



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313138-22

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<b>Development</b>	The construction of 68no. residential units comprising of 44no. houses and 24no. apartments, and all associated site works.
<b>Location</b>	Saint Ita's Road, Abbeyfeale West, Abbeyfeale, Co. Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	21594
<b>Applicant(s)</b>	HRP Construction Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Thomas Drummond
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> of June 2022
<b>Inspector</b>	Adrian Ormsby

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	6
3.1. Decision .....	6
4.0 Planning Authority Reports .....	7
4.1. Planning Reports.....	7
4.2. Other Technical Reports .....	8
4.3. Prescribed Bodies .....	9
4.4. Third Party Observations .....	9
5.0 Planning History.....	10
6.0 Policy Context.....	11
6.1. National Planning Framework (NPF).....	11
6.2. Regional Spatial & Economic Strategy for the Southern Region.....	14
6.3. Ministerial Guidelines, Circulars and other Guidance.....	14
6.4. Limerick County Development Plan 2010-2016 (as extended) .....	22
6.5. Interim Limerick Development Plan 2022- 2028.....	34
6.6. Abbeyfeale Local Area Plan 2014 – 2020 (extended to 2024) .....	39
6.7. Natural Heritage Designations .....	45
6.8. EIA Screening .....	45
7.0 The Appeal .....	47
7.1. Grounds of Appeal .....	47
7.2. Applicant Response .....	50
7.3. Planning Authority Response .....	50

7.4. Observations .....	50
8.0 Assessment .....	51
8.1. Introduction .....	51
8.2. The Operative Development Plan .....	51
8.3. Principle of the Development and Zoning .....	52
8.4. Core Strategy and Density .....	54
8.5. Proposed Design, Visual and Residential Amenity .....	56
8.6. Apartment Standards .....	60
8.7. Transport Related Issues .....	68
8.8. Water Services Issues .....	76
8.9. Other Matters .....	86
8.10. Appropriate Assessment.....	88
9.0 Recommendation.....	94
10.0 Reasons and Considerations .....	94
11.0 Conditions .....	95

## 1.0 Site Location and Description

- 1.1. The appeal site is located in Abbeyfeale, Co. Limerick approximately 65km south west of Limerick City and on the Limerick to Tralee N21 national primary route. The site is also c. 150 m east of the Co. Kerry boundary. The site is located on the southern side of the town and N21. This road connects the M20 motorway south west of Limerick City to Tralee in County Kerry.
- 1.2. The site is located within the settlement boundary of Abbeyfeale and is accessed from St. Ita's Road/Pound Lane c. 250m south of the N21 and town centre. It has a stated site area of 2.974 ha and is roughly triangular in shape. It is a greenfield site in appearance and located to the rear of nine houses along the site's western boundary and a row of single storey semidetached style houses known as St. Ita's Terrace to the northern boundary. A low level block wall and public pathway are located along the northern boundary. Vehicular access is restricted to this pathway which connects to a local road known as the 'Grove'. The site's eastern boundary includes a significant row of trees and hedgerow which adjoins the narrow style country road i.e. the Grove. This narrow road links around the south of the town to Hillview Drive c. 500 south of the N21 and to the east side of Abbeyfeale. Abbeyfeale Rugby Club and grounds are located opposite the site to the north east and also on Grove Road.
- 1.3. The southern boundary of the landholding includes a mature boundary of trees and hedgerow. The Planning Statement submitted with the application indicates lands to the south of the subject site are earmarked for future development namely a nursing home/care home and will be subject to a future application.
- 1.4. The site is accessible from St. Ita's Road to the north-west corner of the site. St. Ita's Road includes a public path along the western and northern boundary of the site. The proposed entrance to the site is located just south and opposite from a local Super Valu store, Post Office and associated car park.
- 1.5. The site has a stated area of 2.794 within a landholding of 4.93 ha.

## 2.0 Proposed Development

- 2.1. The application comprises-

- 68 no. residential units all two storey in height including-
  - 44no. houses and
  - 24no. apartments
- The proposed mix units are
  - 12x1 bed,
  - 23x2 bed,
  - 25x3 bed and
  - 8x4 bed
- 157 no. car parking spaces
- 42 no. bicycle parking spaces
- Vehicular access is proposed to the north west at Saint Ita's Road
- In addition pedestrian/cycle access is proposed onto 'The Grove'

2.2. The Planning Authority sought Further Information (FI) on the 25/06/21 in relation to a number of matters including the following-

- Determination of the feasibility to connect to public water and wastewater infrastructure.
- Appropriate Assessment Screening
- Revised site layout plan to address linear pattern of development
- Details of areas to be taken in charge
- Internal apartment layouts
- Boundary treatments and landscaping proposals
- Management plan for apartments
- A number of parking, traffic and pedestrian related matters including a Traffic Impact Assessment and Road Safety Audit.
- Surface Water management issues to include SUD's measures.
- Fire and Building Control matters

- Public Lighting
- 2.3. The applicants responded to the FI request on the 19/10/21 with no major revisions to the development as applied for.
- 2.4. The Planning Authority sought Clarification of Further Information (CFI) on the 11/1/21 in relation to a number of matters including the following-
- Roads and Traffic matters
  - Public Lighting
  - Surface Water Management
- 2.5. On the 10/12/21 the applicants sought a three month extension of time to respond to the request for clarification. This was agreed to by the Council on the 14/12/21.
- 2.6. The applicants responded to the request for Clarification of Further Information on the 04/02/22.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to grant permission on the 03/03/22 subject to 25 conditions generally of a standard nature and including-

- C2- Development Contribution of €127,282.00
- C3- Bond €306,000.00
- C.4- Part V
- C.5- S47 agreement to restrict housing units to individual purchasers.
- C.8 road matters to be agreed including location and layout of the controlled crossing.
- C.9 legal agreement to transfer lands in order to provide for future infrastructure as set out in the LAP
- C.10 revised location of playground to be agreed
- C13 phasing plan

- C20 Construction Management Plan
- C25 Archaeological monitoring

## 4.0 Planning Authority Reports

### 4.1. Planning Reports

4.1.1. The following is noted from the first planners report (dated 25/06/21)-

- It is considered the proposal will not exercise a significant effect on the conservation status of any SAC or SPA and an Appropriate Assessment is not necessary.
- The lands are zoned Residential in the LAP with a small portion zoned Open Space. There is also an indicative route for the proposed distributor road traversing the scheme.
- The applicants propose a density in keeping with National Guidance, the NPF and Section 28 Guidelines. The density is 28.96 units per ha excluding open space.
- Abbeyfeale is a Tier 3 settlement as set out in the County Development Plan. It has not seen a significant level of residential development in the lifetime of the current plan. The proposed density at this location is acceptable in principle.
- The applicants have not submitted a Masterplan for all lands in ownership at this location.
- Consideration should be given to breaking up linear forms of development throughout the site. In general the layout as proposed is acceptable.
- The proposed distributor road will be located to the east of the site. The applicants shall provide details for the construction of same at FI stage.
- The total & open space provision is 25%.
- 18 car parking spaces are proposed to be ceded to the council to address the issue of illegal parking to St. Ita's Road.

- The applicants have submitted documents showing compliance with SPPR's under section 28 guidance. No details of a management company for the apartments have been submitted.
- Further information is recommended.

4.1.2. The following is noted from the second planners report (dated 10/11/21)-

- An AA screening assessment was submitted. It considered the proposed development is not likely to have an affect on European Sites.
- The proposed apartment building has been revised into two buildings increasing permeability by way of a new pedestrian lane to Grove Road. There is no footpath to Grove Road but future permeability is provided and passive surveillance to the lane is provided from gables either side.
- The Planning Authority consider the proposals to be of high quality with sufficient density that would be beneficial to the long term development of Abbeyfeale.
- The applicants have indicated that the strip between the proposed boundary wall and distributor road will be subject to a land transfer with the Council.
- Clarification of Further information is recommended.

4.1.3. The third Planners Report (dated 01/03/22) reflects the decision of the Planning Authority.

## 4.2. **Other Technical Reports**

- County Archaeologist-
  - 02/06/21- No objection subject to conditions.
- Fire & Building Control-
  - 04/06/21- No objections raised subject to requirements
- Environmental Services-
  - 15/06/21- No objection subject to condition.
- Operations and Maintenance Services (Road, public lighting and Surface Water Observations)



- 17/06/21 and 24/06/21- Further Information required.
- 01/11/21- Further Information required.
- 23/02/22- A number of conditions recommended.

#### 4.3. Prescribed Bodies

- Mid-West National Roads Design Office-
  - 28/05/21- No observations
- Transport Infrastructure Ireland-
  - 04/06/21- The TII will rely on the planning authority to abide by national policy on/affecting national roads. The authority will entertain no future claims in respect of impacts on the proposal due to the presence of existing roads or any future schemes in planning.
- Irish Water
  - 05/06/21-
    - Abbeyfeale WTP has limited capacity, it is envisaged an upgrade will be completed within the lifetime of the plan which will cater for projected growth.
    - There is some spare capacity at the WWTP but insufficient capacity to cater for all the projected growth. Determination of feasibility required
    - Further Information requested

#### 4.4. Third Party Observations

4.4.1. 28 third party submissions were received and are on file. The main planning issues raised can generally be summarised to include those as submitted in the third party appeal (section 7.1 below) and as follows-

- Suitability of the development, Housing mix, tenure and impact on existing character of the area
- Density/overdevelopment, partial proposal for landholding

- Premature pending delivery of link road
- Distributor road, traffic congestion with emissions, existing road network and proposed entrance, impact at junction with N21 and on N21, conflict with Super Valu users including loading bays and speeding traffic on road.
- Capacity of existing sewer mains, existing sewer in back gardens of proposed units
- Boundary treatments
- Communal refuse areas are hazard to public health
- Lack of services in Abbeyfeale
- Risk of antisocial behaviour to nearby properties
- Potential risk to properties from nearby sports grounds
- Impacts of land requirements to facilitate distributor road.
- Impact of stormwater flooding local roads.

## 5.0 Planning History

This Site-

- 13/717- outline permission for 45 serviced sites. **Refused** on the 11/02/14, 3 reasons-
  - Materially contravene open space zoning
  - Failure to meet minimum site requirements for serviced sites as per LAP 2008, poor design and layout, impacts on adjoining amenities and substandard amenity for future occupants.
  - Premature pending provision of distributor road as per LAP 2008 and will remain so until such time as a direct link is provided between Pound Lane and the N21.
- 05/1954- permission for 96 houses and a creche. **Refused** on the 03/04/06, 2 reasons-
  - Materially contravene open space zoning

- Inappropriate form and layout of development and lack of useable open space. Out of character with existing residential property and would injure residential amenity, depreciate value of property in the area.
- 03/1342, PL 13.207613- permission for 100 no. houses and associated site works. **Refused** on the 19/10/2004 by ABP for 3 reasons-
  - inappropriate form and layout of development on the site, would seriously injure the character and amenities of existing residential property and would provide a substandard form of residential amenity for future occupants.
  - the proposed development would be premature by reference to the existing deficiency in the provision of sewerage facilities and the period within which the constraints involved may reasonably be expected to cease.
  - The provision and layout of substandard in quality usable open space.

Nearby Site-

- 18575- permission for a house, garage etc. **Grant** on the 03/09/2018. Site is to north east of the site along St. Ita's Road, just south of proposed access road.

## 6.0 Policy Context

### 6.1. National Planning Framework (NPF)

- 6.1.1. The NPF seeks to focus growth on cities, towns and villages with an overall aim of achieving higher densities than have been achieved to date.

*National Strategic Outcome 1 Compact Growth*

*From an urban development perspective, we will need to deliver a greater proportion of residential development within existing built-up areas of our cities, towns and villages and ensuring that, when it comes to choosing a home, there are viable attractive alternatives available to people.*

*Combined with a focus on infill development, integrated transport and promoting regeneration and revitalisation of urban areas, pursuing a compact*

*growth policy at national, regional and local level will secure a more sustainable future for our settlements and for our communities.....*

6.1.2. The various policies in the NPF are structured under National Policy Objectives (NPOs). Relevant National Policy Objectives include-

- *3c- Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints<sup>1</sup>.*
- *6- Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.*
- *9- In each Regional Assembly area, settlements not identified in Policy 2a or 2b of this Framework<sup>2</sup>, may be identified for significant (i.e. 30% or more above 2016 population levels) rates of population growth at regional and local planning stages, provided this is subject to:*
  - *Agreement (regional assembly, metropolitan area and/or local authority as appropriate);*
  - *Balance with strategies for other urban and rural areas (regional assembly, metropolitan area and/or local authority as appropriate), which means that the totality of planned population growth has to be in line with the overall growth target; and*
  - *A co-ordinated strategy that ensures alignment with investment in infrastructure and the provision of employment, together with supporting amenities and services.*
- *11- In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more*

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<sup>1</sup> This means within the existing built-up footprint of all sizes of urban settlement, as defined by the CSO in line with UN criteria i.e. having a minimum of 50 occupied dwellings, with a maximum distance between any dwelling and the building closest to it of 100 metres, and where there is evidence of an urban centre (shop, school etc.).

<sup>2</sup> Abbeyfeale is a settlement and not identified in Policy 2a or 2b of the NPF

*jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.*

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

6.1.3. Other relevant sections include-

- Section 2.6- Securing Compact and Sustainable Growth states-

*An increase in the proportion of more compact forms of growth in the development of settlements of all sizes, from the largest city to the smallest village, has the potential to make a transformational difference. It can bring new life and footfall, contribute to the viability of services, shops and public transport, increase housing supply and enable more people to be closer to employment and recreational opportunities, as well as to walk or cycle more and use the car less.*

- Section 3- Effective Regional Development-

- Section 3.4 Southern Region- Mid West-

*“A Metropolitan Area Strategic Plan (MASP) will be prepared for the Limerick Metropolitan area, incorporating Shannon, through the Regional Spatial and Economic Strategy process.*

*Although focused on Limerick City and key employment and infrastructure assets at Shannon and Foynes, this regional area is supported by a strong rural economy and a varied network of towns and villages. Shannon Airport has an established role as a key travel and enterprise hub for the region, with potential for further growth.*

*Future growth will be based on leveraging national and international connectivity, higher education capacity and quality of life to secure strategic investment. This must be underpinned by sustainable employment and housing development, focused on the broader Limerick- Shannon Metropolitan area and a strengthening of the urban cores of the county towns and principal settlements, as well as in rural areas.”*

## 6.2. Regional Spatial & Economic Strategy for the Southern Region

6.2.1. The Southern Region's strategy is to build a strong, resilient, sustainable region and have identified eleven 'Statements of the Strategy' including-

*1. Compact Growth- Strengthening and growing our cities and metropolitan areas; harnessing the combined strength of our 3 cities as a counterbalance to the Greater Dublin Area, through quality development; regeneration and compact growth; building on the strong network of towns and supporting our villages and rural areas.*

The Strategy focuses on 'Key enablers' including-

*"... Revitalising our urban areas and spaces through creative and regenerative placemaking, to deliver on Compact Growth and Housing Need, and provide new vitality for City and Town Centres;*

Table 3.2 of the RSES identifies settlement typology categories in which 'Towns & Villages' are identified as the third tier from top in the table. The attributes of 'Towns & Villages' are-

*"Towns and villages of above 1,500 which provide a housing, employment or service function. The category is broad and ranges from large commuter towns to more remote towns and villages."*

Page 360 of the RSES details an overview of the Mid-West Spatial Planning Area (SPA) which includes the counties of Clare, Limerick and the northern part of Tipperary. This identifies a population of 2,023 in Abbeyfeale.

## 6.3. Ministerial Guidelines, Circulars and other Guidance

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

*.....The NPF also acknowledges that there is a need for more proportionate and tailored approaches to residential development. This means that it is necessary to adapt the scale, design and layout of housing in towns and villages, to ensure that suburban or high density urban approaches are not*

*applied uniformly and that development responds appropriately to the character, scale and setting of the town or village.*

*As such, it is highlighted that in certain locations, particularly at the edges of towns in a rural context, more compact forms of development may include residential densities at a lower level than would be considered appropriate in a city or large town context. As set out below, current statutory guidance is already sufficiently flexible to facilitate greater variation in residential density at such locations.....*

### ***Development within Small Towns and Villages***

*Small town and villages are defined within Section 6.0 of the Sustainable Residential Development Guidelines as those with a population ranging from 400 to 5,000 persons. Section 6.11<sup>3</sup> of the Guidance provides a more clearly graduated approach to the application of densities within such locations, namely:*

- Centrally located sites: 30-40+ dwellings per hectare;*
- Edge of centre sites: 20-35 dwellings per hectare;*
- Edge of small town/village: 15 - 20 dwellings per hectare<sup>4</sup>.*

*Section 6.0<sup>5</sup> of the Sustainable Residential Development also notes the difficulty in applying prescriptive density standards in locations that display a variety of contexts and land uses, such as those that can be found in towns and villages that have evolved organically over hundreds of years. The guidance cautions against large scale, rapid development that may overwhelm and detract from the quintessential character of towns and villages that have developed slowly and organically over time (refer to Section 6.3<sup>6</sup>). There is already clear scope for greater variation in density in smaller towns, but this should not lead to provision for disproportionate development in such places through excessive zoning.*

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<sup>3</sup> It is assumed that this is a typing error in the circular and it should state section 6.9 - 6.12 of the guidelines

<sup>4</sup> Provided such lower density development does not represent more than about 20% of the total new planned housing stock for the particular town/village.

<sup>5</sup> It is assumed that this is a typing error in the circular and it should state section 6.9 of the guidelines

<sup>6</sup> It is assumed that this is a typing error in the circular and it should state section 6.1 of the guidelines

6.3.2. **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009)-**

- Chapter 6 Small towns and villages- provides detailed guidance on development within smaller towns and villages, with particular emphasis on the role of housing.

- Section 6.0 states-

*Smaller towns and villages are a very important part of Ireland's identity and the distinctiveness and economy of its regions. For the purposes of this chapter, smaller towns and villages are defined as those with a population ranging from 400 to 5,000 persons. Within this overall range, there are those towns ranging in population from:*

*(a) 2000 to 5000 persons and for which Local Area Plans (LAPs) are required under the Planning and Development Act; and*

*(b) 400 to 2000 persons and for which planning authorities may prepare either LAPs or other non-statutory supplementary local development frameworks.*

- Section 6.3 provides general advice including-

*(a) Development in smaller towns and villages must be plan led*

*(b) New development should contribute to compact towns and villages.*

*(c) Higher densities are appropriate in certain locations.*

*.....In other locations, increased densities of development can be acceptable as long as they contribute to the enhancement of town or village form by reinforcing the street pattern or assisting in the redevelopment of backlands. In all cases, special care will be required to protect the architectural and environmental qualities of small towns and villages of special character.*

*(d) Offering alternatives to urban generated housing*

*(e) The scale of new residential schemes for development should be in proportion to the pattern and grain of existing development.....*

*Because of the scale of smaller towns and villages, it is generally preferable that overall expansion proceeds on the*



*basis of a number of well integrated sites within and around the town/village centre in question rather than focusing on rapid growth driven by one very large site. Above all, it is the function of local area plans and any supplementary local development frameworks to make recommendations regarding the appropriate scale of overall development and any individual new housing schemes and to match the scale and grain of existing development within an overall development boundary. For example, where a small town or village has grown rapidly in recent years, the LAP might recommend the phased development of a variety of sites over time, subject to a proviso that no one proposal for residential development should increase the existing housing stock by more than 10-15% within the lifetime of the development plan or local area plan.*

- Section 6.9 and 6.10 deals with Density standards in-
  - (a) ‘Centrally located sites’ and states-

*Within a given smaller town or village, there can be marked variations in development context which affect the density of development and external space standards needed to take account of those contexts. Because of the variety of contexts and the probability of mixed use developments, it is difficult to be prescriptive about the level of density recommended. However, within centrally located sites, densities of 30-40+ dwellings per hectare for mainly residential schemes may be appropriate or for more mixed use schemes. There is also the potential for schemes of particularly high architectural and design quality to suggest densities higher than the range suggested above.*

*The emphasis in designing and considering new proposals should be on achieving good quality development that reinforces the existing urban form, makes effective use of premium centrally located land and contributes to a sense of place by strengthening for example the street pattern or creating new streets. While a 22 metre separation distance*

*between opposing above ground floor windows is normally recommended for privacy reasons, this may be impractical and incompatible with infill development....*

- Section 6.11 deals with Density standards in-
  - ‘Edge of centre sites’ and states-

*The emphasis will be on achieving successful transition from central areas to areas at the edge of the smaller town or village concerned.*

*Development of such sites tend to be predominantly residential in character and given the transitional nature of such sites, densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation.*

### 6.3.3. **Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (DHLGH 2020);**

The following Sections and Specific Planning Policy Requirements are relevant-

- Section 1.19 states-

*‘...An Bord Pleanála are required to have regard to the guidelines and are also required to apply any specific planning policy requirements (SPPRs) of the guidelines, within the meaning of Section 28 (1C) of the Planning and Development Act 2000 (as amended) in carrying out their functions.’*

- Section 2.4-

#### *3) Peripheral and/or Less Accessible Urban Locations*

*Such locations are generally suitable for limited, very small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (will also vary, but broadly <45 dwellings per hectare net), including:*

- Sites in suburban development areas that do not meet proximity or accessibility criteria;
  - Sites in small towns or villages.
- Section 2.15 states-
 

*In accordance with Section 28 of the Planning and Development Act 2000, as amended, planning authorities must apply the standards set out as planning policy requirements in these guidelines, notwithstanding the objectives and requirements of development plans, local area plans and SDZ planning schemes.*
- Specific Planning Policy Requirement 1 states-
 

*Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.....*
- Specific Planning Policy Requirement 2 not considered relevant because proposal is not a 'building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha'.
- Specific Planning Policy Requirement 3 states-
 

*Minimum Apartment Floor Areas:*

  - 1-bedroom apartment (2 persons) 45 sq.m
  - 2-bedroom apartment (4 persons) 73 sq.m
  - 3-bedroom apartment (5 persons) 90 sq.m
- Section 3.7 states-
 

*'....no more than 10% of the total number of units in any private residential development may comprise this category of two-bedroom three person apartment'*
- Section 3.8 deals with Safeguarding Higher Standards and states-
 

*In the interests of sustainable and good quality urban development these guidelines should be applied in a way that ensures delivery of apartments*

*not built down to a minimum standard, but that reflect a good mix of apartment sizes. Accordingly, it is a requirement that:*

- a) *The majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)*
- Specific Planning Policy Requirement 4- Dual Aspect. This does not appear to specify a minimum requirement for ‘Peripheral and/or Less Accessible Urban Locations’.
- Specific Planning Policy Requirement 5- Ground Floor Ceiling Height
  - Ground floor apartments a minimum 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use.
- Specific Planning Policy Requirement 6- Apartments per core
  - Maximum provision of 12 apartments per core
- Section 4.22 Car Parking in - Peripheral and/or Less Accessible Urban Locations-
  - *As a benchmark guideline for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required.*
- Section 6.5

*The provision of acceptable levels of natural light in new apartment developments is an important planning consideration as it contributes to the liveability and amenity enjoyed by apartment residents. In assessing development proposals, planning authorities must however weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision with the location of the site and the need to ensure an appropriate scale of urban residential development.*
- Section 6.6

*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 which offer the capability to satisfy minimum standards of daylight provision.*

- 
- Section 6.13

*....planning applications for apartment development shall include a building lifecycle report which in turn includes an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of application, as well as demonstrating what measures have been specifically considered by the proposer to effectively manage and reduce costs for the benefit of residents.*

#### **6.3.4. Transport Infrastructure Ireland’s ‘Traffic and Transport Assessment Guidelines May 2014’.**

- Section 1.3- Traffic and Transport Assessment

*“A Traffic and Transport Assessment is a comprehensive review of all the potential transport impacts of a proposed development or re-development, with an agreed plan to mitigate any adverse consequences.*

*All new developments will generate trips on the existing transport network, either by car, commercial vehicle, cycling, walking or public transport. In cases where a proposed development is of a size or type that would generate significant additional trips on adjoining transport infrastructure, this additional demand may necessitate changes to the road layout or public transport service.”*

- Section 2.1 and 2.2 Thresholds and Sub-threshold

#### **6.3.5. Design Manual for Urban Roads and Streets**

- Table 4.2: Reduced SSD standards for application within cities towns and villages. Reduced forward visibility increases driver caution and reduces vehicle speeds- Forward Visibility in-
  - 50kph – 45m
  - 60kph – 59m
- Section 4.4.5 Visibility Splays, The Y distance along the visibility splay should correspond to the SSD for the design speed of the major arm, taken from Table 4.2 while also making adjustments for those streets which are frequented by larger vehicles.

#### 6.3.6. Other

- Development Management Guidelines for Planning Authorities (DEHLG, 2007)
- Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)
- Quantitative methods for daylight assessment are detailed in the following documents:
  - BRE209 - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' and;
  - BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting
  - BS EN 17037: 2018 Daylight in buildings

#### 6.4. Limerick County Development Plan 2010-2016 (as extended)

##### 6.4.1. Section 2.5 deals with Population Targets and states-

*“The growth planned for in this Development Plan is based on population ‘targets’ provided by the DECLG for the Mid West Region which outline target populations which would be desirable for the Region to achieve up to 2016 and 2022 and which should be used as a guide for policy making.”*

##### 6.4.2. Section 2.6.2 details the 2022 Core Strategy and states-

*“The MWRPG have allocated 17,602 housing units to accommodate population growth in County Limerick up to 2022. These housing units have been allocated to the settlements in the hierarchy using the same percentage of total as the 2022 additional population allocation for the county (32,800).*

*.....A density of 22 units per hectare has been applied for the remaining 80% of units outside of the City Environs and Newcastle West. Within the City Environs and Newcastle West a density of 35 units per hectare was used. The amount of zoned land required includes an additional 50% headroom as required by MWRPG.*

6.4.3. Table 2.5 of the Plan sets out the Settlement Hierarchy for County Limerick. Abbeyfeale is identified as a Tier 3. Abbeyfeale can be summarised as follows-

A	B	C	D	E	F	G	H	I
Settlement Hierarchy	2006 Pop	2022 Additional Pop Allocation	2022 additional housing units required - Units	Zoned land required to accommodate 2022 additional pop- Hectares	Undeveloped Existing & proposed zoned land all phases – Hectares	2022 Excess(+)/ Shortfall(-) zoned land all phases Hectares (E-D)	Undeveloped Existing & proposed zoned land excluding phase 2 & phase 3 – Hectares	2022 Excess(+) / Shortfall(-) phase 2 & phase 3 zoned land excluded Hectares (G-D) (%)
Abbeyfeale	1940	1500	805	68.06	57.44	-10.62	43.36	-24.7(-36%)

6.4.4. Section 2.12 sets out a number of ‘Core Strategic Policies’ including-

- *Policy CP 02: To provide a framework for the proper planning and sustainable development of the County over the plan period.*
- *Policy CP 04: To provide a strong network of settlements within an appropriate hierarchy that allows for the sustainable and balanced growth of the County, whilst maintaining rural areas and their communities.*
- *Policy CP 05: To provide appropriately zoned lands to cater for the sustainable growth of the County.*

- *Policy CP 08: To ensure that the character and vitality of established town and village centres and the rural areas are maintained and enhanced, that quality underpins all new development by creating and maintaining a sense of place and local distinctiveness in established and new development areas, and that the rural resources, including agriculture and tourism are maintained and enhanced whilst encouraging diversification.*

6.4.5. Table 3.1 sets out the 'Settlement Hierarchy' for County Limerick in which Abbeyfeale is identified as 'Tier 3: Centres on Transport Corridors'.

- *Policy SS P2: Development of tier 2-6 settlements: It is policy of the Council to support the sustainable development of settlements within tiers 2-6.*

To achieve Policy SSP2 the following are (relevant) Council Objectives-

- *Objective SS O1: Scale of development within tiers 2-6*

*To ensure that the scale of new housing developments both individually and cumulatively shall be in proportion to the pattern and grain of existing development and to ensure that the expansion of towns and villages shall be in the form of a number of well integrated sites within and around the core area rather than focusing on rapid growth driven by one very large site. In this regard, and without prejudice to other development plan policies or development management best practices, there will be a positive presumption for housing developments of the following scale or smaller within each tier, as appropriate:*

*Tiers 2– 4: Generally no one proposal for residential development shall increase the existing housing stock by more than 10-15% within the lifetime of the plan.*

.....

- *Objective SS O2: Design of development within tiers 2-6*

*The design, layout and character of new development shall relate to the local character and heritage of existing towns and villages and shall enhance the existing village character and create or strengthen a sense of identity and distinctiveness of the settlement.*



- *Objective SS O3: Capacity of town/ village to absorb development*

*Development of towns and villages shall be considered on the basis of its connectivity to the existing town / village core, capacity (infrastructural, social, cultural and economic), good design, community gain and proper planning and sustainable development.*

- *Objective SS O4: Sequential growth of settlements*

*Where no specific zoning is identified for a settlement, new developments shall be within or contiguous to the core identified for each settlement, thus avoiding “leap frogging” of development and shall be designed so as to consolidate existing villages /towns and provide for the organic and sequential growth of the settlement. Infill and brownfield sites will be the preferred location for new development.*

- *Objective SS O5: Prevention of urban sprawl*

*In order to retain the identity of towns / villages, to prevent sprawl, and to ensure a distinction in character between built up areas and the open countryside, it is an objective to prevent linear roadside frontage development on roads leading out of towns and villages.*

- *Objective SS O8: Infrastructure in all settlements*

*a) It is the policy of the Council to adopt a flexible approach to proposals for development in all settlements lacking adequate water and sewerage facilities, where such proposals are consistent with the Settlement Hierarchy outlined in Table 3.1 of this plan and the obligations of the Council under environmental and water services legislation. In particular the Council will consider contributing towards the cost of a sewage treatment plant which is provided by a private developer and which meets the needs of the existing population of the town or village, the needs of new development proposed by the developer and some additional reserve capacity for future development. The aim of the Council’s contribution will be to ensure that the provision of this facility is viable from the developer’s viewpoint and economically viable for the Council in the long term.*

*b) As a general rule priority will be given to the development of lands that can be served by means of gravity sewer as opposed to proposals that rely on pumping*

6.4.6. Section 3.5 discusses 'The Role of each tier within the settlement hierarchy'. Section 3.5.3 deals with 'Tier 3 Centres on Transport Corridor'.

- *Policy SS P8:*

*It is policy of the Council to encourage and facilitate where possible, the sustainable, balanced development of existing settlements along the strategic national roads and rail corridors. In this regard the Council will seek to ensure that sufficient land is zoned within these settlements so that they will act as the primary focus for investment in infrastructure, housing, transport, employment, education, shopping, health facilities and community.*

- *Objective SS O11: Zoning of land for tier 3 settlements*

*To support this policy it is an objective of the Council to:*

*a) Monitor and review the local area plans for Abbeyfeale, Adare, Askeaton, Castleconnell, Croom, Patrickswell and Rathkeale in accordance with the relevant legislation.*

*.....*

6.4.7. Section 4.3 deals with Housing Density and states-

*In the interest of the principles of sustainable development the Development Plan should seek to maximise the use of zoned and serviced residential land so that:*

*a) The loss of agricultural land is minimised;*

*b) The cost of providing services and supporting infrastructure is minimised and the potential of existing infrastructure and any associated investment is maximised by the Council;*

*c) Unnecessary urban 'sprawl' is prevented, thereby reducing the need for 'greenfield site' development;*

*d) Energy, transport and natural resources are used efficiently;*

- e) *Better access to existing services and facilities; and*
- f) *More sustainable commuting patterns.*

*The Council shall have regard to the DEHLG, May 2009 publication ‘Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities’, in assessing planning applications. Higher densities must not be achieved at an unacceptable amenity cost to the surrounding dwellings, and the residents of the proposed development. A high quality of design and layout conducive to a good quality living environment, including the availability of adequate shopping, social, transport and leisure facilities, are essential if increased residential densities are to be acceptable.*

- *Objective HOU O1: Density of Residential Developments*

*It is the objective of the Council to:*

*a) Promote, where appropriate, increased residential density in the exercise of its development management function, and in accordance with the ‘Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities’ and the accompanying ‘Urban Design Manual’, DEHLG, May 2009.*

*b) Encourage increased densities that contribute to the enhancement of a town or village by reinforcing street patterns or assisting in re-development of backlands and centrally located brownfield sites.*

- *Objective HOU O3: Social Integration*

*It is the objective of the Council to:*

*.....*

*b) Provide for a mix of house types and sizes to meet the demand throughout the period of this Plan, and*

*.....*

6.4.8. Section 4.6 deals with Design of Residential Development-

- *Objective HOU O13: Residential Development Design*

*It is the objective of the Council to have regard to the 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual', DEHLG, May 2009 and the settlement strategy as set out in chapter 3 of this Plan, to assess any proposals for multiple unit housing developments in urban areas, towns and villages.*

- Objective HOU O14: Mix of House Types

*It is the objective of the Council to ensure that residential development including residential development undertaken by the Council provides a mix of house types and sizes including single storey dwellings that are easily adaptable for the living requirements of those with special needs.*

6.4.9. Section 6.10.2 deals with Open Space and states-

*The Council will expect open space provision in new residential developments to demonstrate the following principles:*

- 1. Open space shall be provided and designed as an integral component of any proposal.*
- 2. Areas should be of a demonstrable recreational or amenity value. Small dysfunctional open spaces are to be avoided.*
- 3. Open space shall be easily accessible from all dwellings which the space is designed to serve.*
- 4. The design and location of open spaces should have regard to the amenities of nearby dwellings. For example, open space and associated play areas shall be overlooked by the front of dwellings for maximum surveillance in the interest of safety.*
- 5. Natural features shall be protected and incorporated into the open space.*

- Objective COM O23: Quality of Open Space

It is the objective of the Council to:

- a) Promote and facilitate the provision of high quality, well designed open space for all at a convenient distance from homes and places of work.

b) Apply the standards of the Guidelines on Sustainable Residential Development in Urban Areas and Urban Design Manual (DEHLG May 2009) as appropriate. With regard to apartment developments the standards of the Guidelines on Sustainable Urban Housing: Design Standards for New Apartments (DEHLG 2007) shall apply.

c) Seek the provision of appropriate managed open space, play areas or other informal amenity areas for the benefit of local residents in all housing developments. To meet this standard, suitable areas of land shall be identified and reserved for the provision of public open space, in line with the standards set out below and in the Development Management Guidelines in Chapter 10.

6.4.10. Section 8.22 deals with Integration of Landuse and Transport

- Objective IN O2: Traffic and Transport Assessments (TTAs)

*It is the objective of the Council to:*

.....

*b) Require developers to undertake Transport Assessments (TTA's) where new developments are likely to have a significant effect on travel demand and the capacity of surrounding transport links. In this case independent suitably competent consultants shall be required to carry out these assessments;*

.....

*The thresholds for Transport Assessment are, in accordance with Traffic Management Guidelines and, where specified, the NRA Traffic and Transport Assessment Guidelines (NRA, September 2007) and Retail Planning Guidelines (DEHLG, 2005) and any subsequent updates or replacements.*

*These thresholds as follows:*

- Traffic to and from the development exceeds 10% of the traffic flow on the adjoining road.*

ii) *Traffic to and from the development exceeds 5% of the traffic flow on the adjoining road where congestion exists or the location is sensitive.*

iii) *Residential development is excess of 200 dwellings.*

.....

*In certain circumstances where their cumulative impact warrants or where the transport infrastructure is under pressure may be required to undertake transport assessments even if they fall below any of these thresholds.*

- *Objective IN O8:*

*Cycle and pedestrian facilities It is an objective of the Council to encourage the successful incorporation of safe and efficient cycle and pedestrian facilities, and accessible cycleways, footpaths and pedestrian routes into the design schemes for residential, educational, employment, and recreational developments. Consideration will be given in these schemes to existing or proposed routes where applicable.*

- *Objective IN O11:*

*Road Safety Audit Applications for developments belonging to any one of the following categories or where the Council so require, shall be accompanied by a Road Safety Audit, in accordance with National policy in the following categories of development:*

*a) New public roads, including residential roads,*

*b) Major road improvement works on all public roads,*

*c) Traffic management schemes including quality bus corridors and cycle tracks,*

*d) Development schemes,*

*e) Major junction improvement works,*

*f) Any scheme that materially affects vulnerable road users, and*

*g) Major maintenance schemes.*

*Road safety audits will be carried out independently of the design team, shall be undertaken by an experienced auditor or team of auditors, and in accordance with guidance set down in 'Traffic Management Guidelines (DoT 2003) and insofar as the national road network is affected, the 'Design Manual for Roads and Bridges (NRA, January, 2009) (vol. 5) HD 19/09' which may also be used in lieu of the Traffic Management Guidelines for the local and regional road network. A Road Safety Audit will always be required for any development incorporating a new proposal onto a national road, or where the development may give rise to an increase in traffic on an existing access to the national road. A road safety audit will also be required for a change of layout of an existing access to a National Road.*

6.4.11. Section 8.3.5 deals with Water Supply, Water Conservation and Sewerage

- Objective IN O26: Water services and development

*It is the objective of the Council to match water infrastructure to development requirements in a cost-effective, sustainable and efficient manner in keeping with statutory requirements; while ensuring the pattern, form, and phasing of development that is allowed reflects service and environmental capacity. To this end the Council will monitor the cumulative effects of grants of planning permission on the available wastewater treatment capacity*

- Objective IN O30: Public mains

*It is an objective of the Council to require that all applications for development, where public mains are available or likely to be available, that the development shall connect into them.*

- Objective IN O31: Preference for gravity sewers

*It is the objective of the Council to seek to optimise the use of existing sewerage systems, and to minimise the requirement for additional sewerage pumping stations. First preference shall be given to gravity*

*sewers. Second preference shall be given to utilising spare capacity served by existing pumping stations.*

6.4.12. Chapter 10 provides Development Management Guidelines. The following are considered relevant-

- Section 10.3 requires a sustainability statement and social infrastructure assessment (SSSIA) will be required with planning applications for residential developments of 5 or more dwellings. A checklist for the SSSIA is provided.
- Section 10.4 requires a Design Statement for 5 or more dwellings to explain why a particular design solution is considered the most suitable for a particular site. The design statement could outline a justification for the development as proposed and any alternative design options considered.
- Section 10.5 deals with Residential Development. Section 10.5.1 refers applicants to a number of guidance documents. It defines housing estates as comprising of 5 or more dwellings and then sets out a number of general good practice guidelines in the development of housing estates.
- Table 10.1 provides ‘Design Guidelines for Urban Residential Developments’ and can be summarised as follows-

Topic	Standard/Guidance
Density	Have regard to the principles of ‘Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities’ 2009 and the accompanying Urban Design Manual (SRDUA & UDM).  Densities should be in accordance with the Settlement Strategy of the plan and the pattern and scale of adjoining development.
Design	A high quality of architectural design and layout are the main criteria for achieving a good quality living environment.



	The Planning Authority will have regard to SRDUA & UDM.
Minimum Rear Garden length	a minimum back to back distance between dwellings of 22 metres shall apply in order to protect privacy, sunlight and avoid undue overlooking
Open Space	a minimum provision of 15% of the total site area of the site  The minimum unit of open space shall be 200 sq. metres with any one side greater than 10m
Trees, Hedgerows and Landscaping	All housing applications will be required to include landscaping plans.  Presumption against developments which involve the large-scale removal of sound mature tree and hedgerow species

- Section 10.5.3 deals with ‘Residential Development – Serviced sites’. It details that Land will be zoned for such purposes through the Local Area Plan process, where considered appropriate.
- Section 10.5.5 deals with ‘Infill Residential Development in Urban Areas, Towns & Villages’. It details residential developments are particularly encouraged on small gap infill, unused or derelict land and backland areas, up to larger residential sites. A number of guidelines are provided including-
  - The site density, coverage and open space requirements will be considered on a site-specific basis. The development management standards set out for new residential developments may be relaxed in the case of infill developments.
  - Design, height, scale, materials used and finishes should respect existing adjacent properties.
  - Boundary treatment should ensure an effective screen between proposed and existing development.

- Private open space should provide space for bin and fuel storage areas.
- Section 10.5.6 deals with Apartments and Multiple Occupancy. Table 10.3 provides ‘Design Guidelines for Multiple Occupancy’ and can be summarised as follows-

Topic	Standard/Guideline
Density	Regard to the principles of ‘SRDUA & UDM, and the ‘Design Standards for New Apartments – Guidelines to Planning Authorities’, Sept 2007 and any subsequent documents.
Open Space	Minimum 15%

- Table 10.5 and 10.8 sets out ‘Vehicle Parking Requirements’ and Bicycle Parking Standards which can be summarised as follows-

Landuse	Unit	Space per unit
Dwelling	3 bed or less	1
	4 bed or more	2
Visitor	Per 3 units	1
Bike	Per unit	1
Apartment	2 bedroom or less	1
	3 bedroom or more	1.5
Visitor	Per 2 apartments	1
Bike	Per Unit	1

## 6.5. Interim Limerick Development Plan 2022- 2028

- 6.5.1. The Limerick Development Plan 2022-2028 was adopted by the Elected Members of Limerick City and County Council at a Special Meeting on the 17th of June 2022.

The Plan comes into effect 6 weeks from the date of adoption on the 29<sup>th</sup> of July 2022. Although not the statutory Development Plan at the time of this report the following are considered pertinent for consideration.

6.5.2. Chapter 2 sets out the Core Strategy which discusses Limerick in the context of the National Planning Framework (NPF) and the Regional and Spatial Economic Strategy (RSES) for the Southern Region. The following are noted-

- Section 2.3.1 Population Projections
- Section 2.3.2 Household Projections for 2022 to 2028
- Section 2.3.3 Settlement Hierarchy. Table 2.4 identifies Abbeyfeale as a Level 3 Town (>1,400 population).
- Table 2.5 sets out 'Projected population and household growth per settlement hierarchy' with 850 Additional households forecasted 2022-2028.
- Section 2.3.5.2 discusses 'Density' and 'Table 2.6: Density Assumptions per Settlement Hierarchy' identifies 22 uph for 80% of dwelling units and 10 uph for 20% of dwelling units proposed for Level 3 Towns.
- Section 2.5 discusses Local Area Plans and states, 'statutory LAPs are the primary vehicles for guiding and informing the content, layout and design of both 'new' and 'redevelopment' areas in various settlements'. This section details that the Abbeyfeale LAP will be reviewed and a new plan prepared following the adoption of the CDP (also Objective CGR O13).
- Table 2.7 provides Settlement hierarchy, population and household growth up to end of Plan period Q2 2028 plus zoned land provision and Abbeyfeale a Level 3 Town can be summarised as follows-

2016 pop	Pop total 2028	Pop Growth % of 2016	Additional household forecast 22-28	Target Density range	Zoned land required	Existing zoned	Shortfall / excess of zoned land
2,023	2,589	28%	211	10 or 22+	11.89	45.5	33.61

6.5.3. Chapter 3 sets out the 'Spatial Strategy'. Section 3.6 deals with Level 3 Towns and states-

*These settlements have experienced varying levels of commuter focused residential expansion, without equivalent increase in jobs and services. They require consolidation and targeted 'catch up' investment in services, infrastructure, suitable transport options, amenities and local employment, whilst balancing housing delivery and focusing on consolidation to become more self-sustaining. In line with National Policy Objective 3c, 30% of all new homes targeted within Level 3 settlements shall be within their existing built-up footprints.*

- *Objective CGR O14 Scale of Development within Level 3*

*It is an objective of the Council to ensure that the scale of new housing developments, both individually and cumulatively, shall be in proportion to the pattern and grain of existing development generally. No one proposal for residential development shall increase the existing housing stock by more than 10 – 15% within the lifetime of the Plan, unless the applicant can demonstrate that the settlement has adequate capacity, in terms of both physical and social infrastructure to support additional growth.*

6.5.4. Chapter 4 deals with Housing. The following Objectives are relevant-

- *Objective HO O1 Social Inclusion*

*It is an objective of the Council to ensure that new developments are socially inclusive and provide for a wide variety of housing types, sizes and tenure, in suitable locations, throughout Limerick, to cater for the demands established in the Housing Strategy and the Housing Need Demand Assessment*

- *Objective HO O2 Density of Residential Developments*

*It is an objective of the Council to:*

*a) Promote, where appropriate, increased residential density in the exercise of its development management function and in accordance with Table 2.6 Density Assumptions per Settlement Hierarchy in*

*Chapter 2: Core Strategy and the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and the accompanying Urban Design Manual, DEHLG, May 2009.*

*b) Encourage increased densities that contribute to the enhancement of a town or village by reinforcing street patterns or assisting in redevelopment of backlands and centrally located brownfield sites*

- *Objective HO O3 Protection of Existing Residential Amenity*

*It is an objective of the Council to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable new development.*

- *Objective HO O5 Apartments*

*It is an objective of the Council to encourage an increase in the scale and extent of apartment development, particularly in proximity to core urban centres and other factors including existing public transport nodes, or locations where high frequency public transport can be provided, close to locations of employment and a range of urban amenities including parks/ waterfronts, shopping and other services.*

6.5.5. Chapter 11 sets out Development Management Standards.

- Section 11.3 sets out Residential Development – General Requirements and where relevant are summarised as follows-

Type	General requirement
Open Space	15%
Private Open Space	
Front Garden	6m length minimum
Rear Garden	11m depth (22m back to back)
1-2 bedroom	48 sq.m
3-5 bedroom	60-75 sq.m
Rear Boundaries	1.8-2m capped, rendered

	concrete block/brick walls
SUDs	all new developments to manage and minimise surface water runoff by the use SuDS
Apartments	the design and layout of apartments shall comply with the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines (2020)
House floor areas	Conform with Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)

- Section 11.8.1 deals with Access to Roads, Traffic and Transport Assessments (TTAs) and Road Safety Audits (RSAs).
- Section 11.8.3 sets Car and Bicycle Parking Standards. Table DM 9 (b) address car parking and bicycle parking requirements for other settlements in the County including Abbeyfeale. It can be summarised as follows-

Dwelling <3 bed Visitor	1 Car Space per unit	1 Bike Space per unit
Dwelling 3 bed +	2 Car spaces per unit	2 Bike Spaces per unit
Visitor for all above	1 Car Space per 3 units	1 Bike Space per 2 units
Apartment 1-2 bed +	1 Car Space per unit	1 Bike Space per unit

Apartment 3 bed +	2 Car spaces per unit	2 Bike Spaces per unit
Visitor	1 Car Space per 3 units	1 Bike Space per 2 units

- Section sets out EV Charging Point requirements

## 6.6. Abbeyfeale Local Area Plan 2014 – 2020 (extended to 2024)

6.6.1. This Local Area Plan came into effect on 18th July 2014. On the 3<sup>rd</sup> of April 2019 Limerick City & County Council extended the duration of the Abbeyfeale Local Area Plan 2014 – 2020 for a further five years until April 2024.

6.6.2. Section 1.1, Page 3 states-

*“The aim of the LAP is to establish a framework for the planned, coordinated and sustainable development of the town of Abbeyfeale, including the conservation and enhancement of its natural and built environment over the next six years and beyond.....*

*All planning applications in the town of Abbeyfeale will be measured against the contents of this LAP and the current Limerick County Development Plan. The Abbeyfeale LAP must be read in conjunction with the Limerick County Development Plan 2010 – 2016 and any variation thereof. Unless otherwise stated, the general development plan policies, objectives and development management standards still apply to the area.”*

6.6.3. Table 3.2 sets out ‘Population Target, total residential units and zoned land requirements’ and can be summarised (and added to as follows)-

Year	2006	2011	2016 <sup>7</sup>	2020	2022
Total Population	1940	2007	2,023	2747	2912

<sup>7</sup> Taken from <https://www.limerick.ie/sites/default/files/media/documents/2019-04/Chief-Executives-Report-to-extend-the-life-of-the-Abbeyfeale-Local-Area-Plan-2014-2020.pdf>

Additional Population				740	165
Additional housing units required				380	84
Zoned land required for additional housing units (including additional 50% headroom) - hectares				32.12	7.10

6.6.4. Table 3.3 sets out Residential unit and land requirements by 2020 and states 456 units in Residential Development Areas and 114 units as serviced sites giving a total of 570 units. Part 3 of the Chief Executive Report to extend the LAP (footnote 7) provides an overview of significant planning application since the adoption of the LAP. This suggests c. 7 new dwelling units and 10 serviced sites were permitted from the adoption of the LAP up to the end of March 2019.

6.6.5. Relevant policies and objectives include-

- Policy H1 *It is the policy of the Council to provide appropriately zoned lands to cater for the sustainable growth of Abbeyfeale town and to ensure that all residents can enjoy a safe and accessible environment.*
- Policy H 2 *It is the policy of the Council that quality shall underpin all new development by creating and maintaining a sense of place and local distinctiveness in established and new development areas.*
- Objective H1: New Housing
  - (a) *It is an objective of the Council, on serviced land that is zoned 'Residential Development Area', to facilitate residential development in accordance with the principles and guidelines of the 'Design Manual for Urban Roads and Streets' (2013), the 'Sustainable Residential Development in Urban Areas' (2009), the accompanying Urban Design Manual, 'Quality Housing for Sustainable Communities' (2007) and the*



*policies, objectives and Development Management Standards contained in the Limerick County Development Plan, 2010-2016.*

*(b) It is an objective of the Council to promote the provision of community and other facilities such as childcare as an integral part of new developments.*

- Objective H2: Residential density, design, mix and phasing

*It is an objective of the Council to:*

*a) Ensure that proposals for residential development are planned coherently through the use of design briefs, masterplans for larger landholdings where proposals involve the partial development of landholdings if appropriate, sustainability statements and social infrastructure assessments and any other supplementary documents deemed necessary by the Council.*

*b) Promote the concept of a 'compact district' by encouraging appropriate densities in suitable locations and by resisting sporadic isolated developments.*

*c) Require an average gross density of 22 units to the hectare on 'New Residential' zoned sites within the plan area.*

*d) Ensure that the density of housing in any one location is appropriate to the housing type.*

*e) Ensure a wide range of house types, sizes and tenures are provided to meet varying population requirements and needs.*

*f) Ensure compliance with the objectives of the County Development Plan SSO1 to SSO7 inclusive.*

*g) Ensure development of sites in Phase 2 can only proceed when at least 50% of all development in New Residential zoned Areas Phase 1 is completed. Similarly Phase 3 will only be permitted on the completion of 50% of development in phase 2.*

- Objective H3: Serviced and low density sites

*It is an objective of the Council to:*

a) *Promote lower density serviced sites in specified edge of town locations zoned 'Residential Serviced Sites', of no less than 0.1 hectares each.....*

- *Objective H4: Infill Development, Restoration and Town Renewal*

*It is an objective of the Council to:*

*.....*

d) *Consider on their merits proposals for residential development of rear plots where they can be adequately accessed, and where they would not affect existing or proposed private amenities, storage or parking requirements. Such proposals should in general be part of larger masterplans involving contiguous plots.....*

- *Objective T1: Traffic Management*

*.....*

(b) *It is an objective of the Council to seek the provision of a vehicular link road between Pound Lane/Hill road and the Killarney road in order to reduce traffic congestion on the Market Square.*

- *Objective T5: Safeguard the Capacity of the N21 and R-524*

*It is the objective of the Council to safeguard the capacity of the N21 and the R524 and ensure that any future developments do not compromise the strategic function of these roads.*

- *Section 7.3 deals with Foul Sewerage and details the Abbeyfeale Wastewater Treatment Plant has a design capacity of 2860 Population Equivalent (PE) but is receiving a loading of 4680 population equivalent with excess loading including sewage sludge from four neighbouring villages. It details the council is currently in the process of appointing consultants to upgrade the wastewater treatment plant.*

*Objective IN 2: Sewerage facilities*

*It is the objective of the Council to:*

(a) *Ensure that adequate and appropriate waste water infrastructure is provided for prior to further development to avoid any deterioration in*

*the receiving waters. In this regard account shall also be taken of existing outstanding permissions in assessing impact.*

*(b) Ensure that development proposals provide adequate waste water infrastructure to facilitate the proposed development. This includes the separation of foul and surface water through the provision of separate sewerage networks.*

*(c) Ensure that discharge meets the requirements of the Water Framework Directive.*

- *Objective IN 3: Surface water disposal*

*It is the objective of the council to:*

*(a) Require that all applications for development demonstrate that appropriate Sustainable Urban Drainage Systems (SuDS) are examined and where feasible provided.*

*(b) Require the submission of surface water design calculations establishing the suitability of drainage between the site and a suitable outfall in order to establish whether the existing surface water drainage system can accommodate an additional discharge generated by a proposed development(s).*

*(c) Require applicants to investigate the potential for the provision of porous surfaces where car parking and hard landscaping is proposed.*

*(d) Protect the surface water resources of the plan area, and in individual planning applications request the provision of sediment and grease traps, and pollution control measures where deemed necessary.*

*(e) Surface water runoff to be designed to agricultural runoff rates, subject to agreement with the local authority.*

6.6.6. Chapter 11 deals with Land Use Zoning. Appendix 1 provides Maps associated with the LAP with Map 1 the Abbeyfeale Zoning Map.

- The Zoning Map shows the application site as zoned 'Residential Development Area Phase 1'. It also shows

- 6.2 deals with ‘Movement and accessibility’ and states-

*“.....The indicative distributor road shown on the zoning map will act as a localized bypass for the town. This is specified in the Mid West Area Strategic Plan 2012-2030 which states that in the absence of full alignment upgrades of the N21, consideration should be given to a localized bypass for the town of Abbeyfeale.....”*

*Car-parking may be provided on part of the open space zoned area adjoining the proposed distributor road subject to appropriate layout and landscaping. Access to any proposed car parking at this location shall be provided off the proposed distributor road.*

*.....All future development proposals in proximity to the N21 national road shall have regard to the DoECLG publication ‘Spatial Planning and National Roads Guidelines for Planning Authorities’ (January 2012). Direct access and intensification of direct access to the national road network where a 100kph speed limit applies will not be permitted in accordance with provisions of Section 2.5 of the Spatial Planning and National Roads Guidelines and Policy IN P9 of the County Development Plan, 2010-2016.*

- Objective T5: Safeguard the Capacity of the N21 and R-524

*It is the objective of the Council to safeguard the capacity of the N21 and the R524 and ensure that any future developments do not compromise the strategic function of these roads.*

- Section 11.3 deals with ‘Land Use Zoning Categories’ but does not provide a description for ‘Residential Development Area’ for which there are three types/ Phases. Section 11.3 does provide a description for ‘New Residential’ which is considered the appropriate category in this context. It states-

*“This zoning provides for new residential development and other services associated with residential development. While housing is the primary use in this zone, recreation, education, crèche/playschool, sheltered housing and small corner shops are also envisaged, subject to the preservation of neighbouring residential amenity. Permission*

*may also be granted for home based economic activity within this zone, subject to the preservation of residential amenity, traffic considerations and compliance with Section 5.5 in Chapter 5 of this Plan.”*

- Table 11.2 sets out the Zoning Matrix and both Dwellings and Apartments are indicated as ‘Generally Permitted’ in ‘Existing / New Residential’ zonings.
- The site is not zoned for ‘Residential Serviced Sites’ although such house types would be ‘Generally Permitted’.
- Map 3 identifies Protected Structures and the Abbeyfeale Architectural Conservation Area. The application site is considered remote of both of these Built Heritage types.

## **6.7. Natural Heritage Designations**

The site is located-

- c. 175m east of the north of the Lower River Shannon SAC (002165) i.e. the river Feale
- c. 3.7km south west of the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161)

## **6.8. EIA Screening**

- 6.8.1. An Environmental Impact Assessment Screening report has not been submitted with the application.
- 6.8.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
  - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a

built-up area<sup>8</sup> and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

- 6.8.3. The application proposes to construct 68 residential units. The number of units proposed is well below the threshold of 500 dwelling units noted above. The site has an overall stated area of 2.794 ha and in this context it is considered as located ‘elsewhere’ as Abbeyfeale is not considered a ‘town’ under Section 10 (3) (b) and Schedule 6 Part 2 of the Local Government Act of 2001. The site area is therefore well below the applicable threshold of 20 ha.
- 6.8.4. The introduction of a residential development as proposed will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. Structures of Built Heritage significance are sufficiently remote of the site as per Map 3 of the LAP.
- 6.8.5. The development proposes connecting to the public water and drainage services of Irish Water and Limerick City & County Council. In this context I am satisfied that the proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other developments in the general area. It would not give rise to a risk of major accidents or risks to human health.
- 6.8.6. The application site is not directly connected to a European Site. I note the proximity of the site to drainage ditches along the ‘Grove Road’. This may provide an indirect connection to the Feale River i.e. a European Sites. Surface water (allowing for SUD’s measures including infiltration, attenuation and other proposed SUD’s will discharge to the existing combined foul and storm sewer on St. Ita’s Road. Further consideration of significant effects, if any on European Sites are set out in Section 8.12 below. Impacts in terms of EIA are not considered significant.
- 6.8.7. I consider that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the

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<sup>8</sup> Built-up Area’ means a city or town (where ‘city’ and ‘town’ have the meaning assigned to them by the Local Government Act 2001) or an adjoining developed area (defined in Article 3, Planning and Development Regulations 2001 as amended). An adjoining developed area can be taken to mean contiguous suburbs.

environment and that upon 'Preliminary Examination', an 'Environmental Impact Assessment Report' for the proposed development was not necessary in this case

## 7.0 The Appeal

### 7.1. Grounds of Appeal

7.1.1. A third party appeal has been received from Mr. Tommy Drummond on behalf of the Concerned Residents Association, Hill Rd., Abbeyfeale, County Limerick. The appeals and its grounds can be summarised as follows-

- An Introduction to the appeal, the proposed development and reference to conditions attached to the grant by the Council, planning history of the site and the Abbeyfeale LAP 2014-2020 (2024).
- It is considered the proposed development should be viewed in conjunction with the overall development of the site as the total future development will have the same impact and effect as previous applications refused.
- The application is premature pending a direct link between Pound Lane and the N21. The LAP retains this link road but it is not yet constructed.
- The new site layout plan submitted on the 23/02/22 proposes new items not seen by the appellants to which they would like to comment upon including-
  - a pedestrian crossing,
  - a sewer running behind existing houses and diverted around one
  - relocation of the playground
  - splitting of 7 terraced houses into two terraces of 4 and 3 houses respectively
  - ambiguity around the proposed distributor road west street parking.
- The appellants were precluded from objecting to the rerouting of the sewer around units E54/G55. Agreement should have been in place with Irish Water prior to submitting the application. Condition 16 requires a 2m wall to the rear of proposed houses i.e. the walls will be built on top of existing sewers and

wayleaves and in back gardens of those houses. In rerouting the sewer there is no indication of how an existing house's connection will be maintained.

- There is also a wayleave for the watermains supplying water to the east side of the town traversing the site from the south west corner towards units 33G/34C. there should be a no development exclusion along the watermain.
- The appellants identify these matters on a submitted drawing with the appeal.
- Car Parking provision of 157 spaces appears excessive for 68 housing units. An excerpt of Limericks parking standards is provided.
- The layout of the proposal is out of character with nearby existing mixed residential development of bungalows, detached dormers, semi-detached two storey houses and detached bungalows. Photographs are included.
- The proposal is high density, suburban more suited to Limerick City and not in keeping with the Abbeyfeale streetscape or character a fact recognised by An Bord Pleanala in 2004 and the County Council in 2005. The proposal does not enhance the richness and integrity of the towns natural build and cultural heritage.
- The proposal is not in tandem with the population growth of Abbeyfeale. Two housing developments in the town remain unfinished with photographs provided. Demand has waned over the years. Anecdotal evidence suggests very few tenants are local people.
- The proposal will not provide affordable and attractive housing for local or outside demand from families which could regenerate and reverse low population growth over the past years. People want detached homes with space. Less than 5 such houses have been built within the LAP boundary over last 20 years.
- Objectives IN 5 (composting facilities for housing) and IN 6 (bin spaces apartments) of the LAP are unrealistic. The proposed community bin storage for the apartments is more in keeping with suburban/city developments. These can become dumping grounds creating health and safety issues. Sample pictures are included. Condition 22 (management scheme) is aspirational in this regards.



- The Draft Limerick Development Plan 2022 – 2028 supports the development of serviced sites as alternatives to single one off houses. The development is an opportunity to address this imbalance. The absence of serviced sites has forced people into rural areas and suburbanised ribbon development.
- The proposal is part one of the total site thus creating an overall development similar to, if not worse, than previously refused. Reference is made to previous refusal reasons which are as valid to this application as they were to past applications. The design is even poorer and does not comply with objectives as set out in H2 of the LAP and does not contribute to a balanced community. The design is reminiscent of a barracks or prison. The application proposes a poor level of residential amenity for future occupants.
- Existing residents are concerned about the loss of open space in this part of the town.
- Objective H2 (b) promotes the concept of a ‘compact district’ by encouraging sustainable densities in suitable locations (page 49 of the Guidelines touches on this). This could be interpreted as placing lower density housing adjacent to lower density housing not to the same extent but also not to the extent as proposed i.e. very high density adjacent to low density.
- The level of terraced housing is out of proportion with national and local average of terrace housing. 26 out of 68 or 38% are terraced with 35% apartments. This does not compare favourably with Annual Housing Bulletin for 2004 i.e. 3.3% terrace housing, 22.4% for apartments.
- The placement and extent of boundary walls is not clear from the drawings.
- Current traffic congestion will be compounded by 157 car parking spaces. The distributor road and connection from Pound Lane to the N21 is not in place. The proposed entrance opposite a dangerous junction with restricted sightlines and will create a traffic hazard. The junction with the N21 is extremely hazardous with long delays.
- The siting of the pedestrian crossing borders on irresponsible and will create a hazard. Traffic coming down the hill exceeds speed limits.

- A proper assessment of the impact of the development on existing and future traffic is vital. The application is deemed premature pending the link road with access to the N21. The application should involve the NRA due to the N21 access.
- Section 7.3 of the LAP details the Abbeyfeale Wastewater Treatment Plant (WWTP) has excess loading with no plans to upgrade before 2024. Proposals for significant development remains subject to pre-connection agreement with Irish Water.
- An enquiry dated 17/06/20 puts capacity remaining at 395 PE approx. 145 houses. The question needs to be asked what agreements are pending that affect this capacity.
- There are surface water drainage concerns given the sloping nature of the already wet site.
- There is difficulty registering with a medical practise in Abbeyfeale.
- The site was originally designated open space.
- There is an adequate supply of zoned land and Abbeyfeale has the opportunity to develop sites with high density residential development.

## **7.2. Applicant Response**

- None received

## **7.3. Planning Authority Response**

- None received

## **7.4. Observations**

- None received

## 8.0 Assessment

### 8.1. Introduction

- 8.1.1. I have examined the third party appeal and associated documents, the application as originally submitted, the further information and clarification of further information submitted and all other documentation on file. I have inspected the site and have had regard to relevant local/regional/national policies and in particular Ministerial Guidelines and Specific Planning Policy Requirements (SPPR).
- 8.1.2. I consider the substantive issues that arise from the grounds of appeal and relating to the assessment of this appeal include the following matters-
- The Operative Development Plan
  - Principle of the Development and Zoning
  - Core Strategy and Density
  - Proposed Design, Visual and Residential Amenity
  - Apartment Standards
  - Transport Related Issues
  - Water Services Issues
  - Other Matters
  - Appropriate Assessment

### 8.2. The Operative Development Plan

- 8.2.1. The site is located within the administrative boundary of Limerick City and County Council. The application was assessed by the Council in accordance with the policies and objectives of the Limerick County Development Plan 2010-16 as extended (CDP) and the provisions of the Abbeyfeale LAP 2014-20 (extended to 24).
- 8.2.2. The Board are advised the Interim Limerick Development Plan 2022-2028 (ICDP) was adopted by the Elected Members of Limerick City and County Council at a Special Meeting on the 17th of June 2022. The new Plan comes into effect 6 weeks from the date of adoption i.e. on the 29th of July 2022.

8.2.3. Although not the statutory Development Plan at the time of this assessment I have given pertinent consideration to relevant and comparable sections of the ICDP as set out in section 6.5 above. In this regard the Board are advised that on review of the contents of both Development Plans I note that there are no material differences between the 2010-16 CDP as extended and the 2022-28 ICDP as they relate to the appeal site and the subject proposal. When the Board is determining the appeal the operative plan will likely be the 2022-28 plan.

### **8.3. Principle of the Development and Zoning**

8.3.1. The Abbeyfeale Local Area Plan 2014-20 as extended to 2024 (the LAP) identifies the importance of the site in the context of Abbeyfeale and its environs. In this regard the site is located relatively proximate to the town centre and is clearly identifiable within the LAP boundary.

8.3.2. Appendix 1 of the LAP contains relevant maps. Map 1 presents the Abbeyfeale Zoning Map. This identifies the specific land use zoning and other objectives within the towns identified settlement boundary. It makes five provisions for residential zoned land including-

- Residential Development Area 1
- Residential Development Area 2
- Residential Development Area 3
- Residential Serviced Sites Phase 1
- Residential Serviced Sites Phase 2

8.3.3. The majority of the application site is zoned 'Residential Development Area Phase 1' reflecting the importance of the site to deliver housing. A small section of the site towards the north is zoned for 'Open Space & Recreation'. The Zoning Map also provides for a 'Proposed Distributor Road (indicative) within the site to the northern end of the residential zoning and along the western boundary of the application site.

8.3.4. The development as proposed and as shown on the 'Proposed Site Layout Plan' drawing number P102D submitted on the 04/02/22 provides for-

- 2,458 sqm of public open space to the north of the application site.

- An entrance access road from St. Ita's Road into the site, a temporary open space area of 344.5sq.m pending delivery of the distributor road and identifies a hatched area along the eastern boundary of the application site to the Grove Road to be transferred to the Council for the provision of the Distributor Road.
- The provision of 68 residential units generally south of the Distributor Road.

- 8.3.5. Condition 9 of the Council's decision to grant permission requires the applicants to enter into a legal agreement for the transfer of lands outlined in the hatched area of the site layout plan. The reason given for the condition is *'In order to provide for future infrastructure as set out in Local Area Plan.'*
- 8.3.6. Table 11.2 of the LAP sets out the Land Use Zoning Matrix. This clearly demonstrates the development for houses, apartments and open space are generally permitted within the relevant zonings.
- 8.3.7. Section 4.1 of the LAP deals with Housing and Objective H2 (g) makes it clear that 'Residential Development Area – Phase 1' has been identified for development prior to Phase 2 or Phase 3 residential lands.
- 8.3.8. I note the Appellant's concerns relating to the suitability for the site for serviced sites. However, it is clear the application site is not specifically zoned for serviced sites and while such uses would generally be permitted (subject to other requirements such as density) as per the zoning matrix, there is no obligation for the applicants to deliver same.
- 8.3.9. The Appellants also contend the proposed development should be viewed in conjunction with the overall development of the landholding as the total future development will have the same impact and effect as previous applications refused on the site. The Appellants refer to the adjoining lands directly south of the application site within the applicants control. The Council's first planning report details further information shall be sought in this regard. The Council's FI request did not seek a Masterplan.
- 8.3.10. Objective H2 of the LAP seeks to ensure that proposals for residential development are planned coherently through the use of various planning tools including Masterplans. The application is accompanied by a Design Statement and a Sustainability Statement and Social Infrastructure Assessment. The layout of the

development provides access directly to these lands facilitating future connections. In this context, and for the purpose of this application, I am satisfied that adequate provision has been made to provide for the appropriate development of these lands.

8.3.11. Having considered all of the above I am satisfied the development as proposed is acceptable in principle and complies with all zoning requirements.

#### **8.4. Core Strategy and Density**

8.4.1. The Appellants have raised concerns relating to the proposed density which they consider suburban and more suited to Limerick City. They also argue the proposal is not in tandem with the population growth of Abbeyfeale with two housing developments in the town unfinished and poor demand in the area.

8.4.2. The Limerick County Development Plan (CDP), which was implemented in 2010 and varied to include for a core strategy to 2022 identifies Abbeyfeale as Tier 3 in its settlement hierarchy. Section 2.6.2 deals with the 2022 Core Strategy. Table 2.5 of the Plan outlines population and housing requirements. It details Abbeyfeale targets with a 2022 population allocation of 1500 and housing units required of 805 to be delivered over the lifetime of the plan.

8.4.3. Section 2.6 of the 2010-16 CDP as extended discusses 'density' in the context of the Core Strategy. It details a density of 22 units per hectare has been applied to Abbeyfeale. Section 4.3 of the Plan deals further with density and Objective HOU 01 promotes increased residential density in accordance with the 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities 2009 (SRDUA).

8.4.4. Section 2.4 of the Interim ICDP 2022-28 sets out the Core Strategy Statement and Table 2.7 details a population target of 2,589 to 2028 or an increase of 566 over the Census 2016 population. The table details a requirement for 211 additional households. The table also states a target residential density range of 22+ units per hectare (uph). Table 2.7 Footnotes on page 36 explain that the densities for "Residential Development Areas" are set at 22 units per hectare for all settlements such as Abbeyfeale.

8.4.5. Section 2.3.5.2 of the ICDP deals specifically with density and details density assumptions for the core strategy should be consistent with the SRDUA planning

Guidelines. Table 2.6 sets out 'Density Assumptions per Settlement Hierarchy' with 22 uph for 80% of dwelling units and 10 uph for 20% of dwelling units proposed

- 8.4.6. Section 3.6 of the Abbeyfeale LAP discusses Population Targets. Section 3.6.1 refers to the core strategy of the CDP and the population target of 2,912 with a requirement for 379.63 additional housing units required by 2020. It also refers to a density of 22 units per hectare.
- 8.4.7. Chapter 6 of the SRDUA Guidelines 2009 deals with 'Small towns and villages' with a population ranging from 400 to 5,000 persons such as Abbeyfeale. Section 6.3 gives general advice suggesting development should be plan-led through a Local Area Plan and contribute to compact towns through permeable backland development and development of appropriate sites. The advice also details higher densities are appropriate in certain locations including assisting in the redevelopment of backlands. The advice discusses the scale of new schemes for development and places emphasis on the LAP to make recommendations regarding the appropriate scale of overall development and any individual new housing schemes and to match the scale and grain of existing development within an overall development boundary. It provides examples where LAP's may recommend the phased development of sites subject to certain proviso's.
- 8.4.8. Section 6.9 - 6.13 of the Guidelines deals with 'Density Standards' by identified area types for Towns and Villages. In my opinion the proposed application site falls somewhere between the categories of
- 'Centrally located site'- given its proximity and connectivity to the town centre with facilities in the immediate area including a Super Valu, Post Office and local sports club.
  - 'Edge of Centre sites' – given the sites proximity to the town centre and settlement boundary and the nature of the development as proposed.

The guidelines details densities ranging from 30-40+ dwellings for the former and a range of 20-35 dwellings per hectare for the latter.

- 8.4.9. Circular Letter: NRUP 02/2021 provides further guidance on SRDUA 2009 including for 'Development within Small Towns and Villages'. This details there is already clear scope for greater variation in density in smaller towns, but this should not lead to provision for disproportionate development in such places through excessive zoning.

8.4.10. The applicants 'Planning Statement' submitted in support of the application refers to the requirement for 805 new units in Abbeyfeale as per the CDP 2022 core strategy target. They argue that given the lack of housing delivery in the area over the last few years the proposal will be a significant contributor toward achieving this target.

8.4.11. The application proposes 68 units on a stated application site area of 2.794ha. This suggests a gross density of 24.33 uph or 24 units per hectare. The applicants 'Planning Statement' proposes a net density (omitting open space provision) of 68 units on a site area of a 2.348 ha giving 28.96 uph or 29 units per hectare. This is consistent with Appendix A: 'Measuring residential density' of the SRDUA Guidelines.

8.4.12. Having considered the concerns of the Appellants, the details as set out above, the application on its merits, the sites 'Residential Development Area Phase 1' zoning and its priority in the LAP context for delivery of housing, the density assumptions that form the basis of the core strategy targets as set out in the CDP 2010 as extended, the ICDP 2022-28 and the current Abbeyfeale LAP extended to 2024, the contents of Circular Letter: NRUP 02/2021 and the provisions of Chapter 6 of the SRDUA Guidelines of 2009, including sections 6.9 – 6.11, I am satisfied the proposed development is consistent with the statutory planning context as detailed and the provision of 29 units per ha at this location is appropriate, acceptable and in accordance with proper planning and sustainable development.

## 8.5. **Proposed Design, Visual and Residential Amenity**

8.5.1. The Appellants have raised a number of concerns relating to the overall design of the development. Such concerns generally include matters of visual amenity impacting upon the general character of the area and town. The Appellants in particular highlight-

- the proposal is out of character to the existing housing typology in the area
- the overall design is reminiscent of a barracks or prison and does not comply with objectives H2 of the LAP and does not contribute to a balanced community.



- the suburban nature of the proposal is not in keeping with the Abbeyfeale streetscape or character as per previous planning refusals on the site.
- the proposal does not enhance the richness and integrity of the towns natural build and cultural heritage.
- the proposal will not provide affordable and attractive housing for local people
- The application proposes a poor level of residential amenity for future occupants and
- concerns over loss of open space in this part of the town.

8.5.2. The applicants have submitted a Design Statement in support of the proposal. This includes discussions and drawings relating to the site context, response to same, creating streetscapes and a number of considered design options. It is clear the open space zoning and the 'proposed distributor road (indicative)' zoning objective to the north of the site have heavily influenced the final layout.

8.5.3. The Planning Authority sought slight revisions to the overall linear nature of proposed building blocks at Further Information stage. Save for these amendments, they considered the proposed layout acceptable.

8.5.4. The Applicants submitted a revised layout proposal in which they have broken the apartment building into two blocks providing for potential future pedestrian connectivity to the Grove Road. The gable of the blocks provide passive surveillance to the pedestrian links between blocks. The terraced houses to the west side of the development have also been broken into blocks. The Planning Authority have considered this proposal to generally be of high quality with design standards complying with Development Management standards of the Development Plan and with Specific Planning Policy Requirements of the Apartment Guidelines.

8.5.5. Section 1.2 of the Sustainable Residential Development in Urban Areas Guidelines (SRDUA) details that they are accompanied by a non-statutory residential design manual (UDM). This manual sets out 12 criteria that encapsulate the range of design considerations for residential development. Section 1.2 also suggests there is no strict requirement that proposed developments must comply with the 12 design criteria. Chapter 3 of the SRDUA 2009 Guidelines sets out the qualities which make

for successful places, and shows how design criteria can be applied in the planning process, with particular reference to the design of residential streets.

- 8.5.6. The 2013 Design Manual for Urban Roads and Streets (DMURS) seeks to address street design within urban areas and provides a number of suggestions for proposed layouts.
- 8.5.7. The layout proposes one main vehicular entrance that meanders through the site around three large areas of open space. The 'Distributor Road' is 6m wide with a 3m wide pedestrian and cycle path. The internal estate road narrows to 5.5m. These are considered to generally comply with requirements for carriageway widths as set out in section 4.4.1 in DMURS i.e. 'Arterial and Link streets' and 'Local Streets'. The road layout also makes adequate provision for access to lands directly south of the site and within the landholding. The application provides for permeability and future connectivity to the surrounding road network including Grove Road, facilitates the future Distributor Road and access to lands to the south of the site within the landholding.
- 8.5.8. The application proposes 2,458 sq.m of landscaped open space to south of St. Ita's Terrace which will provide an area of usable public open space, open to all residents in the area. This delivers on a Zoning requirement and represents a significant improvement on the current nature and usability of this space. The areas of open spaces within the proposed development are sizeable and will all benefit from strong passive surveillance. The dual aspect nature of apartments with first floor private amenity spaces will also provide for passive surveillance to the future Distributor Road.
- 8.5.9. The overall development of the application site and its overall layout quality should not just be considered by the design of roads and open spaces but also by its housing typology, tenure and variety. The application provides 68 housing units with types ranging from semi-detached, terraced and apartments. The houses and apartments are two storey, typical of many housing estates throughout Ireland. The Housing Quality Assessment submitted with the application proposes floor areas ranging from 83.8 sq.m to 139 sq.m. The development includes 1 and 2 bed apartments with 2, 3 and 4 beds houses. These will cater for a number of different housing needs of future residents including families who may or may not be local to

the area. The application also submits details of Part V costing with 7 units proposed. While determination on these matters are generally between the Planning Authority and the Applicant such provisions will contribute to addressing affordability concerns and can provide for a balanced community.

- 8.5.10. The site is located c. 130m south of the Abbeyfeale Architectural Conservation Area (ACA) with proposed units c. 175m away from same. The nearest protected structure are RPS No's 176 and 159 as indicated in Map No. 3 of the Abbeyfeale LAP<sup>9</sup>. These front Bridge St (N21) to the west of St. Ita's Road and are significantly set back from proposed buildings in the development. The proposed development will not significantly detract from the character or visual amenity of these Protected Structures or the Abbeyfeale ACA. Nor will it impact negatively upon the richness and integrity of the towns natural, built and cultural heritage
- 8.5.11. There are a number of varying housing types and other building types in the general area of the site. The proposed development of typical two storey residential buildings will not significantly detract from the existing character, visual amenity or residential amenity of the general area. Instead, the proposal will in my view, contribute positively to the existing character, the differing housing stock and building typology of Abbeyfeale.
- 8.5.12. In terms of residential amenity, the proposed two storey houses range from heights of c. 8.1 - 9.1m (allowing for varied proposed finished floor levels). They are sufficiently set back in excess of 22m to existing houses on St. Ita's Road thereby protecting existing residential amenity from overbearing, overshadowing and access to daylight and sunlight provision. In particular section 3.3.7 of 'BRE209 - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' recommends that at least half of open spaces should receive at least two hours of sunlight on March 21st (the Equinox) (See section 6.3.6 above). I consider the proposed development will not reduce existing sunlight provision below this requirement.
- 8.5.13. Proposed private open space are provided to the rear of each house ranging from depths of 9.2m to 10.9m. The size of these spaces range from 50 sq.m for two bed

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<sup>9</sup> These are listed as 805 and 808 in Volume 3 of the Interim CDP 2022-2028

houses to 139.6 sq.m to house no. 54. The significant majority of private open space provision exceeds 60 sq.m

- 8.5.14. Rear gardens to houses 35-68 are generally south and west facing and will achieve adequate sunlight provision as per section 3.3.7 of BRE. Rear garden spaces of house no's 25-34 are north east facing range from 10.1m to 10.4m with areas of 52 - 107 sq.m. They are orientated to Grove Road and will not have any significant future obstructions given the zoning requirement for the Distributor Road. I consider these spaces will achieve adequate sunlight provision in accordance with BRE209 as will private amenity spaces to both proposed apartment blocks.
- 8.5.15. I have considered the Appellant's concerns and references to previous refusal of planning permissions on this site. Notwithstanding the refusal reasons for these, the subject application is assessed on its own merit in the context of current planning requirements including the national, regional and local planning context as well as Ministerial Guidance as set out in section 6 of this assessment.
- 8.5.16. Having considered all of the above, the 'Residential Development Area Phase 1' and 'Open Space and Recreation' zoning of the site and in particular the provision for delivery of the 'Proposed Distributor Road', I am satisfied the proposal provides a development of sufficient quality which incorporates a number of the design criteria measures outlined in the SRDUA Design Manual and DMURS and generally complies with objective H2 of the LAP. The proposal would not detract negatively from the general character or visual amenity of the area, will not detract negatively from existing residential amenity and will provide acceptable residential amenity to future occupiers of the development.

## 8.6. Apartment Standards

- 8.6.1. The application proposes 24 apartments. The Planning Authority have raised no concerns in relation to the proposed apartment standards.
- 8.6.2. For the purpose of the 2020 Apartment Guidelines and this assessment, the proposal is not considered to be a 'Building Refurbishment Scheme' or an 'Urban Infill Scheme'. There are no buildings on site to be refurbished and the site area of 2.794 ha exceeds the specified 0.25ha for an Infill scheme. Therefore SPPR 2 does not apply.

8.6.3. Section 2.4 of the Guidelines details criteria for identifying location in cities and towns that may be suitable for apartment development. I consider the subject site is most appropriately described as a 'Peripheral and/or Less Accessible Urban Locations' by virtue of being on a site within a small town or village.

8.6.4. The proposed development will therefore be assessed against the following Specific Planning Policy Requirements of the 2020 guidelines- SPPR 1, 3, 4, 5, and 6.

8.6.5. SPPR 1

a) The application proposes 24 apartments consisting of-

- 12 two bedroom apartments and
- 12 one bedroom apartments

b) SPPR 1 states 'Housing Developments' may include up to 50% one bedroom apartments. In the context of the overall housing development one bedroom apartments represents c.35% of the proposed development. In the context of only apartments the development proposes 50% as one bedroom.

c) Having regard to the provisions of SPPR 1 in relation to Housing Mix I am satisfied the provision and range of apartment mix is acceptable.

8.6.6. SPPR 3

a) This requirement sets out minimum requirements for apartment floor areas and in particular requires-

- 45 sq.m for 1-bedroom apartment (2 persons) and
- 73 sq.m for 2-bedroom apartment (4 persons)

b) The Schedule of Accommodation and Housing Quality Assessment (SAHQA) submitted with the original application on the 05/05/21 details the following-

- All one bed apartment have a stated floor area of 60 sq.m
- All two bedroom apartments have a stated floor area of 81 sq.m

c) I have not been able to identify an updated SAHQA submitted with the FI on the 19/10/21. This submission revises the layout of the development to include splitting the one apartment block into two blocks. Other than this the individual floor plan layouts for apartments type A and B remain the same.

d) The proposed development complies with SPPR 3.

#### 8.6.7. Section 3.8- Safeguarding Higher Standards

- a) Section 3.8 of the Guidelines is titled 'Safeguarding Higher Standards' and seeks to ensure delivery of apartments that are not built down to a minimum standard, but that reflect a good mix of apartment sizes. Accordingly, it is a stated requirement of the Guidelines that the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3-bedroom unit types, by a minimum of 10%
- b) In accordance with the example provided in section 3.9 of the Guidelines I have calculated the 'Cumulative Min Floor Area' for the proposed units to be 1,416 sq. The 'Total Required Minimum Floor Area would be  $1,416 + 141.6 = 1,557.6$  sq.m. Therefore 141.6 sq.m of additional floor space is required and needs to be allocated to at least the majority of the apartments i.e. at least 13 units.
- c) The total proposed apartment floor areas is 1,692 sq.m which exceeds the cumulative requirement of 1,557.6 sq.m. Having reviewed the drawings submitted with the application and FI, all apartments exceed the minimum floor area requirement by at least 10% i.e. 15 sq.m for one bed and 8 sq.m for 2 bed.
- d) The proposed development complies with the requirements of section 3.8.

#### 8.6.8. SPPR 4

- a) This SPPR does not specify a minimum requirement for 'Peripheral and/or Less Accessible Urban Locations'.
- b) Having reviewed the drawings submitted with the application and FI all apartments benefit from dual aspect orientations.

#### 8.6.9. SPPR 5

- a) This SPPR requires ground level apartments to have floor to ceiling heights of a minimum 2.7m.

- b) The SAHQA submitted with the original application states a floor to ceiling height of 2.7m. However Drawing No. P407A submitted in response to the FI request shows a floor to ceiling height of 2.6m for all 12 ground floor apartments.
- c) The proposed development does not comply with SPPR 5,

#### 8.6.10. SPPR 6

- a) This SPPR requires a maximum of 12 apartments per floor per core may be provided in apartment schemes. The proposed development provides for 1 residential upper floors to both blocks.
- b) The proposed development complies with SPPR 6.

#### 8.6.11. Daylight Provision

- a) Sections 6.5-6.7 of the Guidelines deals with provision of acceptable levels of natural light in new apartment developments with consideration to be given to 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'. I note that BS-8206 2008 was replaced by BS EN 17039:2018 Daylight in Buildings. I am satisfied this replacement document does not have a material bearing on the outcome of this assessment and I note section 1.6 of BRE 209 specifically details that the advice given is not mandatory and should not be seen as an instrument of planning policy.
- b) The applicants have not submitted 'Daylight Analysis and Sunlight Assessment' Report with the application. However, section 2.15 of the Design Statement does state-

*"All units are at a minimum dual aspect. Private Daylight standards meet BRE Regulations and all spaces will have good access to sunlight and daylight"*

- c) BRE209 provides a number of measures that contribute to assessing Daylight and Sunlight impacts from new development. Having considered this application in the context of the section 6.5-6.7 of the apartment guidelines, the appeal and BRE209, I consider the following measures appropriate for this consideration-

- Light from the Sky for New Development
- Average Daylight Factor

Sunlight provision to private amenity spaces has been considered under section 8.5 above.

- d) Section 2.1.6 of BRE209 identifies the type and size of window design required to new developments depending on the 'Visible Sky Angle'. This metric considers the angle of visible sky from the centre of the window relative to opposing obstructions to determine the size of windows required e.g.-
- if the angle is greater than 65 degrees conventional window design will usually give reasonable results
  - if the angle is less than 25 degrees BRE209 suggests it is often impossible to achieve reasonable daylight to a room
- e) It is, therefore, necessary to consider if there are any obstructions to proposed windows. As per Figure 1 of BRE this is taken from the centre point of the windows. It is appropriate to consider ground level windows as these are the most likely to be affected and on the rear elevation I note double patio style doors c.2.1m high are proposed to the combined room functions.
- f) Having considered proposed ground levels, there are no significant obstruction to the front elevations of both blocks of the proposed development (save slightly over-hanging balconies to first floor kitchens) and it is reasonable to say that the ground floor 'Visible Sky Angle' is potentially maximised given the right angle plane of the windows.
- g) In terms of the rear elevation the nearest obstruction will be the 2m rear boundary block wall. It is appropriate to consider this wall as shown at the boundary of the hatched area for the Distributor Road as this will be the worst case scenario should the road be constructed. The depth at this point is slightly more than 6m. Using 6m and taking from the centre point height of the patio doors the angle of visible sky would be c. 81 degrees. Therefore these windows should give more than reasonable results i.e. greater than 65 degrees. Notwithstanding this and as per SPPR 4 each apartment buildings is



dual aspect ensuring daylight provision from more than one direction into the ground floor apartments.

- h) The Average Daylight Factor (ADF) relates to the quality of light proposed houses receive. Appendix C of the BRE209 Guidelines sets out 'Interior Daylighting Recommendations' and details minimum standards of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms in proposed developments. Section 1.3 of BRE209 details that it is intended to be used in conjunction with BS 8206-2 which has now been superseded by BS EN 17037: 2018 'Daylight in buildings'.
- i) BRE209 therefore, provides that where rooms are used for combined purposes e.g. kitchen and living rooms, the appropriate standard is the ADF that is highest for any of the uses. Thus, insofar as kitchens are combined with living rooms the appropriate ADF standard would be 2%. In this application I note combined open plan kitchen/living/dining areas are proposed in each apartment and I consider a 2% value to be appropriate. The applicants have not provided details on ADF but have indicated private daylight compliance with BRE 209 standards. Having considered the 'Visible Sky Angle', the absence of significant obstructions, the extent of glazing and dual aspect nature of all apartments, I have no significant concerns in relation to daylighting for kitchen/living/dining room areas.
- j) I note the ADF requirements for bedrooms is significantly lower at 1% than other rooms. In this regard noting the 'Visible Sky Angle', the room depths, extent of glazing and the lack of significant obstructions I have no significant concerns in relation to daylighting for bedrooms.

8.6.12. Other Requirements The 2020 Apartment Guidelines sets out a number of other requirements-

- a) Appendix 1 details requirements in relation to '*Required Minimum Floor Areas and Standards*' for living/dining/kitchen areas, bedrooms, storage, private amenity space and communal amenity space.
  - o Having reviewed the SAHQA and submitted drawing P207A, the proposed development meets the requirements in terms of floor space and widths of bedrooms and living/dining/kitchen spaces.

- Dedicated storage of 3 and 5 sq.m have been provided for both apartment types.
- The SAHQA does not detail Private Amenity Space provision. Drawings P207A submitted at FI stage shows terraces of 23.8 sq.m to all first floor apartments but does not indicate ground floor apartment provision. I note drawing P200 submitted with the original application shows a minimum of 24.5 sq.m of private open space to all ground floor apartments. The overall 'Proposed Site Layout Plan' Drawing No. P102C submitted at FI stage does show 24.5 sq.m of private space to the rear of all apartments in each block.
- The SAHQA is not clear on Communal Amenity Space provision. The Apartment Guidelines requires 144 sq.m based on the proposed apartment mix. Page 15 of the Planning Statement submitted with the original application discusses 'Public Open Space' and details the provision of 25.13% of Public Open Space for the overall development, which exceeds the requirement of 15% as set out in the CDP. Four sizeable areas of open space are proposed to the front of both apartment blocks ranging from 139 sq.m to 206 sq.m one of which includes the apartment bin and bike store. Following the request for FI the applicants submitted a 'Proposed Taking in Charge' Drawing ending in '100019' on the 19/10/21 in response to point 4. This drawings shows all green spaces with the exception of private amenity spaces are to be taken in charge by the Council. Therefore, the application does not provide dedicated communal amenity space for the apartments. The council have raised no concerns in this regard.
- Section 4.17 deals with bicycle parking and sets requirements for location, quantity, design and management. Section 4.22 deals with car parking in 'Peripheral and/or Less Accessible Urban Locations'. These will both be considered in further detail in section 8.7 below.
- Section 6.13 requires the submission of a Building Lifecycle Report to include an assessment of the long term running and maintenance costs of the development as they would apply on a per residential unit basis. The report

should demonstrate what measures have been specifically considered to effectively manage and reduce costs for the benefit of residents.

- This requirement does not appear to have been complied with. Question 7 of the FI request sought details of a management plan for the apartment building, bike & bin stores and communal area including open space areas.
- The applicants response to the FI request details a management company will be established to deal with the matters including all 'open space areas'. This appears to differ from the submitted taking in charge map.

#### 8.6.13. Conclusion

- a) The site can be described as located in a 'Peripheral and/or Less Accessible Urban Locations' by virtue of being on a site within a small town or village' as per section 2.4 of the 2020 Apartment Guidelines.
- b) In accordance with Section 28 1 (c) of the Planning and Development Act, 2000-20 (as amended) and Section 1.19 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, December 2020', I consider the proposed development complies with all relevant SPPR's and the majority of the requirements of the 2020 Apartment Guidelines save for SPPR 5 i.e. ground level apartments to have floor to ceiling heights of a minimum of 2.7m. This can be addressed by condition.
- c) Should the Board decided to grant permission, it is recommended conditions relating to the following matters be attached to ensure compliance with requirements of the Apartment Guidelines-
  - A dedicated communal amenity space of a minimum 144 sq.m be provided to the front of both apartment blocks.
  - A management company to be established for the apartment development.
  - A revised 'Taking in Charge' drawing be submitted to clearly identify communal amenity space, bike and bin stores etc. for apartments

which are to be the responsibility of a private management company, unless specifically to be taken in charge by the council.

- Ground level apartments to have floor to ceiling heights of a minimum of 2.7m.
- A Building Lifecycle Report be submitted

## **8.7. Transport Related Issues**

### **8.7.1. Introduction**

a) The appellants have raised a number of transport related concerns which I summarise as follows-

- Prematurity of the proposed development pending delivery of the Proposed Distributor Road
- An assessment of the impact of the increased traffic on existing and future traffic at the site and the junction of N21 with St. Ita's Road.
- Road Safety at junction of site and at N21.
- Excessive car parking provision

b) At Further information stage the applicants were requested to address a number of these issues in point 9 including sightlines, provision of the Distributor Road, submission of a Transport and Traffic Assessment (TTA) and a Road Safety Audit (RSA) amongst other matters.

c) Following submission of the FI response the Planning Authority also sought Clarification of Further Information (CFI) with some matters unresolved including sightlines, location of pedestrian crossing and a revised layout showing recommendations of the RSA.

d) The Planning Authority generally accepted the contents of the applicants CFI response subject to conditions in particular number 8 which related to the provision of the pedestrian crossing, finishes, materials and signage.

### **8.7.2. Proposed Distributor Road**

- a) The Appellant's concern in relation to the Proposed Distributor Road and prematurity pending its delivery, appear to relate to previous planning refusals reasons for this site. This planning history (section 5.0 above) and appeal submission suggests a requirement to deliver the distributor road and its connection to the N21 in full, prior to the grant of permission at this site.
- b) Notwithstanding the previous refusal reasons on this site and a desire to deliver the full Distributor route connecting to the N21, I am satisfied the proposed development is not premature, will significantly contribute to the delivery of a specific land use objective as per the Zoning Map of the LAP. The proposal will provide the distributor road in part i.e. as access road to the site and will also facilitate setting back the eastern boundary of the site along Grove Road with provision made for a legal agreement to transfer these lands to the Council in advance of the works commencing through a condition of the grant.
- c) This transfer will ensure a significant stretch of the Distributor Road can be delivered in the future and may act as a catalyst to ensure the wider Distributor Road connecting to the N21 can be provided as per the LAP. To refuse the development on this basis would be contrary to the provisions of the LAP where these lands have largely being zoned for priority delivery of 'Residential Development Area (phase 1)' in Abbeyfeale.
- d) Should the Board decide to grant permission, I recommend a similar condition to number 9 of the Council's grant of permission be applied, in relation to the transfer of lands.

### 8.7.3. Transport and Traffic Assessment (TTA)

- a) The Appellants raise concerns in relation to current traffic congestion which the application will exacerbate. The applicants were requested to submit a TTA at Further Information (FI) stage. A TTA was submitted on the 19/10/21.
- b) Transport Infrastructure Ireland's Traffic and Transport Assessment Guidelines 2014 details criteria where a TIA is mandatory or recommended if subthreshold. Having considered these, I am satisfied the proposed development of 68 units is not of a significant scale and will not involve

substantial modifications to the existing road network and will not adversely impact on the safety performance of the wider road network or at a strategic level. Furthermore, the proposal does not incorporate a new access to the N21 National Road and will also not give rise to a significant increase in traffic to it.

- c) The Applicant's TTA assessed the proposed entrance junction and the junction of St. Ita's Road with the N21 National Road in terms of traffic impact, junction capacity and operation for both morning and evening peaks.
- d) The applicants have employed the TRICS database to model trip generation rates for the proposal. Transport Infrastructure Ireland's (TII) Traffic and Transport Assessment Guidelines 2014 describes TRICS as a database containing empirically obtained trip generation data for a wide range of different types of developments and the Guidelines recommend it as suitable database to use for trip generation.
- e) Section 4.2 of the report details an analysis for a development of the size proposed generating trips for 'sports facilities' and provides a synopsis of peak hour trip generation of 52 in the AM peak and 48 in the PM peak. The TTA then details the TRICS figures were deemed an accurate assessment inclusive of demand traffic generated by the proposed houses and apartments and estimated trips for 66units.
- f) An examination of section 15 of the TTA provides details of Trip rate for Land Use- Residential and houses privately owned. This database is based on a parameter range of 280 units and survey range from January 2013- June 2014. It suggests trip rates of 0.768 for 8am to 9pm and 0.707 for 5pm to 6pm.
- g) I have identified two possible minor errors in the information presented i.e. 'sports facilities' and 66 units. I would also have slight concerns relating to traffic survey figures from 2013/14. However I don't consider these errors or 2013/14 figures to materially impact the findings of the TTA. I also note the TRICs database is based on houses rather than apartments and in this context is likely to represent a higher trip generation than 44 house and 24 apartments.

- h) Section 4.3 of the TTA indicates traffic counts were conducted on 10<sup>th</sup> October 2021 to establish AM and PM Peak traffic hours i.e. 08:00-09:00 and 17:00-18:00. Section 4.4 assumes the primary means of transport will be vehicular. Section 4.7 carries out Trip Assignment with projected traffic movements for the projected opening year (2023), +5 years (2028) and +15 years (2038) with models based on 'with' and 'without' the proposed development.
- i) Section 6 provides traffic modelling to determine if the capacity of the existing road network can cater for generated traffic. It looked at the junction to the site and with the N21. The modelling finds the development will have a negligible impact on the operation for the proposed entrance junction from capacity point of view at 2038. The junction at the N21 is shown to operate below capacity in 2023 with the junction becoming oversaturated by the evening peak in 2028 irrespective of proposed development traffic flows.
- j) Section 10 of the TTA sets out conclusions and details the proposal will have a minor impact on the operation of development entrance at the N21 junction from a capacity point of view. I note the ratio of flow to capacity for the N21 junction is shown to be saturate by 2028 regardless of the proposed development.
- k) Having considered the TTA as submitted I am satisfied that the scope, assumptions, allowances and traffic count used to inform the submitted TTA are reasonable in order to review the potential transport impacts of the proposed development on the existing transport network. The information submitted in the TTA appears detailed, robust and generally adheres with Transport Infrastructure Ireland's 'Traffic and Transport Assessment Guidelines May 2014'. The Council have raised no concerns in this regard and as a result I am satisfied the development as proposed will not lead to significant traffic congestion on the local road network or at the junction with the N21.

#### 8.7.4. Road Safety Concerns

- a) The appellants have raised road safety concern citing the proximity of the proposed entrance opposite a dangerous junction with restricted sightlines. They also contend the junction with the N21 is extremely hazardous with long delays.
- b) The Planning Authority requested the applicants address road safety matters at Further Information stage, including demonstrating adequate sightlines can be achieved and the submission of a Roads Safety Audit (RSA). Following receipt of this, Clarification of Further Information (CFI) was sought on sightlines and a revised layout plan to show the recommendations of the RSA.
- c) The 'Proposed 'Sightlines' Drawing ending in 10001 submitted on the 04/02/22 in response to the CFI request demonstrates the provision of 50m sightlines to the centre point of the road where vehicles turn left and to the near edge of the centre point for vehicles turning right into the site. The report of the Operations and Maintenance Services Section dated 23/02/22 expresses some dissatisfaction in this regard however permission is recommended subject to conditions.
- d) The main concern in this regard would appear to be the removal of existing parking from St. Ita's Road around the proposed entrance which would interfere with achieving adequate sightlines. It is noted in earlier reports from the Operations and Maintenance Services Section that the removal of on street parking would be a reserved function with possible difficulties in achieving same.
- e) While I acknowledge this is a reserved function, the applicants have proposed 18 car parking spaces along the entrance road in lieu of current spaces on St. Ita's Road. Their 'Taking in Charge Drawings' dated 19/10/21 shows that these will become the responsibility of the Council. They propose sightlines of 50m in both directions and have stated in their CFI response that "any parking will not prevent sightlines". I am satisfied the onus will be on the applicants to deliver this.
- f) Notwithstanding the concerns of the Appellants it must be acknowledged that the provision of a Distributor Road at this location is a long standing objective



of the Abbeyfeale LAP. Furthermore, the distributor road is staggered southwards from the entrance to Super Valu.

- g) While I accept the proposed development may create conflicting traffic turning movements at times when cars may be accessing or egressing into and from the site as well as the Super Valu site. I do not however, consider such movements would have a significant impact from a road safety perspective with vehicles likely to be moving very slowly at this location on such occasions.
- h) Furthermore the site is located within the speed limit and the provision of the proposed pedestrian crossing near the proposed entrance will encourage traffic to slow further. As such, I am satisfied the proposed entrance is acceptable and the delivery of sightlines as proposed can be achieved and will be required by the applicant.
- i) The applicants have submitted an Road Safety Audit (RSA) in response to the FI request from the Planning Authority. The RSA evaluated the proposed development to identify road safety concerns and to make proposals to address such concerns. The submitted RSA identified six issues and made recommendations on same. These include entrance visibility and recommends parking enforcement control markings and traffic management build outs and double yellow lines near the entrance. This ties in with paragraphs d) and e) above and should permission be granted it is recommend that the measures set out in the RSA be implemented through condition.
- j) Having reviewed the submitted RSA, I am satisfied that matters arising from and affecting the proposed development that may have an adverse bearing on road safety have been identified and adequate proposals to identify same have been proposed. I do not see how the proposed development will impact road safety at the junction with the N21. I acknowledge the concerns raised by the appellants in relation to the speed of traffic travelling northwards on St. Ita's Road towards the site and town. This is not an issue that can be attributed solely to the proposed development and breaches of speed limits are a matter for the Gardaí. The provision of part of the Distributor Road, a

pedestrian crossing and staggered junction should contribute to slower speeds in this regards.

#### 8.7.5. Car and Cycle Parking

a) The appellants raise concerns over excessive car parking. The application proposes 157 car parking spaces. Table 10.5 of the Limerick County Development Plan 2010-16 as extended details a vehicle parking requirements as follows-

- 52 for houses
- 15 for house visitors
- 24 for apartments
- 12 for apartment visitors
- 103 total required

b) Table DM 9 (b) of the Interim CDP 2022-28 address car parking and details requirements as follows-

- 52 for houses
- 15 for house visitors
- 24 for apartments
- 8 for apartment visitors
- 99 total required

c) Section 4.22 of the Apartment Guidelines details requirements for 'Peripheral and/or Less Accessible Urban Locations'. This states one space per apartment and one space for every 3-4 apartments. The requirement in this regard is-

- 24 per apartments and
- 6-8 for visitors

This equates to 67 for houses and a maximum of 32 for apartments giving a total requirement for 99 car parking spaces.

- d) In the Planning Statement submitted in support of the application the applicants detail 18 spaces are proposed along the entrance road and are to be ceded to the council to address illegal parking around St. Ita's Terrace and around the entrance to the site. They propose 139 spaces within the 'net development' with 105 for residents and 34 for visitors. They contend this meet the development plan standards.
- e) The provision of 18 spaces along the access road will contribute to addressing the matter of parking on St. Ita's Road as per section 6.2 of the LAP and is therefore considered acceptable. However the provision of 139 spaces for the development represents a provision of car parking above the current CDP, the Interim CDP and Apartment Guidelines requirements.
- f) In the interests of reducing the reliance on cars and to encourage cycling, pedestrian movements and sustainability it is recommended a condition be attached to reduce car parking provision to no more than 99 spaces with 67 for houses including 15 for visitors, and 32 for apartments including 8 for visitors. The remaining spaces shall be redesigned into bicycle spaces and/or open space provision.
- g) In terms of bicycle parking it is noted the 2010-16 CDP and ICDP 2022-28 require 1 space per house and 1 space per apartment. In terms of houses, I consider it acceptable for bikes to be stored within the curtilage of each house i.e. back gardens.
- h) Section 4.17 of the Apartment Guidelines require one space per bedspace and 1 visitor space per 2 apartments. In this application the requirement is for 48 spaces.
- i) The applicants propose a shared bicycle/bin storage building within the application site. Drawing P800 submitted with the original application shows a 3m high, 19m long by 6.35m deep building. The site layout plan drawing shows this building central to the site to the front of apartments This considered an acceptable location for surveillance and security purposes.
- j) In the Planning Statement submitted in support of the application the applicants detail provision of 42 bicycle spaces for apartments and not 48 as required. They argue that end of terrace houses will benefit from end of

terrace units and can park their own and their visitors bikes within their rear yards.

- k) The Apartment Guidelines sets out clear requirements for the quantity of bicycle parking. The applicants proposal of 42 spaces is not in my opinion an acceptable solution as private amenity space for apartments should not have to be compromised by the provision of cycle parking, especially where the requirement could comfortably be met e.g. through the omission of excessive car parking spaces or redesign of the bin store. This can be addressed through condition.

#### **8.7.6. Conclusion**

- a) The application proposes an appropriate quantum and density of residential development on lands zoned 'Residential Development Area Phase 1'. The proposal will also provide and facilitate delivery of a significant portion of the 'Proposed Distributor Road' as identified within the Abbeyfeale LAP 2014-20 (as extended to 2024). In this context I am satisfied the proposed development will not have significant impacts on traffic congestion on St. Ita's Road or on the junction with the N21. The details as submitted with the application proposes acceptable sightlines and subject to conditions I am satisfied the proposed development will not endanger road or public safety.

#### **8.8. Water Services Issues**

The appellants have raised concerns relating to the following-

- Capacity of the Abbeyfeale Wastewater Treatment Plant (WWTP)
- Routing of the existing sewer running along the north western boundary of the site to rear of houses on St. Ita's Road.
- Proximity of an existing watermain to the south western corner of the site.
- Surface Water Drainage Impacts

##### **8.8.1. Capacity and Treatment**

- a) In terms of capacity the Appellants concerns generally relate to section 7.3 of the LAP which states-

*“The design capacity of the plant is 2860 Population Equivalent (PE) but is receiving a loading of 4680 population equivalent. The excess loading includes the transport of sewage sludge from four neighbouring villages to the plant for treatment.”*

The Councils Chief Executive Report dated 22/03/19 recommending extending the LAP to 2024<sup>10</sup> confirms that Irish Water is the national water utility responsible for water and wastewater service. It also states-

*“Currently there are planned upgrade works to this plant's processing capacity under the Activate Sludge Programme: the aim is to optimise the efficiency of the plant and not to expand its overall capacity. The design capacity remains as it was in 2014, at 2,860 persons equivalent; the loading in 2018 according to the Annual Environmental Report, was 2,440 persons equivalent; therefore, there is spare capacity of 420 population equivalent in that year. While this constitutes limited spare capacity, there is sufficient scope given the assimilation capacity of the receiving waters, to upgrade the overall capacity of treatment plant to accommodate expansion should this be required. Proposals for significant development remains subject to pre-connection discussions/agreements with Irish Water.”*

- b) The appellants refer to the Annual Environmental Report for 2019 and detail a capacity of 395 PE. They raise concerns over sludge and other inputs which don't appear to be provided and having regard to the overcapacity status detailed in the LAP.
- c) The application proposes connecting to the Public Sewer. Section 3.1 of the Civil Engineering Report submitted on the 05/05/21 details the development will join the network at the entrance to the site onto St. Ita's Road. Drawing No. ending 10022 shows the proposed fould sewer layout within the

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<sup>10</sup> <https://www.limerick.ie/sites/default/files/media/documents/2019-04/Chief-Executives-Report-to-extend-the-life-of-the-Abbeyfeale-Local-Area-Plan-2014-2020.pdf>

application site and laid under the access roads. Section 5.0 of the report detailed a pre-connection enquiry was submitted to Irish Water and they were awaiting confirmation of feasibility.

d) Irish Water submitted a report dated 05/06/21 seeking Further Information. They highlighted the Abbeyfeale WWTP had limited capacity but it is envisaged that upgrade will be completed within the lifetime of the Plan which will cater for projected growth. They requested 'Confirmation of Feasibility' (COF) to be submitted. The Planning Authority sought this as per their FI request of 25/06/21.

e) The applicants responded on the 19/10/21 including a revised Civil Engineering Report. Section 5.0 and Appendix C provide the COF. The COF is dated 03/08/21 and details a pre-connection enquiry for a Multi/Mixed Use development of 99 units. It states-

*“Based upon the details you have provided with your pre-connection enquiry and on our desk top analysis of the capacity currently available in the Irish Water network(s) as assessed by Irish Water, we wish to advise you that your proposed connection to Irish Water network(s) can be facilitated at this moment in time.*

f) Other site specific comments are made including the possibility of entering into a Project Works Services Agreement to progress the connection further. A map is included identifying the location of the public wastewater network to the front of the site on St. Ita's Road.

g) The Planners Report dated 10/11/21 acknowledges receipt of the COF and details a report was received from Irish Water recommending conditions be attached. Confirmation from the Council has been received on the 13/07/22 clarifying that reference was intended to the FI response and not a separate Irish Water report on the FI.

h) I acknowledge the concerns of the appellant in this regard, especially considering the design capacity of 2,860 PE and such matters raised in the LAP. However the CE report extending the LAP details there was spare capacity in 2018 and this is further emphasised by the Appellant's own submission referring to 2019 capacity. I have not been able to identify any

significant development that would reduce the available capacity significantly since the 2019 AER report. Furthermore the applicants have submitted a pre-connection enquiry and Irish Water who are responsible for connection to the wastewater network have detailed a connection for up to 99 units can be facilitated. Such facilitation will require the applicants entering into a Project Works Agreement which may require upgrades to the Abbeyfeale pumping station including additional storage etc.

- i) Having considered all of the above and subject to a condition requiring the applicants to enter into Irish Water connection agreements, I consider the proposed development to be acceptable as regards to wastewater capacity and treatment.

#### **8.8.2. Existing Sewer Wayleave to rear of St. Ita's Road**

- a) Point 13 of the request for Further Information dated 25/06/21 required the applicants to address concerns raised in 3<sup>rd</sup> party submissions. These submissions highlighted the presence of an existing sewer serving properties on St. Ita's Road but within the application site.
- b) In the Applicant's response to the FI they detail they were unaware of the presence of this sewer and wayleave. I have reviewed the 'Existing Site Survey' submitted on the 05/05/21 which is reasonably detailed in terms of levels, contours, existing fencing and vegetation towards the western boundary of the site but did not include for the sewer line.
- c) I have also reviewed planning application 18/575 to the north west of the site using Limerick's online planning portal. This application permitted a house to St. Ita's Road. The 'site layout plan' drawing clearly shows the "Line of Existing Foul Public Sewer" to the rear of that site and within the subject appeal site. There is a report from Irish Water for 18/757 available on Limerick's online planning portal file stating 'no objections'.
- d) Section 6.3.2 of the Appeal details the sewer was installed by the previous owner of the site in order to get permission for the now existing 9 houses. It was then taken over by Limerick County Council in the early 90's and should now be under the control of Irish Water.

- e) Irish Water's Confirmation of Feasibility submitted by the applicants with the FI request includes a map outlining Irish Water's Wastewater Infrastructure adjacent to the site. This does not include for the existing sewer within the subject application site nor does it identify a sewer in front of the 9 existing houses on St. Ita's Road.
- f) The 'Proposed Foul Sewer Plan' Drawing ending in 10022 and dated 19/10/21 shows individual connections for each proposed unit and the proposed wastewater network routed through the proposed road layout. There is no connection proposed to the existing sewer within the site. I note condition 18 of the Council's notification to grant permission, requires that each house will have independent foul connections.
- g) Condition 16 requires 2 metre walls to the rear and dividing boundaries between houses. I note such walls and boundaries include the rear of houses 35-53 and will clearly need to be constructed across the existing sewer and wayleave.
- h) Based on the information on file and available to me I cannot say with any certainty if Irish Water have retained control of this existing sewer in private lands which are owned by the applicants. However based on the submission of the third party it would appear that at least the nine existing houses and one permitted house to the west of the site on St. Ita's Road connect to this sewer for their wastewater drainage services.
- i) In the absence of certainty on file, it is necessary to consider two scenarios-
- (i) The sewer is managed and maintained by Irish Water.
  - (ii) The sewer is not managed and maintained by Irish Water and is therefore under the control of the landowner.
- j) In scenario (i) the Water Services Act of 2007 makes the following provisions-
- Section 98- Alteration of sewers and pipelines by other persons
  - Section 104- Building over pipes

Under these provisions the applicant/developer can carry out certain works to the Irish Water Network including those proposed to the existing sewer. This



however would be subject to agreement with Irish Water. In this regard I am satisfied there are legal provisions that will provide for-

- the diversion of the existing sewer between proposed units 55 and 56,
  - the reconnection of the existing house on St. Ita's Road (to the immediate west of proposed house number 54) to the sewer,
  - relocation where required of access points at junctions to the sewer and
  - for construction of private rear boundary walls and their foundations to the rear of units 35-43.
- k) In scenario (ii) where the sewer is not under the control of Irish Water, it is reasonably assumed that the sewer must be under the control of the landowner at that time the houses were built. In this regard a right of way or easement must exist for these houses to connect to the existing sewer maintained in private lands. In this regard, granting the proposed development does not quash or remove such a right or easement.
- l) The appellants concern therefore, relates to rights over land i.e. access to the sewer. Section 5.13 of the Development Management Guidelines 2007 clearly states-

*“The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development.”*

The developer will need to be satisfied he has the legal entitlement to do works that impact upon existing right of ways and easements. I note, save for the diversion of the sewer from within the applicants landholding between proposed units 55 and 56 the applicants intend to retain the sewer with a wayleave in-situ.

- m) I accept the extent of the proposed works in either scenario outlined above are likely to lead to other impacts/changes to the existing sewer e.g. points of

access for maintenance from junctions with existing houses on St. Ita's Road. However these matters are ones for the Building Regulations and not the Planning System. Section 7.8 of the Development Management Guidelines 2007 discusses the separation of planning and other controls under other legislation. In particular it states-

*“The existence of a planning condition, or its omission, will not free a developer from his or her responsibilities under other codes and it is entirely wrong to use the development management process to attempt to force a developer to apply for other some licence, approval, consent, etc.”*

- n) In my opinion the matter of works to the existing sewer represents a servicing issue. From a planning perspective the amendments to and diversion of an existing route in private lands, whether under the control of Irish Water or the applicants is acceptable.
- o) Notwithstanding the above, it is also reasonable to consider the existing and proposed residential amenity impact of the proposed development and the presence of the existing sewer.
  - (i) *Existing residential amenity-* As it stands it appears the houses on St. Ita's Road already rely on connections to a sewer that is located within lands outside of their control and/or managed by Irish Water. In this context, I am satisfied the existing residents enjoyment of their own property is already burdened by their drainage connection in property outside of their control and therefore I do not consider there to be a significant change or impact from the proposed development on their existing residential amenity.
  - (ii) *Proposed residential amenity to houses 35-53-* There is no question in my mind that the presence of a sewer line in the rear garden of proposed houses is not desirable and will have an impact on residential amenity to some of the proposed houses. This impact is compounded by the fact that this sewer line will not serve the proposed houses. Subject to the provisions of the Building Regulations, it would appear that at least five of the existing houses on St. Ita's Road will require an

access junction to the proposed sewer within rear amenity space of the proposed houses. The remaining houses and the one permitted under 18/575 will be able to connect to the sewer within lands to be taken under control by the council i.e. the proposed road network. The presence of sewer in private property is not desirable, however it is not unusual and should reasonably be identified within the conveyancing process for the sales of these houses. In this context, I do not consider the impact on proposed residential amenity to be so significant so as to warrant refusal of permission.

### 8.8.3. Third party rights to make submissions

- a) I note the Appellant's concerns in relation to their ability to comment on this matter following the submission of FI and CFI. I see no reason to question the applicants contention they were not aware of the sewer at the time of the original application submission, however in my opinion this is a significant oversight.
- b) Article 22 of the Planning and Development Regulations sets out 'contents of planning applications generally'. Sub article (2) (b) (iii) requires any wayleaves to be clearly identified in yellow on the site 'location map'.
- c) Given the legislative requirement to identify the wayleave and the evident importance of this sewer for the nine existing houses and one permitted house on St. Ita's Road and the implications of potential work to the sewer e.g.
  - building over the sewer in several places
  - altering the route,
  - enclosing the route potentially with a number of private land ownersit is in my opinion reasonable to consider the identification of this sewer and wayleave as Significant Further Information and the FI submission should have been readvertised accordingly.
- p) The Planning Authority did not consider the FI submission as significant and did not seek the readvertisement of the proposal. The matter has come to

light as a result of the original third party submissions to the Council and the applicants have since submitted revised drawings identifying the wayleave in yellow.

- q) The Appellants have requested this concern to be addressed through this appeal stage. In this context I am satisfied the public have not being unduly precluded from commenting on the application and any person who did not make a third party submission on this matter could have availed of provisions for leave to appeal under section 34 and 37(6) of the Planning Acts 2000 as amended, or to have lodged an observation on the appeal under section 130 of the Acts if they wished.

#### **8.8.4. Proximity of an existing watermain**

- a) The Appellant's have raised concerns in relation to the proximity of an existing watermain to the south of the application site and within the Applicant's landholding. They suggest a 'no development exclusion' along this water main and have highlighted it on a drawing submitted with their appeal.
- b) The Confirmation Of Feasibility (COF) from Irish Water submitted by the applicants in response to the appeal details that a proposed connection to Irish Water's networks can be facilitated. This includes for a water supply. The COF also includes a map showing Irish Waters Infrastructure in the area including the 'Drinking Water Network'. This network generally aligns with the mains supply as shown by the Appellants.
- c) The 'Proposed Watermain Layout Plan' Drawing number ending in 10024 submitted on the 19/10/22 indicates the applicants intend to connect to the Irish Water existing main at the point of the proposed entrance onto St. Ita's Road. Notwithstanding this, such connections would be subject to final connection agreements with Irish Water.
- d) Having considered the above, I am satisfied the watermain referred to by the Appellants is located outside of the site boundary, will not be impacted by the development and is not relevant to the subject application.

#### **8.8.5. Surface Water Management**

- a) The Appellants raise surface water drainage concerns given the sloping nature of the already wet site. They question if the proposed development connecting to the combined foul and storm water drain in the town has been considered.
- b) In terms of surface water drainage the applicants propose connecting to the public sewer along St. Ita's Road. They also propose Sustainable Urban Drainage (SuD'S) methods of disposal including-
- provision of permeable paving for car parking areas with overflows to rear gardens and/or the main network
  - rain garden/tree pits in a green areas
  - swales along all green areas perimeter and a
  - 700m<sup>3</sup> attenuation tank in the open space along the proposed Distributor Road with hydrobrake limiting outflow to the public sewer as agreed with the council.

These measures are demonstrated on the 'Proposed Surface Water Layout Plan' Drawing ending 10023 submitted on the 04/02/22.

- c) The final report of the Council's Operations and Maintenance Services Section dated 23/02/22 recommend permission be granted subject to conditions. Having considered this and noting the combined foul and storm sewer will be under the responsibility of Irish Water I am satisfied permission can be granted subject to conditions including implementation of SUD's to be agreed with the Council.

#### 8.8.6. Conclusion

- a) Based on the information on file, there is uncertainty over the ownership and or control of an existing sewer along the western boundary of the site. This sewer appears to serves a number of existing and one permitted house on St. Ita's Road.
- b) The Board are reminded that the provisions of section 131 of the Act provide for them to write to both the applicant and Irish Water to clarify this matter as

well as to seek Irish Water's opinion on the presence of an existing sewer within proposed rear gardens.

- c) However, regardless of ownership or control of the sewer, the concerns as raised by the Appellants would in my opinion relate to legal and building regulations concerns and accordingly are ones outside the scope of consideration for this appeal.
- d) The presence of an existing sewer serving properties outside of the application within the rear gardens of proposed houses is not desirable. However the lands are zoned for residential development and it is considered the development as proposed will not significantly impact upon existing or proposed residential amenities. Subject to the applicant/developer having the legal entitlements to do such works and complying with codes separate to planning such as the Building Regulations I am satisfied the development as proposed will not be prejudicial to public health nor will it have a significant negative impact upon existing or proposed residential amenity.

## 8.9. Other Matters

### 8.9.1. Precluded from making submissions

- a) The Appellants have raised concerns in relation to revisions to the application at Further Information Stage and through certain conditions. They feel they have not had an opportunity to comment on same. These revisions include-
  - the revised location of a pedestrian crossing,
  - the sewer running behind existing houses and diverted around one
  - relocation of the playground
  - splitting of 7 terraced houses into two terraces of 4 and 3 houses respectively
  - some ambiguity around the proposed distributor road west street parking.
- b) The application site has c. 45m of road frontage to St. Ita's Road including for the point of vehicular and pedestrian entrance. There are three Traffic Calming Drawings on file one each submitted with the application, with FI and

with CFI. The pedestrian crossing was introduced at FI stage and revised at CFI stage. Condition 8 requires the location and layout to be revised and to be in line with 'TII Pedestrian Crossing Specification and Guidance'. A small portion of the crossing would appear to be within the red line site boundary with the majority located to public property regardless of final location and layout. In this context the provision of pedestrian crossing is not considered significant and would not in my opinion have required the development to be readvertised as Significant Further Information.

- c) The matter of the sewer/wayleave has been addressed in section 8.8.
- d) The application proposes a 215 sq.m playground to the northern end of the largest are of proposed open space. This is located close to the access road and a number of parking spaces associated with the apartments. Condition 10 requires the playground to be located further south onto the larger green open space area in the interests of residential amenity. The proposed playground is to be located entirely within the application site boundary. This change is not considered significant and would not in my opinion have required the development to be readvertised as Significant Further Information.
- e) The site layout plan submitted on the 19/10/22 clear provides for the 'Indicative Distributor Road' connecting from St. Ita's Road to the Grove Road. A hatched area is also clearly identified to provide for the Distributor Road along the eastern boundary of the site. Condition 9 requires the applicants to enter into a legal agreement to transfer the lands as outlined in the hatched area of the site layout plan submitted on the 19/10/21. I am satisfied there is no ambiguity in this regard and no requirement for this to be readvertised as Significant Further information.

#### 8.9.2. **Waste Management**

- a) The Appellants raise concerns in relation to the proposed communal bin storage for the apartments which they consider to be more in keeping with suburban/city developments.

- b) They argue that objectives IN5 and IN6 i.e. Provision of composting facilities for houses and shared bin spaces for apartments are unrealistic. Finally they argue that condition 22 (management scheme) is aspirational.
- c) Having considered these matters, I do not share the contentions of the Appellant. I note section 6.11 of SRDUA clearly details that apartments style developments are not just suitable to suburban or city developments but can be accommodated in towns and villages. In this regard Objectives IN 5 and 6 are realistic and achievable for all housing types. Condition 22 in relation to a private management company to manage and maintain communal spaces is entirely appropriate. Should the board grant permission it is recommended similar conditions be applied and matters relating to enforcement of such conditions are for the Planning Authority.

### **8.9.3. Medical practices in Abbeyfeale**

- a) The appellant raises concerns in relation to difficulties registering with medical practices in Abbeyfeale. The applicants have submitted a Sustainability Statement and Social Infrastructure assessment with the application in which they identify at least two medical centres. Using Google, I have identified two medical centres, one GP service and one community health centre.
- b) While I accept there may be difficulties in registering for such services, I do not consider this a reason to refuse the development on zoned lands. In my opinion, services are generally only provided where demand exists and services can respond to planned and permitted growth. The population of Abbeyfeale has been shown to be relatively stagnant for some time and the proposed development if permitted could contribute to population growth by providing new housing, which in turn would help sustain existing services and lead to demand for new or expanded services such as medical practices.

## **8.10. Appropriate Assessment**

### **8.10.1. Introduction**

- a) The original application was not accompanied by a Stage 1 Screening Report.



- b) The Planning Authority's first report included a section titled 'Habitats directive project screening assessment'. It identifies the Lower River Shannon SAC 1.65km west of the site. This section concludes the development as proposed should not exercise a significant effect on the conservation status of any SAC or SPA and therefore an Appropriate Assessment is not necessary.
- c) Point 2 of the Report and the Further Information (FI) request dated 25/06/21 required the applicant to submit an Appropriate Assessment Screening Report.
- d) On the 19/10/21 the applicants submitted their response to the FI request. This included a 'Report in Support of Appropriate Assessment Screening' (AASR) dated October 2021.

#### 8.10.2. Stage 1 – Screening

- a) The applicant's AA Screening Report (AASR) concludes that-  
*“The proposed development at Abbeyfeale, Co. Limerick either alone or in combination with other plans and/or projects, does not have the potential to significantly affect any European Site, in light of their conservation objectives.”*
- b) The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

#### 8.10.3. The Proposed Development and Receiving Environment

- a) The application site can be described as a greenfield site within the established settlement boundary of Abbeyfeale. The proposed development is for 68 residential units and ancillary works. The site is not located within a designated European site.

#### 8.10.4. European Sites

- a) Given the location of the site, and the nature and scale of the proposed development, I consider the following designated European sites as set out in Table 1 to be within the zone of influence of the application site-

Table 1-

Site Name & Code	Qualifying Interest / Special Conservation Interest	Distance
Lower River Shannon SAC  002165	1029 Freshwater Pearl Mussel <i>Margaritifera</i> 1095 Sea Lamprey <i>Petromyzon marinus</i> 1096 Brook Lamprey <i>Lampetra planeri</i> 1099 River Lamprey <i>Lampetra fluviatilis</i> 1106 Atlantic Salmon <i>Salmo salar</i> (only in fresh water) 1110 Sandbanks which are slightly covered by sea water all the time 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1150 *Coastal lagoons 1160 Large shallow inlets and bays 1170 Reefs 1220 Perennial vegetation of stony banks 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 1310 Salicornia and other annuals colonizing mud and sand 1330 Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) 1349 Bottlenose Dolphin <i>Tursiops truncatus</i> 1355 Otter <i>Lutra</i> 1410 Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) 3260 Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation 6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils ( <i>Molinion caeruleae</i> ) 91E0 *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> )	c. 175m to the west.
Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA  004161	A082 Hen Harrier <i>Circus cyaneus</i>	c. 3.7km to the south west

## b) Conservation Objectives-

- SAC- Available to view at- [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO002165.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002165.pdf)
- SPA- Available to view at- [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO004161.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004161.pdf)

c) I have considered European Sites in the general wider area including Table 1 of the applicants screening report which sets out to identify European sites using the 'Source-Pathway-Receptor' model. I am satisfied that other

European sites proximate to the appeal site can be 'screened out' on the basis that significant impacts on such European sites could be ruled out, either as a result of the separation distance from the appeal site, the extent of marine waters or given the absence of any direct hydrological or other pathway to the appeal site.

#### 8.10.5. Test of Likely Significant Effects

- a) The project is not directly connected to or necessary to the management of any European site. The proposed development is therefore, examined in relation to any possible interaction with European sites to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- b) I have considered Section 5 (Table 2) to Section 8 of the submitted screening report which identifies particular Qualifying Interests, Water Quality Data, a site survey and potential impacts upon the identified European Sites.
- c) Based on the source-pathway-receptor model and taking account of the characteristics of the proposed development in terms of its nature, location and the scale of works, the sites proximity to European sites and having regard to the NIS carried out for the current and Interim County Development Plans and implications for this site, I agree with the potential impacts identified in the AASR. The following are considered for examination in terms of likely significant effects on European sites-
  - Potential impacts from loss of habitat
  - Potential impacts from noise and disturbance
  - Potential impacts on surface water quality during construction
  - Potential impacts on surface and foul water quality during operation
  - Spread of invasive species
  - Cumulative Impacts

#### 8.10.6. Potential Effects

The Screening Report identifies the following-

- Potential impacts from loss of habitat
  - The site does not overlap any Natura site.

- Habitats within the site do not correspond to habitats listed on Annex I of the Habitats Directive.
  - The site does not provide foraging habitats for the Hen Harrier
  - Proposed development will not result in any loss or deterioration of habitat within Natura sites.
- Potential impacts from noise and disturbance on Hen Harrier and Otter causing disturbance or displacement.
    - Hen harrier habitats are absent from the proposed site and no breeding habitats occur in the vicinity. No impacts from disturbance are predicted.
    - The ASSR details otters have been recorded within Abbeyfeale. Noise, vibration and light arising from construction could therefore disturb otters. Otters within the SAC and River Feale which may frequent the subject area i.e. through the drainage ditch along the east boundary of the site would already be subject to disturbance and human activity through the town. Otters are generally nocturnal or crepuscular. Proposed construction activities will increase noise and disturbance but the development proposes retaining the existing hedgerow boundary (notwithstanding provision of setback for future Distributor Road and land transfer). Construction is temporary with noise and disturbance returning to original levels. No significant impact is predicted to occur.
  - Potential impacts on surface water quality during construction
    - Impacts include silt from runoff, inadvertent spillages of hydrocarbons, cement etc. Given the size of the River Feale and dilution available in the Lower River Shannon means the impacts are only likely to arise from extremely severe levels of siltation or pollutant spills. Best practice environmental control measures will be implemented during construction. Such measures will minimise impacts. The AASR details the implementation of these measures has not been taken into consideration when reaching a conclusion as to the likely impact. Surface water run off will discharge to the existing sewer running along St. Ita's Road. In the context of dilution, separation distances and small scale of the development no impacts are predicted to occur.

- Potential impacts on surface and foul water quality during operation
  - The development could result in an increase in nutrient discharging from the Abbeyfeale WWTP to the Feale River and Lower River Shannon SAC. Discharge from the WWTP is licensed by the EPA. The AASR discusses the 2020 Annual Environmental Report for the Abbeyfeale WWTP which notes final effluent was compliant with emission limit values. Additional effluent from the proposed development would be within design capacity and impacts will be negligible.
  - Surface water is to tie into the existing surface water management system. The application also includes a sustainable urban drainage strategy. Significant effects can be excluded.
- Spread of invasive species
  - No invasive species were recorded within the site and therefore there is no risk of significant impacts.

#### 8.10.7. In-combination Impacts

- a) The Screening Report considers a number of key plans as set out in Table 10 of the report and points to the largely urbanised nature of the site and surroundings.
- b) The proposal should also be considered as part of the wider development of Abbeyfeale as part of the LAP and both the current and Interim County Development Plan. These plans were also subject to AA by the Local Authority.
- c) I have also considered other planning applications in the general and wider area. I do not consider there to be any other specific and permitted planning applications in the immediate area that could have in combination effects with the proposed development on the identified European Sites.
- d) Overall I am satisfied there are no significant cumulative impacts likely that would significantly impact upon the identified European Sites.

#### 8.10.8. Conclusion

a) 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 a Screening for Appropriate Assessment of the project, it has been concluded that the proposed development individually (or in combination with other plans or projects) would not be likely to have a significant effect on the following European Sites--

- Lower River Shannon SAC 002165
- Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA 004161 or
- any other European sites,

in light of those sites' 'Conservation Objectives', and a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not therefore required.

b) In reaching this conclusion, I took no account of mitigation measures intended to specifically avoid or reduce the potentially harmful effects of the project on any European Sites.

## 9.0 Recommendation

9.1. I recommend that permission is granted subject to the following conditions-

## 10.0 Reasons and Considerations

10.1. Having regard to the 'Residential Development Area Phase 1 zoning of the subject site, to the provisions of the Limerick County Development Plan 2010-2016 (as extended), to the provisions of the Interim Limerick City and County Development Plan 2022-2028 (not yet operative), to the provisions of the Abbeyfeale Local Area Plan 2014-2020 (as extended to 2024) and to the provisions of Ministerial Circulars and Guidelines, to the pattern of development in the area, and to the density, design, character, and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum of development, housing mix and appropriate density for the area, would contribute to the delivery of future infrastructure as set out in the LAP, would not adversely impact on the residential or visual amenities of

adjoining properties in the area, would not generate a traffic hazard or endanger public safety and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 05<sup>th</sup> day of May, 2021 and, as amended, by the further plans and particulars submitted on the 19<sup>th</sup> day of October, 2021 and the 04<sup>th</sup> day of February, 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
  - a. A dedicated communal amenity space of a minimum 144 sq.m to be provided to the front of both apartment blocks.
  - b. A revised 'Taking In Charge' drawing be submitted to clearly identify communal amenity spaces and associated structure such as cycle and bin stores, which will not be taken in charge by the Council.
  - c. All ground floor apartments shall have a floor to ceiling minimum height of 2.7m
  - d. The playground shall be located further south onto the larger green area.
  - e. The design, location and layout of the controlled crossing onto St. Ita's Road shall be revised.
  - f. The site layout plan shall be revised to provide for as follows-

- i. 18 car parking spaces along the access road
- ii. 52 car parking spaces dedicated for the housing units
- iii. 15 car parking spaces for visitors to the houses
- iv. 24 car parking spaces dedicated for the apartments
- v. 8 car parking spaces for visitors to the apartments
- vi. A minimum of 48 bicycle parking spaces dedicated for the apartments and these shall not be provided within private amenity spaces.

Revised drawings and details showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development, residential amenity, clarity, sustainable development and proper planning.

3. Prior to the commencement of development the applicant shall enter into a legal agreement with the Planning Authority for the transfer of lands outlined in the hatched area of the site layout plan submitted on the 19/10/21.

Reason: In order to provide for future infrastructure as set out in the Abbeyfeale Local Area Plan 201-2020 (as extended to 2024) and in the interests of orderly development proper planning and sustainable development.

4. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological



materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

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

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

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

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

6. A Building Lifecycle Report in accordance with section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (DHLGH 2020) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

7. (a) The internal road and vehicular circulation network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the

planning authority for such road works and design standards outlined in the Design Manual for Urban Roads and Streets. Drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. shall comply with all relevant aspects of DMURS.

(b) All recommended measures in the Road Safety Audit report submitted to the planning authority on the 19<sup>th</sup> day of October 2021 shall be implemented to the satisfaction of the planning authority.

Reason: In the interest of pedestrian and traffic safety.

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

8. (a) All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) No car parking spaces shall be sold, rented or otherwise sub-let or leased.

Reason: in the interest of sustainable transportation.

9. Proposals for naming and numbering of the proposed 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, house and apartment 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.

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

Reason: In the interest of public health.

11. Prior to commencement of development the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

14. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed lighting system shall be fully implemented and operational before any of the residential or commercial units are made available for occupation.

Reason: In the interests of amenity and public safety.

15. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas and the site shall be landscaped in accordance with the 'Proposed Landscape Plan' Drawing No. P103A submitted to the planning authority on the 19<sup>th</sup> day of October, 2021 unless otherwise agreed with the Planning Authority in writing. This work shall be completed before any of the units are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

16. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan and Method Statement 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 compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of 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;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains

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. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

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

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

18. The site (including areas of public open space) shall be landscaped in accordance with a final landscape scheme which shall account for amendments elsewhere in these conditions. Details of the landscaping scheme shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. Landscaping in accordance with the scheme shall be managed and maintained in perpetuity by the legally constituted management company unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of residential and visual amenity.

19. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

20. 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.

21. Prior to the commencement of any house 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 unit), pursuant to Section 47 of the Planning and Development Act, 2000, that restricts all houses 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.

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

Reason: To ensure the satisfactory completion of the development

23. 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.

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Adrian Ormsby  
Planning Inspector

15<sup>th</sup> of July 2022