



An
Bord
Pleanála

Inspector's Report ABP 313602-22.

Development

Construction of 26 no. units, with new site entrance, with improvement works to roads and paths, new boundary treatments, site lighting, site landscaping, connections to existing services and all associated site works. A Natura Impact Statement accompanies this application.

Location

Lower Park Road, Corbally, Limerick.

Planning Authority

Limerick City and County Council.

Planning Authority Reg. Ref.

21520

Applicant

Advanced Space Providers Ireland International Limited.

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

First and Third Party

Appellants

(1) Rory Browne

(2) Advanced Space Providers Ireland
Internationals Limited.

Observers

- (1) Barry O'Sullivan
- (2) Kathryn & John McCarty
- (3) Gerard Danagher
- (4) Mary Ryan
- (5) Naomi O'Nolan
- (6) Eileen and William Hanely
- (7) Vivienne Vereker Campbell
- (8) Michael McNamara

Date of Site Inspection

23/11/2022

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is situated to the north side of Limerick City. It is located immediately to the east of the Park Gardens. Park Gardens contains a mix of semi-detached and terraced two-storey houses. Park Gardens, Roseville Gardens, Rosendale Gardens and Carriglea all form part of this housing development which is accessed off Corbally Road. Lucas' Lough is located circa 91m to the east of the site. This is a narrow waterbody connected to the River Shannon by a short stream it forms part of the wetlands associated with the River Shannon. The River Shannon itself is situated to the east of the appeal site and at the closest point is circa 195m away.
- 1.2. The site has a stated area of 1.22 hectares. The site is grassed, and it contains wild trees and hedging. To the east of the site the area contains woodland. The north-western and northern site boundary is formed by a block wall. The northern boundary adjoins the rear gardens of four properties within Abbey Avenue. The northern-western section of the boundary adjoins the side of no. 59 Park Gardens. The other section of the western boundary addresses the end of the cul-de-sac at Park Gardens. There is pedestrian access from the end of the cul-de-sac at Park Gardens to Lower Park Road to the south. There is a single storey detached house located at the northern end of Lower Park Road. The front of this property faces east towards the appeal site. The southern boundary of the site adjoins two residential properties. Both properties are detached. The one at the corner is accessed from Lower Park Road and the neighbouring property to the east of that is accessed from Lucas Drive.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of 26 no. units, with new site entrance, with improvement works to roads and paths, new boundary treatments, site lighting, site landscaping, connections to existing services and all associated site works. A Natura Impact Statement, Ecological Impact Assessment, Traffic Assessment and Flood Risk Assessment accompanies this application.
- 2.2. The scheme as originally proposed comprises 20 no. semi-detached two-storey dwellings and 4 no. detached two-storey dwellings.

2.3. The scheme as proposed following a request for further information by the Planning Authority: comprised 40 no. residential units;

- 3 no. two bedroom apartments,
- 6 no. two bedroom duplex units,
- 7 no. two bedroom terrace houses,
- 1 no. three bedroom terrace house,
- 7 no. three bedroom terrace houses,
- 10 no. three bedroom semi-detached houses,
- 3 no. three bedroom semi-detached houses,
- 3 no. four bedroom semi-detached houses.

2.4. The revised scheme as granted by the Planning Authority: comprised 26 no. dwelling units.

2.5. The scheme as revised by the applicant in the first party appeal: The site area has been revised from 1.22 hectares as originally proposed to 1 hectare. The number of units proposed is 36 and comprises;

- 5 no. two bedroom apartments,
- 10 no. two bedroom duplex units,
- 1 no. two bedroom terrace house,
- 1 no. three bedroom terrace house,
- 1 no. three bedroom terrace houses,
- 15 no. three bedroom semi-detached houses,
- 3 no. four bedroom semi-detached houses.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission was granted by the Planning Authority subject to 27 no. conditions.

3.1.2. Condition no. 4 states – Prior to commencement of development a revised site layout plan suitably scaled shall be submitted for the written agreement of the Planning Authority with the omission of the following dwelling units. The Units Numbering 12,13,14 - 22, 23 – 25 shall be omitted having regard to their location within Flood zone A or B. The lands shall be seeded and grassed. The exact levels of the area to remain undeveloped shall be agreed in writing with the Planning Authority prior to commencement of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested in relation to the following.

1. Regarding the Flood Risk Assessment submitted, there appears to be a number of inaccuracies. A Revised Site Specific Flood Risk Assessment is required.
2. Submit NIS
3. Submit a Traffic Assessment
4. Submit revised plans and proposals to address issues in relation to roads and footpaths.
5. The Planning Authority had a number of concerns in relation to the layout and design.
 - (a) Overall density is low.
 - (b) No variety in terms of house design/house type.
 - (c) Housing units on corner sites to be designed to provide dual aspect.
 - (d) Unit 1-10 is a continuous row, this should be redesigned.
 - (e) Unit 10, there are flood issues. This unit should be omitted. Units 11-15 may also be impacted by the revised flood risk assessment.
 - (f) Ensure 22m separation distance between opposing first floor windows.
 - (g) Cross section on north-south axis required.
 - (h) Air to water units shall not be located at the rear boundary wall.

- (i) Concrete post and infill as a boundary treatment is not acceptable.
 6. Evidence of a pre connection enquiry from Irish Water to be submitted.
 7. Submit revised public lighting proposals.
 8. In relation to surface water collection and disposal no proposals in relation to SuDS have been submitted. A revised Surface Water Disposal Layout Plan is required.
 9. Submit a revised Surface Water Disposal Layout Plan and construction details. The control of surface water is of particular relevance for this site.
 10. As per item 9 – specific design details are required regarding SuDS measures.
 11. Submit revised surface water calculations by way of simulation modelling Micro Drainage or Causeway.
 12. Submit a comprehensive hard and soft landscaping plan to include – provision for passive amenity space within the proposed open space including benches.
 13. There are transmission lines traversing the site, submit consent from the relevant utility provider for relocation of same.
 14. A site survey shall be carried out including an ecological assessment of the site this shall include habitat mapping, the location of all mature trees within 5m of the site boundary shall be identified and mapped, the presence of any invasive species shall be recorded.
- 3.2.2. Following the response by the applicant to further information the Planning Officer concluded that the revised scheme is considered to be a higher quality in terms of design and layout. The roads section are satisfied with the access arrangements subject to some revisions. The number of units has been reduced due to the site specific flood risk assessment and the inclusion of units partially or otherwise within flood zone A & B are being omitted by condition. The overall density has increased within the area to be developed. The number of units permitted is 26.
- 3.2.3. Other Technical Reports
- 3.2.4. Central Roads – No objection subject to conditions.
- 3.2.5. Fire Service – No objection

3.2.6. Road Design – No objection

3.2.7. Physical Development – Parts of the development remain in Flood zone A & B.

PEMP has concerns as to the impact of the proposed development on flood risk and recommends that the proposed new development at this location is confined to Flood Zone C only, in accordance with draft Limerick Development Plan 2022-2028 SFRA and the Planning and Flood Risk Management Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government, 2009.

3.3. Prescribed Bodies

3.3.1. Irish Water – Previous refusals did not relate to water services on site. No objection, however, no pre connection enquiry has been submitted.

3.4. Third Party Observations

3.4.1. The Planning Authority received 103 no. submissions/observations in relation to the application. The issues raised are similar to those set out in the third party appeal and the observations to the appeals.

4.0 Planning History

4.1.1. Reg. Ref. 11/770153 – Permission was refused for construction of 49 two storey houses (42 semi-detached (3 bed - two types (12 no. type B1 and 30 no. type B2) and 7 no. detached (6 no. 4 bed - three types (2 no. each of types A1, A2 and A3) and 1 no. 3 bed - type A4), new site entrance with road improvement works, connection to existing services and all associated works. Permission was refused for six reasons. (1) Site within flood plain sensitive location (2) Appropriate Assessment of the development alone and in combination with other plans and projects on the environment has not been adequately carried out. (3) In the absence of a comprehensive proposal for the upgrade of the Lower Park Road the proposed development would result in excessive traffic movements on Lower Park Road. (4) A proposed development of this scale is premature pending the clarification of the disputed ownership rights concerning the laneway/road which runs to the front of the site. (5) Having regard to the house types proposed and the layout of the scheme it was considered that the proposed development would be contrary to the

recommendations in 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. (6) Part of the site of the proposed development is located in the Lower Shannon CSAC. The construction of dwellings within the CSAC would have an adverse effect on the CSAC and as such would materially contravene policy LBR.9 of the Limerick City Plan 2010-2016.

- 4.1.2. Reg. Ref. 09/770251 – Permission was refused for the erection of 58 no. fully serviced dwelling houses consisting of 30 no. 2 storey 3 bed semi-detached units and 28 no. 2 storey 2 and 3 bed terraced units in 4 no. blocks, new site entrance with road improvement works, connection to existing services and all associated site works. Permission was refused for five reasons. (1) In the absence of a comprehensive ecological survey of the site and appropriate assessment of the proposed development, it was considered that the likely impacts may result in an irreversible environmental damage to the adjoining SAC. (2) Flood risk (3) It was considered that Park Gardens and the adjacent road network to the Corbally Road are incapable of accommodating the additional traffic generated by the proposed development. (4) Notwithstanding the proposal to create a vehicular traffic route from Lower Park Road to Park Gardens it is considered that Lower Park Road is incapable of accommodating the additional traffic generated by the proposed development by virtue of its inadequate surface and general alignment. (5) It is considered that the proposed development by virtue of its design, density and layout is inappropriate impacting negatively on the distinctive open character, natural heritage values and low density nature of the area which would result in a low quality of development.

5.0 Policy Context

5.1. Project Ireland 2040 - National Planning Framework

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

5.1.2. 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”.

5.2. **Section 28 Ministerial Guidelines**

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

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

5.3. **Limerick Development Plan 2022 – 2028**

5.3.1. The Limerick Development Plan 2022-2028 was adopted by the Elected Members of Limerick City and Council’s at a Special Meeting on the 17th of June 2022. The Plan came into effect six weeks from the date of adoption on the 29th July 2022.

5.3.2. Under the provisions of the plan the appeal site is located on lands which are zoned ‘New Residential.’

5.3.3. The Settlement Capacity Audit is set out in Section 1.4 of Volume 2a of the Plan which refers to Level 1 – Limerick City and Suburbs (in Limerick), Mungret and Annacotty. The subject site at Lower Park Road, Corbally, Limerick is identified on Map 1 as site no. 31 which is stated to have an area of 1.061 hectares and an assumed residential density of 45+/35+ per hectare.

5.3.4. Volume 4 – Strategic Flood Risk Assessment

5.4. Natural Heritage Designations

- 5.4.1. Lower River Shannon SAC (Site Code 002165) lies to the north, east, south and west of the appeal site at the closest point it is located circa 87m from the site.
- 5.4.2. River Shannon and River Fergus Estuaries SPA (Site Code 004077) lies to the south-west of the appeal site at the closest point it is located circa 2.3km from the site.
- 5.4.3. Glenomra Wood SAC (Site Code 001013) circa 8.7km to the north-east of the site.

5.5. EIA Screening

- 5.5.1. The proposed development comprises 26 no. residential units on an 1.22 hectares site. The scheme was further revised to 40 no. units at further information stage and the scheme as revised by the applicant in the first party appeal comprises 36 no. residential units on a 1 hectare site.
- 5.5.2. The development subject of this application falls within the class of development described in 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended. EIA is mandatory for developments comprising over 500 dwelling units or over 10 hectares in size or 2 hectares if the site is regarded as being within a business district.
- 5.5.3. The number of dwelling units proposed at 26-40 units is well below the threshold of 500 dwelling units noted above. Whilst the site is located within Lower Park Road, Corbally, Limerick it is not in a business district. The site is, therefore, materially below the applicable threshold of 10 hectares.
- 5.5.4. The proposal for a residential scheme is located within the development boundary of Limerick City on lands zoned residential in the Limerick Development Plan 2022-2028. The site comprises a green field site. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The site is not within a European site. The issues arising from the proximity/connectivity to a

European Site can be adequately dealt with under the Habitats Directive. The application is accompanied by an Flood Risk Assessment, NIS, Ecological Impact Assessment and Transport Assessment and revised documents are submitted by the first party. These address the issues arising in terms of the sensitivities in the area.

5.5.5. Having regard to

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

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

6.0 The Appeal

6.1. Grounds of Appeal

(1) A third party appeal was submitted by Brendan McGrath & Associates on behalf of the appellant Rory Browne. The issues raised are as follows.

- It is submitted that the management of the application falls short of the standards set out in statutory guidance.
- There are particular issues with the request for further information, the submission of revised plans and the decision to grant permission incorporating a condition which fundamentally alters the proposal and also the inclusion of inappropriate compliance conditions.
- The Development Management Guidelines for Planning Authorities state that “requests for further information may not be used to seek changes to aspect of the proposed development.”
- It is submitted that the very extensive further information of the 15th June 2021 to go well beyond the bounds set out in the guidance.
- The Guidelines also state that “a condition that radically alter the nature of the development to which the application relates will usually be unacceptable.
- The guidance states that ‘if there is a fundamental objection to a significant part of a development proposal, and this cannot be dealt with in isolation from the rest of the proposal the proper course is to refuse permission for the whole.’
- Condition no. 4 of the permission granted, requires the omission of 14 no. residential units which is 33% of the total units proposed and ‘the area to remain undeveloped to be agreed with the planning authority prior to commencement of development.’
- Condition no. 16 states, “Prior to the commencement of development a revised Surface Water Drainage proposal shall be prepared in accordance

with the specification of Limerick City and County Council and submitted to the planning authority for written agreement prior to the commencement of development.” The condition refers to a critical issue included in the request for further information.

- The grant of permission is very different to what was originally proposed.
- It is submitted that submitted that the suitability of the site for a housing estate has not been satisfactorily demonstrated.
- JBA Consulting, carried out the Strategic Flood Risk Assessment of the draft Limerick City and County Council Development Plan have stated that the current land use zoning is inappropriate and that the proposed development of the site, following the submission of further information is also unsatisfactory.
- It is submitted that the 2021 Council audit of the site is seriously deficient.
- The site is at risk of flooding and the matter has not been satisfactorily addressed by the applicant. The eastern side of the site is in Flood Zone A and B. The matter of flooding is comprehensively covered in the report of JBA Consulting.
- It is submitted that the estate layout and design are incoherent and inappropriate for the site. The permitted scheme has been revised in response to the further information request which sought a denser development. This has led to an unsatisfactory outcome. The original scheme was supported by a rudimentary design rationale. The layout as granted permission has three serious shortcomings.
- The permitted layout ‘turns its back’ on existing housing to the considerable detriment of existing dwellings on the west of the site. These houses would face an estate entrance, blank rear walls and rear elevations.
- The layout loses the central focus and enclosure, which were attributes of the original layout.
- In the interest of both urban design and nature conservation it would be preferable if the eastern side of the development were demarcated by

housing as originally proposed. This would create an appropriately strong physical and visual break between the residential environment of the floodplain.

- It is submitted that the proposed storm water drainage system design is seriously deficient.
- The design of the system assumes a free-flowing outfall which is not necessarily available. It relies on infiltration without demonstrating that this is an available option. There has been an inadequate assessment of the SUD's measures proposed. It is highlighted that Lucas Drive adjacent to the site is prone to flooding via the existing storm water drainage system.
- The Council recognised that the undeveloped site plays a significant role in accommodating existing surface water runoff from Lower Park Road. It is inadvisable to make the design of an effective storm water drainage system design a matter of compliance.
- Condition no. 16 does not require an assessment of the proposed storm water network against any downstream fluvial flooding. Failing to consider surcharged outfall as part of any network assessment could result in under sizing of the storm water network and risk flooding the estate and/or adjoining roads.
- Insufficient regard has been given to the proximity of the Lower River Shannon SAC and risk of potential impact on the SAC's otter population.
- The NIS identifies that potential pathways for indirect effects in the form of polluting materials through bedrock via surface water during flooding.
- It is stated in the NIS 'that the ecological survey was undertaken outside of the optimal survey season, however habitats and species were readily identifiable, and it was possible for a comprehensive survey to be carried out.'
- It is stated in the NIS that "following on from the multidisciplinary survey there was no requirement for additional floral or fauna surveys to be undertaken due to the built-up surroundings.'

- The statement does not take into account that the eastern boundary of the site is semi-natural woodland, and the eastern boundary of the landholding.
- In relation to the otter a Qualifying Interest of the SAC, the NIS notes that otter travel significant distances from stream to lakes in search of new territory and feeding areas. It concludes that the potential for adverse impact on the integrity of the otter population associated with Lower River Shannon SAC can be excluded.
- It is considered that the NIS may have underestimated the potential threat to the SAC from this development having underestimated the pollution risk associated with flooding. The biodiversity potential of the part of the site which is not proposed for housing and the balance of the landholding which is outside the site has not been taken into account by this proposal.
- It is submitted that the NIS accompanying the application is deficient and the biodiversity impact and potential of the proposal has not been properly addressed.
- The matter of vehicular access is raised. It is submitted that access to the site which is via Lower Park Road is of poor quality. The Traffic Assessment report is considered rudimentary. The count was carried out during atypical COVID conditions. The report does not refer to serious shortcomings in the local road network between the site and regional road network which includes a manually controlled railway crossing, small railway bridge and right angled bends on a narrow road. The Traffic Assessment does not consider the likely impacts during the construction phase of the project.
- In conclusion, the site has only marginal residential development potential in terms of sustainable urban development. This was not appreciated by all parties when the application was lodged but has become clear during the course of the application.

(2) A first party appeal was submitted by Tony Bamford Planning on behalf of Advanced Space Providers Ireland International Ltd. The issues raised are as follows.

- The appeal is made against condition no. 2, condition no. 4 and an adjustment of condition no. 19a is requested.
- Condition no. 4 states, “Prior to the commencement of development a revised site layout plan suitably scale shall be submitted for the written agreement of the Planning Authority with the omission of dwelling units. The units numbering 12,13,14-22, 23-25 shall be omitted having regard to their location within a Flood zone A or B. The lands shall be seeded and grassed. The exact levels of the area to remain undeveloped shall be agreed in writing with the Planning Authority prior to commencement of development.
- In total the number of units permitted is 26, reducing it from 40 which was sought under the scheme subject in response to the further information. This reduces the density of the development well below what would be considered a minimum density of 35 units per hectare.
- It is considered that condition no. 4 is poorly drafted that it fails to deliver the necessary density that would be expected in a suburban location within a Gateway City (Level 1 Limerick City Metropolitan Area – Core Strategy)
- The proposed revised layout comprises proposals to move residential units further west outside Flood Zone A and B. In the revised scheme 36 no. units are proposed. This is a reduction of 4 no. units from that proposed under the further information. A reduction in the site area from 1.22 hectares as per the application form to 1 hectare is proposed.
- The scheme includes more three storey 2 bed duplex apartments & 2 bed apartments at second floor within each block.
- It is highlighted that the zoning of the application site has been significantly reduced in the Draft Development Plan from the current extent.
- The extent of zoning is constrained by the flooding associated with the area indicated on Flood Zone A and B. The development now proposed will be contained entirely within the revised and updated residential zoning area.
- The appeal refers to the Core Strategy and the matter of density and mix. Reference is made to a recent decision of the Board in relation to a residential scheme in Navan town under ABP 310884-21. The Board refused permission

for amendments to a residential development which was contrary to the recommendation of the Inspector to grant permission. The scheme had a density of 32.5 units per hectare.

- The Board refused permission on the basis that lower density residential development rendered it unacceptable in terms of national and local planning policies which requires a density of at least 35 units per hectare. The site was in a peripheral location within Navan town a lower tier settlement than Limerick City.
- The density of the development under the current application with 40 units proposed was 32 units per hectare with the reduction in units to 26 under condition no. 4 the density is 21 units per hectare.
- Map 2.2 of the Draft Limerick Development Plan 2022-2028 refers to Density Zones. The site is located in an area where a minimum net density of 35+ units per hectare are required.
- The proposed development option presented to the Board in the appeal has a density of 36 units/he which they submit is a good balance for this specific area.
- The scheme as proposed under the appeal comprises 20 no. 3 or 4 bed semi-detached dwellings. 15 no. two bed Duplex Apartments & two bed single level apartments and 1 no. two bedroom terrace unit.
- The scheme now includes a smaller percentage of 3 and 4 bed semi-detached units and has increased the number of two bedroom units. This accords with objective P02 of the Limerick Housing Strategy 2022-2028.
- It is stated that the first party has been careful to revisit the proposal relative to Flood Zones A and B. The scheme as proposed at response to further information stage was accompanied by a Flood Risk Assessment which illustrates the potential flooding relative to the built area.
- The technical note from Cronin Sutton Cotter confirms the movement of the development in a westerly direction. This confirms that that the minor amount of Zone “B” flood waters that would have otherwise entered the site will be

more than compensated by the Zone “C” lands within the control and ownership of the applicant.

- In the context of the Ministerial Flooding Guidelines the proposed development of residential units avoids flood zones A and B which accords with best practice.
- It is submitted that the first party struck a good balance with the appeal scheme respecting the reduced residential zoning, avoiding areas at flood risk and also maintaining a higher, more appropriate density.
- In relation to the semi-detached and terraced units and the apartments the project Architect set out all relevant standards for the various unit types.
- In relation to condition no. 2, it refers to a Development Contribution. The contribution attached by the Planning Authority reflects the smaller number of units granted, 16. The rate of contribution in the Council’s Development Contribution Scheme is €20 per sq. m of residential. The gross floor area of the proposed scheme with 36 units is 3,309.40sq m. The contribution rate is calculated as €66,188.00.
- Condition no. 19A requires to be adjusted to reflect the revised site layout plan presented in the appeal. It is stated that the wording can be amended to read – “Prior to the commencement of development the applicant shall submit for the agreement of the Planning Authority a revised Landscape Plan prepared by a suitably qualified Landscape Architect.”
- It is potentially the case that the overall development will be subject to a third party appeal or appeals. In that case the Board will be obliged to consider the merit of the entire development. They respectfully request that the above matters can be addressed as part of a final decision on the entire development de novo.

6.2. Applicant Response

A response to the third party appeal was submitted by Tony Bamford Planning and Development Consultants on behalf of the applicant Advanced Space Providers Ireland International Limited. The issues raised are as follows.

- The appeal response includes the following –
 - from CS Consulting Ltd: Response to Matters associated with Flooding Drainage grounds 3 and 5 of the third party appeal.
 - MKO has provided an updated Natura Impact Assessment ECIA and direct response to matters relating to ecology and NIS.
 - Quinn Architects: Response to design and Layout issues raised in the appeal.
 - An updated Site Layout Plan 2003 Rev 3 from Quinn Architects. This indicates the change of shape of the surface water swales at the top and bottom of the open space, the location of some trees altered and location of permeable surfaces.
- Regarding ground no.1 of the appeal, that the management of the application falls short of the standards set out in the Statutory Guidelines.
- The procedures initiated by the Planning Authority as part of the further information were reviewed by the applicant's planning consultant. They note that the further information was deemed significant and that the third party objectors were notified in writing by the Planning Authority and public notices were published and placed on the site. All parties were adequately notified of the changes. It is entirely common practise for units to be removed or redesigned as part of a planning decision. There remains the right to appeal a decision by anyone who objected which is a substantial right on its own.
- Ground no. 2 questions the suitability of the site for a housing estate. The site is in a mature urban area and an infill site. The location of the early years service adjacent to the site is cited as a positive not a negative. It is highlighted that the primary school, public house and restaurant and nearest city bound bus stop are located only 600-700m to the west. Two GP's clinics, a public house, pharmacy and supermarket are located 100m from the site. There are plans for a cycle route along the west boundary of the site.
- The zoning of the land has been through a detailed analysis, public consultation, amendment stage (including oversight by the Office of the

Planning Regulator) and it continues to be zoned for residential at a density of 35 units per hectare minimum.

- Regarding the comments in relation to the table as discussed in the appeal. It was stated in the appeal that flood risk had not been mentioned. In response to this JBA Consulting in their SFRA for the Council stated that 'site 31' does not flood.
- It is highlighted that in the later layouts proposed that the housing units would be located outside Flood zone A and B.
- They agree with the point made in the appeal that the development as granted was too low following the elimination of units by condition. The revised proposal with housing located outside of Flood Zone A & B reinstates a higher density in line with the Core Strategy in the New Limerick Development Plan.
- The Council declared the site's status as infill/brownfield in their analysis.
- Ground no. 7 of the third party appeal refers to the issue of access. It is stated that access to the site has been dealt with in detail by the Council. The Council found it to be entirely adequate. The application has been subject to a detailed traffic impact modelling and is considered acceptable.
- Regarding condition no. 14 which refers to construction traffic. Condition no. 14 requires the preparation of a Construction Management Plan which will include construction traffic. This is a standard provision for almost all built projects.
- It is highlighted that the Council wants to enhance cycling routes immediately outside the development which will help encourage more localised trips by bicycle to reduce the need for car use.
- The submission from CS Consulting Group refers to issues raised in the third party appeal concerning flooding and surface water.
- The third party appellant commissioned JBA Consulting to review the original and subsequent further information submission to the Local Authority. JBA would not have seen the subsequent alterations to the layout as the conditions of the permission require.

- The revised drawings developed as a condition of planning has units removed from the scheme and no units are now located in Flood Zone 'B' apart from a small section which will require the schemes topography to be reprofiled with a compensatory area provided to accommodate the predicated volumes during a 1 in 1,000 year events.
- The proposed units for the revised scheme are all within Flood Zone 'C' while the site levels will be raised to prevent potential flood waters effecting the site.
- The small section of the site which has been identified as being in Flood Zone 'B' will be required to be raised to facilitate the proposed development. As such the area located in Zone 'B' which would flood during the 0.1% (1 in 1000) event. To mitigate this scenario, it is proposed to provide a sacrificial area on site to compensate for the loss of flood plain. This proposal was accepted by the Local Authority.
- The JBA Consulting report raised queries regarding the storm water drainage network. They queried that the proposed outfall was at a level which would be submerged should the site experience a high fluvial storm event from the River Shannon flooding.
- The matter of joint probability analysis was raised. In the unlikely scenario of both an extreme storm event and in an extreme river flood event that the site would not cause on site flooding to occur. They put forward that the proposed storm water system has been modelled to take into account the joint probability event.
- The proposed storm water network has been designed to outfall into an existing storm water sewer. JBA noted an anomaly between the invert level indicated on drawings, this has been updated.
- The existing manhole into which the proposed system will drain has an invert level of 0.24m AOD. The proposed drainage network will have an invert level of 2.855m AOD and will back drop into the existing manhole.
- The predicted flood levels have been established as: - 10% AEP – 5.23m AOD. – 1% AEP – 5.94m AOD. – 0.1% AEP – 6.58m AOD. The existing storm water system would be submerged during the events noted. The

proposed backdrop level will be 2.855m APD would be submerged during the events noted. Should the site experience a 1% storm event combined with a 1% flood level, a joint probability event with a statistical occurrence of 1 in 1000 year event. This scenario has been modelled to ensure no on-site flooding would occur. The outfall for the proposed system was modelled within an outfall submerged to a level of 5.94m AOD the 1 in 100 year event. This was combined with a 1 in 100 year storm event, increased by 20% for the predicted effects of climate change.

- The modelling results indicate that no on site flooding would occur for this joint probability event. Flooding has been identified on the downstream off site sewers this is due to the predicted flood levels being above the current ground levels.
- It is stated that the proposed development of the site will not contribute to downstream flooding due to the proposed inclusion of an attenuation system as part of the new storm water network.
- The new network will be fitted with a flow control device to limit the storm water discharge off site for all storm water events up to the 1 in 100 storm event increased by 20% for the predicted impact of climate change.
- By restricting the discharge rate, the storm water volumes from the site can be controlled and will aid in the prevention of downstream flooding from occurring.
- The proposed storm water attenuation tank has been designed to cater for the required storage without the use of infiltration to aid the disposal of storm water. As per recommendations of the Local Authority it is proposed to use an attenuation system with a porous base to allow small storm water events to dissipate storm water into the subsoil.
- At detailed design stage the level of ground water on sit will be established and use of a sealed or porous attenuation system will be confirmed.
- The majority of the proposed storm water system has been designed to be routed through SUD's system prior to disposal.

- Road gullies have been designed to connect to the main storm water drainage network which passes through the proposed stormtech attenuation tank prior to disposal.
- In relation to the design and layout of the scheme, the original application as submitted included 24 houses with a mix of semi-detached and detached house sites around three sides of the open space. The concept included open green space located to the western part of the site and opening out to the existing footpath, bridleway running between Park Gardens and Lower Park Gardens.
- The Planning Authority sought further information in relation to the design. The density was determined too low, variety in house type was required, corner houses to be dual aspect to increase surveillance, reduce monotony of design, review levels in relation to flooding, rear garden separation of 22m required and improved boundary treatment required.
- The increased density required the open space to be reduced to a minimum of 15% of the overall site area. The green space was moved centrally. The units on the west back onto the existing foot path to allow a pedestrian access into the site from the end of Park Gardens to provide the shortest route to Corbally Road and the local schools.
- The boundary treatment was to be solid block wall with a rendered finish and painted and the pedestrian link into the site was landscaped to form part of the open space as small 'pocket park'.
- The design was amended with units 34-45 being changed from duplex apartments to 2 and 3 bedroom terrace houses to provide a great mix of units. This layout was further altered with 40 units proposed located around a central open space. The open space area includes a children's play area, bicycle parking and landscaped focal feature. Each roadway into the estate terminates into a 'Home -Zone'. The pedestrian link to Park Gardens is via a smaller 'pocket park' containing trees and shrubs. The pedestrian access provides the shortest route to schools and shops.
- Passive surveillance is vital to the design. All houses overlook the open space. Units 35 and 46 are turned 90° to address the pocket park.

- The revised scheme considered the existing ground levels. All finished floor levels are in line with the flood reports. The lowest finished floor level is set at +7.35m. Unit no. 31 is located closer to the neighbouring boundary to overcome overlooking, there are no windows on the northern elevation.
- Regarding the point raised in the appeal that the proposed design “turns its back” on existing houses. This is not relevant since all surrounding houses are either side on or with rear gardens onto the new development. The exception is a cottage to the west. This cottage will have a landscaped open area, improved roadway and pedestrian crossing across road in front of their property.
- The Council is looking to upgrade the existing footpath and included a new cycle path that links Park Garden and Lower Park Gardens.
- The revised design aimed to create a family friendly estate with a central focus on the open space and children’s play area, permeability around, through and across the site with connections into the existing residential areas. Passive surveillance and shared ‘Home-zones’ add to safety for all the residents.
- In response to the matters raised in the third party appeal concerning the NIS the following comments are provided.
- Despite the time of year as stated in section 2.3.1 of the NIS the habitats and species on and adjacent to the site were readily identifiable during the site visit. Therefore, it was possible for a comprehensive survey to be carried out. Therefore, despite the surveys having been undertaken outside the optimal period there was no potential for the habitats on the site to correspond to ecological significant or protected habitats.
- The surrounding habitats of scrub and woodland were also readily identifiable during a field survey in winter. Their ecological significance was considered in the appraisal of the site.
- The site of the proposed development is located approximately 58m from the Lower River Shannon SAC following the revision of the layout. It is 2.4km (5.5km hydrological distance) from the River Shannon and River Fergus

Estuaries SPA. The potential for impacts on these sites is considered in table 3.1 of the NIS. The table identifies a potential pathway for effect on the SAC and SPA in the form of surface and groundwater pollution.

- It also identifies disturbance to otter as a potential effect. The development itself will not result in any direct habitat loss within or adjacent to the SAC or outside the site itself.
- The potential impacts are identified as a result of the proposed development are fully and individually and comprehensively considered in Section 4 of the NIS and where necessary mitigation is prescribed.
- The site visit undertaken provided all the ecological information necessary to inform the comprehensive assessment that was undertaken in the NIS and EclA. It is highlighted that the assessment did not require further visits during spring/summer.
- In relation to additional flora and fauna surveys, it is stated in the NIS that this is due to the built-up surroundings.
- The potential effects which were identified in the form of surface water flooding, potential groundwater pollution and disturbance to otter. These potential effects were assessed and mitigated without the requirement for further survey works.
- The NIS does correctly note that the site of the proposed development is surrounded by built environment. It is bordered to the south, west and north by development.
- There is little potential for additional pathways for effect in those areas and the potential for habitat fragmentation or blocking of commuting pathways is limited. Accordingly, it was reasonable to conclude that no further surveys were required and in stating that the habitats to the west had not in any way been disregarded.
- In relation to issues raised in the appeal concerning otter. Otter was fully considered in the assessment and no habitat for otter or signs of the species were identified within or adjacent to the proposed development site during the site visit.

- The closest permanent watercourse is the River Shannon which is located approximately 190m from the proposed development site (following the revision of the layout).
- It is unlikely that otter would regularly use the habitats between the site and the river and there is no potential for the proposed development to result in the loss of habitat for the species. Even following an extremely precautionary approach there is no potential for the proposed development to result in significant disturbance to otter that is likely to be associated with suitable habitat along the River Shannon.
- Potential for disturbance to the species was considered in the EclA and NIS and a range of mitigation measures were outlined within section 6.2.12 of the EclA and section 4.2.1.2 of the NIS which prevent any disturbance of the species.
- While otters are capable of travelling significant distances there is no habitat within or adjacent to the site boundary which would provide suitable habitat for otters. The site is located at the edge of an urban area and no identifiable, potential commuting route between two areas of suitable habitat for otter was recorded.
- The grounds of appeal state that the NIS may have underestimated the potential threat to the SAC, having underestimated the pollution risk associated with flooding and potential shortcomings of storm water drainage system. Reference is made to contents of section 2.2.3 of the NIS which addresses flood risk. The appeal stated that the authors of the NIS did not have the benefit of the Flood Risk Assessment dated February 2022.
- The EclA and the NIS have been revised and submitted as part of the response to the grounds of appeal. Sections 2.2.2 and 2.2.3 of the NIS and EclA have been updated to take account of the correct surface water drainage system and flood risk.
- It is confirmed that the potential threat to the SAC of this development and the pollution risk associated with flooding were not underestimated in the application. Mitigation measures regarding flood risk were included in section 4.2.1.1.1 of the NIS and section 2.2.5 of the EclA are still included in the

revised NIS/EcIA. This states work shall not take place at periods of high rainfall and shall be scaled back or suspended if heavy rain is forecast during excavation works. Earthworks will only be carried out during periods of dry weather.

- Following extremely precautionary principle- following text is included in the revised NIS. In addition, any materials and machinery will be removed from areas prone to flooding during periods of heavy rain to prevent run-off. (as detailed on page 26 of the NIS)
- The biodiversity potential of the part of the site which is not proposed for housing is questioned in the third party appeal. It is stated that it was not taken into consideration. Condition no. 4 requires that it be seeded and grassed. Following the grant of planning permission, the layout of the proposed development was slightly revised to omit certain houses and the area in question is no longer within the site boundary. It is confirmed that habitats in this area will now not be affected by the proposed development. The same applies for the remaining land in the landholding which is not proposed for housing. The EcIA and NIS submitted with the appeal have been revised to reflect these changes.

6.3. Planning Authority Response

- None

6.4. Observations

6.4.1. Observations to the appeals have been submitted by (1) Barry O’Sullivan (2) Kathryn & John McCarty (3) Gerard Danagher (4) Mary Ryan (5) Naomi O’Nolan (6) Eileen and William Hanely (7) Vivienne Verekar Campbell and (8) Michael McNamara.

(1) Barry O’Sullivan

- The observer has raised the matters of flooding and drainage. The observation is accompanied by a report from JBA Consulting which addresses Flood Risk Assessment and Surface Water Management.

- Concern is expressed that the Planning Authority did not consider or request an assessment of the proposed stormwater network against any downstream fluvial flooding. They suggest that a failure to consider a surcharged outfall could result in under sizing of the storm water network and could risk flooding of the estate and adjoining areas.
- Pluvial and fluvial flooding should be expected as part of any stormwater network design given the proximity of the site to the Shannon floodplain.
- It is noted that previous applications have been refused permission on the site on the basis of the unsatisfactory nature of access to Lower Park Road. The Observer raises the fact that there are existing pinch points when accessing the area from Lower Park Road, including a narrow bridge across the canal to the south.
- In relation to the design of the scheme it is considered that the inclusion of duplex and three-storey units is totally at variance with the character of the surrounding housing.
- The Observer's property adjoins the southern site boundary. It is stated that the ridge height of the proposed dwellings at this location exceed the observer's property by 5m.
- The proposed duplex units have a separation of 9.5m from the observer's boundary. Therefore, they submit that the proposed development would be intrusive.
- It is considered that the Natura Impact Statement is mainly a desk exercise. It is suggested that the Planning Authority should have requested that the NIS take into account the potential for adverse conditions arising from the storm water drainage system.

(2) Kathryn & John McCarty

- The issue of flooding is raised. It is stated that the site is periodically flooded. The Flood Risk Assessment commissioned by the developer acknowledged flood risk. However, it is noted that the report commissioned by the observer Barry O'Sullivan and prepared by JBA, states that the Cronin Sutton Cotter report may have underestimated the flood risk potential.

- The permission granted by the Planning Authority reduced the number of houses in the scheme by 14. Those houses would have been located in the higher risk flood areas. The observers state that there would be flood risk on the entire site.
- It is noted that the existing mature tree planting on the site was cleared in 2021 and now there are willow trees growing throughout the site. Willow trees particularly grow on wet ground.
- When the River Shannon floods in the Shannon Fields the flood water travel up the stream which connects Lucas Lough to the river. When the flood waters reach the Lough it overflows and the appeal site floods and also the observers' gardens and surrounding gardens flood. If the ground level for the development is raised it will exacerbate the flooding of the surrounding garden.
- Concern is expressed in relation to potential impact to Lucas Lough and Shannon field which form part of Lower River Shannon SAC.
- Regarding transportation it is highlighted that The Park and Lower Park areas are not serviced by public transport.
- Concern is expressed in relation to the existing road and footpath network in the area specifically to the south at Lower Park Road and its capacity to accommodate additional usage.
- It is stated that the Traffic Assessment report is totally inadequate. The traffic count was carried out during the Covid restrictions in November 2021.
- The Traffic Assessment report did not refer to the required closure of the Lower Park Road for six months to facilitate the construction of a new bridge at South Canal Bank/Lower Park Road (ABP 309360-21).
- The traffic count does not take into account the new 900 pupil Gael Scoil being developed currently with an entrance on Pa Healy Road and also a proposed new School for Scoil Mhuire in Corbally.
- The design and layout of the proposed scheme is considered unsuitable. The site is located at the very end of a cul-de-sac on Lower Park Road. There is only one entrance/exit to the cul-de-sac where there are poor sightlines.

- Concern is expressed that separation distance of 22m are not proposed between opposing dwellings.
- The three storey units proposed are considered out of character with surrounding development.
- The proposed development if permitted would block and interfere with the scenic views from the observers' property.

(3) Gerard Danagher

- The Observers stated that the way leave which it is proposed to use to connect to the existing services on Lucas Drive is located on his property.
- Concern is expressed in relation to flooding. It is stated that there is no attenuation for surface water generated on Lucas Drive. When the water level is high in the Shannon there is flooding on Lucas Road, particularly during winter.

(4) Mary Ryan

- The observer has lived at her home at Lower Park her entire life. The site was previously used to grow vegetables for the Limerick market. The site was also used previously to graze cattle. The River Shannon was previously visible across the field before trees were planted in the SAC. The site then became rewilded. Then the trees were cleared from the site. If permission is granted for the scheme, then view from the observer's property would be lost.
- The observer cites a decision of the Board ABP 309243-21 & (Reg. Ref. 20380) an application for a dwelling in Glenmore, Co. Kilkenny, where the Board refused permission. Reference is made to the refusal of permission referring to the matter of a view.
- The issue of flooding is raised. The observer highlights that there was flooding of the site on a number of previous occasions. The proposed development would generate additional run-off water.

- The observer states that there is a boreen located to front of their property which is a right of way. Concern is expressed in relation to potential damage to the nearby SAC and surrounding natural habitats.
- The existing traffic situation in Corbally is raised. It is stated that the location is known for congestion. The lack of footpaths on Corbally Road and the Dublin Road is highlighted. The development of two new schools in the area will add to the traffic generation also.
- It is noted that Lower Park Road has no bus service.
- The proposed design of the scheme is not considered appropriate to the context of the area and existing development. Concern is expressed that the proposed scheme would generate additional car parking at the cul-de-sac at Park Gardens and at the end of Lower Park Road. Additional parking at this locations could impact access for emergency vehicles.
- The matter of the suitability of the existing infrastructure to accommodate connections to the foul sewer and also the water supply are questioned.

(5) Naomi O’Nolan

- In relation to the decision issued by Limerick City and County Council, the scheme permitted is fundamentally different from that originally submitted. It is stated that the layout of the scheme is very altered from that as originally submitted.
- The scheme is considered to be of an urban design rather than suburban which is the site context.
- The type of units now proposed comprises apartments, duplex units and three storey blocks along with semi-detached units. The original application was for 24 no. semi-detached units whereas the decision refers to 26 no. units.
- The proposal has a 2m high wall facing Park Gardens and it will seriously affect this area. The original proposal was to have the central area open to and an extension of Park Gardens.

- It is considered that the provision of a dark narrow laneway to maintain an existing right of way is unacceptable and will prove to be a danger to users particularly when dark.
- The proposed green area between houses leading towards the proposed open public space appears to be designed to facilitate a future road extension. The apartment building to the north east corner is only 4m approximately from the boundary wall. Concern is expressed in relation to overlooking of properties at Abbey Avenue.
- The matter of flooding is raised. While it is recognised by the applicant that the area is liable to flooding no cognisance was taken of local opinion which contends that the lands are still liable to flooding.
- The Flood Risk Assessment does not take into consideration the capacity of the existing drainage network and its' capability to manage the increased area of hardstand. In the time of increased stormwater the current drains are not capable of accommodating the flows that will be generated by the proposed development. There has been no detail of the size of the proposed attenuation nor the basis on which the size has been calculated. Given the proximity to the river the water table level will significantly increase, thereby reducing the capability of the tank to accept surface water for attenuation.
- The road network in the area continues to come under strain due to the increased development in the area. The traffic survey carried out as part of TIA is considered inadequate. Sightlines at the junction on to Lower Park Road do not appear to have been taken into consideration. The sightlines to the right on approach to the junction are substandard. The adequacy of the road width is raised.
- It is considered that the scheme on which the decision is based is fundamentally different in both layout and context from that originally proposed. Therefore, it is considered that it should be subject to a new application.

(6) Eileen and William Hanely

- There have been a number of applications for residential development on the appeal site previously. Reg. Ref. P11/153 is cited. The reasons for refusal centred around (1) flood risk (2) environmental risks relative to the sensitive location – proximity to Lower River Shannon SAC (3) Unsuitability for residential development and traffic.
- The current application P21/520 refers to the same site as Reg. Ref. P11/153.
- The proposed site is on a floodplain. It is highlighted that as recently as November 2009 the site was seriously impacted by flooding.
- The current application was for 24 no. residential units. The proposal changed under the further information with 40 no. units proposed.
- The grant of permission is subject to 27 no. conditions. Condition no. 4 specifies that the units 12,13,14-22, 23-25 which are within flood zone A and flood zone B be omitted.
- The Development Plan allows some development on the site apart from the flood risk areas.
- It is considered that the Lower River Shannon SAC is not adequately protected.
- The proposed scheme is totally out of character and inappropriate for the area. The proposed three storey duplex style blocks do not integrate with the character of the area. The rear gardens of the proposed development are backing onto the front/sides of the houses in Park Gardens and Lower Park. Due to the size and proximity of the development it would seriously impact upon the privacy of the existing residential properties.
- Notwithstanding the recent improvements, Lower Park Road will not be capable of accommodating the additional traffic generated by the proposed development.
- The refusal of permission on the site in 2011 must be viewed as a precedent. It is reasonable to conclude that the high standards which

were used to consider that application P11/153 would apply and be used in relation to the current application and therefore that a refusal should be issued.

(7) Vivienne Vereker Campbell

- Park Gardens is in St. Mary's parish. It is over a mile to walk to the local school from Park Gardens. The closest pedestrian access into the site to provide the shortest route to the local school is from the main entrance to the development in Lower Park. There is only public house in the area.
- It is stated that the "pocket park" will encourage people to park in and around Park Gardens which would cause obstruction. It is considered that there is no requirement for the "pocket park" as it would be a second point of entry in the same area of an existing walkway. The addition of a second walkway could impact the safety of the turnabout area at the end of Park Gardens.
- The proposed development will result in overlooking of the existing neighbouring houses and the observer's Early Childcare and Education Setting. Houses 28, 29, 30 and 31 would overlook the children at play in the outdoor classroom.
- The new Development Plan proposed by Limerick City and County Council was recently subject to a Ministerial Direction. The observer has attached a copy of Ministerial Direction from Minister Peter Burke on the Limerick Development Plan 2022-2028.
- The submitted documents refers to an ecological walkover survey being conducted by a multidisciplinary team on the 12th of January 2022. This occurred one year after the site was cleared.
- Concern is expressed in relation to flood risk.

(8) Michael McNamara

- The flooding issue is well documented. The JBA report commissioned by observer Barry O'Sullivan highlighted the short comings of the existing proposals.

- In relation to stormwater, potential solutions should have formed part of one of the three proposals submitted.
- There is a lack of detail in relation to the precise route for the stormwater drain.
- The site is adjacent to the Lower Shannon SAC. Previous refusals of permission referred to the impact of development on the SAC.
- The site was cleared in January 2021. It is stated in the NIS that the site survey was carried out outside the optimal survey season. It is stated that bats are present in large numbers outside of their hibernation period. Badgers and otters frequent the area adjacent to Lucas Lough which borders onto the site.
- It is considered that the design of the scheme with duplex and three storey units is totally out of keeping with existing surrounding development.
- The two proposed duplex units at the entrance would overlook the observer's property.

6.5. Further Responses

A further submission was received from the Brendan McGrath and Associates on behalf of the third party appellant Rory Browne. The issues raised are as follows.

- It remains their view that the management of the application has been highly unsatisfactory.
- The point is reiterated that the suitability of the site for development has not been satisfactorily demonstrated.
- In relation to the matter flood risk the JBA report points out that the report of Cronin Sutton Cotters has not accurately assessed the flood risk of the site by not taking into account the implications of flooding at the outfall of the site system i.e. there is a higher risk of the site flooding than predicted.
- Regarding the estate layout and design the view expressed by Quinn Architects that the proposed entrance road and pedestrian crossing at the

front of the existing single storey dwelling to the west would represent an improvement to the residential amenity of the cottage is not accepted.

- In relation to surface water drainage, the revised site layout submitted in June was assessed by JBA Consulting. The report of JBA Consulting identifies a critical deficiency which they consider would rule out the revised design as an alternative design.
- The deficiency is that no site investigation has been undertaken to determine groundwater levels and it is unlikely that the levels are sufficiently deep. The SuDS design incorporates an attenuation tank 2.5m below existing ground level. It is advised in the Greater Dublin Strategic Drainage Strategy that the groundwater level would need to be 3.5m or more below the surface in order for the tank to function and JBA believes that on this site the groundwater level is likely to be much higher than 3.5m.
- The matter of ecology is raised. The previous clearing of the site of vegetation is highlighted. It is stated that the Natura Impact Statement does not appear to have taken account of the impact of the required construction of an approximately 150m long drain to the east of the site to connect to the public system. The new drain would be located approximately 10m from the Lower River Shannon SAC.
- It is submitted that there is poor vehicular access available to serve the scheme.

A further submission was received from the Brendan McGrath and Associates on behalf of the third party appellant Rory Browne in relation to the first party appeal by Advanced Space Providers. The issues raised are as follows.

- The appeal against a condition of the grant of permission should not be used by the first party to present a completely new design for consideration.
- It is submitted that the Board should not entertain the new design. The application lodged in March 2021 was for a scheme of 20 semi-detached houses and 4 detached houses, all two-storey, on a 1.2 hectare site. The scheme now proposed is 36 dwellings comprising 20 semi-detached house, a

terraced house, 15 apartments and duplex units in three-storey buildings on a 1 hectare site.

- It is submitted that a reappraisal of the proposal on density grounds having regard to a recent Board decision in Navan is not merited. It is put forward that the appeal decision cited by the first party (ABP 310884-21) is not relevant to this case. There was a strategic and detailed policy context in the Navan case provided by the zoning and density provisions of the Meath County Development Plan 2021-2027 which includes a Masterplan for the part of Navan where that appeal site was located. The decision of the Board to refuse permission in the Navan case for a lower density of development on part of the site is in accordance with the 2021 planning permission.
- It is stated that the subject application is entirely different. The Limerick City Development Plan is out of date and predates the NPF, Southern Region RSES and the Limerick MASP and the requirement that Planning Authorities carry out comprehensive Strategic Flood Risk Assessments of their plans. The new Limerick Development Plan will come into force, however the appellant referred to the lack of clarity about the suitability of the subject site for residential development. Reference is made to the site being included as site no. 30 in the Settlement Capacity Audit where the site identified as having flood risk with an estimated residential yield of 21 dwellings.

A further submission was received from the Observer Mary Ryan. The issues raised are as follows.

- The site where the housing is proposed is now smaller than that originally proposed.
- The houses to the front of the observer's house and Park Gardens will have the rear garden walls of the proposed dwellings directly addressing them.
- The housing proposed along the river side with three storey duplex and apartments will cut off the view of Shannon fields. The clearing of the land for water storage would result in the loss of more natural vegetation.

- The issues of the design of the scheme, car parking, access and traffic and flood risk are reiterated in the submission.

A further submission was received from the Observer Barry O’Sullivan. The issues raised are as follows.

- The observer’s dwelling abuts along the southern boundary. The separation distance between the observer’s dwelling and the back wall of the closest proposed dwelling is estimated to be 15m.
- The observer queries the finished floor levels of dwellings as indicated on the drawings. They state that the finished floor level of their property is lower than all but two the proposed dwellings.
- The observer states that all the proposed dwellings along the southern site boundary would overlook their property.
- The submissions from JBA Consulting are at variance with the report of Cronin Sutton Cotters in relation to flooding.
- The cycle route referenced to be provided abutting along the western site boundary has been in place for over 50 years. It runs for approximately 50m and has been upgraded from a compressed gravel right of way to a widened concrete facility.
- The submission from TBP’s states that Site no. 30 does not flood. The observer queries the necessity to build a reinforced concrete wall, to facilitate the notable changes in water levels at the wall and to prevent any flooding of the lands behind this wall.
- The measures required to protect the development will have implications on existing surrounding development in relation to flooding.
- The matters of traffic impact, and potential impacts on ecology and Natura 2000 sites are raised again.

A further submission was received from the Observers Kathryn and John McCarty. The issues raised are as follows.

- The site is now smaller with the majority being located outside Flood zones, however the part that is in a potential flood zone will have the land levels

raised. A mass concrete wall is proposed in order to prevent the properties on the site from being flooded. Concern is expressed that the construction of this wall would displace flood water into the surrounding estates – Lucas Drive, Irish Estates and further down river.

- The provision of two compensatory storage areas will be created to the east of the wall where ground levels will be reduced so that much more volume is available to accommodate flood water that reached the boundary. These storage areas would be located very close the SAC.
- In relation to the ecological impact assessment, the survey was carried out following the clearing of the site. On the northern site boundary there is a mature Sycamore tree rather than an Ash tree.
- They consider that the assessment of cumulative and In-combination effects in the NIS cannot be accurate as due regard of all the issues was not taken.
- In relation to the design of the scheme it is considered out of character with the surrounding development. The three-storey units would block the view of Shannon fields to the east. It is considered that the walled in development turns its back on existing dwellings in Park Gardens.
- The pedestrian access from Park Gardens would not provide the shortest route to local schools. The local National School for this proposed development is on the other side of Lower Park and is situated on the Dublin Road.
- In relation to site levels, while the floor levels of the existing houses in the Irish Estate are +8.2m it should be noted that the Abbey Avenue gardens slope from West to Est and the last two properties no. 35 and no. 37 have low lying gardens.
- Proposed units 28-31 have second storey windows which will overlook the Early Child Care Centre to the west.
- The layout of the scheme with the development turning its back on the existing housing is highlighted.
- The matter of the northern site boundary treatment is raised.

7.0 Assessment

The main issues in this case are those raised in the grounds of the appeals and the observations to the appeals. The issue of and appropriate assessment also needs to be addressed as the application includes a NIS. The issues can be dealt with under the following headings:

- Policy context
- Flood risk
- Access and traffic
- Design and layout
- Impact on residential amenity
- First party appeal against conditions
- Other issues
- Appropriate Assessment

7.1. Policy context

- 7.1.1. The appeal site at Lower Park Road, Corbally, Limerick, is zoned new residential under the provisions of the Limerick Development Plan 2022-2028.
- 7.1.2. It is the objective of this zoning to provide for new residential development in tandem with the provision of social and physical infrastructure. In relation to the purpose of the zoning it is stated in the plan that 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.

- 7.1.3. Accordingly, under the zoning objective the proposed development of a residential scheme would be generally permitted subject to all other relevant planning considerations being satisfactorily addressed including that the proposal has adequate residential amenity, adequately safeguards the amenities of the adjoining properties, would not result in a traffic hazard and would not be likely to have a significant effect on any European Sites.
- 7.1.4. In relation to the Chapter 2 of the Development Plan which refers to Core Strategy, the appeal site is located within a Level 1 settlement hierarchy location within Limerick City and Suburbs (in Limerick), Mungret and Annacotty. The Development Plan includes a Settlement Capacity Audit which is set out in Volume 2 of the Plan. The appeal site at Lower Park Road, Corbally, Limerick is specifically identified in the Settlement Capacity Audit as site no. 31. It is set out in the audit in relation to site no. 31 that there is an assumed residential density of 45+/35+ housing units per hectare. The housing yield is stated as 37 units.
- 7.1.5. The development as originally proposed comprises 24 no. houses on a 1.22 hectare site. The density of the scheme is equivalent to 19.7 units per hectare. The Planning Authority in their assessment of the proposal sought further information on a number of issues including that the overall density was low. In response to this there was a revised proposal with 40 no. residential units. That scheme has a density of 32.7 units per hectare. The scheme granted by the Planning Authority omitted 14 no. units and permission was granted for 26 no. dwelling units. The scheme as proposed by the applicant in the first party appeal comprises a total of 36 units on a reduced area site of 1 hectare and therefore the density of that proposal is 36 units per hectare. Having regard to the provisions of the Development Plan specifically the Settlement Capacity Audit which sets out an assumed residential density of 45+/35+ housing units per hectare for site no. 31 and the density of the scheme proposed by the applicant in their submission to the Board is accordance with the recommended density for site no. 31 as set out in the Development Plan.

7.2. Flood Risk

- 7.2.1. The matter of flood risk was raised in the third party appeal and in the observations submitted to the appeals.
- 7.2.2. As per the provisions of the Limerick Development Plan 2022-2028, the appeal site at Lower Park Road, Corbally, Limerick is located on lands which are zoned 'New Residential'. The site as originally proposed with an area of 1.22 hectares has the eastern part of the site located within an area designated as Flood zone A and Flood zone B. The application was accompanied by a Flood Risk Assessment (FRA). The FRA was prepared by Cronin Sutton Cotter.
- 7.2.3. The report of the Council's Environmental Section sought further information in relation a number of matters including the submission of a revised Site Specific Flood Risk Assessment to address a number of inaccuracies. The revised Flood Risk Assessment was prepared in February 2022.
- 7.2.4. The permission granted by the Planning Authority included condition no. 4 which specified that – Prior to commencement of development a revised site layout plan suitably scaled shall be submitted for the written agreement of the Planning Authority with the omission of the following dwelling units. The Units Numbering 12,13,14 - 22, 23 – 25 shall be omitted having regard to their location within Flood zone A or B. The lands shall be seeded and grassed. The exact levels of the area to remain undeveloped shall be agreed in writing with the Planning Authority prior to commencement of development.
- 7.2.5. The third party appeal and observations to the appeal referred to the eastern side of the site being located within Flood Zone A & B. Connected to the matter of flooding the third party appeal and observations also raised concerns in relation to surface water drainage. The third party appellant commissioned JBA Consulting to review the original and subsequent further information submission to the Local Authority. In response to this matter the first party stated that JBA would not have seen the subsequent alterations to the layout as the conditions of the permission require.
- 7.2.6. *"It confirms that the minor amount of zone "B" flood water that would have otherwise entered the site will be compensated by zone "C" lands within the control and the ownership of the applicant."*

- 7.2.7. The response to third party appeal from the first party includes a document prepared by Consulting Ltd in response to matters associated with Flooding and surface water drainage.
- 7.2.8. In relation to the first party appeal they state that they have been careful to revisit the proposal relative to Flood Zones A and B. The scheme as proposed at response to further information stage was accompanied by a Flood Risk Assessment which illustrates the potential flooding relative to the built area. The technical note from Cronin Sutton Cotter confirms the movement of the development in a westerly direction. This confirms that that the minor amount of Zone “B” flood waters that would have otherwise entered the site will be more than compensated by the Zone “C” lands within the control and ownership of the applicant. They submit that in the context of the Ministerial Flooding Guidelines the proposed development of residential units avoids flood zones A and B which accords with best practice.
- 7.2.9. The Flood Risk Assessment (FRA) submitted at further information stage dated February 2022 responded to the deficiencies which were in the original FRA dated March 2021.
- 7.2.10. As detailed in the revised Flood Risk Assessment in relation to fluvial flooding while the eastern side of the landholding lies within the mapped fluvial flood extent the site lies outside it. In relation to coastal flooding, it is the stated in the FRA that the site area is outside the flood zones A and B on the coastal map. Regarding predicted fluvial flood levels, the node nearest the site is 07LSH00000 and the 0.1% AEP water level is 6.58m AOD. Limerick City and County Council noted that this water level is excluding “freeboard”.
- 7.2.11. It is highlighted in the FRA that there are proposed flood defence works to be installed immediately adjacent to or neighbouring development upstream direction. These proposals entail a 265m extent of 0.6m high embankment to protect neighbouring development.
- 7.2.12. In relation to the proposed development, it is proposed to adopt a minimum finished floor level of 7.35 AOD at the most easterly residences. This level is 770mm above the highest predicted flood level of 6.58 AOD at the east extremity of the site. This margin of 770mm is proposed to accommodate a combination of Climate Change and Freeboard. As detailed in the FRA the east extremity of the site on the CFRAM

fluvial mapping is in Flood Zone B. In relation to coastal/tidal flooding the site is in Flood Zone C. Residential development is proposed at the eastern extremity of the site the justification test is required.

7.2.13. Mitigation measures are proposed in order to prevent any residences being affected by flood waters and compensatory storage volume is being provided to accommodate the small amount of flood waters prevented from entering the site. The mitigation measures are as follows:

- Minimum finish floor level of 7.35m AOD, 770mm above the 1 in 1,000 AEP flood water level of 6.58m AOD.
- Construction of a reinforced concrete wall at the east boundary to prevent flood water affecting the residences and to accommodate the difference in ground levels, having regard to the proposed excavation for compensatory storage.
- The provision of compensatory storage volume to accommodate flood waters entering the site. The calculated loss of flood water volume is approximately 250m³. This is described in the FRA as miniscule in the context of the flood extent in the immediate locality.

7.2.14. In relation to the justification test it is put forward in the FRA that the lands are zoned for residential development. The site is at the extremity of flood zone B and the flood impact on the site is minimal and that compensatory storage volume has been provided to accommodate the additional flood water immediately adjacent to the east boundary wall and it was concluded that the proposed development will not increase flood risk elsewhere. That the ground floor residences will have a minimum finished floor level of 7.35m AOD, 770mm above the highest flood level and a reinforced concrete boundary wall will prevent any flood water entering the site. Emergency services access around all buildings will be maintained. SUD's measures will be incorporated to minimise the residual risk to the site from pluvial flooding. It is stated in the FRA that layout is in accordance with relevant planning objectives and that the layout was agreed with the Limerick City and County Council planner in pre-planning meetings. It was concluded in the FRA that the site passes the justification test for development management.

- 7.2.15. The Physical Development Section of the Council assessed the further information submitted and they concluded that the proposed new development is located partly within Flood Zone A and Flood Zone B (fluvially dominated) to the east as per draft Limerick Development Plan 2025-2028 flood extent mapping. It is noted within Section 6.3 of the Site Specific Flood Risk Assessment that compensatory storage is proposed within Flood Zone A. This is not in accordance with the draft Limerick Development Plan 2022-2028 Strategic Flood Risk Assessment (SRFA).
- 7.2.16. On the basis of the recommendation from the Physical Development Section the scheme granted by the Planning Authority omitted units 12,13,14-22 and 23-25 because compensatory storage was proposed within Flood Zone A and it is specified in the Volume 4 of the Limerick Development Plan 2022-2028 Strategic Flood Risk Assessment (SRFA) that there should be no overall loss of floodplain storage volume as a result of the development in the 1% AEP event and impacts of the amended storage should be tested for the 0.1% AEP event to ascertain no significant increase in risks associated with the extreme event and it is specified that land given over to storage must be land which does not flood in the 1% AEP event (i.e. Flood Zone B or C). Accordingly, on that basis I would consider that omission of the 14 no. units under condition no. 4 of the permission granted ensured that the scheme did not require compensatory storage to be provided in Flood Zone A.
- 7.2.17. In relation to the revised proposal submitted by the applicant with the first party appeal, the site area has been revised from 1.22 hectares as originally proposed to 1 hectare. The number of units proposed is 36. The revised Site Plan submitted with the first party appeal indicates that with the reduction in the site area that a small area of Flood Zone B is located at the north-eastern corner of the site and also on the eastern site boundary there is another section of Flood Zone B within the site. CS Consulting Group prepared a further document addressing flood and surface water matters for the applicant, dated June 2022 and submitted it to the Board. It is detailed in the document that the majority of the site is located within Flood Zone C and that the proposed units in the revised scheme are all within Flood Zone C. It is proposed to raise site levels to prevent potential flood waters effecting the site. In relation to the area located in Flood Zone B it would flood during a 1 in 1000 year event. Therefore, it would be necessary that the topography be reprofiled with a

compensatory area provided to accommodate the predicted volumes during a 1 in 1000 year event.

7.2.18. In relation to compensatory floodwater storage it is set out in the Flood Risk Management Guidelines for Planning Authorities that;

- a volume of flood plain equal to that lost to the proposed development should be created;
- The equal volume should apply at all levels between the lowest point on the site and the design flood level. Normally this is calculated by comparing volumes taken by the development and the volume offered by the compensatory storage for a number of horizontal slices through the range defined above;
- The thickness of a slice should be typically 0.1 metres. In the case of large flat sites or very steep sites this may be varied to 0.2 or even 0.05 metres in order to have about 10 slices to compare; and
- Compensatory storage should be provided equal to or exceeding that lost as a result of development for each of these slices.

7.2.19. Drawing no. H004L-SK01 Revision P2 titled 'Flood Water Plan and Sections' indicates Flood Zone A, B and C relative to the site.

7.2.20. The compensatory storage area is proposed to be located immediately adjoining the revised eastern site boundary. As detailed on Drawing no. H004L-SK01 Revision P2, 9.1m³ of flood plain would be lost in Flood Zone B in the north-eastern corner of the site and 23m³ would be lost in Flood Zone B at the south-eastern side of the site. As detailed on the drawing it is proposed to provide two areas of compensatory storage. Both compensatory storage areas are proposed to be located within Flood Zone C. In the area C1 it is proposed to excavate the green area down to 6.4 MOD this provides a storage volume of 32.4m³. In the area C2 it is proposed to excavate the green area down 6.4 MOD this provides a storage volume of 9.5 m³. The total area of storage within Flood Zone B which would be lost on the site is 32.1m³ and the total area of compensatory storage proposed within Flood Zone C is 41.9 m³. The proposed compensatory storage area would be greater than the area which would be lost and as it is proposed within Flood Zone C it is in accordance with the recommendations of the Planning System and Flood Risk Management Guidelines

and the Volume 4 of the Limerick Development Plan 2022-2028 Strategic Flood Risk Assessment (SRFA).

- 7.2.21. The issue of stormwater was raised in the third party appeal and also in the observations to the appeals. CS Consulting Group have responded to this in their further document, dated June 2022 which was submitted to the Board. In response they note that the report produced by JBA Consulting raised queries in relation to the proposed storm water drainage network. They raised the matter of the proposed outfall and whether it was at a level which would be submerged if the site were to experience a high fluvial storm event from the River Shannon flooding. The report of JBA Consulting referred to 'joint probability' analysis and they stated that it should be carried out to ensure that in the unlikely scenario of both an extreme storm event and an extreme river event that the site would not cause flooding to occur. In response to this CS Consulting confirm that the proposed storm water system has been modelled to take into account the joint probability event. The storm water network to serve the scheme is proposed to outfall into an existing storm water sewer. An anomaly between the invert level as indicated on drawings submitted with the application was highlighted by JBA Consulting. CS Consulting confirm that the drawing and also the invert level and design calculations have been updated.
- 7.2.22. The manhole into which the proposed system will drain has an invert level of 0.24m AOD. The existing cover level for this manhole is 5.27m AOD. The predicted flood levels for the area are 5.32m AOD for 10% AEP event, 5.94m AOD for 1% AEP event and 6.58m AOD for 0.1% AEP event. The existing storm water system would be submerged during these three events.
- 7.2.23. CS Consulting confirm that should the site experience a 1% storm event i.e., 1 in 100 years combined with a 1% flood event, a joint probability event that it would have a statistical occurrence of 1 in 1000 year event that while it is an unlikely occurrence that the scenario has been modelled. The outfall for the system was modelled with an outfall submerged to a level of 5.94m AOD in a 1 in 1000 year event and combined with a 1 in 100 year storm event increased by 20% for the predicted effects of climate change. The modelling carried out indicates that no on site flooding would occur for the joint probability event.

- 7.2.24. Flooding was identified in the downstream/offsite sewers because predicted flood levels would be above the current ground levels. As flood waters recede the storm water would drain from the network at a controlled rate. CS Consulting determined that the development of the scheme will not contribute to downstream flooding due to the proposed inclusion of an attenuation system as part of the new storm water network. It is proposed that the network would be fitted with a flow control device to limit the storm water discharge off site for all storm water events up to the 1 in 100 storm event increased by 20% for the predicted impacts of climate change. By restricting the discharge rate the storm water volumes from the site can be controlled and this will prevent downstream flooding from occurring.
- 7.2.25. In relation to stormwater disposal the attenuation tank is designed to cater for the required storage without the infiltration to aid disposal. The attenuation system is proposed to feature a porous base which would allow the dissipation of storm water into the subsoil. CS Consulting confirm that the majority of the proposed storm water system has been designed to be routed through SUDs system prior to disposal.
- 7.2.26. The Planning System and Flood Risk Management Guidelines (DoEHLG/OPW, 2009) provide guidance in respect of development and flood risk. Table 3.2 of the Guidelines advises the restriction of types of development permitted in Flood Zone A and Flood Zone B to that are 'appropriate' to each flood zone, as set out in the Guidelines. Developments that are an 'inappropriate' use for a flood zone area, as set out in Table 3.2 of the guidelines, this includes residential development which will not be permitted, except where a proposal complies with the 'Justification Test for Development Management', as set out in Box 5.1 of the Guidelines.
- 7.2.27. The following criteria must be satisfied in respect of the 'Justification Test for Development Management' that (1) The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines. (2) The proposal has been subject to an appropriate flood risk assessment that demonstrates: The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.
- 7.2.28. Having regard to the 'Justification Test for Development Management', I note that the appeal site at Lower Road, Corbally, Limerick is located on lands which are

zoned 'New Residential', under the provisions of the Limerick Development Plan 2022-2028. The objective of which is "to provide for new residential development in tandem with the provision of social and physical infrastructure".

- 7.2.29. Volume 4 of the Plan refers to the Strategic Flood Risk Assessment. Section 5.4 refers to Development in Flood Zones A or B it advises of prime importance is the requirement to manage risk to the development site and not to increase flood risk elsewhere. It should also be noted that for residential buildings within Flood Zone A or B, bedroom accommodation shall not be permitted at basement or ground floor.
- 7.2.30. In relation to originally proposed scheme and the revised proposal submitted at further information stage these proposals did not accord with the 'Justification Test for Development Management' on the basis that it was proposed to provide compensatory storage area in Flood Zone A. In relation to the revised scheme submitted to the Board with the first party appeal which entails the reduction in the site area to 1 hectare and with the compensatory storage area proposed within Flood Zone C adjoining the site, I consider that it passes the Justification Test for Development Management.
- 7.2.31. Accordingly, on the basis of the information submitted with the application and appeal specifically the Site Specific Flood Risk Assessments and the further document produced by CS Consulting Group dated June 2022 and submitted to the Board, it can be concluded that the proposed development would not result in displacement of fluvial floodwaters, would not result in an adverse impact to the hydrological regime of the area nor an increase in flood risk elsewhere. The proposed development would therefore be acceptable in terms of flood risk in the area.

7.3. Access and traffic

- 7.3.1. The grounds of the third party appeal and the observations to the appeal refer to matters concerning vehicular access and traffic generated by the proposed development. Specifically, concern is expressed in relation to proposed route of the vehicular access via Lower Park Road. It was noted in an observation to the appeals that previous applications have been refused permission on the site on the basis of the unsatisfactory nature of access to Lower Park Road. It was highlighted that that

there are existing pinch points when accessing the area from Lower Park Road, including a narrow bridge across the canal to the south. The matter of the sightlines at the junction on to Lower Park Road and the adequacy of the road width is raised.

- 7.3.2. In relation to the Traffic Assessment report the third party appellant and number of observers considered that the report was inadequate. They highlighted that the traffic count was carried out during the Covid restrictions in November 2021. Regarding public transport it was noted that Lower Park Road has no bus service. In relation to access and parking concern was raised in an observation that the proposed scheme would generate additional car parking at cul-de-sac at Park Gardens and at the end of Lower Park Road. Additional parking at this locations could impact access for emergency vehicles.
- 7.3.3. The Planning Authority in their assessment of the proposal sought further information in relation to the submission of a Traffic Assessment and also, they required further plans and proposals in relation to roads and footpaths.
- 7.3.4. The Traffic Assessment was prepared by CS Consulting Group. The Traffic Assessment is for the revised scheme of 40 no. units. As detailed in the report the vehicular access is proposed via Lower Park Gardens with no through access into Park Gardens. In relation to public transport provision, it is highlighted that the no. 301 bus route serve the Corbally area. The number 301 bus route is a cross city route which links Westbury with Raheen via Limerick City centre. This is a bus route which has a frequency of 30 minutes. The closest bus stops on the Corbally Road serving each direction are situated circa 600m from the appeal site.
- 7.3.5. As detailed in the Traffic Assessment a traffic count was carried out on the 18th of November 2021. The third party appeal and a number of the observations refer to the traffic count being carried out during Covid-19 restrictions. While I would note this matter, I also note by November 2021 the strictest travel restrictions were no longer in place. This is also confirmed in the Traffic Assessment which highlighted that a full return to school was in operation on the date the traffic count took place.
- 7.3.6. The traffic count took place in the morning peak between 07:45 – 09:30. The junction where the traffic count took place was at the junction of Lower Park Road and Corbally Park. As indicated on table 1 in the Traffic Assessment the majority of traffic movements relate to vehicles travelling to and from the city centre. There was very

limited vehicular movements to and from the cul-de-sac where the appeal site is located. It is stated in the Traffic Assessment that through traffic appeared to have a minimal impact on vehicles entering or leaving the cul-de-sac and that no queuing had occurred. It was concluded that having regard to the small number of vehicular movements in and out of the cul-de-sac when the traffic count was carried out that the traffic generated by the proposed development will have a minimal impact on the traffic flows of the local road network.

- 7.3.7. Accordingly, having regard to the details provided in the Traffic Assessment it is reasonable to conclude that the relatively modest level of traffic arising from the proposed development will not give rise to any significant impact upon the existing road network and junctions in the vicinity of the site. The report from Central Roads dated 6th of April 2022 states that they have no objection subject to conditions. Accordingly, in principle, the proposal for a vehicular access from Lower Park Road is considered acceptable.
- 7.3.8. I note the concerns from the third party appellant and a number of observers regarding this proposal. Specifically, reference is made to pinch points when accessing the area from Lower Park Road, including a narrow bridge across the canal to the south. The matter of the sightlines at the junction on to Lower Park Road and the adequacy of the road width is raised. In response to these matters, I would note that the junction of Lower Park Road and College Park is onto a wide bend in the road, however, there is a yield sign for vehicles at this junction travelling south from the cul-de-sac which requires motorists to slow or stop and there are satisfactory available sightlines at this junction to ensure safe conditions for vehicular turning manoeuvres at this junction.
- 7.3.9. The most direct access would be via Lower Park Road, with a turn onto College Park to exit onto Pa Healy Road. There is an automated at grade crossing of the rail line on College Park where road width narrows. However, this route has less restrictions and is more direct than if road users were to continue to travel south along Lower Park Road and then travel over the bridge at the canal onto Park Road to access Pa Healy Road. Therefore, given the more circuitous nature of this route to the south, I would conclude that traffic generated by the proposed development would predominately travel via the route of Lower Park Road and College Park.

- 7.3.10. Accordingly, I consider that the existing local road network is capable of carrying the additional traffic the proposed development would generate. Furthermore, I note that the site is located within walking distance of local amenities including schools, playgrounds, and shopping centres. As detailed previously, regarding public transport I note that is served by the no. 301 bus route.
- 7.3.11. Section 7.10.4 of the Limerick Development Plan 2022-2028 refers to car parking. The Plan sets out a comprehensive schedule of car parking standards, with a number of parking zones, including 3 zones within Limerick City and Suburbs (in Limerick), Mungret and Annacotty and one for settlements outside of the City. The Maximum car parking standards have been applied in all areas, to support the shift away from car dependency and to support the modal shift to alternative modes of transport, particularly in the City Centre. Table DM 9(a) refers to Car and Bicycle Parking Standards in Limerick City and Suburbs. The parking zones are the same as the density zones which are set out in Section 2.3.5.2. The appeal site at is located within Zone 3.
- 7.3.12. In zone 3, dwellings with less than three bedrooms require 1.5 car spaces per unit. For dwellings with three bedrooms or more 2 car spaces per unit are required. Regarding apartments, 3 bedroom units require 2 spaces per unit with 1 space per 3 units for visitor/short term use and for 1-2 bedroom units they require 1 space per unit with visitor parking at a rate of 1 space per 3 units.
- 7.3.13. In relation to car parking under the original proposal for 24 no dwellings comprised comprises 20 no. semi-detached two-storey dwellings and 4 no. detached two-storey dwellings. The Site Layout Plan Drawing no: P100, indicated the provision of 2 no. car parking spaces to the front of each dwelling which is in accordance with the standard set out on table DM 9(a) of the Development Plan.
- 7.3.14. The scheme as proposed under the further information was for 40 no. dwelling units comprising 3 no. two bedroom apartments, 6 no. two bedroom duplex units, 7 no. two bedroom terrace houses, 1 no. three bedroom terrace house, 7 no. three bedroom terrace houses, 10 no. three bedroom semi-detached houses, 3 no. three bedroom semi-detached houses, 3 no. four bedroom semi-detached houses. This layout would require 71.5 no. car parking spaces. The Site Layout Plan Drawing no:

2003, indicated the provision of 79 no. car parking spaces which is in accordance with the standard set out on table DM 9(a) of the Development Plan.

7.3.15. The scheme as submitted to the Board has been further revised with the number of units reduced to 36 no. units. This comprises and comprises; 5 no. two bedroom apartments, 10 no. two bedroom duplex units, 1 no. two bedroom terrace house, 1 no. three bedroom terrace house, 1 no. three bedroom terrace houses, 15 no. three bedroom semi-detached houses and 3 no. four bedroom semi-detached houses. This layout would require circa 63 no. car parking spaces. The Site Layout Plan Drawing no: 2003 Rev No. 2, indicated the provision of 59 no. car parking spaces. The quantum of car parking would provide that each dwelling is served by one car parking space. However, there would be a shortfall of 4 no. car parking spaces in relation to the standards set out on table DM 9(a) of the Development Plan. Having regard to the proximity to the bus routes no. 301 on Corbally Road and the bicycle parking provision within the scheme I consider the shortfall in car parking in terms Development Plan standards would be acceptable.

7.3.16. Regarding bicycle parking, I would note, bicycle parking stands are proposed within the centre of the scheme in the open space area adjacent to the play area. Having regard to design of the units within the scheme I am satisfied that bicycle parking is also available within majority of the individual units. The scheme includes footpaths to the front of all dwelling units. Pedestrian access is provided at the south-western corner of the scheme at the vehicular entrance and pedestrian access is also provided to Park Gardens. A footpath and crossing is proposed through the central open space and at the pocket park. Three home zone areas are proposed with the scheme which will serve to provide a safe environment for pedestrians, cyclists and vehicles to share.

7.3.17. Accordingly, having regard to the details set out above, I am satisfied with the proposed car parking provision, bicycle parking provision and vehicular and pedestrian access arrangements.

7.4. Design and layout of scheme

7.4.1. The third party appeal and observations to the appeals raised the issue of the design and layout of the proposed development. The scheme as originally proposed

comprises 20 no. semi-detached two-storey dwellings and 4 no. detached two-storey dwellings. As part of the further information request the Planning Authority sought that the scheme be revised as the overall density was considered low. In response to this matter the applicant revised the proposal with 40 no. residential units. Due to matters concerning flood risk and compensatory storage the Planning Authority granted permission for a further revised scheme with 14 no. units of the 40 no. units proposed omitted.

- 7.4.2. The first party appeal includes proposals for a further revised scheme with 36 no. residential units proposed a reduced site area of one hectare. The third party appeal raises concerns in relation to the design and layout of the scheme. Reference is made in the third party appeal to the layout of the scheme relative to the existing development and that it turns its back on the existing houses and that the open space was originally proposed to adjoin the western site boundary.
- 7.4.3. In relation to the layout of the scheme, I note that the scheme as originally proposed comprises the dwellings proposed along the northern, eastern and southern boundaries and addressing a central open space located adjacent to the western boundary. This proposed layout was further revised, with the housing proposed along the four sides of the site.
- 7.4.4. In relation to residential development Objective HO 03 of the Development Plan refers to Protection of Existing Residential Amenity it states that it is an objective of the Council to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable new development. Accordingly, it is important that any residential scheme such as the one proposed is appropriate to the site context having regard to the existing surrounding development.
- 7.4.5. Chapter 11 of the Development Plan refers to Development Management and section 11.3 refers to Residential Development – General Requirements and section 11.4 refers to Residential Development – Quality Standards.
- 7.4.6. The response from the first party to the issue of the layout of the scheme that it ‘turns its back’ on existing houses is that this is not relevant on the basis that all existing surrounding houses are either side on or rear garden on to the development apart from one property a cottage which directly addresses the site. The first party

response notes that the cottage will address a proposed landscaped open area with an improved roadway and pedestrian crossing. They highlight that the revised scheme provides for a safe and family friendly environment with a central focus on the open space and children's play area. Permeability is provided through the scheme with connections to the existing residential areas. Three 'Home Zones' are proposed to the north-eastern corner, the north-western corner and the south-eastern corner of the scheme. The first party submit that the layout provides both passive surveillance and also a safe environment in terms of access and movement.

- 7.4.7. In relation to the proposed layout of the revised scheme I consider that while I would note that the front of the dwelling units proposed along the western side of the site do not address the west towards Park Gardens, I would concur with the first party that there is only one existing dwelling which faces towards the site and other properties at the end of Park Gardens have the gables which address the appeal site.
- 7.4.8. Regarding the proposed layout in terms of open space provision, the main area of 1,440sq m of public open space is centrally located within the scheme. I note that the front of all dwellings address the open space. Having regard to the size and location of the proposed open space it is both a usable area of open space and it is completely overlooked which would provide passive surveillance and a safe environment. In addition, a further smaller area of open space is proposed within the scheme. A linear section of pocket park is proposed at the western side of the site. It has an area of 165sq m. The linear pocket park provides a pedestrian link between the scheme and the cul-de-sac at Park Gardens. It has a width of 9m and is open to the centre of the proposed development. Therefore, I consider that this linear pocket park would be adequately overlooked from the scheme.
- 7.4.9. In relation to the size of the public open space at 1,440sq m and the pocket park at 165sq m this provides a total area of 1,605sq m. This is equivalent to 16% of the total site area. Section 11.3.6 of the Development Plan refers to Open Space Requirements, it sets out that in accordance with the 2009 Sustainable Residential Guidelines and any subsequent guidelines, at a minimum, 15% of the gross greenfield sites should be provided as multi-functional open space in new residential developments. Accordingly, the area of public open space is greater than the 15% of the site area.

- 7.4.10. The observers to the appeal refer to the design of the scheme they considered that the inclusion of duplex and three-storey units is totally at variance with the character of the surrounding housing.
- 7.4.11. In relation to the matter of the unit mix, I would note that the Planning Authority as part of the request for further information sought variety in terms of house design/house type. In response they proposed 40 units with a mix of 3 no. apartments, 6 no. duplex units, 15 no. terrace houses and 16 no. semi-detached houses.
- 7.4.12. The mix of units as proposed under the revised scheme submitted to the Board comprises 5 no. two bedroom apartments, 10 no. two bedroom duplex units, 1 no. two bedroom terrace house, 1 no. three bedroom terrace house, 1 no. three bedroom terrace houses, 15 no. three bedroom semi-detached houses and 3 no. four bedroom semi-detached houses. House types A and A1 are semi-detached two-storey dwellings. They are proposed along the southern site boundary and also on the western side of the site and to the north-eastern corner of the scheme. House types F and F1 are three storey dwellings they are proposed to the western and northern sides of the site. House type G, G1 and G2 comprise duplex units in three storey buildings. They are proposed to the eastern side of the site and to the north-eastern corner.
- 7.4.13. Regarding the matter of the character of the proposed housing units relative to the existing surrounding properties, while the surrounding housing is predominately two-storey semi-detached units the proposed scheme also contains two-storey semi-detached properties. Furthermore, the provision of duplex units and three storey dwellings is in line with the requirement of the Planning Authority in the further information request and also in line with the zoning objective for the site which is 'New Residential' which requires a mix of housing types and sizes to cater for all members of society. Accordingly, I consider that there is a satisfactory mix of unit type proposed within the scheme and it is acceptable to the site context.

7.5. Impact on residential amenity

- 7.5.1. The observations to the appeals refer to the potential impact of the proposed scheme in terms of overlooking, loss of privacy and proximity surrounding dwellings and the adjacent childcare facility.
- 7.5.2. There are existing residential properties located to the north, south and east of the appeal site. In relation to the issue of overlooking the closest residential properties to the proposed apartment building are the neighbouring dwellings to the south and west.
- 7.5.3. The separation distance between the proposed dwellings along the northern end of the site and the rear of the four dwellings on Abbey Avenue are between 31m and 29.8m. In relation to the two residential properties to the south of the site at Lucas Drive these are both dormer dwellings. A separation distance of 19.89m is provided between the closest dwelling within the scheme and the main rear elevation of the first dwelling on Lucas Drive. Regarding the location of the second dwelling on Lucas Drive, I would note that with the original site area being reduced from 1.22 hectares to 1 hectare in the revised scheme submitted to the Board, it has resulted in that dwelling not directly addressing the rear of any proposed dwellings within the scheme. Accordingly, having regard to the siting and separation distances provided, I am satisfied that that no material overlooking, or loss of privacy will occur.
- 7.5.4. The two properties located at the end of Park Gardens have gable elevations which address the site. I note that the property at no. 59 Park Gardens contains a pre-school. The proximity of dwellings within the scheme to the pre-school is raised. The proposed dwellings to the north-western corner of the site comprise a mix of two-storey semi-detached and terrace properties. There is a separation distance over 14m between the rear the proposed dwelling of no. 28 an end of terrace dwelling and the side boundary of no. 59 Park Gardens. In relation to numbers no. 29 and no. 30 there is a separation distance of 10m and 9.7m between the rear of those properties and the side boundary of no. 59 Park Gardens. I note that there are no opposing first floor windows within the property at 59 Park Gardens. Having regard to the separation distances provided to the side boundary of the property from these

proposed dwellings I am satisfied that the proposed development would not result in any undue overlooking.

7.5.5. There is a single storey dwelling located at the end of the cul-de-sac at Lower Park Road. The front of this property which faces east and addresses the southern section of the appeal site. In relation to the design and layout of the proposed scheme, I note that this dwelling would directly front onto a small section of green space immediately to the west of the vehicular entrance to the scheme. There are no proposed dwellings which would be sited directly opposite that property. The observation from the owner of that property stated that the proposed scheme would result in the loss of outlook across the existing open field towards the trees adjacent to the Shannon. In respect of this matter, I note that there are no listed views/prospects referring to the subject site and surrounding area. Furthermore, the appeal site is zoned for new residential development under the provisions of the Limerick Development Plan 2022-2028. Accordingly, the site has been through the statutory development plan provision in terms of determining that it is an appropriate location for future housing subject to all relevant planning and environmental considerations being satisfactorily addressed.

7.5.6. In conclusion, having reviewed the proposed design and layout of the scheme and specifically the revised scheme as submitted to the Board with the appeal, relative to the existing surrounding properties, I consider having regard to the proposed siting of the dwellings within the scheme and relative separation distances to the existing property that the proposed scheme would not result in any material overlooking, of neighbouring properties.

7.6. **First party appeal against conditions**

7.6.1. The first party appeal refers to conditions no. 2 and no. 4 of the permission granted by the Planning Authority. They also requested that the wording of condition no. 19a be adjusted.

7.6.2. Condition no. 2 states;

The developer shall pay to Limerick City & County Council a financial contribution of €50,446.00 (fifty thousand four hundred and forty six euro) in respect of public infrastructure and facilities benefiting development in the

area of the Planning Authority this is provided or intended to be provided by or on behalf of the Authority in accordance with the terms of Development Contributions Scheme made under Section 48 of the Planning and Development Act 2000 (as amended). The contribution shall be paid prior to the 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.

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 Section 48 of the Act to the permission.

7.6.3. Limerick City and Council in a meeting held on the 24th of January 2022 adopted the Development Contribution Scheme 2022 and the Scheme had immediate effect. Appendix A sets out the rate of development contribution for various categories of development. Section 20.1 refers to residential development. The rate applicable to the subject site is €20 per sq. m.

7.6.4. The first party stated in relation to condition no. 2 that the contribution attached by the Planning Authority reflects the smaller number of units granted, (26 no.). The rate of contribution in the Council's Development Contribution Scheme is €20 per sq. m of residential. The gross floor area of the proposed scheme with 36 no. units is 3,309.40sq m. The contribution rate is calculated as €66,188.00. Accordingly, the rate as charged by the Planning Authority refers to the units permitted with the omission of units numbering 12,13,14-22, 23-25 amounting to a total of 14 no. units omitted from the 40 no. units that were proposed at further information stage.

7.6.5. Condition no. 4 of the permission granted refers to the requirement to revise the scheme and omit a total of 14 no. units.

7.6.6. Condition no. 4 states;

Prior to commencement of development a revised site layout plan suitably scaled shall be submitted for the written agreement of the Planning Authority within the omission of the following dwelling units. The units numbering 12,13, 14-22, 23-25 shall be omitted having regard to their location with a Flood zone A or B. The lands shall be seeded and grassed. The exact levels of the area

to remain undeveloped shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interests of orderly development.

- 7.6.7. In relation to this specific requirement of the permission to revise the layout and reduce the number of units within the scheme to 26, the first party have submitted revised plans to the Board for their consideration. Under these proposed revisions the site has been revised from 1.22 hectares as originally proposed to 1 hectare. The number of units proposed is 36 and comprises; 5 no. two bedroom apartments, 10 no. two bedroom duplex units, 1 no. two bedroom terrace house, 1 no. three bedroom terrace house, 1 no. three bedroom terrace house, 15 no. three bedroom semi-detached houses and 3 no. four bedroom semi-detached houses. The proposed revised layout is assessed under the various relevant section of this report.
- 7.6.8. The first party also referred to condition no. 19(a). This condition relates to tree planting and landscaping. It states;

Prior to the commencement of development the developer shall clarify the exact number of trees and shrubs to be planted as per the landscaping plan submitted on the 24th of February 2022. Additional planting of water compatible nature shall be provided for in a revised landscape plan having regard to the omission of the dwelling units. The revised scheme shall be prepared by a suitably qualified Landscape Architect (or qualified Landscape Designer).

- 7.6.9. The first party have requested that a revised wording for this condition be used. They suggest a revised wording which would require the applicant to submit a revised Landscape Plan prepared by a suitably qualified Landscape Architect be submitted to the Planning Authority for agreement prior to the commencement of development. Should the Board decide to grant permission for the proposed development it is appropriate that a condition be attached in respect of the submission of a comprehensive scheme of landscaping.

7.7. Other issues

Biodiversity

- 7.7.1. The third party appeal refers to the proximity of the appeal site to semi-natural woodland and an observations to the appeals refer to presence of bats and badgers in the area around Lucus Lough. Concern was expressed that the on-site survey was not carried out during the optimum survey season.
- 7.7.2. An Ecological Impact Assessment was prepared by MKO Planning and Environmental Consultants. This was submitted at further information stage to the Planning Authority. A revised Ecological Impact Assessment dated 7/6/2022 was prepared by MKO Planning and Environmental Consultants and submitted to the Board it updates the previous assessment to provide for the revised proposal submitted with the first party appeal for 36 no. residential units on a 1 hectare site.
- 7.7.3. It is detailed in the revised EclA that a comprehensive desk study and field survey were carried out. The document states that a walkover survey was undertaken of the site on the 12th of January 2022. It is acknowledged that while the ecological survey was undertaken outside of the optimal survey season the habitats and species on site were readily identifiable and it was possible for a comprehensive survey to be carried out.
- 7.7.4. The existing habitat on the site is described as dry meadow and grassy verge, scrub, and hedgerows. It is stated in the revised EclA that no habitats listed under Annex I of the EU Habitats Directive were identified within the site boundary. None of the habitats within the proposed development site provide supporting habitat for any QI/SC I species associated with nearby European Sites. In relation to fauna the assessment states that no bird species were documented in the field survey. There was no evidence of bird species listed in the annexes of the Birds Directive recorded on site. Regarding bats the assessment concluded that no bats or bat roosts were identified during the field survey. There is no suitable roosting habitat within the boundary of the proposed development site. In relation to badgers it was detailed in the assessment that no evidence of badgers or any other protected mammal species was recorded within the development site.
- 7.7.5. In relation to the construction phase there will be the permanent loss of the existing habitat on the site the dry meadow and grassy verge.
- 7.7.6. The existing habitat on the site is described as dry meadow and grassy verge. This is classified as a lower value habitat. The proposed development would result in the

permanent loss of this a lower value habitat. This loss is not considered significant having regard to the limited scale. There would also be a permanent loss of 100m of hedgerow. It is highlighted in the revised EclA that this consists of predominantly non-native species. The loss of these habitats is not considered significant.

Mitigation measures proposed include the planting of trees, shrubs and flower beds within the scheme.

- 7.7.7. In relation to the matter of displacement or disturbance of fauna during the construction phase, there is potential for some disturbance to local fauna. However, it is noted that significant fauna species were recorded on the site. Therefore, no significant disturbance or displacement effect on fauna are anticipated. Mitigation measures proposed at the construction phase to include that the works will be fenced off and no construction access will be permitted outside the fenced area. Construction works will be limited to daylight hours and artificial lighting to facilitate works will not be permitted. Regular maintenance of plant will be carried out in order to minimise noise emissions.
- 7.7.8. In relation to water quality, it is necessary to provide mitigation to avert potential pollution and or sediments accessing waterbodies via pathways from surface water during a flood event.
- 7.7.9. Regarding the operational phase no direct or indirect impacts on adjacent habitats are considered likely as a result of the operational phase of the proposed development. Given the absence of significant faunal species occurring within the proposed footprint no significant direct or indirect impacts on fauna are considered likely as a result of the operational phase of the proposed development.
- 7.7.10. In relation to potential cumulative impacts with other plans and projects it was concluded in the EclA that no connection was identified that could result in additional or cumulative impacts.
- 7.7.11. Accordingly, I am satisfied that subject to the proposed development being constructed and operated in accordance with the scheme as proposed there will be no significant effects on biodiversity.

7.8. Appropriate Assessment

Overview

- 7.8.1. Accompanying this application is a Natura Impact Statement dated 14/2/2022 prepared by Planning and Environmental Consultants. A revised Natura Impact Statement dated 17/6/2022 prepared by Planning and Environmental Consultants was submitted with the first party appeal response.

Screening

- 7.8.2. In accordance with the obligations under the Habitats Directive and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a European site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is 'screening.'
- 7.8.3. The methodology for screening for Appropriate Assessment as set out in EU Guidance and the Department of Environment, Heritage and Local Government is:
1. Description of the plan or project and local site or plan area characteristics.
 2. Identification of relevant European site and compilation of information on their qualifying interests and conservation objectives.
 3. Assessment of likely significant effect-direct, indirect, and cumulative, undertaken on the basis of available information.
 4. Screening Statement with conclusions.

Project Description and Site Characteristics

- 7.8.4. The project description is given as proposed housing development to be built on a site area of 1 hectare and comprise, 5 no. apartments, 10 no. duplexes, 1 no. mid terrace dwelling, 2 no. end of terrace dwellings, 18 no. semi-detached dwellings, open space of 1,440sq m and pocket park of 165sq m, landscaping, connections to utilities and all associated engineering and site works necessary.

7.8.5. It is proposed to connect to the existing mains water supply and wastewater from the scheme will discharge to the public sewer. It is proposed that surface water from the scheme will be discharge to the through Sustainable Urban Drainage Systems (SUDS) features and via an attenuation tank and hydrobrake before discharging to the existing public storm sewer to the south-east of the site. An underground attenuation tank is proposed which will provide for a 1:100 year storm event allowing for 20% increase due to climate change.

7.8.6. The screening report identified the following European sites:

- Lower River Shannon SAC (Site Code 002165) circa 87m from the site.
- River Shannon and River Fergus Estuaries SPA (Site Code 004077) circa 2.4km (5.5km hydrological distance) from the site.
- Glenomra Wood SAC (Site Code 001013) circa 8.6km from the site.
- Danes Hole, Poulnalecka SAC (Site Code 000030) circa 14km from the site.
- Clare Glen SAC (Site Code 000930) circa 14.1km from the site.
- Ratty River Cave (Site Code 002316) circa 14.6km from the site.
- Glenstal Wood SAC (Site Code 001432) circa 14.7km from the site.
- Slieve Bernagh Bog (Site Code 002312) circa 15km from the site.
- Slievefelim to Silvermines Mountains SPA (Site Code 004165) circa 13.8km from the site.

Table 1: European Sites within the Zone of Influence of the Appeal Site

Site Name & Code	Distance	Qualifying Interests	Conservation Objectives
Lower River Shannon SAC (Site Code 002165)	87m	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310]	To maintain and/or restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SAC has been selected which are defined by lists of attributes and targets

		<p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera</p>	
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		<p>(Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>	
River Shannon and River Fergus Estuaries SPA (Site Code 004077)	2.4km (5.5km hydrological distance)	<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p>	To maintain and/or restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SPA has been selected which are defined by lists of

		<p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p>	attributes and targets
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		<p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>	
Glenomra Wood SAC (Site Code 001013)	8.6km	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]	To maintain the favourable conservation condition of Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles in Glenomra Wood SAC which which are defined by lists of attributes and targets

<p>Danes Hole, Poulnalecka SAC (Site Code 000030)</p>	<p>14km</p>	<p>Caves not open to the public [8310] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>	<p>To maintain and/or restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SAC has been selected which are defined by lists of attributes and targets</p>
<p>Clare Glen SAC (Site Code 000930)</p>	<p>14.1km</p>	<p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Trichomanes speciosum (Killarney Fern) [1421]</p>	<p>To restore the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Clare Glen SAC, which is defined by a list of attributes and targets. To maintain the favourable conservation condition of Killarney Fern in Clare Glen SAC, which is defined by</p>

			a list of attributes and targets.
Ratty River Cave SAC (Site Code 002316)	14.6km	Caves not open to the public [8310] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	To restore the favourable conservation condition of Lesser Horseshoe Bat in Ratty River Cave SAC which is defined by a list of attributes and targets.
Glenstal Wood SAC (Site Code 001432)	14.7km	Trichomanes speciosum (Killarney Fern) [1421]	To maintain the favourable conservation condition of Killarney Fern in Glenstal Wood SAC, which is defined by a list of attributes and targets.
Slieve Bernagh Bog (Site Code 002312)	15km	Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Blanket bogs (* if active bog) [7130]	To restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SPA has been selected which are defined by lists of

			attributes and targets
Slievefelim to Silvermines Mountains SPA (Site Code 004165)	13.8km	Hen Harrier (Circus cyaneus) [A082]	To restore the favourable conservation condition of hen harrier in Slievefelim to Silvermines Mountains SPA, which is defined by a list of attributes and targets

7.8.7. An assessment of the significance of potential impact upon the European Sites within the zone of influence of the proposed development is determined on the basis of the following indicators;

- Habitat loss or alteration;
- Habitat/species fragmentation;
- Disturbance and/or displacement of species;
- Changes in population density; and
- Changes in water quality and resources.

7.8.8. In relation to the matter of habitat loss or alteration the proposed development site is not located directly adjacent to any European sites and therefore there will be no direct loss or alteration of the habitat. Regarding the issue of habitat/species fragmentation the proposed development would not result in any direct habitat loss or fragmentation.

7.8.9. In relation to the matter of disturbance and/or displacement of species the proposed development does not have the potential to cause a disturbance and/or displacement to species of qualifying interest in the European sites identified within

the zone of influence of the appeal site, apart from one species of qualifying interest. A potential impact to the European otter a species of qualifying interest within the Lower River Shannon SAC is identified. Given the proximity of the proposed development site to this SAC, there is the potential for indirect effect on otter in the form of disturbance during the construction phase.

- 7.8.10. The proposed development is not considered to have the potential to result in the reduction in the baseline population of species associated with any of the European sites identified within the zone of influence.
- 7.8.11. In relation to the matter of changes to water quality and resources there is no direct surface water connection between the appeal site and the Lower River Shannon SAC. They share the groundwater catchment. A potential pathway for indirect effects was identified in the form of deterioration of water quality via percolation of polluting materials through the bedrock underlying the site. It was identified by MKO Planning and Environmental Consultants that the site is partially located in Flood Zone B and might be subject to a 1 in 1,000 year flood event. A pathway was identified in the form of surface water pollution during such an event in the absence of mitigation.
- 7.8.12. In relation to the River Shannon and River Fergus Estuaries SPA while there is no direct surface water connection. The River Shannon is located circa 200m from the site. The appeal site is situated circa 90m from Lucas Lough which partially floods in winter and which forms part of the Lower River Shannon SAC. The River Shannon and River Fergus Estuaries is partially within the same groundwater catchment as the appeal site.
- 7.8.13. There is a potential pathway for indirect effects in the form of deterioration of water quality via the percolation of polluting materials through the bedrock underlying the site during the construction and operational phases.
- 7.8.14. The development site is partially located within Flood zone B and might be subject to a 1 in 1,000 year flood event. A surface water pathway could occur from surface water pollution during such an event in the absence of mitigation.

Assessment of likely Effect

7.8.15. Having regard to the 'source-pathway-receptor' model the submitted screening report identified potential effects on the Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code 004077). The aquatic habitats/species in the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA would be sensitive to any deterioration of water quality by groundwater and overland flow from the development site and also identified the potential to disturb and/or displace species in Lower River Shannon SAC (Site Code 002165). In the absence of appropriate controls and mitigation measures the potential for significant adverse effects on the conservation status of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA cannot be ruled out.

Screening Statement and Conclusions

7.8.16. The screening assessment concludes that significant effects cannot be ruled out on the Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code 004077) and that a Stage 2 Appropriate Assessment is required. In conclusion having regard to the foregoing, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that significant effects cannot be ruled out and a Stage 2 Appropriate Assessment is therefore required.

Stage 2 – Natura Impact Statement (NIS)

7.8.17. I propose to consider the requirements of Article 6(3) with regards to appropriate assessment of a project under Part XAB, Sections 177U and 177V of the Planning & Development Act, 2000, as amended, in this section of my report. In particular, the following matters:

- Compliance with Article 6(3) of the EU Habitats Directive.
- Screening the need for Appropriate Assessment.
- The Natura Impact Statement; and,
- An Appropriate Assessment of the implications of the proposed development on the integrity of each Natura site set out under Section 7.8.15 as detailed above.

7.8.18. On the matter of screening the need for 'Appropriate Assessment', this I have set out under Section 7.8.15 to Section 7.8.16 of my report above and in this case 'Appropriate Assessment' is required as it cannot be excluded on the basis of the information available to the Board that the proposed development individually or in combination with other plans or projects in its vicinity would have a significant effect on the following Natura sites:

- Lower River Shannon SAC (Site Code 002165)
- River Shannon and River Fergus Estuaries SPA (Site Code 004077)

7.8.19. A description of the site and their Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS and summarised in tables no.1 of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

Potential for direct and indirect effects

7.8.20. There would be no direct effects upon Lower River Shannon SAC (Site Code 002165), and the River Shannon and the River Fergus Estuaries SPA (Site Code 004077) as there would be no direct habitat loss or fragmentation as a result of the proposed development.

7.8.21. There is the potential for indirect effects on the Lower River Shannon SAC and the River Shannon and the River Fergus Estuaries SPA. The appeal site is located in an

area of high groundwater vulnerability. The indirect effects would be the potential for pollution to groundwater by the percolation of polluting materials through the limestone bedrock underlying the site.

7.8.22. A pathway has also been identified from surface water generated in a 1 in 1,000 year flood event. There is potential during the construction and operational phase of the proposed residential development that pollution of surface water from sedimentation and pollutants may result following a flood event.

7.8.23. In relation to indirect effects it was identified in the screening that the proposed development could have the potential to disturb and displace Otter a species of qualifying interest in the Lower River Shannon SAC. As detailed in the NIS due to the wide distribution of this species of qualifying interest and its recorded presence in the vicinity of the proposed development a potential impact as a result of the proposed development has been identified. It is highlighted in the NIS that the appeal site itself does not provide a suitable habitat for otter. They exist in the wider area and there is potential for disturbance to otter population associated with the River Shannon SAC. Otter are crepuscular in nature and are unlikely to be adversely impacted by the proposed works. The 'Threat Response Plan for Otter' published by NPWS identifies that otter are known to travel significant distances from streams and lakes in search of new territory and feeding areas.

Table 2 – AA summary matrix for the Lower River Shannon SAC

Lower River Shannon SAC: (Site Code 002165)

Summary of Key issues that could give rise to adverse effects

- **Potential water pollution - Water Quality and water dependant habitats**
- **Potential sedimentation from surface water runoff - Water Quality and water dependant habitats**

Conservation Objectives:

1110 – Sandbanks which are slightly covered by sea water all the time: To maintain the favourable conservation condition of Sandbanks which are slightly covered by sea water all the time in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

1130 – Estuaries: To maintain the favourable conservation condition of Estuaries which are slightly covered by sea water all the time in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

1140 – Mudflats and sandflats not covered by seawater at low tide: – To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

1150 – Coastal Lagoons: To restore the favourable conservation condition of Coastal lagoons in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

1160 – Large shallow inlets and bays: To maintain the favourable conservation condition of Large shallow inlets and bays in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

1170 – Reef: To maintain the favourable conservation condition of Reefs in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

1220 – Perennial vegetation of stony banks: To maintain the favourable conservation condition of Perennial vegetation of stony banks in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

1230 – Vegetated Sea cliffs of the Atlantic and Baltic coasts: To maintain the favourable conservation condition of Vegetated sea cliffs in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

1310 – Salicornia and other annuals colonising mud and sand: To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

1330 – Atlantic salt meadows: To restore the favourable conservation condition of Atlantic salt meadows in the Lower River Shannon SAC, which is defined by the following list of attributes and targets.

1410 – Mediterranean salt meadows: To restore the favourable conservation condition of Mediterranean salt meadows in the Lower River Shannon SAC, which is defined by the following list of attributes and targets.

3260 – Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation: To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

6410 – Molinia meadows on calcareous, peaty or clayey-silt-laden soils: To maintain the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt laden soils (Molinion caeruleae) in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

91E0 – Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae): To maintain the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt laden soils (Molinion caeruleae) in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

1029 – Margaritifera margaritifera (Freshwater Pearl Mussel): To restore the favourable conservation condition of Freshwater Pearl Mussel in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

1095 – Sea Lamprey: To restore the favourable conservation condition of Sea Lamprey in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

1096 – Brook Lamprey: To restore the favourable conservation condition of Brook Lamprey in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

1099 – River Lamprey: To maintain the favourable conservation condition of River Lamprey in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

1106 – Atlantic Salmon: To restore the favourable conservation condition of Salmon in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

1130 – Estuaries: To maintain the favourable conservation condition of Estuaries in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

1349 – Bottlenose Dolphin: To maintain the favourable conservation condition of Bottlenose Dolphin in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

1355 – Otter: To restore the favourable conservation condition of Otter in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

Qualifying Interest feature	Conservation Objectives Targets and attributes	Summary of Appropriate Assessment			Can adverse effects on integrity be excluded?
		Potential adverse effects	Mitigation measures	In-combination effects	
Sandbanks which are slightly covered by sea water all the time	The distribution of sandbanks is stable, subject to natural processes. The permanent habitat area is stable or increasing, subject to natural processes and conserve subtidal sand.	Potential water pollution Potential sedimentation from surface water runoff	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes
Estuaries	The permanent habitat area is stable or increasing, subject to natural processes; Conserve the following community types in a natural condition: Intertidal sand to mixed sediment with	Potential water pollution Potential sedimentation from surface water runoff	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes

	<p>polychaetes, molluscs and crustaceans community complex; Estuarine subtidal muddy sand to mixed sediment with gammarids community complex; Subtidal sand to mixed sediment with <i>Nucula nucleus</i> community complex; Subtidal sand to mixed sediment with <i>Nephtys</i> spp. community complex; Furoid-dominated intertidal reef community complex; Faunal turf-dominated subtidal reef community; and Anemone-dominated subtidal reef community</p>				
<p>Mudflats and sandflats not covered by seawater at low tide</p>	<p>The permanent habitat area is stable or increasing. Conserve the community types listed in a natural Condition.</p>	<p>Potential water pollution</p> <p>Potential sedimentation from surface water runoff</p>	<p>Mitigation measures required and detailed in full in Section 4.2 of the NIS</p>	<p>None</p>	<p>Yes</p>
<p>Coastal Lagoons</p>	<p>Area stable or increasing subject to natural processes, no decline in habitat subject to natural processes, salinity within natural range & specified water quality parameters.</p>	<p>Potential water pollution</p> <p>Potential sedimentation from surface water runoff</p>	<p>Mitigation measures required and detailed in full in Section 4.2 of the NIS</p>	<p>None</p>	<p>Yes</p>
<p>Large shallow inlets and bays</p>	<p>Permanent habitat area stable or increasing, conserve listed community types in a natural</p>	<p>Potential water pollution</p>	<p>Mitigation measures required and detailed in full in</p>	<p>None</p>	<p>Yes</p>

	Condition.	Potential sedimentation from surface water runoff	Section 4.2 of the NIS		
Reef	Distribution of reefs is stable, permanent habitat is stable and conserve listed community types in a natural Condition.	Potential water pollution Potential sedimentation from surface water runoff	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes
Perennial vegetation of stony banks	Area stable or increasing, subject to natural processes, including erosion and succession, No decline, or change in habitat distribution	None	None	None	Yes
Vegetated Sea cliffs of the Atlantic and Baltic coasts	Area stable or increasing, subject to natural processes, including erosion.	None	None	None	Yes
Salicornia and other annuals colonising mud and sand	Area stable or increasing, subject to natural processes, including erosion and succession. No decline, or change in habitat distribution, subject to natural processes.	Potential water pollution Potential sedimentation from surface water runoff	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes
Atlantic salt meadows	Area stable or increasing, subject to natural processes, including erosion and succession and no decline or change in habitat distribution.	Potential water pollution Potential sedimentation from surface water runoff	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes
Mediterranean salt meadows	Area increasing, subject to natural processes, including erosion and succession & No decline, or change in habitat distribution	Potential water pollution Potential sedimentation from surface water runoff	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes

Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachion vegetation	Habitat area stable or increasing, subject to natural processes; No decline in habitat distribution subject to natural Processes; Hydrological regime: river flow maintain appropriate hydrological regimes; Maintain natural tidal regime; Maintain appropriate freshwater seepage regimes; The substratum should be dominated by the particle size ranges, appropriate to the habitat sub-type (frequently sands, gravels and cobbles)	Potential water pollution Potential sedimentation from surface water runoff	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes
Molinia meadows on calcareous, peaty or clayey-silt-laden soils	Area stable or increasing, subject to natural processes and No decline, subject to natural processes.	None	None	None	Yes
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)	Area stable or increasing, subject to natural processes. No decline in habitat.	Potential water pollution Potential sedimentation from surface water runoff	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes
Margaritifera margaritifera (Freshwater Pearl Mussel)	Maintain at 7km. Restore to 10,000 adult mussels	None	None	None	Yes

Sea Lamprey <i>Petromyzon marinus</i>	Greater than 75% of main stem length of rivers accessible from estuary; At least three age/size groups present; Juvenile density at least 1/m ² ; No decline in extent and distribution of spawning beds; More than 50% of sample sites positive;	Potential water pollution Potential sedimentation from surface water runoff	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes
Brook Lamprey	Access to all water courses down to first order streams; At least three age/size groups of brook/river lamprey present; Mean catchment juvenile density of brook/river lamprey at least 2/m ² ; No decline in extent and distribution of spawning beds; More than 50% of sample sites positive	Potential water pollution Potential sedimentation from surface water runoff	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes
River Lamprey	Access to all water courses down to first order streams; At least three age/size groups of river/brook lamprey present; Mean catchment juvenile	Potential water pollution Potential sedimentation from surface water runoff	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes

	density of river/brook lamprey at least 2/m ² ; No decline in extent and distribution of spawning beds; More than 50% of sample sites positive				
Atlantic Salmon	100% of river channels down to second order accessible from estuary; Conservation Limit (CL) for each system consistently exceeded; Maintain or exceed 0+ fry mean catchment-wide abundance threshold value. Currently set at 17 salmon fry/5 min sampling; No significant decline; No decline in number and distribution of spawning redds due to anthropogenic causes	Potential water pollution Potential sedimentation from surface water runoff	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes
Bottlenose Dolphin Tursiops truncatus	Species range within the site should not be restricted by artificial barriers to site use. Critical areas, representing habitat used preferentially by bottlenose dolphin, should be maintained in a natural condition. Human activities should occur at levels that do not	Potential water pollution Potential sedimentation from surface water runoff	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes

	adversely affect the bottlenose dolphin population at the site				
Otter Lutra lutra	No significant decline in distribution; No significant decline in extent of terrestrial Habitat; No significant decline extent of marine habitat; No significant decline extent of freshwater (river) habitat; No significant decline in extent of freshwater (lake/lagoon) habitat; No significant decline in couching sites and holts; No significant decline in fish biomass available; No significant increase in barriers to connectivity	Potential water pollution Potential sedimentation from surface water runoff Noise disturbance generated by the Construction and/or Operational phases of the proposed development	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes
<p>Overall conclusion: Integrity test Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.</p>					

Table 3 – AA summary matrix for River Shannon and River Fergus Estuaries SPA

River Shannon and River Fergus Estuaries SPA: (Site Code 004077)

Summary of Key issues that could give rise to adverse effects

- **Potential water pollution - Water Quality and water dependant habitats**
- **Potential sedimentation from surface water runoff - Water Quality and water dependant habitats**

Conservation Objectives:

A017 – Cormorant *Phalacrocorax carbo* : To maintain the favourable conservation condition of Cormorant in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A038 Whooper Swan *Cygnus cygnus* – : To maintain the favourable conservation condition of Whooper Swan in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A046 – Light-bellied Brent Goose *Branta bernicla hrota*: To maintain the favourable conservation condition of Light-bellied Brent Goose in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A048 – Shelduck *Tadorna tadorna*: To maintain the favourable conservation condition of Shelduck in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A050 – Wigeon *Anas penelope*: To maintain the favourable conservation condition of Wigeon in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A052 – Teal *Anas crecca*: To maintain the favourable conservation condition of Teal in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A054 – Pintail *Anas acuta*: To maintain the favourable conservation condition of Pintail in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A056 – Shoveler *Anas clypeata*: To maintain the favourable conservation condition of Shoveler in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A062 – Scaup *Aythya marila*: To maintain the favourable conservation condition of Scaup in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A137 – Ringed Plover *Charadrius hiaticula*: To maintain the favourable conservation condition of Ringed Plover in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A140 – Golden Plover *Pluvialis apricaria*: To maintain the favourable conservation condition of Golden Plover in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A141 – Grey Plover *Pluvialis squatarola*: To maintain the favourable conservation condition of Grey Plover in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A142 – Lapwing *Vanellus vanellus*: To maintain the favourable conservation condition of Lapwing in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A143 – Knot *Calidris canutus*: To maintain the favourable conservation condition of Knot in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A149 – Dunlin *Calidris alpina*: To maintain the favourable conservation condition of Dunlin in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A156 – Black-tailed Godwit *Limosa limosa*: To maintain the favourable conservation condition of Black-tailed Godwit in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A160 – Curlew *Numenius arquata*: To maintain the favourable conservation condition of Curlew in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A162 – Redshank *Tringa totanus*: To maintain the favourable conservation condition of Redshank in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A164 – Greenshank *Tringa nebularia*: To maintain the favourable conservation condition of Greenshank in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A179 – Black-headed Gull *Chroicocephalus ridibundus*: To maintain the favourable conservation condition of Black-headed Gull in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

A999 – Wetlands and Waterbirds: To maintain the favourable conservation condition of wetland habitat in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.

Qualifying Interest feature	Conservation Objectives Targets and attributes	Summary of Appropriate Assessment			Can adverse effects on integrity be excluded?
		Potential adverse effects	Mitigation measures	In-combination effects	
Cormorant	No significant decline in breeding population abundance: apparently occupied nests; No significant decline in productivity rate; No significant decline in Distribution: breeding colonies;	None	None	None	Yes

	No significant decline in Prey biomass Available; No significant increase Barriers to connectivity; Human activities should occur at levels that do not adversely affect the breeding population; Long term population trend stable or increasing;				
Whooper Swan	Long term population trend stable or increasing; There should be no significant decrease in the range, timing or intensity of use of areas by this bird species of qualifying interest other than that occurring from natural patterns of variation	None	None	None	Yes
Light-bellied Brent Goose	As detailed above	As detailed above	As detailed above	None	Yes
Shelduck	As detailed above	As detailed above	As detailed above	None	Yes
Wigeon	As detailed above	As detailed above	As detailed above	None	Yes

Teal	As detailed above	As detailed above	As detailed above	None	Yes
Pintail	As detailed above	As detailed above	As detailed above	None	Yes
Shoveler	As detailed above	As detailed above	As detailed above	None	Yes
Scaup	As detailed above	As detailed above	As detailed above	None	Yes
Ringed Plover	As detailed above	As detailed above	As detailed above	None	Yes
Golden Plover	As detailed above	As detailed above	As detailed above	None	Yes
Grey Plover	As detailed above	As detailed above	As detailed above	None	Yes
Lapwing	As detailed above	As detailed above	As detailed above	None	Yes
Knot	As detailed above	As detailed above	As detailed above	None	Yes
Dunlin	As detailed above	As detailed above	As detailed above	None	Yes
Black-tailed Godwit	As detailed above	As detailed above	As detailed above	None	Yes
Bar-tailed Godwit	As detailed above	As detailed above	As detailed above	None	Yes
Curlew	As detailed above	As detailed above	As detailed above	None	Yes
Redshank	As detailed above	As detailed above	As detailed above	None	Yes
Greenshank	As detailed above	As detailed above	As detailed above	None	Yes
Black-headed Gull	As detailed above	As detailed above	As detailed above	None	Yes
Wetlands and Waterbirds	The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 32,261ha, other than that occurring from natural patterns of variation	Potential water pollution Potential sedimentation from surface water runoff	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes

Overall conclusion: Integrity test

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

Mitigation Measures

7.8.24. Various mitigation measures are proposed to be introduced to avoid, reduce, or remedy the adverse effects on the integrity of the designated Sites. This includes the following during the construction phase:

- The minimum works area necessary will be fenced off and no construction access will be permitted outside the fenced area. All construction works will be located within the confines of this existing fencing.
- A site compound will be established within the site boundary.
- Access routes will be clearly marked. Access during construction to any working areas will be restricted to land within the outlined works areas.
- Works shall not take place at periods of high rainfall and shall be scaled back or suspended if heavy rain is forecast during excavation works. Any building materials and machinery will be removed from areas prone to flooding during periods of heavy rain to prevent run-off.
- During construction phase of the project, a surface water management plan will be developed to ensure that contaminated or silt laden surface water does not discharge from the site untreated. Where surface water is encountered during deeper excavation works and found to contain silt and sediment, it will be managed by temporary treatment which will include a settlement process such as settlement ponds to trap and remove silt and sediment from the water. The treated water will be pumped to an area of the site where natural attenuation of the clean surface water can be achieved or discharged to the surface water system proposed as part of the development. There are no watercourses on site and there will be no direct discharge of surface water and any run-off will undergo the necessary settlement process. Alternatively, this water will be tankered off site if required.
- The works will be managed to ensure there will be no silt laden run-off beyond the site boundary from the works area through appropriate excavation techniques during the initial civil works. Where necessary silt fencing will be

installed around works areas down gradient of the construction areas where drains and drainage pathways are present as a protective measure to contain silt material from surface water run-off in works areas.

- Spill kits will be available in each item of plant required.
- All site plant will be inspected at the beginning of each day prior to sue. All major repair and maintenance operations will take place off site.
- No refuelling of machinery or overnight parking of machinery is permitted in areas adjacent to on-site drainage infrastructure.
- On-site refuelling of machinery will only take place at a designated refuelling area on site which will comprise an impermeable surface.
- Vehicles will never be left unattended during refuelling. Only dedicated trained and competent personnel will carry out refuelling operations and plant refuelling procedures shall be detailed in the contractor's method statements.
- Fuels, lubricants and hydraulic fluids for equipment used on the site will be carefully handled to avoid spillage.
- No batching of wet-cement products will occur on site. Ready-mixed supply of wet concrete products and where possible, pre-cast elements, will be used.
- No washing out of any plant used in concrete transport or concreting operations will be allowed onsite.
- Where concrete is delivered on site, only chute cleaning will be permitted, using the smallest volume of water possible. No discharge of cement contaminated waters to the construction phase drainage system or directly to any artificial drain or watercourse will be allowed.
- Weather forecasting will be used to plan dry days for pouring concrete.
- In relation to earth works, in all circumstances excavation depths and volumes will be minimised. All excavated spoil will be stockpiled and contained entirely within the confines of the site. Alternatively, spoil will be transported off site to a designated waste facility. Earthworks will only be carried out during periods of dry weather.

- In relation to wastewater disposal, temporary self-contained toilets with a sealed storage tank and welfare facilities located at the site offices within the site compound will be used and maintained by the providing contractor and removed from site on completion of the construction works.
- All wastewater will be tinkered off site by permitted waste collector to wastewater treatment plants. The removal and disposal of wastewater from site welfare facilities, will be carried out by a fully permitted waste collector holding a valid Waste Collection Permits, as issued under the Waste Management (Collection Permit) Regulations 2007, as amended. No wastewater will be discharged on-site during either the construction phase or operational phase.
- All waste will be collected in skips and the site will be kept tidy and free of debris at all times. Waste oils and hydraulic fluids will be collected in leak-proof containers and removed from the site for disposal or recycling.
- All construction waste materials will be stored within the confines of the site, prior to removal from the site to a permitted waste facility.
- The contractor will assign a member of the site staff as the environmental officer with the responsibility for ensuring the environmental measures prescribed in this document are adhered to.
- In relation to mitigation measures for disturbance limitation the following will be implemented. The minimum works area necessary will be fenced off and no construction access will be permitted outside the fenced area. All construction works will be located within the confines of the existing fencing.
- All plant and equipment for use will comply with Statutory Instrument No. 359 of 1996 "European Communities (Construction Plant and Equipment) (Permissible Noise Levels) Regulations 1996".
- Operating machinery will be restricted to the proposed works site area.
- Construction works will be limited to daylight hours and artificial lighting to facilitate works will not be permitted.
- Regular maintenance of plant will be carried out in order to minimise noise emissions.

- The best means practical, including proper maintenance of plant, will be employed to reduce the noise produced by on-site operations.
- All vehicles and mechanical plant will be fitted with effective exhaust silencers and maintained in good working order for the duration of the contract.
- Compressors will be of the “sound reduced” models fitted with properly lined and sealed acoustic covers which will be kept closed whenever the machines are in use and all ancillary pneumatic tools shall be fitted with suitable silencers.
- Machines which are used intermittently will be shut down or throttled back to a minimum during those periods when they are not in use. Any plant such as generators or pumps which are required to work outside of normal working hours will be surrounded by an acoustic enclosure.

7.8.25. In relation to the Operational phase, indirect effects are not anticipated. A number of design features in the scheme would provide mitigation in respect of potential surface water pollution.

- The use of SUDS features including swales/filter drain bio retention pits, permeable paving and water butts to provide a surface water treatment train via infiltration.
- An underground surface water attenuation tank to cater for the 1-100 year event allowing for 20% increase due to climate change.
- A petrol interceptor will be installed behind the attenuation tank before connecting to the public storm water sewer. The proposed surface water network shall discharge before connecting to the public storm water sewer.
- The proposed development will be protected from flooding through a retaining boundary wall which will facilitate the notable changes in water levels at the wall and prevent any flooding of land behind this wall. Ground levels will be reduced so that more volume is available to house any flood water that reaches the site boundary.

In combination effects

- 7.8.26. The NIS refers to in combination effects in the context of existing plans and projects. In relation to future plans and other projects a planning search was carried out for applications within the last five years. A large number of applications granted in the Lower Park Road area and surrounding area are listed and detailed in the NIS. Regarding plans a review of the following plans was taken into consideration, Limerick County Development Plan 2010-2016 (as extended), Limerick City Development Plan 2010-2016 (as extended), Draft Limerick Development Plan 2022-2028, National Biodiversity Action Plan 2017-2021 and Limerick Heritage Plan 2017-2030.
- 7.8.27. I note that the Limerick Development Plan 2022-2028 was adopted by the elected members on the 17th of June 2022 and that it came into effect on the 29th of July 2022. The Plan includes a Natura Impact Statement. The mitigation measures identified in the Stage 2 Appropriate Assessment (Natura Impact Statement) have been incorporated into the Plan. Accordingly, the implementation of this plan will not lead to any cumulative impacts when considered in-combination with the development proposed under this application.
- 7.8.28. The NIS concluded that with the mitigation measures carried out and incorporated into the design of the proposed development that there would be no in-combination effects from the proposed development.
- 7.8.29. Therefore, following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Lower River Shannon SAC (Site Code 002165) and the and River Shannon and River Fergus Estuaries SPA (Site Code 004077) in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the proposed development and in combination with plans and projects.

Appropriate Assessment Conclusions

7.8.30. I consider on the basis of the information on file that the applicant in this case has demonstrated in the submitted Natura Impact Statement that with the implementation of mitigation measures including robust construction management and also operational measures that are to the required standards, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code 004077) or any other such designated European, in view of the their Conservation Objectives.

8.0 Conclusion

8.1.1. In conclusion, having reviewed the proposed scheme and including the revised scheme as submitted to the Board by the first party, I consider that the scheme as further revised by the further plans and particulars received by the Board on the 19th of May 2022 and on the 15th of June 2022 addresses issues in relation to flood risk and the appropriate density of the scheme. Therefore, I am satisfied that the proposed revised scheme would constitute an acceptable residential density in this location, would not seriously injure the residential or visual amenity of the area, would not detract from the character of the area, and would be acceptable in terms of urban design, height, quantum of development and would be acceptable in terms of pedestrian and traffic safety and would not increase the flood risk in the area.

9.0 Recommendation

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

10.0 Reasons and Considerations

10.1.1. Having regard to the location of the proposed development within the suburbs of Limerick City on zoned residential lands as set out under the provisions of the Limerick Development Plan 2022-2028, the pattern of development in the area and the nature and scale of the proposed development as amended, it is considered that

subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this location, would not seriously injure the residential or visual amenity of the area, would not detract from the character of the area, and would be acceptable in terms of urban design, height, quantum of development and would be acceptable in terms of pedestrian, cyclist and traffic safety and would not increase the flood risk in the area. 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, as amended by the further plans and particulars submitted to the planning authority on the 24th day of February 2022, the 1st day of April 2022, the 6th day of April 2022, the 7th day of April 2022 and by the further plans and particulars received by An Bord Pleanála on the 19th day of May, 2022, and on the 15th day of June 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

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

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

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

- (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
- (ii) Details of screen planting which shall not include cupressocyparis x leylandii.
- (iii) Details of roadside/street planting.

- (iv) Hard landscaping works, specifying surfacing materials, furniture play equipment and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) A timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

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

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of nature conservation.

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

Reason: In the interest of visual and residential amenity.

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

Reason: In the interest of sustainable waste management.

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

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

11. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs,

and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

12. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] [within each house plot] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

13. 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 residential amenities of property in the vicinity.

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

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

15. 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.

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

Reason: To ensure the satisfactory completion of the development.

17. 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Siobhan Carroll
Planning Inspector

9th August 2023