



An
Bord
Pleanála

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

Inspector's Report ABP-313124-22

Strategic Housing Development

A ten year permission for the construction of 384 residential units (202 houses, 182 apartments), crèche and associated site works.

Location

Ballykeefe, Raheen, Co. Limerick.
(www.raheenlimerickshd.com)

Planning Authority

Limerick City and County Council

Applicant

DW Raheen Developments Ltd.

Prescribed Bodies

Irish Water.
National Transport Authority
Transport Infrastructure Ireland
Limerick Childcare Committee

Observer(s)

1. Aileen Spencer
2. Allis Penny and Adrian Browne
3. Anne Murray Browne
4. Barry and Joan O'Shea
5. Brian and Ciara Reynolds
6. Brian King
7. Ciaran Joyce and Sara Couse
8. David Murphy
9. Derek and Patricia O'Dwyer
10. Elizabeth Gabbett
11. Geraldine Darcy
12. Ian and Michell Donohue
13. Jade Stack and Shane Lynch
14. James and Deirdre Daly and
Helena Culbert
15. Karl and Anna Maria Dowling
16. Kevin and Mary Shine
17. Maeve O'Sullivan
18. Maria Sadlier
19. Marie Moloney
20. Michael and Deirdre Fahy
21. Michael and Marie Liston
22. Michael Roche
23. Orla and John Kelly
24. Paul and Carmel Morrissey
25. Peter and Trish Shelley
26. Philip Fox
27. Residents of Ballinvoher (John
Mayne)

- 28. Residents of Inis Lua Close and White Thorns (Aileen Hanley)
- 29. Residents of Inis Lua Close and White Thorns (Karl Dowling)
- 30. Roisin Cahalan and Mario Beck
- 31. Sean O'Donovan
- 32. Susan Murphy
- 33. Teresa McCarthy
- 34. The Residents Inis Mor Estate

Date of Site Inspection

23rd May 2022.

Inspector

Stephen Rhys Thomas

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application was made by DW Raheen Developments Ltd and received by the Board on 25th March 2022.

2.0 Site Location and Description

- 2.1. The development site is located on the southern side of Limerick City, 4 km south west of the city centre and south of the N18/N69 ring road. The site comprises undeveloped farmland with a frontage to the R510, that connects the N69/N18 with residential areas further to the south and east.
- 2.2. The site comprises several agricultural fields with well established and mature field boundaries. There is a band of mature trees along the site frontage to the R510. Permission was previously granted for residential development at the site and a roundabout has been constructed on the R510 to facilitate site access.
- 2.3. There is currently limited pedestrian and cycle infrastructure along the R510, northwards from the roundabout access to the site and Ard Aulin. However, there are extensive cycle lanes south along the R510 and parts of Father Russell Road to the south. The site is bound by existing low density, suburban residential development to the south, east and west (Ballinvoher, Inis Lua Close, Inis Lua and Inis Mor) and by further undeveloped lands to the north. There is a single track railway line (appears disused) to the north of the site, that terminates at the cement factory to the west and links back into rail lines within Limerick City at Dooradoyle/Rossbrien to the east. The lands at the site are relatively flat with slight undulations and depressions. For the most part the site is positioned at the same or lower level than existing ground levels of housing to the south. There is a low-lying wetland area at the northern end of the site, which is identified as within Flood Zone A in the submitted flood risk assessment. This area drains to the local surface water system and ultimately to the River Shannon.

3.0 Proposed Strategic Housing Development

3.1. The proposed development on a total site of 10.44 hectares will consist of 384 residential units in a combination of conventional houses and apartments, ranging in height from 1 to 4 storeys, the detail is as follows:

Site Area	10.44 hectares (9.53 hectares net)
Residential Units	384 (202 houses and 182 apartments)
Other Development	Childcare facility – 761.7 sqm (79 childcare places)
Height	1 – 4 storeys
Residential Density	40.3 units/ha net
Amenity Space	29,500 sq.m. public open space 28% of total site area
Access	Single vehicular access from existing roundabout on R510 Cycle lane along R510 frontage Pedestrian connection at eastern site boundary
Cycle Parking	311 cycle parking spaces
Car Parking	377 car parking spaces
Part V	Transfer of 38 units

3.4. The proposed housing mix is as follows:

UNIT TYPE	NO. OF UNITS	%
Houses		
2 bed house	20	10%
3 bed house	156	77%
4 bed house	26	13%
Total Houses	202	100%

Apartments		
1 bed apt	46	25%
2 bed apt	98	54%
3 bed apt	28	15%
4 bed apt	10	6%
Total Apts	182	100%
TOTAL	384	

- Vehicular access is from a single access point at the existing roundabout on the regional road R510.
- A cycle lane will be provided along the regional road (R510) inside the full length of the western site boundary. A short footpath connection is proposed in the eastern site boundary to facilitate pedestrian and cyclist permeability with the adjoining residential development.
- A childcare facility.
- 3 ESB sub-stations, ancillary services and infrastructure works including foul and surface water drainage, attenuation areas, landscaped public open spaces, landscaping, car parking, lighting, internal roads, cycle paths, and footpaths.

4.0 Planning History

4.1. Subject site:

- 4.1.1. Permission granted under 09/756 for 111 houses, creche and all associated site works at the development site. Under Reg. Reg. 15/7003, permission was refused to extend 09/756 for the following reason:

The planning authority consider that there have been significant changes in the development objectives in the development plan since the date of the grant of planning permission 09/756, including Policy WS.8 Flood Protection and WS.9 Flood Risk of the Limerick City Development Plan 2010-2016 and having regard to the

Flood Risk Management Guidelines for Planning Authorities 2009, that the development would no longer be consistent with the proper planning and sustainable development of the area.

- 4.1.2. PA reference **012368** - 257 dwellings and apartments. August 2007.
- 4.2. Nearby Sites:
 - 4.2.1. **Reg. Ref. 08/6009 and 09/6004** - Relating to adjoining lands to the northeast, which are zoned open space under the LAP. Part VIII applications for a neighbourhood park. No decision made.
 - 4.2.2. **ABP-311588-21** – At Dock Road Limerick, 1.2 km to the east. 371 residential units (157 houses, 214 apartments), crèche and associated site works. March 2022

5.0 Section 5 Pre Application Consultation

- 5.1. A section 5 pre-application consultation took place on the 24th September 2020 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-307185-20. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

Residential Density

The prospective applicant should justify the proposed residential density with regard to (i) the Core Strategy of the relevant Development Plan; (ii) national planning policy including the National Planning Framework and the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and (iii) the location / accessibility of the site relative to existing / proposed public transport services, district centres, retail facilities, local amenities and employment centres.

Design and Layout of Residential Development

The prospective applicant should satisfy themselves that the proposed design and layout provide the optimal urban design and architectural solution for this site and are of sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term, include the following:

open space masterplan within the entire landholding, flood zones, edge to R510, neighbouring dwellings, layout/character areas, DMURS, tree retention and public lighting.

- 5.2. The prospective applicant was advised that the following specific information was required with any application for permission:
1. Housing Quality Assessment with regard to the standards set out in the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities and other relevant local policies.
 2. Building Lifecycle Report.
 3. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority.
 4. A noise assessment, which addresses the potential noise impact from the N18 and R510 on the proposed development and clearly outlines proposed noise mitigation measures, if so required.
 5. Traffic and Transport Impact Assessment, to be prepared in consultation with Limerick City and County Council and to include consideration of (i) mobility management and public transport currently available in the area; (ii) potential impacts on relevant local road junctions including (but not necessarily limited to) the R510 Ballykeefe Roundabout, R510 Quinns Cross Roundabout and N69 Dock Road Interchange.
 6. Rationale for proposed parking provision with regard to development plan parking standards and to the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to include details of parking management for the apartments and drop off for the childcare facility.
 7. Stage I Road Safety Audit.
 8. Updated SSFRA to include (i) details of proposals for the drainage of the site and the attenuation of surface water runoff; (ii) hydraulic modelling and (iii) Justification Test with regard to the presence of Flood Zone A at the site. The issue of existing flood defences in the area is to be considered with regard to the relevant guidance provided in the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices).

9. Landscape and Visual Impact Assessment with photomontages and CGIs of the proposed development.
10. A detailed landscaping plan for the site, Tree Survey, Arboricultural Impact Assessment and details of measures to protect trees and hedgerows to be retained at the site (where relevant).
11. Rationale for proposed childcare provision.
12. Ecological Impact Statement to consider the retention and management of hedgerow boundaries at the site.
13. AA screening report or Natura Impact Statement.

The applicant was also advised that information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Limerick County Childcare Committees

5.4. **Applicant's Statement**

5.4.1. Under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the applicant has submitted a statement of the proposals included in the application to address the issues set out in the notice, as follows:

Residential Density

Residential density has increased to 40.3 units/ha or 41.1 units/ha excluding the cr che. While it is acknowledged that increased residential densities are encouraged in the Core Strategy of the Development Plan and national planning policy as reflected in the National Planning Framework and the S28 Guidelines, it is

considered that the site represents a suburban location site which is not directly proximate to high quality public transport services.

Design and Layout of Residential Development

Item (i) – The Masterplan drawing shows how the proposed development in the eastern portion of the lands front onto an area of public open space without a road being located between the houses and the open space. This will ensure maximum benefit of the open space for residential amenity of the occupants of the houses. While the masterplan shows how future development could take place in a consistent manner with the layout in the planning application, it also shows that the public open space that will be provided as part of the proposed development near the eastern site boundary, will integrate with the adjoining lands that are also controlled by the applicants. The cycle lane and footpath that are proposed near the eastern site boundary will thus form a central spine route within the public open space area that transcends the application site boundary. With regard to connections to a possible future green route along the disused railway line, the masterplan also shows how this can be achieved.

Item (ii) - Site Layout Plan 5 shows that no infrastructure of any kind is proposed in the area identified as Flood Zone A in the Site Specific Flood Risk Assessment with the exception of the cycle lane / walkway.

Item (iii) - A strong urban edge to the R510 has been created by means of apartment development facing the road. Residential amenities of adjacent properties to the south of the development site have been considered by achieving adequate separation distances and limiting the height of buildings that adjoin the site boundaries or existing development, to either single or two storey height.

Item (iv) - The proposed layout for the development shows a number of character areas with an integrated hierarchy of public open spaces. Each character area is also identified through use of materials (e.g. different colour bricks).

Item (v) – The layout, distribution, hierarchy and functionality of the public open space within the development shows how the development complies with the Local Area Plan.

Item (vi) – The proposed layout is consistent with DMURS. A cycle lane and walkway is proposed along the R510 site frontage within the site boundary. This route connects with existing and planned cycle routes long the R510. There are three connection points from within the development site with this cycle lane/walkway. Cycle lanes and pedestrian links to the R510 are therefore provided in the site layout. Further linkages have been provided for in the site layout from the cycle lane/walkway that runs around the perimeter of the site to: (i) a possible future greenway cycle lane along the disused railway line near the northern site boundary as well as to (ii) any future cycle/pedestrian routes in the adjoining open space near the eastern site boundary. The perimeter cycle lane/walkway also links to a public road in the adjoining residential development to the south. All works relating to cycle lane and pedestrian route infrastructure are situated within the red line site boundary and will be completed as part of the proposed development. Detailed proposals for hard and soft landscaping incl. tree enhancement are provided in the Landscape Specification Report, while details regarding tree retention are provided in the Tree Survey and Arboricultural Impact Assessment. The report concludes that while some trees of high arboricultural quality, the majority of trees to be removed are categorised as being of moderate quality. Considering the retention of mature trees along the western boundary and proposed native tree planting as part of the development, the overall loss of trees is not considered significant.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040, National Planning Framework (NPF)

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

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

suburbs and 30% elsewhere within the existing urban footprint. The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which:

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

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

National Policy Objective 27 seeks 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.

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

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

6.1.2. **Housing for All - a New Housing Plan for Ireland** (September 2021)

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price
- built to a high standard and in the right place

- offering a high quality of life

6.1.3. **Rebuilding Ireland – Action Plan for Housing and Homelessness 2016**

The Plan provides a multi-stranded, action-oriented approach to achieving many of the Government’s key housing objectives. It aims to significantly increase the supply of social housing, to double the output of overall housing from the current levels to at least 25,000 per annum by 2020, to service all tenure types, and to tackle homelessness in a comprehensive manner.

The Plan is comprehensive and addresses all aspects of the housing system under five Pillars:

- Address Homelessness,
- Accelerate Social Housing,
- Build More Homes,
- Improve the Rental sector, and
- Utilise Existing Housing

6.1. **Section 28 Ministerial Guidelines**

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- Design Manual for Urban Roads and Streets (DMURS December 2013) (as updated) (Including Interim Advice note Covid-19 May 2020).

- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the ‘Apartment Guidelines’).
- Regulation of Commercial Institutional Investment in Housing. Guidelines for Planning Authorities (May 2021).

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.2. **Southern Regional Assembly Regional Spatial & Economic Strategy (RSES)**

Came into effect on the 31st of January 2020.

- 6.2.1. A key component of the RSES is to strengthen the settlement structure of the Region and to capitalise on the individual and collective strengths of the three cities (Cork, Limerick and Waterford), the metropolitan areas, and a strong network of towns, villages and rural communities.
- 6.2.2. The site is located within the ‘Limerick-Shannon Metropolitan Area’. The RSES incorporates Metropolitan Area Strategic Plans (MASP) to ensure coordination between local authority plans. A key component of the RSES is building partnerships and a collaborative approach between the cities and metropolitan areas to realise combined strengths and potential, and to support their development as a viable alternative to Dublin.
- 6.2.3. The MASP notes that Limerick City is the largest urban centre in the Mid-West and the country’s third largest city. Limerick City and Shannon are interdependent, with their complementary functions contributing to a combined strength that is a key economic driver for the Region and Ireland. Limerick Regeneration, the amalgamation of Limerick City and County and the Limerick 2030 initiative have all

contributed to enhancing Limerick's growth potential. There is capacity to build on recent successes and add to the ambitious vision for this Metropolitan Area.

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

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

- 6.3.1. There are numerous policies and objectives set out in the Development Plan with regard to residential development and design. However, the most relevant statutory plan is the more recently adopted Southern Environs Local Area Plan 2021 – 2027 (May 2021).

6.4. **Southern Environs Local Area Plan 2021 – 2027 (May 2021)**

The site is subject to two zoning objectives contained in the LAP. The majority of the site and where the residential development is located is situated on lands subject to the zoning objective 'New Residential'. A portion of the lands to the north of the site are subject to 'Open Space and Recreation' zoning. The planning authority note that these land use zonings are retained in the Draft Limerick Development plan 2022-2028, due for adoption in June 2022. The land use zoning objectives are described as follows:

New Residential - To provide for new residential development in tandem with the provision of social and physical infrastructure.

Open Space and Recreation - To protect, provide for and improve open space, active and passive recreational amenities.

The LAP contains a number of policies with regard to residential development, including:

H O1: Ensure the sequential development of serviced residential lands identified to cater for the envisaged population growth, in accordance with the Core Strategy of the Limerick County Development Plan 2010 – 2016 (as amended) and any replacement thereof.

H O3: Encourage and ensure that at least 40% of all new housing development is delivered within existing built up areas on infill, brownfield and backland sites, subject to preservation of existing residential amenity, the provision of a high quality design respecting the established character, density and layout, and compliance with all traffic safety, quantitative, qualitative and Development Management standards of the Limerick County Development Plan 2010 – 2016 (as amended).

H O4: a) Seek a higher density of a minimum net density of 45 dwelling units per hectare at appropriate intermediate urban locations, particularly on lands within 800m of University Hospital Limerick and Raheen Business Park, and within 500m of existing or proposed quality public transport route stops and public transport nodes; b) Require a minimum net density of 35 dwelling units per hectare on all other lands.

H O5: Require the creation of sustainable communities and high quality universally designed residential area, with a mix of unit types, sizes, tenures, heights, amenities and facilities to create and maintain a sense of place and local distinctiveness. All new developments shall meet the standards, guidance and specific planning policy requirements of:

- The development management standards of the Limerick County Development Plan 2010 -2016 (as extended) and any replacement thereof;
- Sustainable Residential Development In Urban Areas, Guidelines for Planning Authorities, DEHG (2009);
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018);
- The Design Manual for Urban Roads and Streets, DTTS and DECLG (2019);
- Technical Guidance Document L – Conservation of Fuel and Energy – Dwellings;
- Building for Everyone: A Universal Design Approach.

H O6: Require the use of Design Briefs, Masterplans, Sustainability Statements, Social Infrastructure Assessments and any other supporting documents deemed necessary to ensure the coherent planning of residential development.

H O7: Ensure an appropriate and sustainable mix of lifetime adaptable dwelling types, sizes, heights and tenures to cater for all members of society, including homeless persons, the elderly, disabled and members of the travelling community.

H O8: Facilitate the provision of independent and or assisted living for older people and people with disabilities, by supporting the provision of purpose built accommodation including Nursing Homes in accordance with the “National Standards for Residential Care Settings for Older People in Ireland”, or the adaption of existing premises, particularly vacant units.

H O9: Ensure new residential developments comply with the open space hierarchy set out under Table 3: Open Space Hierarchy below. Every dwelling unit shall be positioned within 100m of a pocket park/ play lot, small park, or local park. Open space shall be provided proportional to the scale of the number of residential units proposed, with consideration of access to existing open space and the principles of permeability, accessibility, linkages, safety and place making.

H O10: Ensure compliance with the provisions of Part V of the Act (as amended) and to integrate such housing so as to prevent social segregation within residential developments. Social housing shall be provided on all lands zoned for residential use in accordance with the “Joint Housing Strategy for the Administrative Areas of Limerick City & County and Clare County Council” and any replacement thereof.

H O16: Require residential developments in close proximity to heavily trafficked roads to be designed and constructed to minimize noise disturbance, follow a good acoustic design process and clearly demonstrate that significant adverse noise impacts will be avoided, in accordance with “Professional Practice Guidance on Planning and Noise” (2017) and predicted noise levels shall be in accordance with WHO recommendations.

H O17: Ensure proposed developments have cognizance to climate change mitigation as part of the design process, including use of sustainable building materials, micro-renewables or other design elements to reduce the carbon footprint of the proposed development.

In addition to objectives with regard to residential development there are also community infrastructure objectives, as follows:

CI O2: Ensure all developments in relation to community infrastructure, education, childcare, healthcare, open space and recreation facilities comply with the requirements and Development Management Standards of the Limerick County Development Plan 2010 – 2016 (as extended), and any replacement thereof.

CI O4: Ensure that there are sufficient educational places to meet the needs generated by proposed developments, by requiring the completion of a Sustainability Statement and Social Infrastructure Assessment for residential developments of 5 or more dwellings.

CI O5: Ensure that childcare, primary and secondary education facilities are provided in tandem with new residential areas, at accessible locations which maximise opportunities for walking, cycling and use of public transport.

CI O7: Require all large residential developments to include provision of one childcare facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, unless it can be satisfactorily demonstrated that there is already adequate childcare provision in the area. The provision of the childcare facilities shall be in accordance with the “Childcare Facilities Guidelines for Planning Authorities” (2001) and the Development Management Standards of the County Development Plan 2010 – 2016 (as extended), or any replacement thereof.

CI O16: Ensure new residential development provides high quality public open space and play-lots proportional to the number of residential units, having cognisance to accessibility, safety, permeability, place-making and the Open Space Hierarchy requirements set out under Table 3 of Chapter 7 Housing of this LAP.

CI O21: Facilitate a good standard of health for the local population through ensuring high quality residential, recreational and working environments.

7.0 Observer Submissions

- 7.1. A total of 34 observations on the proposed development have been raised by local residents, south of the subject site. In general, observers are concerned about the scale of development, the overall design of apartment units, an increase in traffic and most strenuously, observers are against pedestrian linkages to the proposed

development. The observations have been received from individual house owners and residents' associations and can be summarised as follows:

Pedestrian access – bringing a pedestrian access to the site from Ballinvoher Estate/Inis Mor would lead to increased footfall/bicycles/scooters, antisocial behaviour and an overall danger to residents. Such a route through Ballinvoher Estate is not welcomed and the removal of the existing boundary wall was not planned for. The existing estates were not designed to cater for such a vast increase in pedestrian/cycle use, the estate roads are narrow with ninety degree bends. There are other and better routes for pedestrians/cyclists, such as Ballykeeffe Boreen/Blackberry Lane to Father Russell Road.

The design of the new pedestrian/cycle route at Inis Mor is problematic and 1.5 metres below the road level, it will not be safe and is routed too close to existing dwellings.

There should be more pedestrian connections, such as at Inis Lua and this would meet the requirements of the LAP to promote compact, connected neighbourhoods based on walking and cycling.

Parking – overspill parking from the proposed development will lead to traffic congestion. Not enough car parking has been proposed, 377 car spaces for 384 units is well below the statutory plan requirement for 533 spaces.

Traffic – the addition of 380 more units on top of the massive Mungret Woods estate will add significantly to traffic congestion in the area. Such an increase in traffic will also lead to additional pollution and loss of green space. The traffic survey was taken during Covid restrictions and does not accurately represent the true scale of traffic congestion in the area. Consideration should be given to a vehicular access point via Blackberry Lane to alleviate traffic congestion on the R510 and accompanying roundabouts.

Public Transport – the site is not located very close to existing bus services, the closest point from any unit to a bus stop would be 650 metres. A bus route and stops should be provided on the R510 between the Cement roundabout and Quinn's Cross to accommodate the residents of the new development and Ard Aulinn. Such a route is badly needed to service the increased number of residences in this area and would also serve to reduce some traffic on the Fr Russell Road.

Layout – there should be more open spaces in the area, the proposed development should be reduced in size to accommodate the development of a 6.69 hectare zone for open space and recreation. The development is high density and out of character with the surroundings.

Residential Amenity - There is concern that new houses on the boundary with Inis Mor will be elevated above the existing dwellings and therefore impact on both privacy and access to light. Boundary treatments should restrict existing boundary walls to houses at Inis Lua Close and Whitethorns.

Four large 4-bedroom semi-detached properties will be built directly behind Inis Lua Close, this will affect light and privacy, a minimum distance from the boundary wall of 25 metres is requested.

Unit Design - 3 and 4 storey dwellings are not sympathetic to existing housing in the area. Dormer bungalows would be more appropriate in close proximity to existing houses at Inis Lua Close and Whitethorns. Apartment Block C is too tall and too close to existing development.

Zoning – the proposed Masterplan for the new estate encompasses an area designated green space and does not fully comply with the zoning in the Southern Environs Local Area Plan 2021- 2027.

The LAP states that “it is the policy of the council to cater for the sustainable development of the Southern Environs area ensuring all residents can enjoy safe and accessible environments.” The development at Ballykeeffe is contrary to this goal set out in the local area plan.

Wildlife – the development will impact on local wildlife.

Flood Risk – the site floods and development on the lands will create more flooding problems.

Surface Water Drainage - concern that the accumulative effect from all the other developments in the Mungret area that are currently being built and planned are probably feeding into the same storm water pipes. There should be better SUDS / green soakage areas in the development.

Risk/Accidents - Irish Cement Mungret has permission for a large scale incinerator, there is a fire risk, traffic management, risk of explosion,

Duration of permission – a 10 year permission is not appropriate and many residents have suffered because past developments were never finished and no public open spaces provided as permitted.

Phasing – a phasing plan should take account of economic and world current affairs, the development phasing should start from Phase 4 and work its way back towards the sensitive interface with the existing dwellings of Inis Lua Close, Whitethorns, Inis Lua, and Inis Mor.

Construction Period – the construction of the development will likely cause a nuisance with regard to power outages, such occurrences should be limited.

Finally, there are concerns that the developer will not complete the development and that property values will be decreased.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 24th May 2022. The report states the nature of the proposed development, the site location and description, planning history, submissions received and details the relevant Development Plan and Local Area Plan policies and objectives. A summary of the views of all elected members expressed at the meeting of the Metropolitan District of Limerick on 16th May 2022 is included in the Chief Executive's Report and summarised adequately in the planning authority's report and replicated below.

- No objection in principle to housing.
- There should be more open space provided.
- As per previous arrangements and re-zoning of land, the developer should make available for public open space all their land currently zoned for open space.
- More residential amenity facilities should be provided on site.
- Not in favour of pedestrian connectivity.
- A 10 year permission should not be allowed.
- A footpath should run alongside the R510 and not along the existing estate.

- Queries raised over water services.
- There should be dormer bungalows along all interfaces with existing houses.
- Houses should not be bought out by private funds.
- There should be a special contribution for footpaths and cycleways.
- Boundary treatments should be secure.

8.2. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) is summarised as follows.

Principle of Development – residential development, including a crèche is permitted in principle under the New Residential zoning Objective.

Site Layout – the location of apartment blocks along the western boundary/ R510 is acceptable. Low level housing is located adjacent to existing housing and this will rule out any issues to do with overshadowing or overlooking. Areas of public open space are located throughout the site. However, the area of land zoned open space within the applicant's ownership but outside the red line boundary should be incorporated as semi-natural open space with walkways and cycle linkages.

Density – The proposed density of 37 units per hectare is in accordance with the LAP and is acceptable at this location.

Apartment Units – the proposed development is in accordance with the relevant guidance set out in the Apartment Guidelines 2020.

Unit Mix – proposed unit mix is acceptable given the suburban nature of the site.

Childcare – the facility proposed is noted.

Design, height, scale, materials and finishes – the layout and design of the proposed development makes a positive contribution to placemaking. The heights proposed throughout the scheme are acceptable and sunlight/daylight analysis produces satisfactory results.

Permeability – vehicular access acceptable, however, pedestrian access through Ballinvoher is opposed by residents and elected representatives. The scheme should show linkages that would contribute to the implementation of a greenway from Limerick City Centre to Patrickswell along the Foynes Railway (disused) as sought

by Objective CC1. In addition, specific plans for cycle infrastructure/connections along the R510 (where no such infrastructure exists at present) require future study.

Biodiversity – a biodiversity management plan should form part of the landscaping plan.

Residential amenity neighbouring properties – overlooking, overshadowing and overbearing appearance will not impact adjacent property. The greatest impact to neighbouring property will be from an increase in pedestrian footfall. However, anything longer than a five year permission would impact on residential amenity.

Open Space/Landscape Strategy – approach to open space and amenity is acceptable. A large portion of the lands within the ownership of the applicant are situated in open space zoning of the LAP. It is a preference of the planning authority that this area be semi-formal landscaped open space and provided with informal pathways to allow for access.

Phasing – the phasing plan is noted, however, open space and the crèche facility should form the first phase of development.

Flooding – the flood risk approach adopted by the applicant is acceptable, however, attenuation areas should be located outside flood zone A/B.

EIA/AA – the Board is noted as the competent authority.

Part V – proposals regarding Part V are noted and are acceptable.

Bonds and contributions are suggested.

Suggested Conditions are of a general and technical nature, however, a number of conditions refer to issues highlighted above, as follows:

Condition 2 – five year permission.

Condition 3 – extend site boundary to include all lands in the ownership of the applicant and plan for informal landscaping.

Condition 13 – relocate attenuation area out of flood zone A/B.

Condition 14 – revised TIA to demonstrate capacity at a number of junctions/roundabouts.

8.3. Internal Council Departmental Reports

Environment Section (Noise) – conditions recommended.

Physical Section (Flood Risk) – attenuation area should be relocated outside of flood prone area.

Physical Section (Active Travel) – clarification needed with regard to cycleways.

Fire Service – no objections.

Archaeologist – Condition recommended.

Conservation Officer – no objections.

Heritage Officer – clarifications requested regarding AA/NIS, EIAR and Tree Survey.

Roads Section – numerous areas of clarification needed.

Environment Section (Waste) – conditions recommended.

Environment Section (Health and Pollution) – no objections.

9.0 Prescribed Bodies

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

Irish Water.

National Transport Authority

Transport Infrastructure Ireland

Limerick Childcare Committee

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 22 March 2022. A summary of those prescribed bodies that made a submission are included as follows:

Irish Water (IW) – There is available capacity in IW networks for the proposed development, technical and standard conditions are recommended if permission is granted.

Transport Infrastructure Ireland (TII) – have no comments.

10.0 Assessment

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses the proposed development in the context of the statutory development plan. My assessment also focuses on national policy, regional policy and the relevant section 28 guidelines. In addition, the assessment considers and addresses issues raised by the observations on file, the contents of the Chief Executives Report received from the planning authority and the submissions made by the statutory consultees, under relevant headings. The assessment is therefore arranged as follows:

- Zoning/Principle of Development
- Residential Density
- Urban Design – building height, layout and public realm
- Residential Amenity
- Traffic and Transport
- Flood Risk
- Infrastructure
- Duration of Permission
- Other Matters

10.2. Zoning/Principle of Development

10.2.1. The site is currently agricultural and is located in the western suburbs of Limerick City. The site is located with the 'Limerick-Shannon Metropolitan Area' of the Southern Regional Assembly Regional Spatial & Economic Strategy (RSES). The land use zoning objectives of the Southern Environs Local Area Plan 2021-2027 is the relevant planning framework for the area. I note that the LAP is due to be revoked. According to the LAP, the proposed Limerick Development Plan 2022 - 2028, will incorporate the spatial extent of the Southern Environs Local Area Plan

2021 – 2027 and is expected to come into effect in July 2022. The Southern Environs Local Area Plan 2021 – 2027 will only be revoked once the Limerick Development Plan is in place, thereby ensuring that the Southern Environs area will be at all times subject to the proper planning and sustainable development in accordance with all planning legalisation. 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. The majority of the site and where the residential development is located is situated on lands subject to the zoning objective 'New Residential'. A portion of the lands to the north of the site are subject to 'Open Space and Recreation' zoning. The planning authority note that these land use zonings are retained in the Draft Limerick Development plan 2022-2028, due for adoption in June 2022. As required, I have assessed this proposal against the Plan currently in place, namely the Limerick County Development Plan 2010 as extended and the Southern Environs Local Area Plan 2021 – 2027. It is therefore the case that, the current LAP is still the applicable statutory plan for the area.

10.2.2. The subject site is located on lands zoned 'New Residential' and this means that the proposed development of a residential housing estate is permitted in principle. The planning authority acknowledge this point and state that the proposed development is in line with the objectives of the plan. The principle of residential development and a childcare facility with associated road infrastructure are, therefore, considered in accordance with the zoning objectives. It is noted that the planning authority and third parties raised no objection to the principle of the development.

10.2.3. Having regard to the nature and scale of development proposed, namely an application for 384 residential units and a crèche located on lands within a zoning objective, in which residential development is 'permitted in principle', I am of the opinion that given its zoning, the delivery of residential development on this prime site, in a compact form would be consistent with policies and intended outcomes of current Government policy and with local policy. Other items to do with traffic and

transport, residential density, design and layout are all addressed in detail in the following sections of my report. From the perspective of the overarching principle of residential development at this location, I am satisfied that the proposed development will increase residential accommodation and will enhance existing recreational amenity space provision. I therefore consider the proposal to provide residential development on these lands to be acceptable in principle.

10.3. Residential Density

- 10.3.1. The proposed development will deliver 384 dwelling units across a gross site area of 10.44 Hectares. This would equate to a residential density of 37 units per hectare. The applicant has indicated that an area of the site designated a flood risk zone and the crèche site should be discounted from the total site area and result in a net developable area of 9.34 Hectares, this results in a net density figure of 41 units per hectare. The planning authority agree that the gross residential figure of 37 units per hectare is acceptable at this location and in accordance with the LAP and national guidance. Some local observers have considered that the inclusion of apartment units and consequently a higher density than surrounding development would not be acceptable to them.
- 10.3.2. From the outset, I acknowledge that the overall principle of a residential density in the region of 40 units per hectare is broadly acceptable at this location and accords with the LAP for the area. There are some minor technical points and I address these in the following sections.
- 10.3.3. Firstly, the applicant has decided to provide a net density figure for the development and remove the flood risk area and crèche site from the calculation. This is patly allowed for under the Sustainable Residential Development in Urban Areas (density guidelines), that advise on density and urban development. Appendix A of these guidelines sets out the method by which to calculate residential densities, either gross or net. When working out the net density of a site certain areas can be excluded such as significant landscape buffer zones, such as the area prone to flood risk (0.91 hectares). I therefore accept that this area should be omitted from the calculation. However, the inclusion of the crèche site should be seen as those areas which will be developed for housing and directly associated uses, a crèche is just such a use and should therefore be included in the calculation of net density. I note

that the planning authority accept that the gross density of the site is 37 units per hectare, this is acceptable to them. I calculate that the net density of the site (minus the flood zone of 0.91 hectares) results in a net density of 40 units per hectare. In this instance there is very little margin between the gross and net residential density of the site and a range above 35 units per hectare would meet the aims of the LAP. In which it is states that greenfield sites within 800m of the University Hospital and Raheen Business Park, and within 500m of a bus stop, the Planning Authority shall require densities in excess of 45 dwelling units per hectare. Where a proposed site exceeds the distance requirements above, a minimum density of 35 units per hectare shall be applied. The site fits these parameters and a density of either 41 (net) or 37 (gross) units per hectare is acceptable.

- 10.3.4. Observers are concerned that the proposed scheme is unlike the existing development in the vicinity and will be out of character. This is because of the provision of apartment blocks and this consequently increases residential density to levels that do not already exist. However, the Southern Environs Local Area Plan 2021-2027, adopted last year, expressly makes provision for higher densities at certain locations, such as close to public transport and the hospital. The subject site is situated just outside these locational parameters for higher densities and so a mid-range density of over 35 units per hectare has been indicated as acceptable. I am satisfied that the proposed development will provide an acceptable level of residential density in line with the objectives of the LAP and in a manner that is respectful and complimentary to adjacent housing estates. A matter I deal in great detail in section 10.4 of my report.
- 10.3.5. Finally, Section 5.8 of the Density Guidelines refers to encouraging higher densities on lands within existing or planned transport corridors. In addition, the phasing of proposed major residential development in tandem with new public transport infrastructure / services should be considered. Higher densities could be considered, possibly in the range of 50 units per hectare or more, though the guidelines are not clear about whether such densities would refer to existing or planned public transport nodes. In any case the subject site is in a location where public transport exists and cycleway improvements are planned but not yet committed. The planning authority acknowledge the location of the site beyond convenient walking distances to existing bus stops and the hospital, and according to the LAP closer locations should attract

higher densities, but not here. The density guidelines state that at outer suburban or greenfield sites on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities, a general range of 35-50 dwellings per hectare should be encouraged. The subject site falls within this type of area, being a site that is clearly on the edge of the city amidst green fields but also along planned infrastructure such as the development of a greenway along the disused railway between Limerick and Foynes.

10.3.6. The proposed development will meet the national and local objectives to increase the residential density at the right locations. The planning authority agree and I am satisfied that the proposed residential density of 40 units per hectare is acceptable at this location.

10.4. Urban Design – building height, layout and public realm

10.4.1. The applicant has prepared a layout that responds to a variety of factors that include the preservation of mature trees where possible, land use zoning and flood risk requirements associated with the LAP, adjacent development and best practice urban design principles. To this end, the applicant has prepared a number of documents to support the application that include, detailed drawings, computer generated images, photomontages and design reports.

10.4.2. The Architecture Report and Urban Design Statement submitted by the applicant can be summarised as follows: a layout that conforms to the land use zoning for the site, the provision of public open space on areas subject to flood zone A/B, further open spaces are distributed throughout the site at convenient locations, cycle and walking routes are convenient and radial with a key pedestrian/cyclist linkage to Ballinvoher Estate.

10.4.3. The proposal seeks to introduce a development of one to four storeys in height. The proposed dwellings are generally two-storey (with some single storey dwellings proposed) while the proposed duplex units are two and three storey in height, located primarily at the centre of the scheme. The four-storey elements are towards the edge of the site, along the R510. The planning authority are satisfied that this is an appropriate response to the site and I agree. The proposed layout provides a logical street hierarchy and open spaces are generous and well distributed

throughout the site. House and apartment design are articulated at the corners in order to allow good levels of passive supervision of the street and open spaces. Play areas are convenient and well located and overlooked by a variety of units. Where possible, vegetation and trees have been retained and incorporate into open spaces.

- 10.4.4. I note that the planning authority have recommended that attenuation areas are removed from flood zone A/B and relocated on the site. I anticipate that this can be achieved and a suitable condition can be attached, without compromising the proposed open space strategy.
- 10.4.5. I note that condition 3 of the CE Report seeks to expand the red line boundary to encompass the entirety of the applicant's land holding and plan development that would enhance the open space zoning in the LAP. I have already highlighted in the EIA section of my report that this is not necessarily possible and though desirable may not be feasible from a public consultation perspective. It is quite possible that future engagement with the landowner will happen as part of any greenway proposals and that this would be an appropriate time to plan connections and public open space design. In this context, I note that the applicant has prepared a masterplan for the balance of their lands and this includes residential development as well as open parkland designs that incorporate connection to the disused railway with an intention that it might one day become a greenway.
- 10.4.6. Some observers are concerned about the impacts on views as a result of some four storey apartment buildings. 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 some of the development will be visible, particularly from the R510, the proposal would not have such a detrimental impact on the character of the area, as to warrant a refusal of permission. In fact, I am satisfied, as are the planning authority, that the creation of an urban edge along the R510 is acceptable from an urban design perspective. Given the relatively limited heights proposed, there is greater potential for visual impacts at a more local level and this is acknowledged. 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, limited as it is, 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 this suburban area. I am generally satisfied with the design approach proposed and am not unduly concerned with regards the matter of visual impacts.

10.4.7. Materials Strategy - The primary material for the scheme is brick, of selected colour and painted plaster to apartment buildings. 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.

10.4.8. The public realm approach to the overall site is fairly standard, with streets that conform to DMURS and a variety of street planting and passive supervision opportunities. A new cycle and footpath are planned around the site, I assess the suitability of this approach in more detail in the traffic and transport section of my report, but for the most part this is an attractive and usable change to the area.

10.4.9. In overall terms, I am satisfied that the urban design approach employed by the applicant is satisfactory. The division of the site into character areas is logical and will be helped by appropriate building and street finishes that can be amended by condition. Open spaces are logically situated throughout the site and the expectation that adjacent sites would be developed in the future has been planned for by the proposed street layout. The interface to the R510 to the west of the site is

acceptable. I am satisfied that the urban design approach to the layout of this site is acceptable.

10.5. Residential Amenity

10.5.1. As with any residential scheme, large or small, the residential amenities offered to future occupants and the preservation and protection of existing residential amenities is an important consideration. In this context, I firstly assess the proposed development as it refers to future occupants, I apply the relevant standards as outlined in section 28 guidelines, specifically the Sustainable Urban Housing: Design Standards for New Apartments (2020). With respect to the residential amenity for future residents (proposed residential amenity standards), the planning authority raise no issues with regard to the design of the scheme in terms of residential amenity. However, observers are concerned about the visual impact of certain aspects of the proposed development, namely apartment blocks. In addition, observers are concerned about overlooking, overshadowing and the possibility of antisocial behaviour that might occur if pedestrian/cyclist linkages are provided. The applicant has submitted a variety of architectural drawings, computer generated images and photomontages. I am satisfied that an appropriate level of information has been submitted to address issues to do with residential amenity.

Proposed Residential Amenity Standards - Future Residents (houses)

10.5.2. The applicant has submitted a Schedule of Compliance of House/Apartments Areas with the relevant guidelines, that outlines the floor areas associated with the proposed dwellings and apartments. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. In all cases, the applicant has provided internal living accommodation that exceeds the best practice guidelines. According to the Schedule of Accommodation submitted by the application, all house types significantly exceed the relevant floor areas advised. In most cases, over 22 metres separation distance between opposing first floor windows has been provided and in some cases, more. In some locations where

shorter back gardens have been provided, no first floor windows overlook the rear garden to adjacent property in the case of retirement homes (sites 28-35) and where the gable ends of some house types are closer, bathroom windows are provided with obscured glazed and this is satisfactory. For example, the interface between site 335 and 336, house type A has a bathroom window on a gable elevation and so the potential for loss of privacy does not occur.

10.5.3. In terms of private open space, garden depths are mostly provided at a minimum depth of 11 metres. A very small number of rear garden depths are quite short and these gardens are allocated to the retirement homes where future occupants may not be in a position to maintain a large garden, this is acceptable. In the remainder of cases all gardens allocated to houses are of a suitable dimension and of an appropriate scale. The scale of the proposed dwellings and the large garden spaces are generous. The proposed dwelling houses are acceptable and will provide a good level of residential amenity to future occupants.

Future Residents (apartments)

10.5.4. The proposed development includes 182 apartments that comprises three large blocks (D and E) and four smaller groupings of duplex type units (A1/2, B and C). Block types A1/2 are located at the centre of the scheme and enclose a central courtyard, these units are up to three storeys in height. To the east is located Block B, a composition of three storey flat roofed buildings around a landscaped courtyard/parking area. Apartment Block C bookends a terrace of three bed houses. Block D ranges in height from two to four storeys and is arranged around a 'U' plan centred on a private courtyard. In a similar fashion, Block E (actually two separate blocks) is arranged a central courtyard and is between two and four storeys. Block D and E are positioned to create an urban edge to the R510. The bulk of the apartments are located at the mid-section of the site around parking areas, communal open space and public open space. Most blocks are located close or adjacent to public open spaces and all are provided with their own private amenity spaces in the form of terraces and balconies. The Sustainable Urban Housing: Design Standards for New Apartments 2020 has a bearing on design and the minimum floor areas associated with the apartments. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. I note that the applicant references the 2018 guidelines, however in this instance the

parameters outlined in relation to apartment accommodation does not differ between the guidelines (2018 and 2020).

- 10.5.5. The applicant sets out that all of the apartments exceed the minimum area standard. The applicant has also submitted a Schedule of Accommodation and Housing Quality Assessment, that outlines a full schedule of apartment sizes, that indicates proposed floor areas and required minima. To summarise, it is stated that all apartments exceed the minimum floor area requirement and I acknowledge this. In addition, 10 very large four bedroom apartment units are provided and there is no minimum area standard for such an apartment type. In all case the minimum floor area is exceeded and if the four bedroom units are excluded then 75 out of 172 units would exceed the minimum floor area by 10%.
- 10.5.6. The guidelines seek the majority of apartment units to exceed the minima by 10% and this is not clearly met within the current application. However, given that where it is the case that apartments are greater than the minima required, they are in many cases many times greater than that which is sought by the guidelines. In order to safeguard higher standards, the guidelines set out a calculation methodology to follow, section 3.9 of the guidelines refer. Thus, if I were to exclude the oversized four bedroom apartments, ten in total, then the total number of apartments to consider would be 172 units. Given the mix of units this would require at least 11,744 sqm of floorspace throughout the apartment units under consideration. With the addition of the 10% exceedance requirement of the majority of units, an additional 506 sqm would be needed to meet with the guidelines. In essence, 12,250 sqm of floorspace would be required and the applicant has provided 13,212 sqm. This is quite a way in excess of the overall floorspace requirement necessary. Where the scheme fails to properly align with the guidelines is in the majority of units benefiting from the 10% exceedance requirement. However, I am satisfied that all units exceed the minima required and where a shortfall occurs it is relatively minimal in individual cases. The example I give is that the two bedroom apartment type of 79.6 sqm narrowly fails to exceed 10% exceedance (standard required 73 sqm), however it would exceed a three person unit with a required minimum of 63 sqm. This would then form a majority of cases that exceed the minimum by 10%. I am therefore satisfied that in terms of overall floorspace on offer to future occupants, quality is

not unduly affected and this is because of the design rationale advanced, the provision of good private open spaces and the overall low density of development.

10.5.7. Most apartment units are dual aspect, with those of a single aspect located in Blocks D and E. These units mostly comprise one and two bedroom apartments, with generous floor areas and large balconies. I am satisfied that the dual aspect design advanced by the applicant is acceptable and will provide satisfactory apartment units with adequate outlook and private amenity spaces are of a satisfactory size.

10.5.8. Dwelling Mix - The overall development provides 46 one bed units (25%), 98 two bed units (54%), 28 three bed units (15%) and 10 four bed units (6%). The amount of one bed units is significantly below the upward amount of 50% allowed for in the guidelines, with 25% of the total proposed development as one bed units. This is acceptable. In my opinion the introduction of one, two, three and some four bedroom units will satisfy the desirability of providing for a range of dwelling types/sizes, having regard to the character of and existing mix of dwelling types in the area. Specific Planning Policy Requirement 1 is therefore met. The planning authority raise no issues in relation to the dwelling mix proposed. I am satisfied that the dwelling mix proposed by the applicant complies with national and local policy requirements.

10.5.9. Apartment Design Standards - Under the Apartment Guidelines, the minimum gross floor area (GFA) for a 1 bedroom apartment is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m, the standard for a 2 bedroom (four-person) apartment is 73 sq.m, while the minimum GFA for a 3 bedroom apartment is 90 sq.m, Appendix 1 *Required Minimum Floor Areas and Standards* of the Apartment Guidelines refer. The applicant states that this has been achieved in all cases and has been demonstrated in the Schedule of Compliance of House/Apartments Areas. Having reviewed the schedule, in terms of the robustness of this assessment and in the context of the Guidelines and associated standards, I would accept the applicant's analysis that the apartments are larger than the minimum standards in all cases and by the 10% amount in a significant portion of the units provided. I am satisfied that the proposed apartments are therefore in excess of the minimum floor area standards (SPPR 3), with none close to the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded. I am satisfied that the

internal layout and floor areas of the apartments are satisfactory from a residential amenity perspective, SPPR 3 of the guidelines is met.

- 10.5.10. Dual Aspect Ratios – The applicant points out that a significant amount of units are dual aspect. Given the overall design of units proposed, a combination of conventional houses, apartments and duplex units on large floorplans, I can see that it has been possible to provide dual aspect across most dwelling types, SPPR 4 of the guidelines is met. For those units that achieve only a single aspect, they are 30 in number and have an easterly/westerly orientation and this is acceptable.
- 10.5.11. Floor to ceiling height – at ground floor, ground to ceiling heights are 3.0 metres and at upper floors 2.7 metres is provided. This is acceptable and in accordance with SPPR 5 of the guidelines.
- 10.5.12. Lift and stair cores – no more than 10 units are served by a lift/stair core and this is acceptable, SPPR 6 of the guidelines is met. The duplex apartment blocks are not provided with lift and stair cores.
- 10.5.13. Internal storage space is provided for all apartments at a minimum of 3 sqm and more in many cases. Private amenity spaces exceed the minimum area required by the Apartment Guidelines (5 sqm for a one-bed, 7 sqm for a two-bed unit and 9 sqm for a three bed unit). Public open spaces are evenly distributed throughout the scheme with no unit further than a short walk away. The design takes into account security considerations with good levels of passive surveillance and accessibility to amenity space. All of these features have been provided as part of the overall scheme and comply with the advice set out in sections 3 and 4 of the Apartment Guidelines.
- 10.5.14. Building Lifecycle Report - I note that the Apartment Guidelines, under section 6.13, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application and details long term maintenance and running costs. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.

10.5.15. Overlooking/Privacy - The planning authority have no concerns with regard to issues of privacy and overlooking in the proposed scheme. For the most part the proposed development is well spread out and there should be no adverse impacts from potential loss of privacy or overlooking. There are some locations where opposing upper floor windows could cause an issue, but this issue is either met by blank gable elevations or bathroom/landing windows that can be fitted with obscure glazing.

10.5.16. Overshadowing/sunlight/daylight – The applicant has prepared a Sunlight Reception Analysis Report, that gives information on the level of achieved sunlight reception in amenity spaces within the proposed new development. In this regard the applicant has met the requirements of the Development Plan that seeks sunlight and daylight studies at a number of points in a housing estate to be required and also to assess the impact on amenities of adjacent residents, in terms of light and privacy. There is no requirement in the statutory plan for the applicant to carry out a full sunlight/daylight analysis in accordance with BRE/BS standards. In addition, given the suburban characteristics of the site there are no challenging or impactful design challenges to overcome. The majority of the apartments proposed are dual aspect, with generous floorplans and all provided with balconies or terraces. The planning authority raise no issues in terms of access to daylight for future occupants and observers are more concerned about how the development will impact their existing situation, a matter I consider later. The applicant's report concludes that that the new amenity spaces receive sunlight on 50% of the area is in line with the minimum recommendations of the BRE Report - Site Layout and Planning for Daylight and Sunlight. This would be compliant with BRE advice on good practice concerning open spaces. In terms of residential amenity for future occupants, I am satisfied that the amenity spaces will be of an acceptable quality in terms of sunlight.

10.5.17. I note that the Limerick County Development Plan refers to the consideration of sunlight and daylight when preparing planning applications and the applicant has prepared such a study. The applicant's study details the achieved calculated daylight reception in habitable rooms within the new development and compares these for compliance with the recommendations of the relevant guidelines and standards. The proposed development comprises a combination of conventional dwelling houses, duplex apartment blocks no greater than three storeys in height and an apartment

block that is between two and four storeys. The overall layout allows for generous separation distances between buildings and nearly all units are dual aspect with many units enjoying a third aspect on gable walls. I note that section 3.16 of the Apartment Guidelines discusses dual aspect ratios and states dual-aspect apartments, as well as maximising the availability of sunlight, also provide for cross ventilation and should be provided where possible. In duplex type or smaller apartment blocks that form part of mixed housing schemes in suburban areas, dual aspect provision is generally achievable. The proposed development provides just such a scenario where access to sunlight has been maximised in all cases through dual and triple aspect units. I note that section 3.2 development management criteria under the Building Height Guidelines (SPPR 3) refers to considerations on daylight and overshadowing. There are no tall buildings proposed in the scheme and the prevailing building heights are two storey and some three storey buildings in the wider suburban area. I have had regard to section 3.2 Development Management Criteria of the Height Guidelines and I am satisfied that at the varying scale of the city, neighbourhood, street and site, the generally two storey with a minor proportion of three and up to four storey development would be acceptable.

10.5.18. The Sustainable Urban Housing: Design Standards for New Apartments also references sunlight/daylight studies and states that planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' when undertaken by development proposers. In this instance, the development proposer (applicant) has prepared such a study to assess daylight provision. In nearly all cases the rooms tested met with BRE requirements for average daylight factor (ADF) of a habitable room in excess of the following: kitchen at 2%, a living room at 1.5%, a bedroom at 1% and a living room/bedroom at 1.5%. Table 5.2 of the applicant's report details the results and they are acceptable. Only four rooms, all bedrooms returned sub optimal results and these could be significantly improved by an increase in window width to 1200mm from the tested 800mm dimension. I have had regard to the relevant BRE/BS guidance on sunlight/daylight factors, I note the applicant's report and I have examined the drawings submitted

with the application and I am satisfied that the apartments proposed will yield good levels of residential amenity for future occupants.

Existing Residential Amenity

10.5.19. The proposed development has been devised as an extension to the existing suburban character of the area to the south; Inis Mor, Inis Lua Close, Whitethorn Estate and Ballinvoher. Much of the concern expressed by observers to the development is the impact it will have on existing residential amenity. Specifically, concerns have been raised from neighbouring development along Inis Mor, Inis Lua Close, Whitethorn Estate and Ballinvoher estates about the scale and proximity of proposed buildings along the southern boundary of the site. The perceived closeness of new houses raises issues of overlooking, overbearing appearance and overshadowing. Overall, the planning authority raise no particular concern with regard to how the development interacts with its neighbours.

10.5.20. A combination of detached and semi-detached houses are aligned along the southern boundary of the site with Inis Mor, Inis Lua Close, Whitethorn Estate and Ballinvoher estates. The houses are of a conventional design and comprise one and two storeys in height. All of the proposed houses back on to existing boundaries and all but one maintains a separation distance of at least 22 metres and in many cases more. In one case, to the north of 25 Inis Mor, the separation distance is limited to around 12/13 metres, but this is because number 25 gables on to the boundary between sites. I do not anticipate any adverse impacts in this scenario. The proposed layout has responded to the existing character of the area by mirroring an already suburban pattern of development. There is no great change in level between the existing ground and that of the site, if anything ground levels on the subject site are slightly lower than the back garden levels of existing development. Site section drawings adequately describe the relationship between proposed and existing development and I see no issues here. I anticipate no issues of overlooking or overbearing appearance, simply because adequate separation distances have been provided and the design and scale of that proposed matches that already existing.

10.5.21. The applicant has prepared an Effect on Daylight Reception Analysis in order to understand what impact, if any, the provision of one and two storey houses to the north of existing dwellings would have. Unsurprisingly, the report concludes that the

new development's effect on daylight reception in the neighbouring rooms are all within the constraints and recommendations of the BRE Report – "Site Layout and Planning for Daylight and Sunlight and is therefore deemed to be compliant. In addition, a report was also prepared to examine the impact on rear gardens (amenity areas) and the results are similarly positive. I have examined both reports closely and the drawings submitted, I have visited the site and I am satisfied that the provision of similarly scaled development of detached and semi-detached houses to the north of Inis Mor, Inis Lua Close, Whitethorn Estate and Ballinvoher estates is entirely appropriate. Existing residents should have little concern that their residential amenities will be negatively impacted. Their outlook will change from open countryside to new residential development but this was always planned for by the planning authority and the scale and design of the development proposed is sympathetic with the prevailing suburban character of the area.

Overall residential amenity conclusion

10.5.22. I find that there will be no adverse impacts in terms of overlooking and loss of privacy to existing residences and this is due to the separation distances involved and the open context of the site and surrounds. Neither does overbearing impact become a concern because along the site's southern boundaries development has been designed to mirror what already exists. Site sections and elevations submitted with the application illustrate these points. The proposed layout and design of the development is acceptable without amendment.

10.5.23. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority and observers, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance the residential amenities associated with the existing houses in the area.

10.6. Traffic and Transport

10.6.1. The proposed development of 384 dwelling units will gain vehicular access directly from the R510, off the fourth arm of an existing roundabout. The area is suburban in character with footpaths and cycle lanes already in place along parts of the R510, a main road that runs along the western boundary of the site. A bus service runs along

Father Russell Road to the south and links in with the Crescent Shopping Centre and Limerick City Centre. There are newly constructed schools to the west of the site along the R859, a regional park at Mungret and local shops and services all within walking and cycling distance. Observers are concerned about the impact that the proposed development will have on a traffic situation that in their opinion is already congested. An increase in traffic will also be a hazard for existing residents in the area and there is a general fear that there will be overspill car parking in existing estates. However, the main concern expressed by local residents is the anticipated antisocial behaviour that will result from pedestrians and cyclists that will travel through a planned linkage from the south eastern corner of the site at Ballinvoher Estate. The planning authority are not concerned about the traffic impacts of the proposed development. Some technical and fairly standard conditions are recommended. However, I note that condition 14 of the CE Report seeks the submission of a Traffic and Transport Assessment to explore the capacity of the roundabout/junction on the R510 and other junctions in the area. In this regard I note that chapter 11 of the EIAR submitted with the application assesses Traffic and Transportation.

10.6.2. Traffic - The EIAR states that the traffic and transport impacts of the proposed development have been assessed by utilising the Traffic and Transport Assessment Guidelines and includes the following:

- Desktop study, for example of assessing traffic collision data made publicly available by the Road Safety Authority, and reviewing and processing traffic movement data made available by the developer;
- Site based field work;
- Traffic modelling, including: the factoring of traffic count data to construction, opening and future assessment years; predicting the number of daily and peak hour trips during the operational phase of the development; using this aforementioned information to model the capacity of the following junctions using ARCADY traffic modelling software package: the R510/Ard Aulin/site access roundabout junction; the R510/Mungret Road/Father Russell Road roundabout junction; the R510/N69/N18 roundabout junction; and the N69/N18/Dock Road roundabout junction.

- Reviewing the environmental impact of traffic related to the operation of the proposed development, including road safety; and,
- Recommending mitigation measures to ensure that any potential roads, traffic and transport effects are kept to a minimum.

10.6.3. In addition, I note that Traffic Count Data, Traffic Calculations and Traffic Modelling are all presented in Appendix 11.1, 11.2 and 11.3 of the EIAR and that Mobility Management Plan has been prepared and forms Appendix 11.4 of the EIAR. I am satisfied that a sufficiently detailed TTA has been prepared by the applicant and thought it does not form part of a standalone document it is acceptable. Furthermore, the documentation prepared by the applicant assesses four main roundabout/junctions in the area along the R510 and to the north at the N18. The junctions selected by the applicant (illustrated on page 468 of the EIAR) include all of the junctions listed by the planning authority with the exception of the cement factory roundabout nearly 2 kilometres to the west of the site.

10.6.4. The traffic analysis presented by the applicant within the EIAR concludes that the predicted impact of the operational phase of the proposed development to be slight. Mitigation measures are recommended, and they include:

- To minimise the impact of the development on the capacity and operation of the local road network, the action plan contained within the Mobility Management Plan prepared for the development (Appendix 11.4) should be implemented;
- To minimise the impact of traffic noise within the development, low-noise (porous) asphalt should be specified for the surfacing of internal roads within the development; and,
- To minimise the impact of development related traffic on local air quality, electric vehicle charging points should be installed within the development, with infrastructure such as cable ducting being provided to increase the proportion of such charging points over time.
- If the relative impact of the proposed development results in additional queuing and delay at the existing R510/Mungret Road/Father Russell Road

(Quinn's Cross) roundabout junction, alterations could be made to the existing pedestrian crossing facilities as required.

- 10.6.5. I am satisfied that the applicant has fully considered the traffic assessment component of the proposed development and that adequate measures have either been taken to minimise any impact or measures proposed to address any issues. It should be noted that permission for over a hundred houses and a crèche had been permitted on this site in the past and a fourth arm from the roundabout on the R510 already constructed. I acknowledge that the quantum of development now proposed is far greater, however, I am satisfied that a modal shift away from private motor car usage can be achieved on this well connected and accessible site. Employment, education, leisure, retail facilities and a bus service are all within walking and cycling distance of this site and I anticipate less reliance on private motor car usage. This conclusion is also reached by the EAIR submitted by the applicant and the measures advanced by the proposed Mobility Management Plan.
- 10.6.6. Finally, and in relation to traffic noise along the R510, I note that the planning authority have recommended within condition 30 of the CE Report a requirement for adequate ventilation for apartments. The EIAR submitted with the application assesses the environmental impact of traffic noise under section 11.5. It is concluded that the impact of an individual vehicle in terms of a change in the averaged noise levels is negligible and no measures are advanced. However, it would be standard practice to instal window mechanisms that allow ventilation and limit noise impacts, a standard condition can address this.
- 10.6.7. Cycling/Walking – the site is well served by existing pedestrian and cycle facilities and the proposed development will add significantly to this infrastructure. The planning authority have technical requirements that require agreement and conditions have been recommended. In addition, the planning authority welcome new pedestrian and cyclist facilities, especially linkages that would meet objectives I note are stated in the LAP as follows:

TM 05: Improve and provide clear, safe and direct pedestrian linkages and cycle networks as identified in the final Limerick Shannon Metropolitan Area Transport Strategy, including the greenways and primary segregated cycle

routes between the employment zones, shopping areas and residential areas throughout the Environs.

H 09: Ensure new residential developments comply with the open space hierarchy set out under Table 3: Open Space Hierarchy below. Every dwelling unit shall be positioned within 100m of a pocket park/ play lot, small park, or local park. Open space shall be provided proportional to the scale of the number of residential units proposed, with consideration of access to existing open space and the principles of permeability, accessibility, linkages, safety and place making.

10.6.8. Good pedestrian and cycle linkages will help to meet more sustainable travel patterns and encourage modal shift away from private motor car usage especially for wasteful local journeys. However, the planning authority do recognise that there is significant local opposition to the creation of a linkage from the site through Ballinvoher, but they do not oppose the link. In addition, the planning authority point out that this site could be connected to some future greenway along the disused railway line to the north and that a connection at the north of the site to the R510 is not a good idea at present.

10.6.9. The proposed development will provide a logical and usable internal street, footpath and cycleway network. A key element of which is a radial cycle path that will link into existing streets at Ballinvoher to the south east and Inis Mor to the south west. These connections will not be open to motorised vehicles but will instead allow walkers and cyclist to avail of existing streets and footpaths in neighbouring housing estates. I note that local observers have concerns that the volume of new pedestrians and cyclists will pose a traffic hazard and bring antisocial behaviour. The planning authority do not share this concern. Having observed the local street environment, I can see the advantages of shorter journeys for pedestrians/cyclists from the site to local services and bus networks. The proposed connection points at either side of the site are well designed and will be overlooked by existing and proposed houses. I do not anticipate that antisocial behaviour will be problem at these new linkage points. In terms of traffic hazard as a result of more walkers and cyclists, the documentation submitted by the applicant does not support this concern. The streets and footpaths of the neighbouring estates were designed and built to the design standards at the time and I note that no accidents have been recorded for

any of these locations. I am satisfied that the existing street network is safe and can safely sustain an increase in footfall and local streets can accommodate cyclists. All of which would add greatly to more sustainable forms of transport.

10.6.10. Parking – The applicant states that the county development plan standards for car parking spaces should be provided as follows: one space per dwelling with 3 bedrooms or less, two spaces for dwellings with 4 bedrooms or more, plus one visitor space per three dwellings. For apartments the standards are: one space per apartment with two bedrooms or less, 1.5 spaces for apartments with 3 bedrooms or more, plus one visitor space per two apartments.²⁸ In addition there would be 26 car parking spaces required for the creche. Under these standards the total number of required car parking spaces would be: 235 for the houses and 292 for the apartments plus 26 spaces for the creche; a total of 553 spaces. The applicant has provided a total of 377 spaces and supports this scenario by quoting planning guidelines that seek to reduce car parking provision and support more sustainable modes of transport. Observers have concerns that due to the limited number of car parking spaces to be provided, overspill parking will occur in neighbouring estates. The planning authority do not seem to share these concerns, however, I note that the Roads Section report highlights some technical issues that are required to be addressed by condition. A sufficient number of cycle spaces have been provided.

10.6.11. The applicant has sought to address national policy in relation to the provision of car parking spaces by limiting the overall number and providing a Mobility Management Plan to suggest and accommodate alternative means of sustainable transport. All car parking is at surface level and within the curtilage of houses where required. The shared car parking areas around the apartment blocks are well broken up in order to avoid large areas of hardstanding and car parking dominance and this is acceptable. The dwelling houses have ample space for cycle storage and some detached dwellings are provided with a detached garage. The applicant states that the layout will facilitate full permeability for pedestrian and cycle travel through the overall scheme with a link to a future greenway along the disused railway line to the north. I consider the approach to cycle use and parking to be reasonable having regard to the site's locational context.

10.6.12. Construction Traffic – Many observers are concerned that a ten year duration of permission will result in a very long construction phase that will likely cause a

nuisance to residents. The applicant has submitted a Construction Environmental Management Plan, in which it is stated the working hours of the site will be Monday – Friday 07:00 to 19:00 and Saturday 07:00 to 14:00. However, more detail is necessary and will be required to be agreed with the planning authority prior to any development. Any plan should set out how the lands will be developed on a phased basis and how construction traffic will be coordinated. All vehicular access to the site will have to be controlled. Staff parking areas and a site compound will be required during the initial site set-up, and should remain in place for the entire duration of the construction period. I would note that the volume of traffic during construction may be lower than that generated during the operational phase and that any impacts arising will be temporary in nature. I am satisfied that impacts can be satisfactorily addressed through the implementation of a Traffic Management Plan. This can be satisfactorily addressed by way of condition. In addition, I do not consider that a ten year permission is necessary for a development of this scale, section 10.9 of my report refers.

10.6.13. Traffic and Transport Conclusion - The proposed development is located at a well-served suburban location close to a variety of amenities and facilities, such as schools, playing pitches and the commercial/retail centres locally at the Racefield Centre and the Crescent Shopping Centre. University Hospital Limerick is also located close by. Current public transport options are limited to a medium frequency bus service but future plans and investment would be encouraged by the density of development proposed. In addition, there are good cycle and pedestrian facilities proposed in the development and this should encourage other network improvements in the area. The proposed development will add significant improvements to the public realm in this respect. It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that most of the ingredients are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of the mobility management plan and provision of a car parking strategy.

10.7. Flood Risk

10.7.1. The course of the River Shannon is located 1.5 kilometres to the north of the site and a surface water drain that flows towards the Ballynaglogh River/Ballinacurra Creek

then on to the Shannon skirts along the western boundary of the lands. The applicant has prepared a Flood Risk Assessment (FRA), prepared by JBA Consulting, to support the application. The FRA explains in detail the description of the site and surface water regime of the surrounding area. Given the risks presented from fluvial and tidal flooding in the area, river embankments have been constructed and maintained for some time. Observers also note the prevalence of flooding in the area and question the impacts from flooding elsewhere that might result if the development is permitted.

10.7.2. The planning authority note the submission of an FRA and state that the Southern Environs LAP indicates that a portion of the site is in flood zone A and that this has been designed for open space uses. In this case, it is a strategic policy of the LAP to manage flood risk in the Southern Environs and the submission of a site specific FRA for sites shown on the flood map. The northern portion of the site is located within flood zone A and has been designed to incorporate less vulnerable uses such as open space. Specifically, the Physical Section of the Council, that has responsibility for assessing flood risk notes that whilst the northern portion of the site is located in undefended flood zone A and B in the draft Limerick Development plan (2022-2028), the residential uses are located on flood zone C and this is acceptable. However, the proposed surface water attenuation area located in flood zone A/B should be relocated because if a flood event occurred in this undefended area the proposed infrastructure would be inundated. I concur with the technical advice provided by the planning authority with respect to the location of attenuation areas in sensitive flood risk locations and an appropriate condition should be attached to agree a new location on the site. I do not anticipate that this would present any conflicting issues with regard to the findings of my EIA in relation to this project, as the nature and extent of the proposed development remains unchanged, section 11 refers.

10.7.3. In detail the applicants FRA states that the site is located behind flood embankments and is protected from direct tidal inundation to beyond the 0.5% AEP storm surge tide levels but there is a low risk of flooding to the site in an embankment breach scenario. In this respect there is no history of tidal inundation since the embankments were raised following the 1961 flood. Overtopping is predicted to

occur along a section of the defences during a 0.1% AEP event, however the overtopping flood extent does not impact the proposed site.

- 10.7.4. The northern area of the site, where levels drop below 5mOD Malin, is considered as Flood Zone A/B. As such the site layout has applied the sequential approach and all dwellings and roads are located in Flood Zone C, only stormwater attenuation is located within the defended Flood Zone A and Flood Zone B. The stormwater system has been designed according to the GSDS with discharge limited to a maximum of 6.41 l/s/ha under the mean annual flood, increasing to 12.5 l/s/ha for the 100yr flood. The attenuation area accommodates the 1:100yr 6-hour rainfall event. During an exceedance event, overland flow from the attenuation tank from Catchment 2 will be directed to the north of the site and away from the proposed development. This occurs only during blockage or due to a surcharged outfall, and does not occur during the 1:100 year storm event. The outfall has been modelled as a surcharged outfall for the 1:100 year storm event against the 1:200 year tidal event. The stormwater attenuation systems have been initially sized with a 10% increase in rainfall depths as per GSDS climate change requirements. Full simulation of the network and attenuation systems has been carried out with a 20% increase for the 100-year 6-hour storm event, which is in accordance with the climate change requirements of the Southern Environs LAP 2021-2027 SFRA. It is the stormwater attenuation aspect of the development that requires adjustment and this can be managed by agreement with the planning authority if permitted.
- 10.7.5. I note the concerns raised by observers with respect to flooding and the proximity of the Shannon River and tributaries, however, I am satisfied that the scheme is adequately protected against the residual risk of climate change (coastal) and stormwater exceedance. In addition the site development is protected due to the minimum finished floor levels proposed of 5.70mOD. This level will protect the dwellings from the 0.5% AEP tidal flood event, including climate change and 330mm freeboard. I am satisfied that the Flood Risk Assessment was undertaken in accordance with 'The Planning System and Flood Risk Management' guidelines and agrees with the core principles contained therein.

10.8. Infrastructure

Water Services

10.8.1. At the outset, I note that Irish Water have confirmed that both water supply and wastewater connections are feasible without infrastructure upgrade by Irish Water, their submission dated 25 April 2022 refers. The Civil Engineering Report submitted by the applicant and prepared by Hutch O'Malley Consulting Engineers states that the foul system is relatively straightforward and was dictated by the road layout and location of public infrastructure. Gradients are as per Site Development Works For Housing Areas and the design has been prepared in accordance with the Irish Water standards. With regard to potable water, the report states a water main is being provided to connect to the existing Irish Water infrastructure on the R510. Drawings submitted by the applicant all confirm these details and they are acceptable subject to the detailed requirements of Irish Water.

Surface Water Management

10.8.2. The applicant states that the surface water management strategy took account of a number of factors including: site factors, local infrastructure, local authority preferences, flood risk, sustainable drainage systems (SuDS) and ground conditions. Specifically, the uptake of SuDS is limited because the ground varies from sandy gravel with rock outcrops to the south to fluvial tills and heavy ground to the north. The report states that infiltration testing was carried out in 2021, however the ground was found to be unsuitable for any significant amount of soakaway and hence this has not been considered beyond private driveways and rear gardens. The planning authority consider that more of an effort should be made to incorporate SuDS in a site of this type. I refer to the surface water disposal section of Appendix 9 of the CE report, where a very detailed list of requirements are set out. Of most relevant is the location of attenuation and discharge area are located outside the red line boundary of the site. I have already addressed this matter under flood risk, and it would be appropriate if a revised layout were submitted to the planning authority for their approval. The list of matters to address in revised surface water management layout drawings is quite extensive and so it would be appropriate to draw the applicant's attention to such requirements prior to the submission of any drawings for approval, if permission is granted. An appropriate condition can address these surface water management matters.

10.8.3. To conclude the planning authority concur with the surface water and flood risk strategy proposed by the applicant but require greater clarity of design and a specific

relocation of attenuation areas away from flood zone A/B. Standard and technical conditions are recommended if permission is granted. I am satisfied that detailed aspects to do with surface water drainage can be managed by way of an appropriate condition. Finally, the site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this. IW have stated that the proposed water and wastewater connections for this development to connect to the Irish Water network is via existing infrastructure and is feasible without upgrades. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition.

10.9. Duration of Permission

- 10.9.1. The application seeks planning permission with a ten-year life. The board may grant permission for such a longer period under section 41 of the Act, having regard to the nature and extent of the proposed development and any other material considerations. I note that there was a planning permission for residential development on the site, but this was not activated.
- 10.9.2. The applicant has prepared a phasing strategy that entails the combination of dwelling houses and apartments. The phasing plan proposed ensures that in each phase of the development, a completed development is achieved while building work in subsequent phases does not interfere with the completed sections. The crèche facility will be provided in phase 1 of the development. The documentation submitted by the applicant does not provide a justification for the Board to grant permission for tens years. No specific barrier to delivery of the dwelling units or such infrastructure in a shorter timeframe is identified. I note that there are bus services and commercial facilities in the vicinity, schools are located further afield but within walking distance, and there are no infrastructural deficits in the area.
- 10.9.3. Observers have raised issues in relation to the ten year duration of permission and the nuisance this would cause in the long term. The planning authority are also against the granting of permission for more than five years and have recommended condition number 2 that limits permission to five years.
- 10.9.4. Strategic housing legislation and procedures were introduced to bring about a more rapid delivery of housing to the market. It would not be consistent with such objectives to allow undeveloped land to retain the benefit of residential planning

permission for extended periods. I acknowledge the scale of the development proposed, however, there is nothing particularly complex or challenging that would require a longer than normal time period for construction. I do not consider that a ten year permission is appropriate in this instance and that the standard permission duration of five years is entirely reasonable for the scale and complexity of development proposed.

10.10. **Other Matters**

10.10.1. Social and Affordable Housing – The applicant has submitted proposals for transfer of 10% of the proposed units to the planning authority, 38 units. The units are distributed throughout the scheme, drawing number 1704-10-107 refers. The planning authority note the provision of Part V and its obligations for the developer, revisions to initial discussions are noted and the number of units not yet clarified. The standard Part V requirement of 10% was applicable at the time that the application was being prepared. With regard to the above I note the recent Housing for All Plan and the associated Affordable Housing Act 2021 which requires a contribution of 20% of land that is subject to planning permission, to the planning authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board elects to grant planning consent, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

10.10.2. Other Section 28 Guidelines – The guidelines in relation to institutional investors are brief and concern the regulation of commercial institutional investment in certain housing developments of five or more houses and/or duplex units but not those schemes that have ‘build-to-rent’ status. The Regulation of Commercial Institutional Investment in Housing May 2021 Guidelines for Planning Authorities, enables planning authorities and An Bord Pleanála to attach planning conditions that require a legal agreement controlling the occupation of units to individual purchasers, i.e. those not being a corporate entity, and, those eligible for the occupation of social and/or affordable housing, including cost rental housing. In the context of the current planning application that comprises a mixture of houses and

apartments/duplexes it is appropriate to attach the relevant condition advised by the recently published guidelines.

10.10.3. Childcare facilities – The proposed crèche has a stated floor area of 761.7 sqm (66-79 childcare places). The applicant has provided an assessment and concluded that this is the appropriate scale of childcare facility given the availability of others in the area. The planning authority raise no issue with the scale of crèche proposed. I am satisfied that the rate of provision is acceptable by reference to the Childcare Facilities Guidelines (Appendix 2). I am also satisfied that the location of the crèche east of Block E is acceptable and I recommend no changes to the design and layout of the scheme.

10.10.4. Phasing – the planning authority recommend the attachment of a condition that seeks distinct phases to the development. The applicant has prepared a phasing strategy, however I am satisfied that certain aspects, such as open space and the provision of a childcare facility should be frontloaded. This is a reasonable requirement and should form the basis of a revised phasing strategy.

11.0 Environmental Impact Assessment

11.1. Environmental Impact Assessment Report

11.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project and should be read in conjunction with the planning assessment above. The development provides for 384 residential units and a childcare facility on a total site area of 10.44 hectares. The site is located within the area of Limerick County Council.

11.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

i) Construction of more than 500 dwelling units

iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

- 11.1.3. The current proposal is an urban development project that would be in the built-up area of a city but not in a business district. It is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and within the scope of development (greater than 10 Hectares) to require an environmental impact assessment and so an EIAR has been submitted with this application.
- 11.1.4. The EIAR comprises a non-technical summary, a main volume and supporting appendices. A summary of the mitigation measures and monitoring described throughout the EIAR has been prepared and is presented at Chapter 15 Summary of Mitigation and Monitoring Measures. Table 1.2 and the introduction to each subsequent chapter describes the expertise of those involved in the preparation of the EIAR.
- 11.1.5. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.
- 11.1.6. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the council, the prescribed bodies and members of the public which are summarised in sections 7, 8 and 9 of this report above. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions. I note that there are some concerns from an observer regarding the nearly all aspects of the EIAR, including EIA screening. However, for the purposes of EIA, I am satisfied that the EIAR is suitably robust and contains the

relevant levels of information and this is demonstrated throughout my overall assessment.

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

- 11.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. The EIAR does not address this subject matter head on. I note that the scheme design has considered the potential for flooding, road accidents or fire within the design methodology. The vulnerability of the proposed development to major accidents and/or disasters elsewhere in the wider area is not considered. Given the urban nature of the receiving environment and the proposed Project, it is considered that there is no linkage factor of a hazard which could trigger what would constitute major accidents and disasters.
- 11.2.2. I note that an observer has raised the issue of Irish Cement at Mungret that has permission for a large scale incinerator and states that there is a fire and explosion risk and that this has not been considered in traffic management considerations, There are no Seveso Sites within close proximity, however, Grassland Agro Limited/Grasslands Fertiliser (a lower tier site) is located approximately 2 kilometres to the north east of the site, within Limerick City. With regard to other facilities with planning consent or yet to be constructed, I am satisfied that the EIAR has considered all relevant details in terms of the risk of major accidents and disaster.
- 11.2.3. The vulnerability of the proposed Project to major accidents and / or disasters is not considered in any great detail. However, the proposed development is primarily residential in nature and will not require large scale quantities of hazardous materials or fuels. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

11.3. Alternatives

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

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an

indication of the main reasons for the option chosen, taking into account the effects of the project on the environment,

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

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

- 11.3.2. Chapter 2 of Part 2 of the EIAR provides a description of the main levels of alternatives (do nothing, location, layout/designs). If nothing were done, the housing opportunity presented by the site would not be taken, the lands would remain private and this scenario is regarded as socially suboptimal, with an opportunity cost of a loss of 384 proposed residential units. The location of the project has been determined by the designation of the area as Residential under the Limerick County Development Plan 2010-2016 and within the newly adopted Southern Environs Local Area Plan 2021-2027. This zoning designation is also proposed to continue in the Draft Limerick Development Plan 2022-2028. As the development of this site for the land uses proposed has been identified at a local / national scale in the CDP / LAP, no alternative sites were considered in the EIAR.
- 11.3.3. Considering that the lands in question are zoned for such a use that includes residential, and the fact that the environmental sensitivities of the site are not such as to preclude development per se, this category of alternatives is not considered relevant. Alternative designs for different layouts, six in total, were considered and developed by the architects during the design process, with input from the overall project team. This involved an evolving design whereby different solutions were tested to establish the optimum design solution.
- 11.3.4. Finally, the EIAR concludes that all reasonable alternatives to the project are considered and no alternatives have been overlooked which would significantly reduce or further minimise environmental effects. Having considered all alternatives, the final design chosen by the developer, i.e. the project as now submitted for consideration, is deemed to be the most suitable project for the site.

11.3.5. The permissible and open for consideration uses on the site are prescribed by its zoning under the development plan. I am satisfied that the alternatives that were considered were therefore largely restricted to variations in height, layout and building design. In the prevailing circumstances the overall approach of the applicant was reasonable, and the requirements of the directive in this regard have been met.

11.4. **Consultations**

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

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

11.5.1. The likely significant indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

11.6. **Population and human health**

11.6.1. Population and Human Health is addressed in Chapter 4 of the EIAR. The methodology for assessment is described as well as the receiving environment. The assessment considers attributes and characteristics associated with the social and economic environment arising from the development such as impacts on population, community and residential settlement, economic activities and employment, community infrastructure and tourism and recreation.

11.6.2. Recent economic and demographic trends are examined. The principal findings are that in 2016, the population of the Limerick City and County Administrative area was recorded as being 194,899 persons. The 2016 Census results indicate that the total

population of the study area 18,388 in 2016. Trends are also provided in relation to employment, settlement and travel patterns,

- 11.6.3. In terms of human health, the most likely impact will be the construction phase of the development and observers have concerns around construction phase traffic. However, given the control of activity on site by the developer, these can be avoided through the use of management measures as set out in the EIAR and in the outline construction management plan submitted with the application, it outlines how the proposed works will be delivered safely and in a manner which minimises risk to human health. The imposition of limits by conditions on any grant of permission will reinforce preservation of public health. Subject to these measures the main significant direct and indirect effects of the proposed development on the environment are addressed, it is concluded that the proposed development would not be likely to have significant adverse effects on human health.
- 11.6.4. Other aspects of the development such as soil and land, water, air quality, noise/vibration, transportation and waste may lead to effects on the local population. In terms of noise/vibration, the occupation of the development would not give rise to any noise or vibration that would be likely to have a significant effect on human health or the population, as it would be a residential scheme that formed part of the built-up area of the emerging city. The impact of additional traffic on the noise levels and character of the surrounding road network would be insignificant having regard to the existing traffic levels on roads in the vicinity and the very marginal increase that would occur as a result of the proposed development. This is demonstrated by the Traffic and Transportation Chapter of the EIAR and the Mobility Management Plan (Appendix 11.4 of the EIAR) devised for the scheme that encourages the use of more sustainable forms of transport such as bus, walking and cycling.
- 11.6.5. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

11.7. Biodiversity with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

- 11.7.1. Chapter 5 of the EIAR addresses biodiversity. The biodiversity chapter details the survey methodology of the assessment and fieldwork dates include the first ecological walkover survey on 17 June 2021. It is noted that an Appropriate Assessment Screening Report and Natura Impact Statement was prepared as a standalone document. As assessed in section 12 of my report, the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.
- 11.7.2. The habitat character of the site consists of Scrub, Mixed Broadleaf Woodland, Recolonising Bare Ground, Improved Agricultural Grassland, Hedgerow, Spoil and Bare Ground and Marshland. No plant species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 or classified as a 'risk of high impact invasive species' were present.
- 11.7.3. The common frog (*Rana temporaria*) was not observed on site. The common lizard (*Zootoca vivipara*) or smooth newt (*Lissotriton vulgaris*) were not recorded on site. There is limited features on site that could be of importance to frogs, however, the survey was conducted outside the main amphibian breeding season.
- 11.7.4. Birds recorded during the field survey in June 2020 included wood pigeon *Columba palumbus*, hooded crow *Corvus cornix*, magpie *Pica pica*, robin *Erithacus rubecula*, blackbird *Turdus merula*, song thrush *Turdus philomelos*, jackdaw *Corvus monedula*, chaffinch *Fringilla coelebs*, wren *Troglodytes troglodytes* and starling *Sturnus vulgaris*. All species recorded during the field visit are typical in a wide range of habitats, are commonly occurring throughout Ireland and all, except the starling which is amber-listed, are Green-listed (least concern) species on BoCCI. The bird assemblage of the Site would be evaluated as important at the Site level context.
- 11.7.5. Otters, and their breeding and resting places, are protected under the Wildlife Acts. Otter is also listed in Annex II and Annex IV of the EU Habitats Directive. Otter are a qualifying interest for the Lower River Shannon SAC and are present in the river and the lower reaches of the Ballinacurra Creek. The culvert and drain located along the north-eastern boundary of the Site was inspected during field surveys. No evidence of otter was recorded, and the drain is not suitable for use by otter.

- 11.7.6. Bats, habitats within the site were evaluated for bat foraging, commuting and roosting suitability. Trees within the proposed site were evaluated for their potential to support roosting bats. Trees inspected were not of sufficient size and age and lacked potential roost features that may be used by bats. Trees within the Site were evaluated as negligible suitability to support roosting bats. Woodland, hedgerow and scrub habitats within the Site are moderately suitable for foraging and commuting bats. These habitats provide connectivity with the wider landscape. The bat assemblage of the Site would be evaluated as important at the Local level.
- 11.7.7. Other mammals, Fox (*Vulpes vulpes*) scat was recorded within the Site but no other signs of fox were noted. Fox is not legally protected in Ireland and is a commonly occurring species in a wide range of habitats. There were no other mammal signs noted within the Site and other mammals, such as badger *Meles meles*, and were excluded from further consideration in the EIAR.
- 11.7.8. Section 5.5 of the EIAR describes the effects and mitigation measures of the proposed development. Impacts include the temporary loss of hedgerows and trees within the development site. This represents loss of potential nesting habitat for commonly occurring bird species. Measures to minimise the impact of the development on habitats and biodiversity, includes the preparation of a Construction Environmental Management Plan, and a project ecologist will oversee works on site during the construction phase of development.
- 11.7.9. The proposed development would introduce areas of new planting, and the landscaping and planting proposals submitted with the proposed application are satisfactory in that context. Having regard to the foregoing, including the concerns raised by the observers, it is not likely that the proposed development would have significant effects on biodiversity. I note that the planning authority have requested that lands zoned open space in the LAP, but outside the red line boundary be included as informal open space with public access. Such a proposal has not been assessed in the EIAR and therefore the impacts cannot be known. It is probable that such a proposal could benefit or contribute to the ecology and biodiversity of the area but I cannot be certain. For that reason, I suggest that any proposals for future development of lands within the applicant's ownership but outside the actual application before the board should wait to be included in any future proposals for the overall area, such as the implementation of a greenway along the currently

disused railway line to the north. I have considered all of the written submissions made in relation to biodiversity. I am generally satisfied with regards the level of information before me.

11.7.10. Given the present condition of the site, a large area of agricultural grassland, I am satisfied that the development of the site and planned amenity planting provides far greater benefits in terms of human health. I draw the Boards attention to the AA section of my report (section 12) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

11.8. Land and Soils (Geology)

11.8.1. Chapter 6 of the EIAR deals with land, soils and geology. In terms of geology the EIAR states that the entire site and surrounding area is underlain by Visean Limestone (undifferentiated). No major geological structures are noted at or near the site. Rotary core drilling at the site records the presence of limestone, at depths varying from 2.0m to 10.0m below ground level, with bedrock description as strong, grey fossiliferous limestone., slight to moderate weathering, table 6.1 Summary of Rotary Drilling. The GSI database shows that no karst features are recorded at the proposed site. There is a turlough recorded in Ballycummin townland, c. 1.4km southwest of the site. It is stated that due to the separation distance and nature of the proposed project, the proposed development will have no effect on the turlough and is not considered further.

11.8.2. The subsoils in the vicinity of the site have been mapped under the IFS project as glacial till deposits underlying most of the site, and marine estuarine material underlying a small portion of the north of the site. The glacial till deposits are described as having derived from limestone. The Site Investigation Report (Appendix 6.1 of the EIAR) reports topsoil as 'dark brown, organic, slightly sandy gravelly CLAY being 100mm to 250mm thick.' The report also records the presence of made ground, described as 'soft to stiff, slightly sandy slightly CLAY/SILT and clayey sandy GRAVEL with Cobble and Boulder content(s)'. Natural deposits of clay and silt were also encountered. Depth to bedrock at the site varied from 2.0m to 10.0m.

11.8.3. The construction phase of development will require the excavation of between c.126,000m³ of material, it is anticipated that this excavated material will be able to be reused onsite with a negligible amount needing to be exported off-site. The

designed road levels and finished floor levels follow the natural topography of the site, therefore, minimising the need for cut / fill operations to enable development. Most excavated material will not be required on site. Importation of structural fill will be required beneath buildings and roadways. Observers have raised issues with regard to the construction phase of the development, especially given the ten year permission sought and the long term construction nuisances. However, I am satisfied that an appropriate traffic management plan can address issues that would arise from the export and importation of such quantities of material and the if permitted the limitation of permission to five years will help.

- 11.8.4. The cumulative impact of other adjacent developments has been assessed. No significant cumulative impacts on land, soil and geology will occur due to the proposed development. The proposed development would result in the loss of more than 10 Hectares of productive farmland, zoned for uses that include residential purposes. Given the extent of such land that would remain available in the overall region, this is not considered to be a significant effect. The proposed development would not require substantial changes in the levels of site. It is therefore unlikely that the proposed development would have significant effects with respect to soil.
- 11.8.5. I have considered all of the written submissions made in relation to geology and soils. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land and soils.

11.9. **Water and Hydrology**

- 11.9.1. Chapter 7 of the EIAR deals with Water and Hydrology. The proposed surface water drainage network is designed in accordance with SuDS (Sustainable Drainage Systems) principles, and will be attenuated before entering a channel that flows along the North Western boundary of the site.
- 11.9.2. Existing ground levels vary from 1.0 metres O.D to 9.5 metres O.D. Proposed development dwelling levels have been established at minimum 5.7 metres O.D to accommodate design levels for foul and storm sewer. The lands lower than 5 metres O.D are proposed to be retained at the current levels and any landscaping proposed

is at grade. Therefore, there will be no impact of flooding on proposed development levels. A Site Specific Flood Risk Assessment has been submitted, the conclusions of which support development. The design approach has been to maintain or reduce the existing runoff rates. By providing the buffer of attenuation tanks, the impact of the development on downstream lands shall be negligible and most likely lead to reduced surface water flow. The planning authority note the findings of the SPFFRA and suggest that attenuation tanks should not be located in areas designated flood zone A or B.

- 11.9.3. The impact to hydrogeological features is not considered to be significant as a Soil Management Plan and a Construction Environmental Management Plan have been prepared and submitted with the application. The EIAR considered that appropriate plans are in place to ensure control of any adverse silt, hydrocarbon or any other likely contaminants as a result of the proposed development.
- 11.9.4. It can be concluded that, subject to the implementation of the measures described in the EIAR and other management documents, that the proposed development would not be likely to have a significant effect on water. With regard to cumulative impacts, no significant cumulative impacts on the water environment are anticipated.
- 11.9.5. I have considered all of the written submissions made in relation to water and the relevant contents of the file including the EIAR. I am satisfied with the level of information submitted, any issues of a technical nature can be addressed by condition as necessary.

11.10. Air and Climate

- 11.10.1. Air Quality and Climate are outlined in chapter 8, noise and vibration are outlined in chapter 9 of the EIAR. The proposed houses, apartment units, crèche and open spaces would not accommodate activities that would cause emissions that would be likely to have significant effects on air quality, noise or vibration. The construction phase of the development will be the time when impacts may result.
- 11.10.2. There is a potential for dust emissions to occur during construction, but standard means are proposed to mitigate this potential as set out in section 8.5 of the EIAR. They are likely to be effective. The EIAR accounts for the construction phase of the development and recommended measures to ensure air quality is protected. During the operational phase of the development, traffic volumes are

modelled and no significant impact is envisaged. However, the development includes a crèche that may include air handling units. I do not anticipate that any significant impacts would arise from these uses because standard conditions concerning noise and odour could be attached in the event of a grant of permission. It is therefore concluded that the proposed development is unlikely to have significant effects on air.

11.10.3. In terms of noise and vibration, this is most likely during the construction phase of development and the likelihood of noise and nuisance from this phase of activity. Impacts to the receiving environment during the construction phase will be mitigated by standard practices and it is not anticipated that the operational phase will result in any noise or vibration issues. I note that the EIAR addresses vibration standards in relation to two aspects: those dealing with cosmetic or structural damage to buildings and those dealing with human comfort. The main potential source of vibration during the construction programme is associated with piling activities and what methodology is to be used, foundations that do not require piling, or bored piles. Considering the low vibration levels at very close distances to augured piling rigs, vibration levels at the adjoining buildings are not expected to pose any significance in terms of cosmetic or structural damage to any of the protected structures in proximity to the development works or any of the other adjacent buildings. All of these scenarios can be managed by an appropriate condition to ensure construction activity is operated within required noise and vibration standards. Once operational, the proposed residential development may impact on local air quality as a result of the requirements of new buildings to be heated and with the increased traffic movements associated with the development. The impact will be long-term, localised, neutral and imperceptible.

11.10.4. In terms of climate generally, the overall site area of the development lands is over 10 hectares will include open space, and landscaped areas and includes the construction of buildings and roadways which may have the potential effect of marginally raising localised air temperatures, especially in summer. Motor vehicles are a major source of atmospheric emissions which contribute to climate change and vehicle exhaust emissions may have a potential to impact the macro-climate. Climate change has the potential to alter weather patterns and increase the frequency of rainfall. The subject site is located within flood Zone C which details the

probability of flooding occurring at less than 0.1% and there is no history of flooding on site subject site. I note that adequate attenuation and drainage have been provided for to account for increased rainfall in future years associated with Climate Change as part of the design of this development. I note that the impact will be long-term, localised, neutral and imperceptible.

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

11.10.6. I have considered all of the written submissions made in relation to air quality and climate (noise and vibration). I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

11.11. Landscape

11.11.1. Chapter 10 outlines landscape and the visual impacts that would arise from the development and includes seven verified photomontages. The environmental impacts in terms of landscape sensitivity visual effects from the proposed development are detailed in the EIAR. The existing character of the site and area in general is presented as an agricultural landscape undergoing planned change. There are no protected views recorded within the proposed site or within the immediate surrounding area. According to the EIAR, the subject site has Low Sensitivity in terms of development. While the proposed development would significantly change the existing landscape of the site, this is deemed typical of any residential development that would occur on a site zoned for such a use. In addition to the drawings, photomontage and cgi images, the EIAR presents a number of diagrams that illustrate layout, height and massing. The impacts are grouped into the construction phase and the operational phase of the development.

11.11.2. In terms of the construction phase it is envisaged that the effects would be temporary, with a seven year estimated duration of the construction programme in

four phases. There will be significantly negative impacts on the landscape associated with the construction works of this development. This will be due to the site clearance and the building processes required to erect the proposed development and associated works. The EIAR states that negative impacts in this case are considered short-term in nature and only the current, under construction, phase of development will produce negative impact.

11.11.3. Over the operational phase of the development, the EIAR considers the impact to be a slight negative impact, as the existing landscape is classified as low sensitivity given the overgrown nature of the landscape at present. Although this is considered a short-term impact, it would likely persist into the medium and long term in the absence of mitigation measures. In this context, native trees, shrubs and wildflowers will be used where possible throughout the development. Where possible, screening of proposed structures with tree lines and woodland planting is proposed.

11.11.4. The site does not include any protected structures. Nor is it covered by any Conservation Area (CA) or Architectural Conservation Area (ACA) designation and there are no sensitive architectural features in the area as a whole. Section 10.7 provides a visual assessment and section 10.8 sets out the potential impacts of the proposed development, some of which occur during the construction phase, but the longer lasting impacts will endure. In my view, while the development would result in a moderately significant change to the existing landscape character, its potential effects on overall landscape character can be considered positive. Section 10.9.2 of the EIAR sets out in detail the various design measures used to ensure that the proposed development minimises or avoids potential adverse landscape and visual impacts upon the site and neighbouring residential areas.

11.11.5. The proposed development would change the site from an area of grassland agriculture to an extension of the existing suburban character of the area. This would alter its character. The site will change from low intensity agriculture with an attractive visual character at the edge of suburbia to a new urban quarter in the same visual vein as existing development with all of the improvements to public realm that would be expected. The context of the area has not undergone change in the recent past, but low density housing and some apartment blocks have been constructed in the wider area to the south west. The broad changes that would arise

from the proposed development would not have a negative effect on the landscape such as it is. There will be some long range views from surrounding roads and streets. The taller elements will have very limited visual prominence when combined with overall massing. The context is already suburban. The broad changes that would arise from the proposed development would not have a negative effect on the landscape character of the area such as it is. I note that the planning authority support the scale and design of the development as proposed and see it as a logical extension of existing housing development. The observations from local residents were concerned with the protection of the visual and residential amenities of existing homes at the interface with the application site rather than with the overall scale of development and its likely effects on the landscape. In addition, some observers note that buildings up to four storeys are unusual in the area and could stand out. I am satisfied that the EIAR has adequately assessed the visual impact of the development and an appropriate design language and mitigation measures have been advanced to limit any undue impacts, such as they area.

11.11.6. I have considered all of the written submissions made in relation to landscape and visual impact and considered in detail the urban design and placemaking aspects of the proposed development in my planning assessment above. From an environmental impact perspective, I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme. That is to say the position of taller elements in an suburban setting close to the centre and at the R510 edge of the site and away from neighbouring low scale residential property. I am therefore satisfied that the proposed development would have an acceptable direct, indirect and cumulative effects on the landscape and on visual impact.

11.12. Material assets

11.12.1. The material assets chapters of the EIAR primarily addresses the impact of the development on the construction phase and local infrastructure, chapter 12 refers. Material assets such as traffic and transportation are dealt with in chapter 11, and this chapter analyses the local road network and public transport infrastructure.

11.12.2. Observers have raised broad concerns in relation to the probable increase in traffic, car parking problems and the limited existing public transport networks (bus).

From an environmental perspective the EIAR addresses these issues individually and I have addressed similar issues under the Traffic and Transport section of my report. The proposed development would not impact upon the operational capacity of road junctions, however, the construction phase would bring additional traffic into the area, this can be managed. Occupiers of the development would place additional demands on public transport and road infrastructure. But this should lead to increased investment in improvement and further provision. No significant impacts are anticipated.

11.12.3. In terms of waste management, the construction and operational phases have been considered, during construction a project specific Construction Environmental Management Plan and a project specific Construction and Demolition Resource Waste Management Plan (C&D RWMP) has been prepared. In terms of material assets and built services, impacts are considered in relation to water supply, foul and surface water drainage, telecommunications and the electrical network. The EIAR states that demand from the proposed development during the operational phase is not predicted to impact on the existing power and telecoms networks.

11.12.4. Any impacts to material assets are seen as neutral, imperceptible and long-term. Cumulative impacts have been considered, including proposed development in the vicinity of the site. The result is stated to be a long term imperceptible negative cumulative impact on areas such as local traffic.

11.12.5. I am satisfied that while some cumulative effects may arise from the proposed development together with existing and permitted developments, these would be avoided, managed and mitigated by the measures which form part of the proposed development and through suitable conditions.

11.12.6. I have considered all of the written submissions made in relation to material assets such as the existing drainage network, traffic and transport. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of traffic and transport or other material assets.

11.13. Cultural Heritage (Archaeology and Architectural Heritage)

- 11.13.1. Chapter 13 of the EIAR describes and assesses Archaeology and Cultural Heritage, and Architectural Heritage. There are no recorded archaeological sites or buildings listed in the Architectural Inventory within the curtilage of the development landbank.
- 11.13.2. In terms of archaeological potential, desk-based study was supported by a field-based survey (August 2021) that investigated the potential of the site to contain unrecorded archaeological material. Visual inspection of the site was undertaken on, this involved a systematic, non-intrusive walkover survey. This survey assessed current land-use patterns, site topography, site access and the presence of any previously unrecorded sites of archaeological and cultural heritage interest. It is possible that the construction phase on the subject site has a low potential to impact on previously unrecorded archaeological features of merit that may lay subsurface. There are no operational archaeological heritage impacts predicted for the residential phase.
- 11.13.3. There are two protected structures in the environs of the development: Templeville House (Architectural Inventory Reg. No. 21901310) is west of the development and still in use as a residence and dates from the 1880s. The Gate Lodge (Architectural Inventory Reg. No. 21901317) for Mungret College (Architectural Inventory Reg. No. 21901316) is to the south-west of the development 395 and was built in 1860. Mungret College itself was built in 1858 and was a former agricultural college and latterly a secondary school (1882–1974).
- 11.13.4. I am satisfied that the EIAR has adequately assessed cultural heritage, given the lack of any archaeological or architectural features on site or in the immediate vicinity. Overall, the proposed development is not predicted to have an impact on the archaeological, architectural or cultural heritage, and there are no known features of cultural heritage interest within the development site. Nothing of a cultural heritage, archaeological or historic architectural nature was located as upstanding during the walkover inspection. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I, therefore, consider that the proposed development would have an acceptable level of direct or indirect impacts on cultural heritage archaeology and architecture.

11.13.5. I have considered all of the written submissions made in relation to archaeology, architectural and cultural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I therefore consider that the proposed development would have an acceptable level of direct or indirect impacts on architectural and cultural heritage.

11.14. The interaction between the above factors

11.14.1. Chapter 14 of the EIAR comprises a summary (section 14.2) of significant interactions between each of the disciplines. All interactions between the various elements of the project were considered and assessed both individually and cumulatively within each chapter. Where necessary, mitigation was employed to ensure that no cumulative effects will arise as a result of the interaction of the various elements of the development with one another.

11.14.2. For example; the potential impact on land and soil interacts with that on air due to the need to control dust emissions during ground works and construction. The potential impact of the development on material assets interacts with that on the population due to the provision of a substantial amount of housing for the population. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified. The various interactions were properly described in the EIAR, and have been considered in the course of this EIA.

11.15. Cumulative Impacts

11.15.1. The proposed development could occur in tandem with the development of other sites that are zoned in the area, including the completion of development in the vicinity, such are considered in the relevant Chapters of this EIAR and summarised in Chapter 14. Such development would be unlikely to differ from that envisaged under the county development plan and the local area plan which have already been subject to Strategic Environment Assessment. The proposed development's scale may be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The actual nature and scale

of the proposed development is in keeping with the zoning of the site and the other provisions of the relevant plans. The proposed development is not likely to give rise to environmental effects that were not envisaged in the plans that were subject to SEA. It is therefore concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

11.16. Reasoned Conclusion on the Significant Effects

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

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of underutilised agricultural land to residential. Given the location of the site 4km from Limerick city centre, 2km from the Crescent Shopping Centre and the public need for housing in the region, this would not have a significant negative impact on the environment.
- Potential significant effects on soil during construction, which will be mitigated by the re-use of some material on the site and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to

the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.

- A positive effect on the streetscape because the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

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

12.0 Appropriate Assessment

12.1. Introduction

12.1.1. The applicant has prepared an AA Screening Report as part of a Natura Impact Statement (NIS). The screening report concludes that potential impacts on two identified European sites may arise as a result of the proposed development, and so an NIS has been prepared. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

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

12.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to

appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

12.2.2. The applicant has submitted a Screening Report for Appropriate Assessment as well as an NIS. The Screening Report and NIS have been prepared by Michael Bailey MCIEEM and reviewed by Stuart Wilson MCIEEM of SLR Consulting. The Report provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The AA screening report states that "the Site ultimately drains to the River Shannon via two existing culverts and is therefore directly connected to the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. Given this surface water link and the nature of the project, it is not possible to exclude effects on both the SAC and SPA from emissions to water.". The screening report concludes that ",in the absence of the implementation of suitable mitigation, could pose a risk of likely significant effects on Natura 2000 sites: Lower River Shannon SAC, and River Shannon and River Fergus Estuaries SPA."

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

12.3. **Need for Stage 1 AA Screening**

12.3.1. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

12.4. **Brief Description of the Development**

12.4.1. The applicant provides a description of the project in Section 3 of the Screening Report. The development is also summarised in Section 3 of my Report. In summary, permission is sought for 384 residential units and a crèche on a greenfield site of 10.44 hectares that is on the north western edge of Limerick City. Land uses in the vicinity include agricultural ground and residential properties. The site is serviced by public water supply and foul drainage networks. The wastewater collection within the development will be via a network of gravity sewers for ultimate discharge to the public sewer that runs south to north along the R510 road adjoining the north western boundary of the site; Irish Water have confirmed feasibility for the connections necessary.

12.4.2. New drainage infrastructure will be provided within the proposed development to deal with new runoff from the developed site. Surface water run-off from the completed development will be directed to an engineered surface water system, coupled with multiple attenuation tanks. The surface water system will consist of front, middle and rear systems with hydro-brake restricted flow rate matching the contributing areas and return periods. Collected surface waters will pass through a hydrocarbon interceptor before the final outfall and discharge will be further attenuated by the lands in the northern part of the property prior to discharge to the River Shannon. The Site is within 770 m of the Lower River Shannon SAC and within 604 m of the River Shannon and River Fergus Estuaries SPA (Figure 1). According to the screening report the site is considered to be connected via surface water pathways to both of these Natura 2000 sites.

12.4.3. The dominant habitat on site is grassland with treelines and drainage ditches. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.

12.5. **Submissions and Observations**

12.5.1. The submissions and observations from the Local Authority, Prescribed Bodies, and other observers are summarised in sections 8, 9 and 10 above. There are no submissions that directly refer to appropriate assessment matters.

12.6. **Zone of Influence**

12.6.1. A summary of European Sites within 15 kilometres of the site is presented in Section 4.3 (*Identification of Zone of Influence and Natura 2000 Sites*) of the AA Screening

Report. The proposed development is not located within or immediately adjacent to any European Site. The nearest European sites to the proposed development are: The Lower River Shannon SAC, The River Shannon and River Fergus Estuaries SPA, Askeaton Fen Complex SAC, Curraghchase Woods SAC and Glenomra Woods SAC. The report has reviewed connectivity between the sites and the proposed works. The zone of influence adopted for the project is 2 km. Natura 2000 sites beyond this distance are considered to be sufficiently distant from the plan area and / or have no landscape or ecological connectivity with the Site which supports the conclusion that no significant effects are likely.

12.6.2. The following Natura 2000 sites are located within 2 km of the Site and are considered to be within the zone of influence of the project: The River Shannon and River Fergus Estuaries SPA (004077) and The Lower River Shannon SAC (002165).

12.6.3. There are no Annex 1 habitats present within the proposed development site or its immediate environs. There are no records of any species or habitats for which European sites are designated within the development site. The Site is within 770 m of the Lower River Shannon SAC and within 604 m of the River Shannon and River Fergus Estuaries SPA. The Site is connected via surface water pathways to both of these Natura 2000 sites. The Site is not connected, via hydrological pathways or ecological features, to any other Natura 2000 sites. Other Natura 2000 sites are not likely to be affected given the nature and scale of the proposed development in addition to their distance from the Site.

12.6.4. Section 4.10 of the applicant's screening report identifies potential impacts in the absence of mitigation associated with the proposed development taking account of the characteristics of the proposed development in terms of its location and scale of works, and examines whether there are any European sites within the zone of influence. The single issue examined is the potential for linkage through hydrological connections and the impacts that might arise from emissions to water. The applicant's screening assessment concludes that the risk of potential significant effects on two European sites cannot be ruled out, during the construction and operational phases, and the two sites are: The River Shannon and River Fergus Estuaries SPA (004077) and The Lower River Shannon SAC (002165).

12.7. Screening Assessment

12.7.1. In terms of zone of interest there are three Natura 2000 sites that are within 15 km of the application site, they are as follows:

- The Lower River Shannon SAC 002165 - 604m north
- The River Shannon and River Fergus Estuaries SPA 004077 - 770m north
- Askeaton Fen Complex SAC 002279 - 11.5km south-west
- Curraghchase Woods SAC 000174 - 14.1km south-west
- Glenomra Woods SAC 001013 - 14.7km north

12.7.2. In applying the ‘source-pathway-receptor’ model to all Natura 2000 sites within 15 km of the application site I am satisfied that the potential for impacts on the Askeaton Fen Complex SAC, Curraghchase Woods SAC and Glenomra Woods SAC can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

12.7.3. In applying the ‘source-pathway-receptor’ model, I consider that the following sites could potentially be affected due to connections via surface water drainage: The Lower River Shannon SAC, The River Shannon and River Fergus Estuaries SPA. The Conservation Objectives (CO) and Qualifying Interests of these two sites are as follows:

12.7.4. European sites assessed for the purpose of screening.

Site name and code	Distance from the site	Qualifying Interest
Lower River Shannon SAC [002165]	770 m northeast	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220]

		<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>
River Shannon and River Fergus Estuaries SPA [004077]	604 m north	<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> <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>

		Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]
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12.7.5. The submitted AA Screening Report notes no direct hydrological link to these sites although notes the potential run-off of pollutants from the construction work from the site that ultimately drains to the River Shannon via two existing culverts and is therefore directly connected to the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA.

12.8. Consideration of Impacts:

- There is nothing unique or particularly challenging about the proposed greenfield development, either at construction phase or operational phase.
- With regard to impacts on sites within a 15 km radius due to ecological connections, I am satisfied having regard to the nature and scale of the proposed development on serviced land, the minimum separation distances from European sites, the intervening uses, and the absence of direct source – pathway – receptor linkages, that there is no potential for indirect impacts on sites in the wider area (e.g. due to habitat loss / fragmentation, disturbance or displacement or any other indirect impacts) and that no Appropriate Assessment issues arise in relation to all the European sites listed above.
- During the operational stage surface water from the proposed development will outfall to existing drainage on site and ultimately to the River Shannon and Fergus, a short distance to the north.
- During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system.

- In terms of in combination impacts other projects within the Limerick area which can influence conditions in the River Shannon and Fergus and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

12.8.1. Surface water from the proposed development will pass through a range of SuDS measures. Surface water will be attenuated in underground attenuation tanks. All surface waters will pass through a hydrocarbon interceptor before discharge to the surface water network (See 'Civil Engineering Report' and drawings by Hutch O'Malley Consulting Engineers and for construction stage see 'Construction Management Plan'). These are not works that are designed or intended specifically to mitigate an effect on a Natura 2000 site. They constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a residential development on any greenfield site in order to protect the receiving local environment and the amenities of the occupants of neighbouring land regardless of connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on an urban site whether or not they were explicitly required by the terms or conditions of a planning permission.

12.8.2. Good construction practices are required, however. I note the close proximity and direct hydrological link to the two Natura 2000 site picked out for closer examination. This results in the possibility, however limited, of discharge / run off of surface waters containing sediment, silt, oils and / or other pollutants during construction phase from the proposed development site to the SAC and SPA which has the potential to impact their qualifying interests.

12.9. **AA Screening Conclusion:**

12.9.1. Even though there is nothing unique, particularly challenging or innovative about this urban development on a greenfield/edge of suburbia site, either at construction phase or operational phase, it does present the possibility of direct hydrological connections. It is therefore evident from the information before the Board that the proposed construction on the applicant's landholding could be likely to have a significant effect on the The Lower River Shannon SAC, The River Shannon and River Fergus Estuaries SPA and Stage II AA is required.

12.10. Screening Determination

12.10.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in-combination with other plans or projects could have a significant effect on European Sites, Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077), in view of the site's Conservation Objectives, and Appropriate Assessment and submission of a NIS is, therefore, required.

12.10.2. The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment:

- Askeaton Fen Complex SAC (002279)
- Curraghchase Woods SAC (000174)
- Glenomra Woods SAC (001013)

12.11. Natura Impact Statement

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

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

12.12. Effects on the integrity of Natura 2000 sites

12.12.1. The detailed description of the project is set out in section 3 of the applicant's screening report, section 3.0 of my report above and basically comprises 384 dwelling units and a crèche on 10.44 Hectares. Section 12.7.4 of my report provides

a detailed description of the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. The qualifying interests and conservation objectives for these sites are set out in Table 4.1 of the applicants AA Screening/NIS documentation.

12.12.2. The NIS explains that the elements of the project identified as having potential to affect Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA are as follows:

- Emissions to Water - Discharge of surface water run-off during construction and operation.

The Site ultimately drains to the River Shannon via two existing culverts and is therefore directly connected to the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. This is a reasonable conclusion to reach and I agree that these two sites, located close to the north share a hydrological link with the subject site. In this context, during the construction of the proposed residential development, surface water run-off from the site during periods of heavy rainfall, and leaks or spills from construction plant and equipment, have the potential to release contaminated surface water. Any contaminants in this surface water may enter the River Shannon via the existing surface water network and this has the potential to cause negative effects on aquatic species such as and habitats associated with the SAC and SPA.

12.13. Potential Adverse Impacts

12.13.1. The main aspect of the proposed development that could adversely affect the conservation objectives of European sites include hydrological linkage. Surface water run off associated with the construction stage could potentially enter both the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. There is a direct hydrological link from an open drain on the northern portion of the site which flows to the River Shannon. Therefore, there is potential for indirect effects on surface water quality during site preparation and earthworks, including potentially contaminating material such as oils, fuels, lubricants, other construction related solutions and cement based products would be used on site during the construction phase and the accidental emission of such a material would have the potential to undermine water quality within the River Shannon.

- 12.13.2. Any uncontrolled release of contaminated surface water to the open drain would likely be rapidly diluted and distributed prior to reaching the River Shannon. Notwithstanding this, the ongoing discharge of waters with high concentrations of contaminating substances could over time lead to the deposition of such contaminants, which has the potential to undermine the conservation status of the designated sites. Page 21 of the NIS recommends control mitigation measures to protect the environment from pollutants and these are set out in section 5.17.
- 12.13.3. These include the preparation of a Construction and Environmental Management Plan during the construction phase. Adherence to best practices methodologies during the construction phase would control the release of sediments to surface water and prevent surface and ground water pollution as a result of accidental spillages or leaks. All surface waters are to be treated for the removal of contaminants such as floating debris, suspended solids and hydrocarbons prior to eventual discharge to the channel located to the north of the site during the operational phase.
- 12.13.4. Following the appropriate assessment and the consideration of mitigation measures, I conclude with confidence that the project would not adversely affect the integrity of both the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077), in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.
- 12.13.5. The applicant's Screening Report states that planning applications in the vicinity of the proposed works were considered. In general, the projects and plans are subject to their own assessments that will need to ensure that they will not in themselves or in combination with other plans or projects have the potential to adversely impact upon the nearby designated sites.
- 12.13.6. Potential cumulative effects in relation to other developments include construction related surface-water run-off, where qualifying interests associated with Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA could be subject to cumulative impact through hydrological or water quality impacts such as increased siltation, nutrient release and contaminated run-off arising from other developments. All of these projects have been considered on their own and in

relation to the potential for any cumulative or in combination impacts arising from any combination of these projects proceeding in the future.

12.13.7. Having regard to the proposed environmental management and controls integrated into the project design and for other projects planned or proposed in the area cumulative and in-combination effects relating to other developments are not considered to be relevant in this case. I am satisfied that the proposed project will not have an effect individually or together with any other plan or project.

12.14. Evaluation of Effects

12.14.1. I consider that the proposed mitigation measures set out in the NIS and Construction Environmental Management Plan, Flood Risk Assessment, Storm Water Management and SUDS Assessment are clearly described, are reasonable, practical and enforceable. I am also satisfied that the measures outlined fully address any potential impacts arising from the proposed development and that it is reasonable to conclude on the basis of objective scientific information, that the proposed development would not be likely to have an adverse effect on the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077).

12.15. Conclusion

12.15.1. The proposed development has been considered in light of the assessment requirements of Section 177 of the Planning and Development Act, 2000 (as amended). Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077).

12.15.2. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of its / their conservation objectives. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077), or any other European site, in view of the site's Conservation Objectives.

12.15.3. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects. In this respect I am satisfied that a full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of both the Lower River Shannon SAC (002165) and the River Shannon and River Fergus Estuaries SPA (004077) has been possible. A detailed assessment of in-combination effects with other plans and projects including current proposals and future plans has taken place. There is no reasonable scientific doubt as to the absence of adverse effects on the integrity of both the Lower River Shannon SAC (002165) and the River Shannon and River Fergus Estuaries SPA (004077).

13.0 Recommendation

13.1. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

14.0 Reasons and Considerations

Having regard to the:

(a) the location of the site in the established suburban area of Limerick City in an area zoned for 'New Residential', that seeks to provide for new residential development in tandem with the provision of social and physical infrastructure, in the Southern Environs Local Area Plan 2021-2027;

(b) The policies and objectives contained in the Limerick County Development Plan 2010-2016 as extended and the Southern Environs Local Area Plan 2021-2027;

(c) The provisions of Housing for All, A New Housing Plan for Ireland (September 2021),

(d) the provisions of Project Ireland 2040 - National Planning Framework;

- (e) the provisions of the Southern Regional Assembly Regional Spatial & Economic Strategy that supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- (f) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (g) 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 2013 (2019);
- (h) the Guidelines for Sustainable Residential Developments 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;
- (i) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (j) ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ prepared by the Department of Housing, Planning and Local Government 2020;
- (k) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (l) the nature, scale and design of the proposed development;
- (m) the availability in the area of a wide range of educational, social, community and transport infrastructure,
- (n) the pattern of existing and permitted development in the area,
- (o) The Report of the Chief Executive of Limerick City and County Council received from the planning authority;
- (p) the submissions and observations received;
- (q) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2020

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 23rd day of March 2022 by DW Raheen Developments Ltd, C/O Wayne Fitzgerald and Associates, 6 Wellington Place, Wellington Street, Clonmel, Co Tipperary.

Proposed Development

The proposed development on a total site of 10.44 hectares will consist of 384 residential units in a combination of conventional houses and apartments, ranging in height from 1 to 4 storeys, the detail is as follows:

Site Area	10.44 hectares (9.53 hectares net)
Residential Units	384 (202 houses and 182 apartments)
Other Development	Childcare facility – 761.7 sqm (79 childcare places)
Height	1 – 4 storeys
Residential Density	40.3 units/ha net
Amenity Space	29,500 sq.m. public open space 28% of total site area
Access	Single vehicular access from existing roundabout on R510 Cycle lane along R510 frontage Pedestrian connection at eastern site boundary
Cycle Parking	311 cycle parking spaces
Car Parking	377 car parking spaces
Part V	Transfer of 38 units

The proposed housing mix is as follows:

UNIT TYPE	NO. OF UNITS	%
Houses		
2 bed house	20	10%
3 bed house	156	77%
4 bed house	26	13%
Total Houses	202	100%
Apartments		
1 bed apt	46	25%
2 bed apt	98	54%
3 bed apt	28	15%
4 bed apt	10	6%
Total Apts	182	100%
TOTAL	384	

Vehicular access is from a single access point at the existing roundabout on the regional road R510.

A cycle lane will be provided along the regional road (R510) for the full length of the western site boundary. A short footpath connection is proposed in the eastern site boundary to facilitate pedestrian and cyclist permeability with the adjoining residential development.

A childcare facility.

Three ESB sub-stations, ancillary services and infrastructure works including foul and surface water drainage, attenuation areas, landscaped public open spaces, landscaping, car parking, lighting, internal roads, cycle paths, and footpaths.

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 location of the site in the established suburban area of Limerick City in an area zoned for 'New Residential', that seeks to provide for new residential development in tandem with the provision of social and physical infrastructure, in the Southern Environs Local Area Plan 2021-2027;
- (b) The policies and objectives contained in the Limerick County Development Plan 2010-2016 as extended and the Southern Environs Local Area Plan 2021-2027;
- (c) The provisions of Housing for All, A New Housing Plan for Ireland (September 2021),
- (d) the provisions of Project Ireland 2040 - National Planning Framework;
- (e) the provisions of the Southern Regional Assembly Regional Spatial & Economic Strategy that supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- (f) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (g) 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 2013 (2019);
- (h) the Guidelines for Sustainable Residential Developments 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;
- (i) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

- (j) 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' prepared by the Department of Housing, Planning and Local Government 2020;
- (k) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (l) the nature, scale and design of the proposed development;
- (m) the availability in the area of a wide range of educational, social, community and transport infrastructure,
- (n) the pattern of existing and permitted development in the area,
- (o) The Report of the Chief Executive of Limerick City and County Council received from the planning authority;
- (p) the submissions and observations received;
- (q) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise 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 in a serviced urban area, the Natura Impact Statement Report and other documentation submitted with the application, the Inspector's report, and submissions on file. In

completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, other than the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077). that are European sites for which there is a likelihood of significant effects.

Appropriate Assessment

The Board considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following: a) the site-specific conservation objectives for the European sites, b) the likely indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts on surface water quality, c) the mitigation measures which are included as part of the current proposal. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European sites in view of the sites conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment

The Board completed, in compliance with s.172 of the Planning and Development Act 2000, an Environmental Impact Assessment of the proposed development, taking into account:

(a) The nature, scale and extent of the proposed development;

- (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) The submissions from the applicant, planning authority, the observers, and the prescribed bodies in the course of the application; and
- (d) The Planning Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of underutilised agricultural land to residential. Given the location of the site 4km from Limerick city centre, 2km from the Crescent Shopping Centre and the public need for housing in the region, this would not have a significant negative impact on the environment.
- Potential significant effects on soil during construction, which will be mitigated by the re-use of some material on the site and the implementation of measures to control emissions of sediment to water and dust to air during construction.

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

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusion on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible suburban location, 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 safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the planning authority.

17.0 Conditions

1. 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, or as otherwise stipulated by conditions hereunder, 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.
Reason: In the interest of clarity.

2. The appropriate period for this permission shall be 5 years from the date of this order. The development shall be carried out within this period in accordance with a revised phasing plan, as per condition number 6. No development shall commence on any subsequent phase of the development authorised by this permission until the planning authority has certified in writing that the works in the previous phase have been completed to a satisfactory extent.

Reason: To ensure the timely and orderly development of the site for housing with the required supporting infrastructure.

3. The mitigation and monitoring measures outlined in Chapter 15 of the Environmental Impact Assessment Report (EIAR) submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

4. The pedestrian path connecting the site to lands to the south east at Ballinvoher 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.

Reason: In the interest of amenity and the proper planning and sustainable development of the area.

5. (a) All windows and roof lights shall be double-glazed and tightly fitting.
(b) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity.

6. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services and infrastructure for the benefit of the occupants of the proposed dwellings and in the interest of traffic safety.

7. All mitigation and monitoring measures outlined in the plans and particulars, including the Flood Risk Assessment, Construction Management Plan and Ecological Impact Assessment, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

8. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interests of clarity and public health.

9. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings and boundaries shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. The use of painted plaster walls on proposed apartments and duplex units, and to the crèche unit shall be replaced with a more durable brick finish. 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.

Reason: In the interest of visual amenity.

10. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit the following details to the planning authority for written agreement:

- (i) Detailed plans that show attenuation tanks removed from Flood Zone A/B and relocated at an appropriate location within the red line boundary of the site.

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

Reason: In the interest of public health and surface water management.

11. The following requirements in terms of traffic, transportation and mobility shall be incorporated into the development and where required, revised plans and particulars demonstrating compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (a) The details and the extent of all road markings and signage requirements on surrounding roads, shall be submitted to the

Planning Authority for approval prior to the commencement of development.

- (b) 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.
- (c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings and car parking bays shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the planning authority for such road works.
- (d) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.
- (e) The materials used on roads and footpaths shall comply with the detailed standards of the planning authority for such road works.
- (f) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.
- (g) Cycle lane access to the R510 at the north western tip of the development site shall be omitted.

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

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

12. The site shall be landscaped (and earthworks carried out) in accordance with the detailed scheme of landscaping, which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. The scheme shall include provisions for hard and soft landscaping within the site, boundary treatments and includes measures for the protection of trees within and adjoining the site.

Reason: In order to ensure the satisfactory completion of the development.

13. 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 Tree Survey 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 planning authority upon completion of the works.

Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development

14. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed and patrons of the crèche development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning

authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

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

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

16. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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

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

18. 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 authority prior to installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

19. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

20. 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.

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

21. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the apartment blocks. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

22. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

23. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard to guidance on the protection of fisheries during construction works prepared by Inland Fisheries Ireland.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

24. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

25. 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 provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

26. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision

of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

27. Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

(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.

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

28. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid

prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Stephen Rhys Thomas
Senior Planning Inspector
17th June 2022