



An
Bord
Pleanála

Inspector's Report ABP-313498-22.

Development	Permission to construct 55 residential unit.
Location	Hillcroft Close, Saint Patrick's Road, Singland, Limerick
Planning Authority	Limerick City & County Council.
Planning Authority Reg. Ref.	21/580
Applicant(s)	Michael Murphy Homes Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Michael Murphy Homes Ltd.
Observer(s)	Aspen Gardens Residents Committee Hillcroft / Hillcroft Close Residents Committee Willie O'Dea TD Bryan Byrne
Date of Site Inspection	03/10/2022.
Inspector	A. Considine.

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DECISION QUASHED

1.0 Site Location and Description

- 1.1. The subject site is located approximately 1.8km to the East of Limerick City Centre, in the Garryowen area of the city suburbs. The site lies immediately to the west of the Ennis to Limerick railway line and within a predominantly residential area. The wider area comprises a variety of amenities including the Parkway Shopping Centre to the north east. There are also a number of educational and recreational facilities in the area.
- 1.2. The site is accessible via the Dublin Road which runs from the city centre towards the east, over Saint Patricks Road which runs in a southerly direction to the Ballysimon Road. The site will be accessed over the existing estate road and entrance which serves the residential estates of Aspen Gardens, Hillcroft and Hillcroft Close. There is currently no direct access to the subject site from this area.
- 1.3. The site, the subject of this appeal, comprises the easterly section of a larger field which extends from St. Patricks Road to the west, to the railway lines to the east. The land rises in a west to east direction and there is an existing single storey house located to the north western corner of the larger field.
- 1.4. The site the subject of this appeal, has a stated area of 1.23h (although the Board will note that the appeal indicates an area of 1.15ha). The site is currently greenfield in nature and the site boundaries comprise a block wall to Hillcroft Close, and hedging.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices, for the construction of a residential development comprising 55 no. residential units (4 no. 2 storey 2-bedroom semi-detached houses, 42 no. duplex units in four 3 storey blocks with 1 & 2 bed apartments on the ground floor and 3-bedroom houses over, 9 no. 2 storey 3-bedroom terrace houses in two blocks), demolition of an existing block wall on Northern Boundary of site along with the construction of all associated roads, boundary treatments, pavements, car parking, street lighting, foul and surface water

drainage and all ancillary site development works. The development will be accessed via Hillcroft Close, St. Patricks Road, Singland, Limerick, all at Hillcroft Close, St. Patricks Road, Singland, Limerick.

2.1. The application included a number of supporting documents including as follows:

- Plans, particulars and completed planning application form.
- Certificate of Incorporation
- Design Statement
- Part V letter of agreement
- Services Report

2.2. Unsolicited further information was submitted by the applicant on two occasions in relation to public notices advising that the site notices had been removed. The applicant advised that they continue to put them back up.

2.3. Following a request for further information, the applicant submitted additional information in terms of:

- Land ownership details
- Traffic & Transport Assessment
- Stage 1 Roads Safety Audit
- Assessment Transport Noise Impact (Trains)
Public lighting design
- Lighting and Power Specification

2.4. Following a further request from the PA, where the PA advised that the proposed access, in particular for construction traffic, through the existing Hill Croft development will not be permitted, the applicant submitted the following documents:

- Response to issues raised relating to access via Hill Croft from HRA Planning Consultants – summarised as follows:

- The land to the west of the subject site is not in the ownership of the applicant and as such, cannot secure access directly from St. Patricks Road.
- If access via Hill Croft is not accepted, the development of 55 residential units will not proceed.
- Whilst there is concern regarding construction traffic, this is temporary and for a short period of time.
- The proposed access and removal of the 2.45m block wall will provide permeability to adjacent neighbourhoods.
- The TTA confirms that the proposed development will only have a marginal impact on the operation of the local road network.
- In % terms, traffic to and from the development only creates a material impact at the immediate access junction onto St. Patricks Road.
- The alternative PA approach is to advance a residential development that is completely disconnected from and separate to existing development in the area, which would result in segregated residential development, contrary to the proper planning and sustainable development of the area.
- Public Lighting Design prepared by Molloy Consulting Engineers including:
 - Outdoor Lighting Report
 - Lighting & Power Specification
- Stage 1 Road Safety Audit, prepared by Traffic Transport and Road Safety Associates Ltd
- B&B Consulting report.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reason:

1. It is considered that the proposed access for construction traffic through the existing Hill Croft development, having regard to the alignment and layout of this mature estate would adversely affect the residential amenity of existing residents and result in traffic congestion. The proposed development therefore represents a disorderly and haphazard approach to the development of these lands which form part of a larger parcel of lands in which a coordinated and phased approach to development is required. The proposed development, if permitted, would represent an undesirable precedent for similar development in this residential area, and would therefore be contrary to the proper planning and sustainable development of the area.

3.1.1. Planning Reports

Planning Officers Report:

The initial Planning report was prepared by the EP, countersigned by the SEP, and considered the proposed development in the context of the details submitted with the application, internal technical reports, third party submissions, the 2010 City Development Plan policies and objectives and ministerial guidelines. The report also includes a section on AA.

The Planning Report notes that the principle of the proposed residential development could be considered at this location given the residential zoning afforded to the site. The report however, notes that the road network in the vicinity of the site is under considerable saturation during peak hours, including the Dublin Road to the north and the Ballysimon Road to the south. In addition, the report notes that the proposed construction traffic through the existing residential estates would adversely affect

existing residents due to the narrow width of the road. It is submitted that a direct road / footpath onto St. Patricks Road is the preferred option to service the site.

The report further advises that the proposed density of 47.5 units per hectare is acceptable and that the proposed layout is generally acceptable, and that a masterplan is required. A total of 15% open space is noted to be proposed and no roads are proposed adjacent to the open space which creates a safe environment.

The report recommends that further information be sought with regard to a number of issues as raised in third party submissions and internal reports.

Following the submission of the response to the FI request, the PO recommended that clarification be sought and advises the applicant that the proposed access via the Hillcroft development will not be permitted. A revised site layout plan is requested.

The final PO report notes the details submitted by the applicant and concludes that the proposed route through the existing estate is not safe or secure. While the removal of the 2.45m boundary wall is welcomed, the Hill Croft estate is not suitable for heavy goods vehicles associated with construction. The construction management plan is considered to be deficient. The report concludes recommending that permission be refused for the proposed development. This report is countersigned by the SEP.

This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

3.1.2. Other Technical Reports

Executive Scientist: Acoustic Design Statement required to be prepared to include an assessment of rail noise due to proximity of railway line.

Following the submission of the response to the FI request, a further report notes that although the maximum internal noise level inside Units 1 to 16 due to the Limerick to Ennis train before 7.00 hrs will potentially be loud through an open or partially open windows, the best

available guidance indicates that there will unlikely be a significant impact to residents.

County Archaeologist: The report notes that there are no RMs within the curtilage of the site. Given the scale of the development, however, there is a possibility of disturbing previously unknown archaeological material / artifacts. It is recommended that conditions requiring archaeological monitoring of all ground disturbance works associated with the development be included in a grant of permission.

Fire & Emergency Services: Observations made with regard to Fire & Building Control requirements.

Environmental Services: The report recommends the inclusion of a condition requiring the submission of a waste management plan to be agreed prior to commencement of any works.

Operations & Maintenance Services / Central Services: The report deals with roads, public lighting and surface water disposal issues. Further information required with regard to a number of issues.

The final report from this section of the PA advises a number of conditions to be included in any grant of planning permission.

Transportation & Mobility Directorate: A report advises that it is preferable that all the residential zoned lands forming this area should access directly onto St. Patricks Road and a master plan would be appropriate. While the proposed access through the cul-de-sac estate is technically feasible, it is not desirable and should be avoided.

Following the submission of the response to the second FI request, a final report from this section of the PA notes that the applicant has not taken up the request to provide a direct access onto St. Patricks Road. As such, refusal is recommended on the following grounds:

- Direct access is feasible and achievable

- Access through the existing cul-de-sac leads to unnecessarily large single-entry junction into the housing area.
- Proposed access is indirect and not necessary.
- A new access can provide a safer access and reduced congestion.
- Pedestrian / cycle access to Hillcroft estate only should be provided.

3.1.3. Prescribed Bodies

Irish Water: No objection subject to conditions.

DoTCAGS&M: The report submits that where possible, the native hedgerow should be retained. Where it is necessary to remove hedgerows and scrub, this should be done outside the bird nesting season. For any hedgerow removed, an equal length should be replanted on the site.

Iarnrod Eireann: The submission advises that IE has no objection in principle to the proposed development. The report advises a number of conditions be included in any grant of permission in the interests of safety.

3.1.4. Third Party Submissions

74 valid third-party submissions are noted in terms of the planning application submitted. The issues raised are summarised as follows:

- Roads and traffic impacts and non-compliance with DMURS policy.
- No traffic impact study has been provided by a qualified traffic engineer.
- Impact on existing residential amenities including children playing.
- Existing estate road is narrow and residents park on both sides. There is inadequate room for construction traffic.
- Entrance does not comply with DMURS.
- Inadequate open space for the additional houses proposed and knocking of the boundary wall is unacceptable.

- Existing issues with water infrastructure especially sewer.
- Ownership of land questions.
- The duplex houses proposed are not in keeping with the character of the neighbourhood and duplex units will overlook existing private property.
- Lack of consultation with existing residents.
- Backland location and fragmented approach to development of the wider site will impact existing residents. Lack of clarity as future development reference on the site layout plan to be accessed via St. Patrick's Road. A master-plan for the area is required which includes a direct access to St. Patrick's Road.
- Linking with the existing 85 home estate will result in a large residential development which would require additional services including a creche.
- Impact on local biodiversity and issues relating to AA.
- Historical and cultural significance of the development site suggests that it should be preserved and commemorated.
- Devalue property in the cul-de-sac and vicinity.
- Design statement includes photos of private rear garden spaces – taken without permission and an invasion of privacy.
- The development, if permitted as proposed would not be adaptable.
- A grant of permission will consume an undue extent of the population target for the local authority area as directed in the NPF, within the first year of the new COP.

All submissions request that permission be refused.

Following the submission of the response to the FI request, and 5 additional responses were received by the PA, including a submission from the Hillcroft Close Residents with multiple signatories. The concerns raised are summarised as follows:

- The objections raised have not been addressed by the applicant.
- Land encroaches onto land which is not in the ownership of the applicant.

- The boundary wall issue has not been addressed.
- The height of the buildings to the west of the site has not been addressed.
- Roads and traffic issues.
- Noise pollution
- The development is not conducive to creating safe places for children to play.
- There are errors in the detail of the applicants' submission.
- The proposed development will impact on the existing amenities of residents and does not comply with the requirements of the CDP.

4.0 Planning History

There is no relevant or recent planning history pertaining to the subject site.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

- 5.1.1. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns, and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.
- 5.1.2. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:
- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.

- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

5.1.3. National Planning Objective 62 seeks to identify and strengthen the value of greenbelts, and green spaces at regional and city scale, to enable enhanced connectivity to wider strategic networks, prevent coalescence of settlements and to allow for the long-term strategic expansion of urban areas.

5.2. **Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):**

5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

5.2.3. Chapter 6 of the guidelines deals with Small Towns and Villages and notes that in some cases, concerns have been raised about the impact of rapid development and expansion on the character of smaller towns and villages. The Guidelines specifically advise that development in smaller towns and villages must be plan led, and while higher densities are appropriate in certain locations, proposals for lower densities of development may be considered acceptable at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to

develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance.

5.3. Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities, DoEHLG, 2007

5.3.1. The purpose of these Guidelines is to assist in achieving the objectives for Delivering Homes, Sustaining Communities contained in the Government Statement on Housing Policy which focuses on creating sustainable communities that are socially inclusive in a variety of ways and to promote better homes, better neighbourhoods and better urban spaces. Section 5.3 of the guidelines deal with Internal Layout and Space Provision and Table 5.1 of the guidelines sets out the space provision and room sizes for typical dwellings.

5.4. Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013

5.4.1. In terms of the design of the proposed development including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DEMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (ie. cities, towns, and villages) and it sets out an integrated design approach.

5.5. Development Plan

5.5.1. The Board will note that the subject application was considered under the Limerick City Development Plan 2010. In the interim, the Board will note that the Elected Members of Limerick City & County Council adopted the Limerick Development Plan 2022-2028 at a full Council Meeting on the 17th of June 2022 and the Plan came into

effect on the 29th of July 2022, six weeks after the date of adoption. Therefore, the 2022 CDP is the relevant policy document pertaining to the subject site.

5.5.2. The Plan is set out over 6 Volumes with Volume 1 comprising the Written Statement and Volume 2 dealing with Settlements. The remaining volumes deal with Record of Protected Structures and ACAs, Environmental Reports, Designated Sites & RMPs and accompanying strategies such as the Housing Strategy, Retail Strategy etc.

5.5.3. The subject site lies to the east of Limerick City Centre, on lands zoned New Residential. It is the stated objective of this zoning 'to provide for new residential development in tandem with the provision of social and physical infrastructure'. The stated purpose of this zoning is stated in the Plan as follows:

This zone is intended primarily for new high quality housing development, including the provision of high-quality, professionally managed and purpose built third-level student accommodation. The quality and mix of residential areas and the servicing of lands will be a priority to support balanced communities. New housing and infill developments should include a mix of housing types, sizes and tenures, to cater for all members of society. Design should be complimentary to the surroundings and should not adversely impact on the amenity of adjoining residents. These areas require high levels of accessibility, including pedestrian, cyclists and public transport (where feasible).

This zone may include a range of other uses particularly those that have the potential to facilitate the development of new residential communities such as open space, schools, childcare facilities, doctor's surgeries and playing fields etc.

5.6. **Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 site is the Lower River Shannon SAC (Site Code: 002165) which is located approximately 0.9km to the north of the site and the River Shannon and River Fergus Estuaries SPA (Site Code: 004077) lies approximately 2.2km to the west of the site.

Glenomra Wood SAC (Site Code: 001013) lies approximately 10.2km to the north while Tory Hill SAC (Site Code: 000439) lies approximately 13.9km to the south.

5.7. EIA Screening

5.7.1. The application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

5.7.2. Item (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 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha 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.)

5.7.3. The proposed development comprises the construction of 55 residential units on a greenfield site of 1.23ha. The site is located within the designated development boundary of Limerick City and on lands zoned for residential purposes in the 2022 CDP. As such, I am satisfied that the development does not fall within the identified classes of development and does not require mandatory EIA.

5.7.4. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority

unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

5.7.5. Having regard to:

- (a) the nature and scale of the development,
- (b) the location of the site within the development boundaries of Limerick City,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. This is a first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The appeal notes that permission was refused solely relating to the access to the development site through the Hillcroft development for construction traffic. It is noted that there is no reference in the reason for refusal regarding the permanent use of Hillcroft to access the proposed residential development.

6.1.2. The submission sets out the location and context of the subject site, the detail of the proposed development and the policy context for the site. The following comments are made:

- There is currently no alternative access to the land, notwithstanding efforts by the applicant to negotiate an access through the lands to the west.
- The density of the proposed scheme is 47.5 units per hectare.

- The 15% public open space is provided within the application site – and does not include the existing adjoining public open space in Hillcroft.
- Car parking is provided in accordance with the CDP requirements.
- Following a request for further information, the scheme was reduced to 54 units and an overall framework was provided to demonstrate how lands could be comprehensively developed in the future, with possible access onto St. Patrick's Road.

6.1.3. The grounds of appeal are summarised as follows:

- Other than the email from the Transportation and Mobility Directorate, all other LA reports supported the proposed development subject to minor amendment and clarification issues.
- The Roads Report did not object to the proposed development.
- The Transportation and Mobility Directorate email noted that it was not desirable to allow access through an existing cul-de-sac and that a direct access to St. Patrick's Road was preferable.
- The timing and nature of reporting on the file suggests that access through Hillcroft Close was not an issue of concern from a roads perspective in the first instance.
- In terms of construction traffic:
 - Only 61 houses are currently accessed by the roadway through Hillcroft Road.
 - The road is 6m wide and bound on both sides by kerbed concreted footpaths approximately 1.8m in width.
 - The gradient of the first 275m of road is at an average gradient of 1:30 – which is insignificant, and the speed limit is 30km/h.
 - The road is sufficient for all vehicles, including construction vehicles to pass.

- Under DMURS, the road network would be classified as a Local Street, which would have a maximum width of 5.5m if being constructed.
- While residents' concerns are noted, any potential impacts associated with construction traffic shall be temporary and short term in nature.
- A Construction Traffic Management Plan will be prepared.
- Operational traffic:
 - Existing haphazard car parking in Hillcroft Close and vehicles unable to pass as a result of parking on both sides of the road are an enforcement matter.
 - Direct access via St. Patrick's Road is not feasible or possible at present as the landowner will not facilitate same.
 - As the adjacent land is zoned residential, it is expected that this will be developed at some stage, thereby providing access onto St. Patrick's Road as required by the PA.
 - There are only 61 houses currently accessed by the existing roadway through Hillcroft Close. The proposed development of 54 units will result in an overall residential development of 105 units being accessed by a single vehicular roadway which is not excessively large.
 - The TTA confirms that the proposed development will only have a marginal impact on the operation of the local road network.
 - The statement in respect of traffic through Hillcroft Close leading to undesirable social issues in the area is unfounded and not based on any sound material evidence.
 - The retention of the 2.45m high wall will create a physical barrier between existing and proposed residential development, thereby restricting permeability to adjacent neighbourhoods.

- The proposal provides an opportunity to demolish the wall and create a larger, more functional area, naturally overlooked and policed by the proposed new houses.

It is requested that the Board grant permission for the development.

6.2. Observations

There are 4 observers noted in relation to the subject appeal, including

1. Aspen Garden Residents Committee.
2. Hillcroft / Hillcroft Close Residents Committee.
3. Willie O'Dea TD
4. Bryan Byrne

All observations support the decision of the PA to refuse planning permission for the proposed development. The observation is summarised as follows:

- There is only 1 entrance available serving both existing estates, serving approximately 525 residents, with 120+ children and 215 motor vehicles.
- The additional traffic will pose significant risk to children playing in the area.
- Inadequate car parking will result in a major hazard.
- The development is not in keeping with the existing character of the area.
- Impact on existing residential amenities.
- Access should only be allowed directly to St. Patrick's Road.
- The applicant did not respond to the PAs FI requests in terms of orderly and phased development which does not leapfrog lands zoned for residential development.
- Existing parking constraints mean residents park on both sides of the estate roads which impacts the width of both the road and footpaths.

- The TIA and RSA focus on traffic counts rather than the carrying capacity of Hillcroft.
- The limited green space available to Hillcroft residents would be substantially diminished.
- Questions relating to flood risk and capacity of water services raised.
- Tenure of the houses questioned.
- Inadequate services and amenities in the area and the development may result in the local primary school being oversubscribed.
- While the applicant suggests that the land is not available to purchase to provide the access directly off St. Patrick's Road, the owner of the land has indicated willingness to sell.
- Removal of the cul-de-sac will have a major impact on families and existing residents.
- The proposed development is based on a convenience and financial approach that satisfies the building without any consideration for existing residents.
- Significantly more than the suggested 61 houses use the estate road.
- The development will overlook existing private spaces and will be overbearing compared to existing development.
- Impact on local biodiversity.

6.3. Planning Authority Response

None.

7.0 Planning Assessment

7.1. Introduction

7.1.1. Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Development Details & Compliance with National Standards & Guidelines
3. Planning Authority Reason for Refusal Issues
4. Other Issues

7.2. Principle of the development

7.2.1. The proposed development seeks to construct a residential development comprising 55 residential units – amended to 54 following the PAs request for further information – in the form of semi-detached houses, duplex apartments and apartments. The site lies to the south of the Hillcroft development in the Singland area of Limerick City and is currently a green field.

7.2.2. Under the current Development Plan, the Limerick Development Plan 2022-2028, which came into effect on the 29th of July 2022, the subject site is zoned New Residential. It is the stated objective of this zoning 'to provide for new residential development in tandem with the provision of social and physical infrastructure'. The stated purpose of this zoning objective is to provide for new high quality housing development, whereby the quality and mix of residential areas and the servicing of the lands are identified as a priority to support balanced communities. The Plan further requires that new housing and infill developments should include a mix of

housing types, sizes and tenures, to cater for all members of society and such areas are noted to 'require high levels of accessibility, including pedestrian, cyclists and public transport (where feasible)'.

7.2.3. While I acknowledge that the application the subject of this appeal was lodged under the previous policy framework for Limerick, I would advise the Board that the subject site was also previously zoned for residential purposes. The principle of the proposed residential development, therefore, accords with the provisions of the CDP.

7.3. **Development Details & Compliance with National Standards & Guidelines**

7.3.1. The objective of the Sustainable Residential Development in Urban Areas 2009 Guidelines, and its companion design manual, is to produce high quality, and crucially, sustainable developments and communities through the reduction, as far as possible, of the need to travel, particularly by private car, and promoting the efficient use of land. The Guidelines suggest that in areas close to public transport corridors, minimum densities of 50 units per hectare should be applied subject to a number of safeguards. Having regard to the location of the subject site in Limerick City, together with the zoning afforded to the site, I am satisfied that the principle a residential development can be considered acceptable and in accordance with the general thrust of national policy.

Design & Layout:

7.3.2. With respect to the design and layout of the proposed development, the Board will note that the applicant submitted a Design Statement with the application, which sets out the detail of the proposed development and the general design concept for the site. The scheme includes a residential development comprising 55 no. residential units (4 no. 2 storey 2-bedroom semi-detached houses, 42 no. duplex units in four 3 storey blocks with 1 & 2 bed apartments on the ground floor and 3-bedroom houses over, & no. 2 storey 3-bedroom terrace houses in two blocks). This makeup was amended to omit one of the 2 storey 3-bedroom terrace houses in one of the two blocks following the submission of the response to the PAs FI request.

- 7.3.3. In addition to the above, the scheme proposes the demolition of an existing 2.45m high boundary wall which currently delineates the subject sites boundary with the Hillcroft Close development to the north. The proposed removal of the boundary wall will see the proposed open space connect to the existing public open space associated with Hillcroft Close. The Board will note that this element of the proposal has been strongly opposed by existing residents.
- 7.3.4. In terms of the proposed public open space provision, the applicant advises that the required 15% of the total site area has been provided to serve the development. The proposed demolition of the boundary wall will facilitate an increase in the passive surveillance of the existing open space area, which is currently bound on two sides – north and south - by high boundary walls and a palisade fence and a gable of a house to the west. Currently, 5 houses within Hillcroft Close overlook the open space. Private open space is proposed for each residential unit in the form of gardens, balconies and terraces.
- 7.3.5. Vehicular access to the site is proposed via the existing estate road network which serves the Hillcroft estates, including Aspen Gardens. This proposal has been raised as the most prominent objection by third parties.
- 7.3.6. In terms of the proposed design and layout of the proposed scheme, the Board will note that it will, if permitted, create an urban square which will include an area of public open space located centrally, with the majority of proposed units overlooking same. Pedestrian links to the central square area are noted which will connect the existing Hillcroft development to the space. I have a concern however, that the layout presents as car-dominated as an extensive perimeter of the open space proposed within the centre of the site is to be used for car parking.
- 7.3.7. Having regard to the information presented, in principle, I have no objection in principle to the proposed scheme in terms of design and layout, subject to amendments which address the above concerns. I will discuss this matter further below.

Density:

- 7.3.8. The Urban Development and Building Height Guidelines for Planning Authorities (Dec 2018), builds on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. Increased building heights is identified as having a critical role in addressing the delivery of more compact growth in urban areas, particularly cities and larger towns. Specific Planning Policy Requirements (SPPRs) of the height guidelines take precedence over any conflicting policies, and objectives of the Limerick Development Plan 2022, if any exist.
- 7.3.9. I note the requirements of SPPR 4 as detailed in the Urban Development & Building Height Guidelines 2018 which states that, in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:
1. The minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2009)" or any amending or replacement Guidelines;
 2. A greater mix of building heights and typologies in planning for the future development of suburban locations; and
 3. Avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.
- 7.3.10. The development proposes 54 residential units (as amended) on an application site with a stated area of 1.23ha. In calculating the density for the site, the applicant has advised that the development site area is 1.156ha and as such, the density for the development is 47 units per hectare (46.7units). Having regard to the location of the subject site on zoned and serviced land within an Intermediate Urban Location, proximate to Limerick City, I am satisfied that the proposed development is in accordance with principles of national policy.

Height

- 7.3.11. The issue of height was raised as an issue by third parties, with particular reference to the character of the existing area comprising essentially two storey houses. While I would note the third-party objections to the introduction of apartments in this area, which are not considered to be in keeping with the existing character of the area, I have no objections in this regard. I am satisfied that the blocks are of a scale which are proportionate to the scale of the existing houses and are to be located at a sufficient remove from the existing houses so as not to have a significant impact on the existing landscape, or existing residential amenities.
- 7.3.12. In terms of visual impacts, I consider that the proposed scheme has been designed to be accommodated on the site and would, if permitted, represent an appropriate form of development which would not significantly impact on the existing visual amenities, and would be appropriate to the character, subject to minor amendments which will be discussed further below, of the wider area. I have no objection to the materials proposed to be employed across the development.

Unit Mix & Typology:

- 7.3.13. The proposed development includes a mix of apartments and houses with the following breakdown:
- 4 no. 2 storey 2 bed semi-detached houses
 - 8 no. 2 storey 3 bed terrace houses (in 2 blocks of 4)
 - 9 no. ground floor 1 bed apartments (in 2 blocks)
 - 12 no. ground floor 2 bed apartments (in 2 blocks)
 - 21 no. 3 bed duplex houses (over ground floor apartments)
- 7.3.14. With regard to proposed houses, the units rise to two storeys and 8.43m for the 2 x 2 bed semi-detached houses, and 8.445m for the 8 no. 2 storey 3 bed terrace. The floor areas of the houses range from 85.7m² - 92m². The houses will be finished in plaster with areas of select brick to part of the front elevation and a slate roof.

7.3.15. I note the provisions of the 2007 Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities, DoEHLG, and in particular section 5.3 of the guidelines which deal with Internal Layout and Space Provision. Table 5.1 of the guidelines sets out the space provision and room sizes for typical dwellings and in this regard, the following is relevant:

DWELLING TYPE	TARGET GROSS FLOOR AREA	MINIMUM - MAIN LIVING ROOM	AGGREGATE LIVING AREA	AGGREGATE BEDROOM AREA	STORAGE
	(m ²)	(m ²)	(m ²)	(m ²)	(m ²)
2BED/4P House (2 storey)*	80	13	30	25	4
3BED/5P House (2 storey)	92	13	34	32	5

In addition to the above, the guidelines provide that:

- the area of a single bedroom should be at least 7.1m²
- the area of a double bedroom at least 11.4m²
- the area of the main bedroom should be at least 13m² in a dwelling designed to accommodate three or more persons.

The recommended minimum unobstructed living room widths are 3.3 metres for one bedroom, 3.6 metres for two bedroom and 3.8 metres for three-bedroom dwellings, and the minimum room widths for bedrooms are 2.8 metres for double bedrooms and 2.1 metres for single bedrooms.

7.3.16. In terms of the proposed development, I note that all proposed houses generally comply with the above requirements. There is a slight shortfall of 0.5m² in terms of aggregate bedroom area associated with the 3 bed terraced houses and the main bedroom in the 2 bed houses has a shortfall of 0.1m².

7.3.17. With regard to the proposed apartments, the Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December 2020, which update the 2018

Guidelines, seek are to enable a mix of apartment types, make better provisions for building refurbishment and small-scale urban infill schemes and to remove requirements for car-parking in certain circumstances. The updated guidelines also include Section 5 which addresses co-living and 'shared accommodation' sectors which includes a SPPR for a presumption against the granting of permission for co-living development.

7.3.18. Chapter 3 of the Guidelines provide for Apartment Design Standards, and I propose to consider the proposed development against these requirements as follows:

a) *Apartment floor area:*

The Guidelines, Specific Planning Policy Requirement 3, require that the minimum floor areas be applied to apartment developments. The Board will note that there are 5 no. unit types proposed within the scheme, providing for the following floor areas:

No of Unit Type	Minimum overall F/A	Proposed F/A	Total F/A
9 x One bedroom	45.0m ²	9 x 55.1m ² 2 x 57.2m ²	500.1m²
12 x Two bedrooms (4 persons)	73.0m ²	12 x 83.1m ²	997.2m²
21 x Three bedrooms (5 persons)	90.0m ²	9 x 118.6m ² 12 x 124.8m ²	2,565.0m²
42 units in Total			4,062.3m²

The development proposes 42 x 1, 2 and 3 bedroom apartments. All apartments proposed achieve the minimum floor area required by the guidelines.

The guidelines also provide for the following minimum requirements in terms of the living / dining and kitchen room areas:

Minimum aggregate floor areas for living/dining/kitchen rooms

Minimum widths for the main living/dining rooms Apartment type	Width of living/dining room	Aggregate floor area of living / dining / kitchen area*
One bedroom	3.3 m	23.0m ²
Two bedrooms (4 person)	3.6 m	30.0m ²
Three bedrooms	3.8 m	34.0m ²

In terms of the above, I am satisfied that the proposed development adequately accords with the guideline requirements.

b) Safeguarding Higher Standards

It is a requirement 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% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)'.

In this regard, the following is relevant:

Unit Mix	No of Apartments	Cumulative Min Floor Area
21.4% 1-bed units	9	9 x 45m ² = 405m ²
28.6% 2-bed units	12	12 x 73m ² = 876m ²
50.0% 3-bed units	21	21 x 90m ² = 1,890m ²
Total	42	3,171m²

+ 10%	No of Apartments	Cumulative Min Floor Area
21.4% 1-bed units	9	9 x 45m ² = 40.5m ²
28.6% 2-bed units	12	12 x 73m ² = 87.6m ²
50.0% 3-bed units	21	21 x 90m ² = 189m ²
Total	42	317.1m²

Total Required Minimum Floor Area therefore is **3,488.1m²**.

The actual proposed floor area of the apartment element of the overall development, is 4,062.3m² and as such, the scheme adequately complies with the 2020 Apartment Guideline requirements.

c) *Dual aspect ratios:*

This issue relates to the availability of daylighting and orientation of living spaces in order to maximise the amenity of occupants of the apartments. The proposed development provides for 42 apartments in 4 blocks, all of which will rise to 3 storeys. As the proposed building is essentially one unit deep, the scheme is considered to provide for full dual aspect units.

The Guidelines require, SPPR 4 refers, that at least 33% of units are dual aspect and, in this regard, the proposed development complies with the 2020 Apartment Guidelines. There are no units with a single northern aspect and all upper floor apartments are afforded private amenity spaces in the form of small balconies which meet the recommended 1.5m minimum depth required in the Guidelines.

d) *Floor to Ceiling Height:*

It is a specific policy requirement, SPPR 5, that ground level apartment floor to ceiling heights shall be a minimum of 2.7m, and 3m should be considered for multi-storey buildings. The sections submitted with the planning documents and appeal indicate that a floor to ceiling height of 3.15m at ground floor level, 3m at first floor and 2.7m at second floor is proposed for unit types A and B, while unit types C and D will have a floor to ceiling height of 2.7m at ground and first floor levels, and 2.475m at second floor.

I am satisfied that the proposed development is acceptable in this regard.

e) *Lift & Stair Cores:*

The proposed development provides for own door units and as such, a lift or central stair core is not required.

f) *Internal Storage:*

The proposed development provides for storage within all apartments. Minimum storage requirements are indicated in the guidelines, and it is noted that said storage 'should be additional to kitchen presses and bedroom furniture but may be provided in these rooms. A hot press or boiler space will not count as general storage and no individual storage room within an apartment shall exceed 3.5m².'

The Guidelines also advise that storage for bulky items outside the individual units should also be provided, apart from bicycle parking requirements. The Board will note that the development does not propose any external storage facilities to serve the development. The minimum storage space requirements are identified as follows:

Minimum storage space requirements

One bedroom	3 sq m
Two bedrooms (4 person)	6 sq m
Three bedrooms (5 persons)	9 sq m

In the context of the proposed development, the Board will note that the submitted drawings indicate that storage is provided within each apartment, all in accordance with the requirements of the guidelines except for the three bed units.

In this case, the applicant has presented the information regarding the Duplex apartments as Duplex Houses. The storage requirement for houses is 5m² for three bedrooms (5 persons). Given that the duplex units are located over single floor apartments, I consider the subject application provides for apartments and as such, storage provision in accordance with the above table should be required. The Board may wish to seek further information from the applicant in this regard but having regard to overall floor area of the units, a condition requiring compliance with this guideline might be considered reasonable.

g) *Private Amenity Space:*

It is a specific planning policy requirement that private amenity space shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels. The guidelines require the following minimum floor area for private amenity space:

Minimum floor area for private amenity space

One bedroom	5 sq m
Two bedrooms (4 person)	7 sq m
Three bedrooms (5 persons)	9 sq m

All apartments are provided with balconies or terraces, all of which appear to achieve the recommended area and 1.5m minimum depth required in the Guidelines. I would note that the private open spaces do appear to have a functional relationship with the main living areas of the apartments.

h) *Security Considerations*

The Guidelines require that apartment design should provide occupants and their visitors with a sense of safety and security by maximising natural surveillance of streets, open spaces, play areas and any surface bicycle or car parking. Entrance points should be clearly indicated, well lit, and overlooked by adjoining dwellings. Particular attention should be given to the security of ground floor apartments and access to internal and external communal areas.

The Board will note that the development provides for own door units, accessed off the public areas. I am generally satisfied that the access to the buildings and matters of security are acceptable.

7.3.19. Chapter 4 of the Guidelines seeks to deal with communal facilities in apartments and deals with access & services, communal facilities, refuse storage, communal amenity space, children's play, bicycle parking and storage and car parking.

7.3.20. Given the scale and layout of the proposed apartment development, I am satisfied that the communal facilities, such as laundry rooms etc, are not deemed necessary.

- 7.3.21. In terms of the provision of refuse storage, the Board will note that a separate bin storage area is proposed to service each apartment, adjacent to the front doors of each unit. I accept the principle of the location of the proposed bin storage area within the development, noting that the Guidelines advise that 'Waste storage areas should not be on the public street, and should not be visible to or accessible by the general public. The level of impact associated with the proposed development in terms of refuse collection is considered minimal and acceptable.
- 7.3.22. In relation to communal amenity spaces, the development layout proposes the creation of a square which will lie in a central location within the site. This area includes a grassed area and an enclosed children's play area, with paths through and around the space. To the north of the site, and immediately adjacent to the existing open space area associated with Hillcroft Close, a second area of communal open space is proposed. The Board will note the proposals to remove the existing 2.45m high boundary wall along the northern area of the site and to essentially extend the existing open space into the proposed open space. The existing open space is currently bound on two sides – north and south – by high boundary walls and a palisade fence to the west, as well as a gable of a house. Currently, 5 houses within Hillcroft Close overlook the open space. The proposed demolition of the boundary wall will facilitate an increase in the passive surveillance of the existing open space area.
- 7.3.23. In terms of the proposed public open space provision, the applicant advises that the required 15% of the total site area has been provided to serve the development. Having undertaken a rough calculation of the proposed useable open space areas – as no areas have been provided by the applicant – I consider that the two main areas of open space amount to approximately 11% - 11.7% of the site area – depending on the use of the development site area of 1.156ha or the application site area of 1.23ha.
- 7.3.24. While there are incidental open space areas, I would agree with the Hillcroft residents' concerns that the proposed development is using existing open space areas, which are likely deficient given the population it serves, to supplement the needs of future residents. While I would agree with the connecting of the open space

areas as proposed, the combined area would be wholly inadequate to accommodate the needs of the existing 156 houses and the proposed 54 residential units. As a stand-alone development, I do not consider that the applicant has provided for adequate useable public open space to serve future residents. In addition, having regard to the car dominated layout, an extensive perimeter of the open space area within the centre of the site is to be used for car parking. As such, I would have concerns in terms of the quality of this area of the public open space environment.

7.3.25. In terms of bicycle parking, the guidelines require 1 bicycle space per bedroom and 1 space per two residential units. In this regard, the Board will note the proposed development will have a requirement of 96 bike parking spaces for residents of the apartments (42 no) and 21 spaces for visitors, a total of 117 spaces. Based on the submitted information, the development proposes four bike shelters for secure parking for bicycles to be provided within the development. Drawing Sheet no. 110 submitted with the application includes details of the proposed bike shelters to be installed on the site. The information submitted is not clear, in my opinion, in that it seems to suggest that 3 racks per bike shelter, each holding 10 bikes, is proposed. The drawing then advises that there will be 6 racks in total, with a capacity for 60 bikes. This is clearly inadequate to serve the development. In addition, I would advise that there is no real commentary on bicycle parking provision for the development, noting that the Design Statement, submitted with the application, only discusses car parking. As such, I am not satisfied that the development proposes an appropriate quantum of bicycle parking spaces.

7.3.26. Parking for 88 cars is proposed within the amended scheme. In terms of car parking, the Guidelines notes that the quantum or requirement for car parking will vary in terms of the location of the site. Section 4.21 suggests that in suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. In the context of the site layout, I consider that the proposed development is car dominant, evidenced

by the large number of proposed car parking spaces. I propose to address this matter further in section 7.5 below.

Conclusion:

7.3.27. I am generally satisfied that the principle of the development is acceptable in terms of compliance with the guidelines. In addition, I am satisfied that the principle of the proposed development is acceptable in terms of the location of the site within Limerick City and the zoning objective afforded to the site. In terms of the general thrust of the Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December 2020, however, I have identified a number of concerns associated with the proposed development, in terms of the following.

- Inadequate storage provision in the 3 bed duplex units
- Inadequate provision and quality of public open space
- Inadequate provision and quality of bicycle parking
- Car dominated layout.

7.3.28. The Board may consider it appropriate to seek further information from the applicant in order to address the above issues.

7.4. Planning Authority Reason for Refusal Issues

7.4.1. In terms of Planning Authority reason for refusal, I would note that there are two elements. In the first instance, there is a concern regarding the impact of the construction traffic using the existing Hill Croft estate road, noting that the alignment and layout of the estate would adversely affect the residential amenity of existing residents as a result of traffic congestion. The second part of the reason for refusal relates to the concerns regarding the disorderly and haphazard approach to the development of the lands which form part of a larger parcel in which a coordinated and phased approach to development is required.

7.4.2. The Board will note that roads and traffic issues comprise the primary concerns for the existing residents of the wider Hill Croft development, as well as the lack of a master plan for the wider area including the roadside area of the larger field from

which the subject site is taken (multiple landowners are noted). I would also note that both the PA and third-parties require that access to the current site should be directly via St. Patrick's Road and through the land to the west (road side) of the subject appeal site.

- 7.4.3. At the outset, the Board will note the strong objection from third-parties to the appeal site being accessed over the existing Hillcroft residential estate roads. Concerns extend to the removal of the 'cul-de-sac' feature which currently exists at the proposed entrance to the subject appeal site. While I would accept these concerns, I would not consider it reasonable to refuse permission to access serviced and zoned lands on this ground. The estate has been taken over by the Council and therefore, the road network is reasonably considered to be a public road. Certainly, the construction of 54 residential units will have an impact on the existing road network and residents, particularly during the construction phase, and such matters require to be considered.
- 7.4.4. The Board is referred to the Roads and Transport reports included in the PAs file from the internal sections of the Council with regard to the proposed development. The Senior Engineer of the Transportation and Mobility Directorate advises that permission should be refused for the development on the grounds that access to the site should be directly off St. Patrick's Road and through the remaining zoned land to the west (roadside) of the subject site. It is further considered that the use of the existing estate road would give rise to an unreasonably large single-entry junction into a housing area, with access as proposed potentially leading to undesirable social issues and unnecessarily high traffic. Pedestrian and cycle access only should be provided through the Hillcroft estate. Further to the above, the Senior Executive Technician for the Roads, Traffic and Cleansing / Central Services has recommended a number of conditions to be attached to any grant of planning permission.
- 7.4.5. While the applicant seeks to suggest that the access road serves only 61 houses, it is clear that this is not the case. From the access onto St. Patrick's Road, a public road, the estate road network serves in excess of 155 houses. The existing network includes a 6m wide carriageway with footpaths on either side extending to

approximately 1.8m in width. The posted speed limit is indicated at 30km/ph. The applicant prepared a Traffic and Transport Assessment and included a Road Safety Audit following a request for further information from Limerick City & County Council.

7.4.6. The submitted TTA considered the impact of the proposed development in terms of trip generation and distribution, as well as modelling of the junctions. The TTA uses Eirecode.ie reports to establish that there are 104 residential units using the roads. Having undertaken a site visit I would advise that the number of houses accessed off the estate road is greater than the 104 units suggested in the TTA. In any case, the TTA would suggest that the St. Patrick's Road / Hillcroft Estate junction currently operates with 81% capacity following PICADY Modelling. With the development in place, the highest degree of saturation rises to 83.8% in the year 2039 with the development in place. The results for St. Patrick's Road / R445 Dublin Road junction indicate that the junction is currently close to capacity and that this capacity will be exceeded with or without the proposed development by 2029. The impact of the proposed development is therefore considered marginal.

7.4.7. In terms of the impact of the development on the internal estate roads, the TTA advises that there is adequate capacity in the existing network, with 6m wide carriageway and footpaths on either side. It is a requirement that the scheme be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This manual does not differentiate between public and private urban streets, where a 60km speed limit or less applies, and its implementation is obligatory. DMURS assigns 'higher priority to pedestrians, cyclists without unduly compromising vehicle movement, in order to create secure, connected places that work for all members of the community', and this is considered a reasonable objective. The proposed roads within the proposed development will extend to 5.5m in width which is in accordance with the requirements of DMURS.

7.4.8. In terms of the impact of traffic on the existing residential amenity of the existing residents, I would accept that while there will be an increase in traffic numbers should permission be granted for the scheme as proposed, the road network appears to be adequate to accommodate same. The proposed development provides for extensive car parking to serve the proposed residential units. While

there will be a significant impact during the construction phase, which warranted refusal of planning permission by Limerick City & County Council, I would consider that the temporary impacts might be considered reasonable and acceptable in the context of the development.

- 7.4.9. In my opinion, the primary and most significant issue arising with the proposed development relates to the lack of a direct access onto St. Patrick's Road and the lack of forward planning for the wider plot from which part of the subject site is taken. Ultimately, I have no objection in principle to the proposed development, subject to the addressing of the issues I have raised previously in Section 7.3 of this report, but I would wholly agree that the preferred option for vehicular access to the site would include the roadside section of the larger field from which the subject site is taken. Pedestrian and cycle access should be afforded through the existing residential area to promote and encourage connectivity and I have no objection to the removal of the boundary wall which would increase the passive surveillance of the existing public open space area. The Board will note that this existing area of public open space has been included in the 'New Residential' zoning in the current CDP.
- 7.4.10. While I note that there are multiple landowners involved, and the efforts of the applicant to engage with the adjoining landowner as requested by the PA, given the identification of the subject site together with the land to the west as a Tier 1 serviced site in the Limerick Development Plan 2022-2028, Volume 2a, and the largest bank of residentially zoned land in the immediate area, I would agree with the concerns raised that a grant of planning permission as proposed would represent a piecemeal, disorderly and haphazard approach to the development of this wider site. A coordinated and phased development approach should be implemented across the site to ensure the most efficient development of the land, to include appropriate levels of public open space and public realm features.
- 7.4.11. On this basis, I recommend that permission be refused for the proposed development as presented.

7.5. Other Issues

7.5.1. Water Services & Flood Risk

The subject site is located on fully serviced land and I note no objection from Irish Water of Limerick City & County Council in this regard.

7.5.2. In terms of flood risk, I would note that the subject site does not lie within an area which is identified as being at risk. I have no objection to the proposed development in this regard.

7.5.3. Third Party Issues

The third-party observers raised a number of issues including concerns relating to the potential over-subscribing of the local national school and tenure of houses. In terms of the zoning objective afforded to the site, together with the current Housing Strategy, I am satisfied that a housing development is acceptable in principle at this location and would, if permitted, comply with the zoning provisions of the CDP and would be in compliance with the proper planning and sustainable development of the area.

Other issues raised relate to the limited open space provision for the existing residents. I have raised this concern previously in this report and while concerns are raised regarding the proposed removal of the boundary wall, I would consider this to be an appropriate proposal in terms of improving the quality of the existing open space as well as increasing connectivity and permeability.

With regard to the issue of overlooking of private amenity spaces, I have address this concern above in the body of my assessment.

7.5.4. Part V

The proposed development seeks to construct 55 residential units on a site covering 1.23ha on a site which lies on zoned lands within Limerick City. The development will connect to public services. The development is subject to requirements of Part V of the Planning and Development Act 2000, as amended and the Board will note that

the applicant appears to have contacted the PA in this regard. A condition relating to Part V should be included in any grant of planning permission.

7.5.5. Development Contribution

The subject development is liable to pay development contribution, and a condition to this effect should be included in any grant of planning permission.

8.0 Appropriate Assessment

8.1. Introduction:

8.1.1. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The site is not located within any designated site. The closest Natura 2000 site is the Lower River Shannon SAC (Site Code: 002165) which is located approximately 0.9km to the north of the site and the River Shannon and River Fergus Estuaries SPA (Site Code: 004077) lies approximately 2.2km to the west of the site.

8.1.2. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.

8.2. Consultations:

8.2.1. With regard to consultations, the Board will note that no issues relating to AA were raised by the Planning Authority. A small number of third-party observers, however, did raise concerns in terms of the impact of the development on local biodiversity.

8.3. Screening for Appropriate Assessment

- 8.3.1. The proposed development will connect to the public water services in Limerick City. I note no objections from IW in this regard.
- 8.3.2. The applicant advises in the Design Statement that an Appropriate Assessment was prepared as part of the application. The application Cover Letter advises that the report did not arrive on time but would be forwarded to the PA as unsolicited information once it was received. This report does not appear to have been received by the PA, and the PA did not request it by way of FI.
- 8.3.3. In terms of AA, the Board will note that the development is not directly connected or necessary to the management of a European Site. There are 4 Natura 2000 Sites occurring within a 15km radius of the site, the closest one being the Lower River Shannon SAC (Site Code: 002165) which is located approximately 0.9km to the north of the site. In addition to the above, the following sites lie within 15km of the site:
- River Shannon and River Fergus Estuaries SPA (Site Code: 004077) lies approximately 2.2km to the west of the site.
 - Glenomra Wood SAC (Site Code: 001013) lies approximately 10.2km to the north.
 - Tory Hill SAC (Site Code: 000439) lies approximately 13.9km to the south.
- 8.3.4. I am satisfied that all of the above sites can be screened out in the first instance, as they are all located outside the zone of significant impact influence because the ecology of the species and / or the habitat in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated sites to the development site and therefore, I conclude that no significant impacts on the above-mentioned sites is reasonably foreseeable and that they can all be excluded at the preliminary stage for the following reasons:
- Sites are located entirely outside the EU site and therefore there is no potential for direct effects.

- No habitat loss arising from the proposed development.
- No disturbance to species.
- No pathways for direct or indirect effects.

8.4. In Combination / Cumulative Effects

8.4.1. Given the nature of the proposed development, being the construction of a residential development comprising 55 units on an urban and serviced site within the built-up area of Limerick, I consider that any potential for in-combination effects on water quality of any of the Natura 2000 sites can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in any of the identified Natura 2000 sites via rivers and other surface water features are also subject to AA.

8.5. Conclusion on Stage 1 Screening:

8.5.1. I have considered the NPWS website, aerial and satellite imagery, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites. It is reasonable to conclude that on the basis of the information available, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Sites identified within the zone of influence of the subject site. As such, and in view of these sites' Conservation Objectives a Stage 2 Appropriate Assessment is not required for these sites.

9.0 Recommendation

I recommend that permission for the proposed development be refused for the following stated reasons.

10.0 Reasons and Considerations

1. The proposed development comprises the rear section of an area of land which has been zoned 'New Residential' in the current Limerick Development Plan 2022-2028. Having regard to the undeveloped nature of similarly zoned, adjoining lands to the west of the site, it is considered that in the absence of an agreed overall layout plan for these and adjacent lands (which would determine the need for and co-ordinate the provision of an appropriate range of house types, access roads, pedestrian routes, public open spaces and community facilities, including permeability through existing residential estates to the north and south) , together with location and inadequate frontage of the site, the proposed development constitutes inappropriate backland development which would seriously injure the amenities of property in the vicinity and would represent a piecemeal and uncoordinated approach to the sustainable development of the area.

The proposed development, if permitted, would therefore, represent an undesirable precedent for similar development in this residential area, and would be contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
7th February 2023

DECISION QUASHED