site by the flood defence embankment and in places, existing willow scrub that occurs to the rear of the embankment.

13.12.12 In terms of noise disturbance, there will be no works or works access undertaken within 273m of the SPA boundary. All works will be confined to the footprint of the proposed development and there will be no access to the foreshore. It is considered that general construction activities, will not result in disturbance of any of the listed SCI species. Given the proximity of the nearby Condell Road and the industrial estates along the southern bank of the River Shannon Estuary, it is likely that birds in the area are used to some level of noise disturbance. Given the set-back

distance of the major construction works within the proposed development site, from the suitable supporting intertidal habitat for SCI bird species within the SPA, there is no potential for impact in terms of noise disturbance.

13.12.13 Other disturbances are examined including lighting disturbance and recreational/anthropogenic disturbance. The NIS concludes that no disturbance effects on the SCI species of River Shannon and River Fergus Estuaries SPA are anticipated in this regard.

13.12.14 I am satisfied in this regard.

13.13 Appropriate Assessment of implications of the proposed development on each European Site

13.13.1 Special Areas of Conservation- Lower River Shannon SAC

13.13.2 There will be no direct impacts on any SAC site as a result of the proposed development as the development is located wholly outside of any European Site. The designated site is located approximately 277m south of the site development boundary. As stated above, the construction and operational phase of the proposed residential development may result in pollution to groundwaters via the percolation of polluting materials through the limestone bedrock underlying the site. In addition, the proposed development site has potential surface water hydrological connectivity with this SAC, via a network of drainage ditches adjacent to the site that have hydrological connectivity with the North Ballycannon_010 watercourse. This watercourse lies approximately 170m west of the proposed development site and flows in a south-easterly direction, ultimately discharging to the Shannon Estuary and this SAC. The construction and operational phase of the proposed residential development may result in pollution to surface waters via sedimentation and pollutants.

Table 1: Lower River Shannon SAC (002165)

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

	Lower River Shannon SAC		A Construction and Waste Management Plan to be implemented.		
Coastal lagoons [1150]	To restore the favourable conservation condition of Coastal lagoons in the Lower River Shannon SAC		Spill kits and other appropriate equipment will be kept on-site	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 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			No effect	Yes

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

vegetation [3260]	Callitricho-Batrachion vegetation in the Lower River Shannon SAC				
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) in the Lower River Shannon SAC			No effect	Yes
<i>Petromyzon marinus</i> (Sea Lamprey) [1095]	To restore the favourable conservation condition of Sea Lamprey in the Lower River Shannon SAC			No effect	Yes
<i>Lampetra planeri</i> (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			No effect*	Yes

	condition of Otter in the Lower River Shannon SAC			See sections 12.7.15 and 12.17.5 above	
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13.14 Special Protection Areas (SPAs) - River Shannon and River Fergus Estuaries SPA

13.14.1 The proposed development site is wholly located outside of European sites and as outlined for the SAC site above, there will be no direct impacts on any SPA site in terms of the permanent area of wetland habitat as defined in conservation objectives of this site. The River Shannon and River Fergus Estuaries SPA is located 273m south of the proposed development site.

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	Deterioration of water quality – activities associated with construction may result in the	Adherence to best practices methodologies during the construction phase.	No effect	Yes

	River Shannon and River Fergus Estuaries SPA	release of sediment, chemical or other waste material pollution.	Temporary construction surface drainage and sediment control measures, including silt fences and the correct storage, use and maintenance of all equipment, materials and chemicals.		
Whooper Swan (Cygnus cygnus) [A038]	To maintain the favourable conservation condition of Whooper Swan in the River Shannon and River Fergus Estuaries SPA	Disturbance due to increased noise, vehicular movements and presence of people.	A Construction and Waste Management Plan would be implemented.	No effect	Yes
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		Construction activity limited to within the site. Use of lined and sealed acoustic covers for compressors and generators. Appropriately designed lighting.	No effect	Yes
Shelduck (Tadorna tadorna) [A048]	To maintain the favourable conservation condition of Shelduck in the River Shannon and River Fergus Estuaries SPA			No effect	Yes

Wigeon (<i>Anas penelope</i>) [A050]	To maintain the favourable conservation condition of Wigeon in the River Shannon and River Fergus Estuaries SPA			No effect	Yes
Teal (<i>Anas crecca</i>) [A052]	To maintain the favourable conservation condition of Teal in the River Shannon and River Fergus Estuaries SPA			No effect	Yes
Pintail (<i>Anas acuta</i>) [A054]	To maintain the favourable conservation condition of Pintail in the River Shannon and River Fergus Estuaries SPA			No effect	Yes
Shoveler (<i>Anas clypeata</i>) [A056]	To maintain the favourable conservation condition of Shoveler in the			No effect	Yes

	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			No effect	Yes
Ringed Plover (<i>Charadrius hiaticula</i>) [A137]	To maintain the favourable conservation condition of Ring Plover in the River Shannon and River Fergus Estuaries SPA			No effect	Yes
Golden Plover (<i>Pluvialis apricaria</i>) [A140]	To maintain the favourable conservation condition of Golden Plover in the River Shannon and River Fergus Estuaries SPA			No effect	Yes
Grey Plover (<i>Pluvialis</i>)	To maintain the favourable			No effect	Yes

squatarola) [A141]	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			No effect	Yes
Knot (Calidris canutus) [A143]	To maintain the favourable conservation condition of Knot in the River Shannon and River Fergus Estuaries SPA			No effect	Yes
Dunlin (Calidris alpina) [A149]	To maintain the favourable conservation condition of Dunlin in the River Shannon and River			No effect	Yes

	Fergus Estuaries SPA				
Black-tailed Godwit (<i>Limosa limosa</i>) [A156]	To maintain the favourable conservation condition of Black-tailed Godwit in the River Shannon and River Fergus Estuaries SPA			No effect	Yes
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			No effect	Yes
Curlew (<i>Numenius arquata</i>) [A160]	To maintain the favourable conservation condition of Curlew in the River Shannon and River Fergus Estuaries SPA.			No effect	Yes
Redshank (<i>Tringa totanus</i>) [A162]	To maintain the favourable conservation			No effect	Yes

	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			No effect	Yes
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			No effect	Yes
Wetlands and Waterbirds [A999]	To maintain the favourable conservation condition of the wetland habitat in the River Shannon and River Fergus Estuaries SPA			No effect	Yes

13.15 Appropriate Assessment Conclusion

- 13.16 The proposed residential development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 13.17 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on two European Sites.
- 13.18 Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 13.19 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 these European Sites (Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA) or any other European site, in view of the sites' Conservation Objectives.

This conclusion is based on:

- 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 the aforementioned designated sites.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of these designated sites.

14 Environmental Impact Assessment (EIA) Screening

14.1 Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

14.2 The proposed development is for 165 residential units on a site c. 4.55 ha. The site is located within the administrative area of Limerick City and County Council and is within the built-up area. The proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended).

14.3 The criteria at schedule 7 to the Regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Report which includes the information required under Schedule 7A to the planning regulations. The Screening Report states that the proposed project is not a development for which an EIA is mandatory. The nature or characteristics of the proposed development are not considered likely to have significant effects on the environment. The project will have a long-term positive impact on Human Beings, with regard to the provision of additional housing in Limerick City. The overall conclusion and recommendation of this screening exercise is that there is no requirement for Environmental Impact Assessment of the proposed project. I am satisfied that the submitted EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

14.4 I have assessed the proposed development having regard to the information above; to the Schedule 7A information and other information which accompanied the

application, *inter alia*, Appropriate Assessment Screening and NIS, Article 299B Statement and EclA, and I have completed a screening assessment as set out in Appendix A.

- 14.5 The current proposal is an urban development project that would be in a built-up area. The proposal is for 165 residential units and childcare facility on a stated site area of 4.55 hectares. The nature and size of the proposed development is well below the applicable thresholds for EIA. The residential uses would be similar to the predominant land uses in the area. The proposed development would be located on greenfield lands beside existing development. The site is not designated for the protection of a landscape. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an NIS that concludes that there will be no impacts upon the conservation objectives of the Natura sites identified.
- 14.6 The development would result in works on zoned lands. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. The proposed development would be a residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. The majority of the site is not located within a flood risk zone and the proposal will not increase the risk of flooding within the site. I note the comments of the Heritage Officer of the planning authority, as contained in Appendix 3 of the submitted Chief Executive Report, which states that there was no mention of flooding within the EIAR Screening Report as was the case in the NIS and that there should be cross-reference between the EIA screening and any flooding assessment. I would concur with the opinion of the Heritage Officer in this regard, however I am satisfied that there is adequate information before me (albeit in separate documents) to assess this matter comprehensively. I am generally satisfied in this regard. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance or a risk of accidents. The potential for contaminated material to be encountered during excavation, with the potential for impacts on the environment with regard to land and soils, was considered and assessed in the submitted EIA Screening Report, and the proposal will not give rise to significant environmental impacts. The features and measures proposed by the applicant

envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction and Environmental Management Plan (CEMP) are noted.

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

- Natura Impact Statement (including Appropriate Assessment Screening in appendices), prepared by MKO
- Ecological Impact Assessment, prepared by MKO
- EIA Screening Report, prepared by MKO
- Bat Report, prepared by MKO
- Construction and Environmental Management Plan prepared by MKO
- Flood Risk Assessment, prepared by Hydro Consulting Engineers
- Planning Application Services Report, prepared by EOBMS Consulting Engineers
- Energy & Sustainability Report, prepared by EOBMS Consulting Engineers
- Arboricultural Assessment, prepared by Noel Lane, Tree Care Services
- Building Lifecycle Report, prepared by Arnold Leahy Architects
- Design/ Sustainability Statement, prepared by Arnold Leahy Architects
- Traffic and Transport Assessment prepared by Road Plan Consulting Engineers

- Construction Traffic Management Plan, prepared by EOBMS Consulting Engineers
- Stage 1 Quality Audit, prepared by Road Plan Consulting Engineers

14.8 In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, the applicant has submitted an Article 299B Statement. A Site Specific Flood Risk Assessment that addresses the potential for flooding, which was undertaken in response to the EU Floods Directive (Directive 2007/60/EC). An AA Screening Report and NIS in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) has been submitted with the application. A Bat Survey Report, which assesses the potential impact of the proposed development on bats was undertaken in response to the Habitats Directive (92/43/EEC). An Energy and Sustainability Report which addresses Near Zero Energy Building (NZEB) design was submitted in response to Directive 2010/31/EU, Directive on the Energy Performance of Buildings. A Traffic and Transport Assessment was undertaken having regard to Directive 2008/50/EC Clean Air for Europe Directive. A Construction and Environmental Management Plan has been submitted, which has had regard to Directive 2002/49/EC, Environmental Noise Directive. An Ecological Impact Assessment was undertaken which assesses the impacts on water quality as a result of construction and operational phases of the scheme, in accordance with the Water Framework Directive (2000/60/EC). The EIA screening report prepared by the applicant has, under the relevant themed headings, considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the SEA for the operative City Development Plan.

14.9 I have completed an EIA screening assessment as set out in Appendix A of this report.

- 14.10 I consider that the location of the proposed development is such that the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.
- 14.11 I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.
- 14.12 A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

15 Recommendation

- 15.1 Having regard to the above assessment, I recommend that permission be GRANTED, for the development, as proposed, in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Recommended Draft Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Limerick City and County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 09th day of February 2022 by The Clonmacken Partnership care of McCarthy Keville O'Sullivan Ltd, Tuam Road, Galway.

Proposed Development:

Permission for a strategic housing development on lands to the west of Condell Road (R527), in the townland of Clonmacken, Limerick.

The development will consist of the following:

1. 165 no. residential units, on a site approximately 4.55ha in size, comprising:
 - a. 43 no. houses (42 no. 3-bed units and 1 no. 2 -bed bungalow)
 - b. 42 no. duplex units (21 no. 2-bed ground floor units, 13 no. 3-bed upper floor units, 8 no. 1-bed upper floor units)
 - c. 80 no. apartment units (17 no. 1-bed units, 61 no. 2-bed units and 2 no. 3-bed units).
2. Development of a crèche facility (438 sqm)
3. Provision of shared communal and private open space, car and bicycle parking, site landscaping, site services, vehicular and pedestrian access to Condell Road via the residential development under-construction adjacent to the development site.

4. All associated and ancillary site and engineering works.

The application contains a statement setting out how the proposal will be consistent with the objectives of the relevant Development Plan or local area plan.

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

Decision

GRANT permission for the proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the 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.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the policies set out in the Limerick City Development Plan 2010-2016,
- (b) the provisions of the Architectural Heritage Protection, Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011;
- (c) the provisions of Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (d) the provisions of Housing for All- a New Housing Plan for Ireland, issued by the Department of Housing, Local Government and Heritage in September 2021

- (e) the provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2019, as amended
- (f) the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (g) the provisions of the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020
- (h) the provisions of the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) the provisions of the Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018
- (j) Chief Executive Opinion and associated appendices of Limerick City and County Council
- (k) the nature, scale and design of the proposed development,
- (l) the availability in the area of a wide range of social, community and transport infrastructure,
- (m) the pattern of existing and permitted development in the area,
- (n) the planning history within the area, and
- (o) the report of the Inspector and the submissions and observations received,

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

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board had regard to the nature, scale and location of the proposed development on serviced lands, the documentation including submissions on file, and the Inspector's screening assessment.

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives.

In relation to Lower River Shannon SAC (Site Code: 002165) and River Shannon and River Fergus Estuaries SPA (Site Code: 004077) it could not be concluded that there would not be the likelihood of significant effects in view of the Conservation Objectives of such sites and a Stage 2 Appropriate Assessment was required to be undertaken.

Appropriate Assessment

The Board completed an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites, taking into account the

nature, scale and location of the proposed development on serviced lands, the Natura Impact Statement submitted with the application, and the Inspector's report and submissions on file. In completing the Appropriate Assessment, the Board adopted the report of the Inspector and concluded that, subject to the implementation of the proposed mitigation measures contained in the Natura Impact Statement, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the relevant European sites: Lower River Shannon SAC (Site Code: 002165) and River Shannon and River Fergus Estuaries SPA (Site Code: 004077), or any other European site, in view of the sites' conservation objectives.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Report (EIAR) Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned 'To provide for residential development and associated uses' in the Limerick City Development Plan 2010-2016, and the results of the Strategic Environmental Assessment of the plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The planning history relating to the site
- (e) The availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (g) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance

for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

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

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

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

Conclusions on Proper Planning and Sustainable Development

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

Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The mitigation measures and monitoring commitments identified in the Ecological Impact Assessment, Arboricultural Report, Bat Report, Construction and Environmental Management Plan and other plans and particulars submitted with the application, shall be carried out in full except as may otherwise be required in order to comply with other conditions. Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement</p> <p>Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.</p>
3.	<p>The mitigation measures and monitoring measures outlined in the Natura Impact Statement submitted with the application, shall be carried out in full except as may otherwise be required in order to comply with other conditions attached to this permission.</p>

	<p>Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement</p> <p>Reason: In order to avoid adverse effects on the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077)</p>
4.	<p>The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.</p> <p>Reason: In the interests of proper planning and sustainable development.</p>
5.	<p>Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:</p> <ul style="list-style-type: none"> a) Omission of the following car parking spaces- 6 spaces on the opposite side of roadway from Units 23-27; 5 spaces on opposite side of roadway from Units 58-60 (to north of play area); 12 spaces to the opposite side of road to Units 28-52 inclusive; 9 spaces to the east of Apartment Block 3 and 16 spaces to south of crèche building within island median. These areas shall be suitably landscaped and incorporated into the public/communal open space provision. This will result in the loss of 48 car parking spaces. The omission of the two proposed accessible spaces to the east of Apartment Block 3 shall be relocated elsewhere within the site. b) Details of the exact number of resident cycle parking spaces proposed. Cycle parking spaces for the proposed apartments/duplex units and crèche facility shall be secure and adequately covered c) Submission of a parking management plan which shall provide for the permanent retention of the designated parking spaces and shall

	<p>indicate how these spaces shall be assigned and how car parking shall be continually managed.</p> <ul style="list-style-type: none"> d) Additional SuDS measures including details of proposed green roofs e) Revised surface water layout plan which shows full extent of SuDS measures proposed f) Proposed painted plaster walls on proposed apartments and duplex units, and to crèche unit shall be replaced with a more durable brick finish g) Fanlight feature on southern elevation of crèche building shall be omitted h) Tree protection measures to ensure roots of trees are not damaged by construction of post and panel fence to north of site <p>Reason: In the interests of proper planning and sustainable development and to safeguard the amenities of the occupants.</p>
6.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. In particular:</p> <ul style="list-style-type: none"> a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense. b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii; c) Pedestrian crossing facilities shall be provided at all junctions; d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works, and

	<p>e) A detailed construction traffic management plan, including a mobility management plan, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity</p>
7.	<p>Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the Planning Authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the in the submitted Arboricultural Assessment Report and accompanying documents. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the birdbreeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the</p>

	<p>planning authority upon completion of the works.</p> <p>Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development</p>
<p>8.</p>	<p>The developer shall provide for the following to the planning authority for its written agreement before the commencement of any clearance or development works on site:</p> <p>(i) The developer shall submit a bat conservation plan for the site to include results of new bat activity and roost surveys of the site and measures to avoid injury to bats during tree felling or demolition works on site. If a bat roost is identified in a building or tree to be removed on site, a licence from the NPWS to derogate from the Habitats Directive to destroy the bat roost should accompany this plan</p> <p>(ii) Details of proposed bat boxes and bat friendly lighting. A bat specialist shall sign off on final lighting design for proposed development.</p> <p>(iii) Any clearance of trees or shrubs from the development site shall only be carried out in the period September to February inclusive, namely outside of the main bird breeding season</p> <p>Reason: To avoid injury or death of bird or bat species and to protect the local ecology of the area.</p>
<p>9.</p>	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning</p>

	<p>authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.</p> <p>Reason: In the interests of amenity and public safety.</p>
10.	<p>The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interests of sustainable transportation</p>
11.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
12.	<p>The applicant or developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
13.	<p>The pedestrian path connecting the site to lands to the north of the site shall be completed to the satisfaction of the planning authority and shall be available for public use, prior to the first occupation of any of the proposed residential units.</p>

	<p>Reason: In the interest of amenity and the proper planning and sustainable development of the area.</p>
14.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
15.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In addition, details of a maintenance strategy for materials within the proposal shall also be submitted for the written agreement of the planning authority, prior to the commencement of any works on site. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity and durability.</p>
16.	<p>Each unit shall be used as a single dwelling unit only and shall not be subdivided in any manner or used as two or more separate habitable units.</p> <p>Reason: In the interests of sustainable development and proper planning</p>
17.	<p>Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p>

	Reason: In the interest of urban legibility
18.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity</p>
19.	<p>The management and maintenance of the proposed development following its completion (save for areas that are to be taken in charge) shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
20.	<p>Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
21.	<p>Prior to the commencement of development the following shall be carried out and a report submitted to the planning authority for written agreement:</p> <p>(i) An Archaeological Impact Assessment shall be complied, the applicant shall engage the services of a suitably qualified Archaeological to carry out an archaeological assessment of the development site No sub-surface work</p>

	<p>shall be undertaken in the absence of the Archaeologist without his/her express consent.</p> <p>(ii) The Archaeologist shall carry out any relevant documentary research and inspect the site. Geophysical Survey may be required and Test trenches may be excavated at locations chosen by the Archaeologist (licensed under the National Monuments Act 1930-1994), having consulted the site drawings.</p> <p>(iii) Having completed the work, the Archaeologist shall submit a written report to the planning authority. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.</p> <p>(iv) No site preparation or construction work shall be carried out until after the archaeologist report has been submitted and permission to proceed has been received in writing from the Planning Authority.</p> <p>Reason: In the interest of the preservation of archaeological heritage and the proper planning and sustainable development of the area.</p>
22.	<p>The landscaping scheme as submitted to An Bord Pleanála shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme</p>

	<p>with the approved landscape proposal within six months of substantial completion of the development hereby permitted.</p> <p>Reason: In the interest of residential and visual amenity.</p>
23.	<p>(a) 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, 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.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a</p>

	particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.
24.	<p>The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
25.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
26.	<p>The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer’s expense on a daily basis.</p>

	Reason: To protect the residential amenities of property in the vicinity.
27.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
28.	<p>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.</p> <p>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.</p>
29.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and</p>

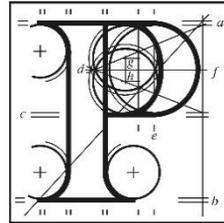
	<p>satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
30.	<p>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.</p> <p>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.</p>

Lorraine Dockery

Senior Planning Inspector

May 17th, 2022

Appendix A: EIA Screening Form



**An
Bord
Pleanála**

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-312683-22
Development Summary		Construction of 165 residential units, crèche facility and associated site works.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Assessment, AA Screening Report and NIS were submitted with the application

<p>2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</p>	<p>No</p>	
<p>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>See Inspector's Report section 14.8 SEA undertaken in respect of the Limerick City Development Plan 2010</p>

<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain</p>
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		Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises the construction of 165 residential units and crèche facility on lands for which residential use is permissible in principle in keeping with development in the vicinity.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposal includes the construction of a residential development which is not considered to be out of character with the pattern of development in the surrounding area.	No

<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction and Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

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

<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Environmental Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding.</p> <p>There are no Seveso/COMAH sites in the vicinity of this location.</p>	<p>No</p>

<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site as proposed will result in an increase in residential units of 165 no. units which is considered commensurate with the development of a zoned site within Limerick</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>Stand alone development, with minor developments in the immediately surrounding area.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 	<p>No</p>	<p>An AA Screening Assessment and NIA has been undertaken which concluded no significant adverse impact on any European Sites.</p>	<p>No</p>

<p>4. Designated refuge for flora or fauna</p> <p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a Development Plan/ LAP/ draft plan or variation of a plan</p>			
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>The design and layout of the scheme considers all these built environment issues and mitigation measures are in place to address concerns.</p>	<p>No</p>

<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>There are no connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. Measures proposed to ensure site is not at risk of flooding.</p>	
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.</p>	<p>No</p>

<p>2.7 Are there any key transport routes (eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>There is no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>

<p>3. Any other factors that should be considered which could lead to environmental impacts</p>			
<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>No</p>	<p>No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.</p>	<p>No</p>
<p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p>	<p>No</p>	<p>No trans boundary considerations arise</p>	<p>No</p>

3.3 Are there any other relevant considerations?	No		No
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C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	
Real likelihood of significant effects on the environment.	No		

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned 'To provide for residential development and associated uses' in the Limerick City Development Plan 2010-2016, and the results of the Strategic Environmental Assessment of the plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The planning history relating to the site
- (e) The availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (g) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- (h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction and Environmental Management Plan (CEMP).

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

Inspector: _____ Lorraine Dockery

Date: _____

END

