



An  
Bord  
Pleanála

## Inspector's Report ABP-313701-22.

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<b>Development</b>	Permission to construct a 4-storey apartment building consisting of 17 units.
<b>Location</b>	Barnakyle, Patrickswell, Co. Limerick.
<b>Planning Authority</b>	Limerick City & County Council.
<b>Planning Authority Reg. Ref.</b>	21/920.
<b>Applicant(s)</b>	Griselle Taverns Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Sally Walsh.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23/09/2022.
<b>Inspector</b>	A. Considine.

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	5
3.1. Decision .....	5
4.0 Planning History.....	9
5.0 Policy and Context.....	9
5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018.....	9
5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009): .....	10
5.3. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, (DoHPLG, 2020): .....	11
5.4. Urban Development and Building Heights Guidelines for Planning Authorities December 2018. ....	12
5.5. Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013 .....	12
5.6. Patrickswell Local Area Plan 2015-2021 (as extended) .....	13
5.7. Limerick City & County Development Plan 2022-2028.....	13
5.8. Natural Heritage Designations .....	17
5.9. EIA Screening .....	17
6.0 The Appeal .....	18
6.1. Grounds of Appeal .....	18
6.2. Planning Authority Response .....	19
6.3. First Party Response to Third Party Appeal .....	19

6.4. Observations .....	19
7.0 Planning Assessment .....	20
7.1. Introduction .....	20
7.2. Principle of the development.....	20
7.3. Compliance with National Guidelines & Standards: .....	21
7.4. Layout & Design, Unit Mix & Typology: .....	29
7.5. Visual Impacts & Residential Amenity.....	32
7.6. Other Issues.....	34
7.6.1. Roads & Traffic Issues.....	34
7.6.2. Water Services & Flooding .....	35
7.6.3. Part V.....	37
7.6.4. Development Contribution .....	37
8.0 Appropriate Assessment.....	37
8.1. Introduction: .....	37
8.2. AA Screening Report .....	38
8.3. Consultations .....	39
8.4. Screening for Appropriate Assessment.....	39
8.5. Qualifying Interests for Natura 2000 Sites within Zone of Influence .....	40
8.6. Conservation Objectives: .....	42
8.7. Potential Significant Effects.....	42
8.8. In Combination / Cumulative Effects .....	44
8.9. Conclusion on Stage 1 Screening:.....	44
9.0 Recommendation.....	45
10.0 Reasons and Considerations .....	45

## 1.0 Site Location and Description

- 1.1. The site is located on zoned lands within the settlement boundary of the village of Patrickswell, Co. Limerick, and adjacent to the existing town centre. The site is accessed off Main Street and fronts onto the west side of the Clarina Road. At the crossroads, there are two storey and three storey buildings which are commercial in nature with a number of one-off houses noted to the east side of the road heading in a northern direction. The site is bound to the south by one of the two storey buildings at the crossroads, with a 3-storey building directly adjacent to the west – currently under renovation. This building is included in the NIAH - the former R.I.C. / Garda Barracks for Patrickswell, Co. Limerick Ref. No 21901238. The northern and western boundaries of the site comprise the River Barnakyle, a tributary of the River Maigue, although the river at this location is neither very accessible or obvious.
- 1.2. The site the subject of this appeal, has a stated area of 0.17ha and is currently used as a car park. There is an established footpath with vehicular dip already in place along the eastern boundary. Trees and hedgerows currently protect views into the site from the north and west.

## 2.0 Proposed Development

- 2.1. Permission was initially sought, as per the public notices, to construction of an apartment building consisting of 4-storeys of residential accommodation above lower ground floor/basement consisting of the following accommodation mix; 12 x No. 2-bedroom apartments and 5 x No. 1-bedroom apartments, total 17 x No. apartments. The proposed works to include internal circulation and service areas on each floor, car parking, bicycle storage and ancillary storage areas at lower ground floor/basement, together with connection to existing public sewer network including all necessary enabling works, creation of new access points, creation of private and communal open space/amenity areas, works to site boundaries, ESB sub-station, public lighting, bin storage, surface car parking and bicycle stands and all ancillary

site works including the demolition of an existing outbuilding, all at Barnakyle, Patrickswell, Co. Limerick.

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

- Plans, particulars and completed planning application form.
- Planning & Design Statement.
- Part V Agreement in Principle.
- Flood Risk Assessment.
- Traffic Assessment.
- Photorealistic Visualisations.
- Public Lighting Design & Calculation.

2.2. Following a request for further information, the applicant submitted proposals to omit the fourth floor and reduce the overall height of the development to 3-storeys. The result is the reduction in the number of apartments sought from 17 to 13, comprising 8 x 2 bedrooms and 5 x 1 bedrooms. The response to the request included a number of supporting documents addressing the issues raised.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority, following the submission of the response to the FI request, decided to grant planning permission for the proposed development subject to 20 conditions.

##### **3.1.1. Planning Reports**

###### Planning Officers Report:

The initial Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, third party submission, planning history and the Patrickswell LAP policies and objectives, as

well as the Draft Limerick Development Plan. The report also includes a section on EIA and AA.

The Planning Report notes the zoning afforded to the site but concludes that the development does not assimilate into the town centre in terms of design and scale. Further information is required with regard to a redesign as it is considered that the building as presented is viewed as having a substantial negative impact on the surrounding buildings and area. Further information was required in relation to this issue, as well as issues raised by other sections of the Planning Authority.

Following the submission of the response to the FI request, the planning officers report noted the response to the request issues, as well as the internal technical reports in relation to same. The final report accepts the response to the issues raised, which includes a reduced number of apartments to 13. The report recommends that permission be granted for the proposed development, subject to 20 conditions. The SEP endorsed the planning officers report.

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

### 3.1.2. Other Technical Reports

**Fire Officer:** No objections

**Mid-West National Road Design Office:** No observations to make.

**Environmental Services:** Conditions recommended.

**Roads, Traffic & Cleansing / Central Services:** The report advises that further information required with regard to car parking, traffic and pedestrian issues, public lighting and surface water disposal.

Following the receipt of the response to the FI request, a further report from this section of the PA the Engineer recommends conditions to be attached to any grant of permission.

**Conservation Officer:** The report considers that the proposal is not only injurious to the setting and amenities if a historic structure – the former R.I.C. / Garda Barracks for Patrickswell, which is identified as being of

heritage value in the NIAH – it would also be damaging to the historic grain of Patrickswell. There has been an inadequate consideration of the development in terms of built heritage. Further information is required.

Following the receipt of the response to the FI request, a further report from the Conservation Officer is noted, recommending conditions to be attached to any grant of permission.

**Physical Section:** A report, from Mr. Darragh Ryan, is noted with regard to flood risk following the submission of the response to the FI request. This report notes that the proposed development will likely result in a reduction in flood storage during a flood event. No compensatory storage is proposed. Given the zoning of the site, conditions are recommended to be included with any grant of permission and to be agreed with the PA within 2 months of the notification of permission.

### 3.1.3. Prescribed Bodies

**OPW -South West Arterial Drainage Maintenance & Construction:** The report notes that the site is bound to the west and north by Channel C1/10/4 of the Maigne Outfall Catchment Drainage Scheme. The subject site lies outside of the Benefitted Area of the drainage scheme but this does not conclude that the site is without flood risk. LCCC should satisfy itself that the proposed development mitigates flood risk to this and neighbouring sites. The PA should also be satisfied that the development will not result in flooding upstream or downstream.

The report advises that a 5m strip is to be retained permanently adjacent to the channel (measured from the bank edge) to facilitate access and maintenance requirements by the OPW. A condition to be included.

Any proposal for surface water outfall to the channel will require an application for consent to be submitted.

Following the receipt of the response to the FI request, a further report recommends conditions to be attached to any grant of permission.

**Irish Water:** No objection.

#### 3.1.4. **Third Party Submissions**

3 third party submissions are noted in terms of the planning application submitted.

The issues raised are summarised as follows:

- The scale of the building with regard to the existing adjacent houses will result in overlooking from balconies and will be overbearing.
- Issues with potential flooding as there have been issues in the past with the Barnakyle River at this location which required works at the bridge.
- Planning permission was refused for a large building on this site in the past.
- Impact on light and privacy to existing houses.
- Roads and traffic hazards for existing road users including pedestrians.
- Noise and disturbances will increase.
- Increase waste/refuse will result in smells.
- Layout and density does not suit the area and the apartments will not be suitable for families.
- Will devalue existing property.
- Loss of parking spaces will have a detrimental impact for surrounding businesses.
- Site is located within the Predictive Flood Zone A and the residential use is highly vulnerable.
- Planning history in the village where the Board refused (following the PAs grant) permission for 4 no. three storey terraced houses due to impact on residential amenities and property.
- The site formed part of the Famine Hospital site.



All submissions request that the application be refused.

Following the submission of the response to the FI request, no further objections are noted on the PAs files.

### 3.1.5. **Elected Members Submissions**

Cllr. Joe Leddin submitted an email to advise that he is a public representative for the development.

## 4.0 **Planning History**

A pre-planning meeting is noted to have been held with regard to the subject site.

There is no relevant planning history pertaining to the subject site. The following relates to the adjacent site to the south:

**PA ref 20/623:** Permission granted for the material change of an existing three-storey former Royal Irish Constabulary Barracks to two number dwelling houses, to include upgrade, renewal and extension of the existing buildings, connection to the public infrastructure and all ancillary site works.

## 5.0 **Policy and Context**

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

5.1.1. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.

5.1.2. A number of key policy objectives of the NPF are noted as follows:

- National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.
- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

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

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

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

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

**5.3. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, (DoHPLG, 2020):**

- 5.3.1. These statutory guidelines update and revise the 2015 Sustainable Urban Housing: Design Standards for New Apartments Guidelines, and the 2018 Guidelines in relation to Shared Accommodation schemes. The objective is to build on the content of the 2015 apartment guidance and to update previous guidance in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines. Aspects of previous apartment guidance have been amended and new areas addressed in order to:
- Enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas;
  - Make better provision for building refurbishment and small-scale urban infill schemes;
  - Address the emerging 'build to rent' and 'shared accommodation' sectors; and
  - Remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs.
- 5.3.2. The guidelines identify specific planning policy requirements in terms of apartments and Development Plans dealing with the mix of unit sizes, while Chapter 3 deals with Apartment Design Standards, including studio apartments, orientation of buildings and dual aspect ratios, storage provision, private amenity spaces and security considerations. Chapter 4 deals with communal facilities, including car and bicycle parking.
- 5.3.3. The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with

children - over the medium to long term. These guidelines provide recommended minimum standards for:

- floor areas for different types of apartments,
- storage spaces,
- sizes for apartment balconies / patios, and
- room dimensions for certain rooms.

The appendix of the guidelines provides guidance in terms of recommended minimum floor areas and standards.

#### **5.4. Urban Development and Building Heights Guidelines for Planning Authorities December 2018.**

- 5.4.1. The guidelines encourage a more proactive and flexible approach in securing compact urban growth through a combination of both facilitating increased densities and heights, while also mindful of the quality of development and balancing the amenity and environmental considerations. Building height is identified as an important mechanism to delivering such compact urban growth and Specific Planning Policy Requirements (SPPRs) of the building height guidelines take precedence over any conflicting policies and objectives of the Dublin City Development Plan.

#### **5.5. Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013**

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

Manual seeks to address street design within urban areas (ie. cities, towns and villages) and it sets out an integrated design approach.

#### **5.6. Patrickswell Local Area Plan 2015-2021 (as extended)**

- 5.6.1. On the 3<sup>rd</sup> of February 2023, Limerick City & County Council gave Notice of Commencement of Review of the Patrickswell Local Area Plan, with the public consultation period, which will run from 4<sup>th</sup> February 2023 – 6<sup>th</sup> March 2023 (inclusive). The 2015 LAP remains in place at the time of writing this report.
- 5.6.2. The subject site is zoned 'Town Centre' where it is the stated objective of this zoning to 'protect and enhance the character of Patrickswell town centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the town centre while guiding the development of an expanded and consolidated town centre area.' The zoning matrix of the LAP advises that apartment developments are generally permitted in this zone.
- 5.6.3. Chapter 8 of the LAP deals with Environment and Heritage and notes the importance of the River Barnakyle as a valued natural habitat in the town which has the potential to be an important amenity. The LAP further states that while it is acknowledged that development in the past was permitted on the river banks, it is considered necessary at this time when planning for the future of the town that a buffer zone of open space be allocated to prevent further degradation of the natural amenity and biodiversity of the Barnakyle river. The designation of the buffer does not preclude amenity use provided that the walkways and cycleways are constructed sensitively and with minimal impact on the river and the riparian environment. Objective EH4: Designated Sites and Nature Conservation is relevant in this regard.

#### **5.7. Limerick City & County Development Plan 2022-2028**

- 5.7.1. Since the subject application was submitted to the Board, the Elected Members of Limerick City & County Council adopted the Limerick Development Plan 2022-2028 at a full Council Meeting on the 17<sup>th</sup> of June 2022 and the Plan came into effect on the 29<sup>th</sup> of July 2022, six weeks after the date of adoption. Therefore, the 2022 CDP

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

5.7.2. Chapter 2 Volume 1 of the CDP deals with Core Strategy and identifies Patrickswell as a Level 4 Large Village (>500 population). The village is identified as a settlement that is suitable for growth in terms of population / household distribution due to its location within the Metropolitan Area and the availability of existing infrastructure.

5.7.3. Section 2a of Chapter 3 Volume 1 of the CDP deals with Spatial Strategy for the Limerick Shannon Metropolitan Area (in Limerick) and the following sections are considered relevant:

- The Limerick Shannon Metropolitan Area Spatial Plan covers the functional areas of both Limerick City and County Council and Clare County Council. The Limerick Shannon Metropolitan Area (in Limerick) subject of the Spatial Strategy set out in this chapter includes Limerick City Centre, the continuous built-up area of Limerick City Suburbs (as defined by the CSO) and a number of settlements including Patrickswell.
- 3.4.7 Metropolitan Settlements in Limerick outside the City and Suburbs: The settlements of Mungret, Annacotty, Castleconnell, Patrickswell and Clarina, as well as a large rural area are located in the Limerick Shannon Metropolitan Area (in Limerick). Patrickswell is a Level 4 Large Village in the settlement hierarchy. Following a survey of services and infrastructure and having regard to the unique situation in the village, the limited growth over a prolonged period and the location of the village in the Limerick Shannon Metropolitan Area (in Limerick), a growth target of 36% has been incorporated into the Core Strategy. Development in Patrickswell shall accord with the objectives for the Level 4 Large Village settlements as set out under Section 2b below, with the exception of projected growth.

5.7.4. Section 2b of Chapter 3 Volume 1 of the CDP deals with Spatial Strategy for County Limerick. Patrickswell is deemed to be a Level 4 Large Village and Section 3.7 of the Plan states as follows:

These are settlements generally with a population of over 500 and less than 1,400 persons that cater for the daily and weekly needs of their inhabitants and the needs of the surrounding wider catchment area. Level 4 settlements provide a range of employment opportunities and services appropriate to their size and function, such as secondary and primary schools, childcare facilities, sports grounds/complexes, libraries, Garda stations, medical centres and a good range of local services including shops, pubs, post offices and banks/credit unions.

There is considerable variation in the settlements from small towns and large villages, included in this level in terms of scale, character context and infrastructure. However, all have potential for appropriate levels of growth and consolidation. In line with National Policy Objective 3c, 30% of all new homes targeted within Level 4 settlements shall be within their existing built-up footprints. In order to realise the consolidation of these towns/villages, development will be encouraged to be delivered in a sustainable, sequential manner from the town/village core outwards, while promoting the reuse and redevelopment of vacant and derelict sites and buildings.

5.7.5. The following objective is considered relevant:

- Objective CGR O15 - Requirements for Developments within Level 4 Settlements:

It is an objective of the Council within these settlements to facilitate development, subject to compliance with the following:

- a) To ensure that the scale of new housing developments both individually and cumulatively shall be in proportion to the pattern and grain of existing development. Generally, no one proposal for residential development shall increase the existing housing stock by more than 10 – 15% within the lifetime of the Plan, unless the applicant

can demonstrate that the settlement has adequate capacity in terms of both physical and social infrastructure to support additional growth.

- b) The development of these centres shall provide for serviced sites and a variety of other house types and densities as appropriate.
  - c) New commercial developments shall generally be located within the core area and shall contribute positively to the village urban fabric and streetscape.
  - d) New community and social facilities shall be provided in conjunction with residential development as required.
  - e) Where there is no treatment plant or limited capacity in the existing treatment plant, sewerage treatment for serviced sites shall generally be by means of individual treatment systems, subject to satisfactory site assessment and compliance with EPA guidelines. All systems shall be constructed so as to allow connection to public sewers in due course when capacity becomes available.
- Objective CGR O16 - Local Area Plans in Level 4 Settlements

It is an objective of the Council to review existing and prepare new Local Area Plans for Adare, Askeaton, Croom and Patrickswell, to align with the Limerick Development Plan 2022 – 2028.

#### 5.7.6. Other relevant chapters:

- Chapter 9 of the CDP deals with Climate Action, Flood Risk and Transition to Low Carbon Economy with section 9.3 dealing with Flooding, Flood Risk Management and Water Management.
- Chapter 13 deals with Implementation and Monitoring and Section 13.2 provides that, in relation to Patrickswell, the Local Area Plan will remain in place and reviewed in accordance with the requirements of Planning and Development Act 2000 (as amended) for the settlement.



## 5.8. Natural Heritage Designations

5.8.1. The site is not located within any designated site. The closest Natura 2000 site is the Lower River Shannon SAC (Site Code: 002165) located approximately 3.9km to the west, the River Shannon and River Fergus Estuaries SPA (Site Code: 004077) which is located approximately 4.5km to the northwest of the site. The Tory Hill SAC (Site Code: 000439) lies approximately 6.2km to the south, the Askeaton Fen Complex SAC (Site Code: 002279) approximately 9.2km to the west and the Curraghchase Woods SAC (Site Code: 000174) approximately 10.2km to the west of the site.

## 5.9. EIA Screening

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

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

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.9.3. The proposed development to construct a 4-storey apartment building with 17 units, reduced to 3-storeys and 13 units following a request for further information, on a site of 0.17ha. The site is located on zoned lands within the settlement boundary of the village of Patrickswell. The site is located immediately adjacent to the established ‘town centre’ on lands zoned ‘Town Centre’ and as such, is considered to comprise part of the ‘business district’. In any case, I am satisfied that the site area is

substantially below the 2ha threshold for 'business district'. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

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

5.9.5. Having regard to:

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

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

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

This is a third-party appeal against the decision of the Planning Authority to grant planning permission for the proposed development. The grounds of appeal reflect

those issues submitted during the PAs assessment of the proposed development and are summarised as follows:

- Loss of car parking area will have a detrimental impact for surrounding businesses.
- Site is located on a Predictive Flood Zone A and the Council has confirmed flooding on the site occurs.
- The development is not in keeping with the village.
- The site forms part of the Famine Hospital Site.

It is requested that permission be refused.

## **6.2. Planning Authority Response**

None.

## **6.3. First Party Response to Third Party Appeal**

6.3.1. The first party submitted a response to the third-party appeal via AK Planning, Town Planning & Development Consultancy. The response is summarised as follows:

- The original submission to the Local Authority is the basis for the appeal and does not make reference to the revised scheme submitted following the request for FI.
- The revised scheme is for 13 apartments, reduced from 17 in a 3-storey building, reduced from 4-storeys.
- The issues raised in the appeal have been addressed in the response to FI.
- Considers the appeal to be vexatious.

## **6.4. Observations**

None

## **7.0 Planning Assessment**

### **7.1. Introduction**

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

1. Principle of the development
2. Compliance with National Guidelines & Standards
3. Layout & Design, Unit Mix & Typology
4. Visual Impacts and Residential Amenity
5. Other Issues

### **7.2. Principle of the development**

7.2.1. The proposed development originally sought the construction of an apartment development comprising 17 units within a four-storey building. This was reduced to 13 units in a three-storey building following a request for further information by the Planning Authority. The development permitted by Limerick City & County Council provided for a mix of 1 and 2 bed units, all 4 person units, and all of which include private amenity spaces in the form of balconies, as well as internal storage spaces. The scheme also proposes 18 on-site car parking spaces, including 14 within the lower ground floor / basement area and 4 at surface level, one of which will be an accessible space. The proposed basement area also includes provision for storage for 28 no. bicycles. Communal bin storage is proposed to be located within the basement area and a collection area is noted to the south eastern area of the site, adjacent to the parking area.

- 7.2.2. This area of Patrickswell is in mixed use with both commercial and residential evident. The residential character of the area is primarily one-off houses on large sites, more akin to a rural area and not usually found in a village / urban centre. The site lies within 200m of the centre of Main Street. I note that there is a bus stop located within 100m of the site which appears to provide services to Limerick City and towards Kerry.
- 7.2.3. The Board will note that the site is located within the settlement boundaries of the village of Patrickswell on lands zoned Town Centre where it is the stated objective of the Patrickswell Local Area Plan 2015-2021 (as extended) where it is the stated objective of this zoning to 'protect and enhance the character of Patrickswell town centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the town centre while guiding the development of an expanded and consolidated town centre area.' The zoning matrix of the LAP advises that apartment developments are generally permitted in this zone.
- 7.2.4. In terms of the above and having regard to the location of the subject site, on serviced lands, zoned for development purposes, which include residential use, together with the proximity to public transport, retail, community and social facilities, it is reasonable to conclude that in principle, the development of the site for residential purposes is acceptable. The principle, however, is subject to all other planning considerations including issues relating to roads and traffic, visual and residential amenities, water services and other considerations which I will address further below.

### **7.3. Compliance with National Guidelines & Standards:**

- 7.3.1. Having regard to the location of the subject site within the settlement boundary of the village of Patrickswell and within the village centre, together with the zoning objective afford to the site, I am generally satisfied that the principle of a residential development can be considered acceptable and in accordance with the general thrust of national policy. The subject site has a stated area of 0.17ha and proposes to provide 13 residential units on the site as permitted by Limerick City & County

Council following the amendment to the scheme as part of the response to the further information request. The development proposes a mix of 1 and 2 bed units.

- 7.3.2. The objective of the Sustainable Residential Development in Urban Areas 2009 Guidelines, and its companion design manual, is to produce high quality, and crucially, sustainable developments and communities through the reduction, as far as possible, of the need to travel, particularly by private car, and promoting the efficient use of land. The Guidelines, together with the companion design manual, sets out a series of 12 criteria which should be employed in the assessment of planning applications and appeals.
- 7.3.3. The Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities suggest that in areas within outer suburbs / greenfield sites associated with cities and large towns, minimum densities of 35-50 units per hectare should be applied subject to a number of safeguards. The density in the amended proposed development is approximately 76.5 units per hectare, down from the originally proposed 100 units per hectare.
- 7.3.4. In terms of compliance with the local policy requirements, the Board will note that Chapter 4 of the Patrickswell Local Area Plan 2015-2021 (as extended) advises that a density of 22 units/ha is envisaged for new residential development, with Objective H2 requiring an average gross density of 22 units on 'New Residential' zoned land. No density is noted with regard to 'Town Centre' zoned land. I have no objection to the density proposed in principle. Issues relating to the potential impact of the scheme on the existing character of the area and existing residential amenities, I will discuss further below in this report.

The Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG  
December 2020

- 7.3.5. The 2018 guidelines updated the guidelines from 2015 in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness, Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework,

published since the 2015 guidelines, and specific policy objectives contained in these guidelines take precedence over policies and objectives of development plans. The 2020 Guidelines update the 2018 Guidelines, and in terms of the subject appeal, are the appropriate guidelines.

7.3.6. In terms of the location of the subject site, Chapter 2 of the Guidelines seek to identify the types of location in cities and towns that may be suitable for apartment development. As the subject site lies within 200m of the centre of the village centre, it is identified as being located in a Peripheral and/or Less Accessible Urban Location. Such locations are generally suitable for limited, very small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (will also vary, but broadly <45 dwellings per hectare net), including sites in small towns or villages.

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

a) *Apartment floor area:*

The Guidelines, Specific Planning Policy Requirement 3, require that the minimum floor areas be applied to apartment developments. The Board will note that there are 8 no. unit types proposed within the scheme as follows:

No of Unit Type	Minimum overall F/A	Proposed F/A	Total F/A
5 x One bedroom	45.0m <sup>2</sup>	1 x 48.558m <sup>2</sup> 1 x 49.935m <sup>2</sup> 1 x 50.96m <sup>2</sup> 1 x 51.615m <sup>2</sup> 1 x 52.814m <sup>2</sup>	253.882m <sup>2</sup>
8 x Two bedrooms (4 persons)	73.0m <sup>2</sup>	2 x 79.94m <sup>2</sup> 4 x 80.49m <sup>2</sup> 2 x 84.97m <sup>2</sup>	651.78m <sup>2</sup>
<b>13 units in Total</b>			<b>905.662m<sup>2</sup></b>

The Board will note that all units achieve the minimum floor area in accordance with the guideline requirements. The units also generally accord with the minimum aggregate floor areas for living/dining/kitchen rooms and room widths.

b) *Safeguarding Higher Standards*

It is a requirement that ‘the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total but are not calculable as units that exceed the minimum by at least 10%)’.

In this regard, the following is relevant:

<b>Unit Mix</b>	<b>No of Apartments</b>	<b>Cumulative Min Floor Area</b>
38.5% 1-bed units	5	5 x 45m <sup>2</sup> = 225m <sup>2</sup>
61.5% 2-bed units	8	8 x 73m <sup>2</sup> = 584m <sup>2</sup>
<b>Total</b>	<b>13</b>	<b>809m<sup>2</sup></b>

<b>+ 10%</b>	<b>No of Apartments</b>	<b>Cumulative Min Floor Area</b>
1-bed units + 10%	5	5 x 4.5m <sup>2</sup> = 22.5m <sup>2</sup>
2-bed units + 10%	2	2 x 7.3m <sup>2</sup> = 14.6m <sup>2</sup>
<b>Total</b>	<b>7</b>	<b>37.1m<sup>2</sup></b>

Total Required Minimum Floor Area therefore is 846.1m<sup>2</sup>. The actual proposed floor area of the residential element of the overall development, is 905.662m<sup>2</sup>. I am satisfied that the proposed development is acceptable in this regard.

c) *Dual aspect ratios:*

This issue relates to the availability of daylighting and orientation of living spaces in order to maximise the amenity of occupants of the apartments. The proposed development provides for 13 apartments in a single block which will rise to 3 storeys. Of the proposed 13 units, all but 1 (apartment 10 on the second floor) are noted as having a dual aspect.



The Guidelines require, SPPR 4 refers, that at least 33% of units are dual aspect and, in this regard, the proposed development complies with the 2020 Apartment Guidelines. All apartments are afforded private amenity spaces in the form of balconies which meet the recommended 1.5m minimum depth required in the Guidelines. Overall, I am generally satisfied that this is acceptable.

d) *Floor to Ceiling Height:*

It is a specific policy requirement, SPPR 5, that ground level apartment floor to ceiling heights shall be a minimum of 2.7m, and 3m should be considered for multi-storey buildings. The sections submitted with the planning documents and appeal indicate that a floor to ceiling height of 3.33m at ground floor level, and 3.07m across the upper floors.

The proposed development exceeds the above requirements. While I am satisfied that the development is acceptable in this regard, should the Board wish to consider the visual impact of the proposed near 12m high building at this location of the village, there is scope to reduce the internal floor to ceiling heights to accord with the guidelines and reduce the overall height by approximately 1m.

e) *Lift & Stair Cores:*

The proposed development includes a central stair core a lift within the building.

f) *Internal Storage:*

The proposed development provides for storage within all apartments. Minimum storage requirements are indicated in the guidelines, and it is noted that said storage 'should be additional to kitchen presses and bedroom furniture but may be provided in these rooms. A hot press or boiler space will not count as general storage and no individual storage room within an apartment shall exceed 3.5m<sup>2</sup>.' The Guidelines also advise that storage for bulky items outside the individual units should also be provided, apart from

bicycle parking requirements. The minimum storage space requirements are 3m<sup>2</sup> for one bedroom and 6m<sup>2</sup> for two bedrooms (4 person) units.

In the context of the proposed development, the Board will note that the submitted drawings indicate that storage is provided within each apartment, generally in accordance with the above requirements. However, I would note that one of the proposed one bed apartments at second floor level (as amended following FI response) provides for a storage space of 4.728m<sup>2</sup> in one room. In addition, the two-bedroom units all appear to include stores which cumulatively accord with the requirements of the guidelines but exceed the 3.5m<sup>2</sup> floor area limit. Section 3.31 of the 2020 Guidelines state that 'as a rule, no individual storage room within an apartment should exceed 3.5 square metres.' As such, this element of the proposed scheme does not accord with the requirements of the guidelines.

*g) Private Amenity Space:*

It is a specific planning policy requirement that private amenity space shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels. The guidelines require 5m<sup>2</sup> for one-bedroom and 7m<sup>2</sup> for two bedrooms (4 person) units.

All apartments are provided with balconies or terraces, all of which appear to achieve the recommended area and 1.5m minimum depth required in the Guidelines. All private open spaces adjoin and have a functional relationship with the main living areas of the apartments and primarily have a western aspect. The private open space provision for each unit accords with the requirements of the guidelines.

*h) Security Considerations*

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

security of ground floor apartments and access to internal and external communal areas.

The Board will note that the scheme proposes a central entrance foyer to the apartment building facing to the front of the building (eastern elevation). I have no objection to the proposed access arrangements for the scheme.

- 7.3.8. Chapter 4 of the Guidelines seeks to deal with communal facilities in apartments and deals with access & services, communal facilities and refuse storage as well as communal amenity space, children's play, bicycle parking and storage and car parking.
- 7.3.9. In terms of the provision of refuse storage, the Board will note that a 12.708m<sup>2</sup> bin storage area to service the apartments is proposed within the lower ground floor / basement area, with an identified collection point to the south eastern corner of the site, adjacent to the surface the car parking area. The refuse area proposes commercial sized wheelie bins. I would note that the layout provides for adequate space at the collection point for a bin truck collect the bins without any undue impact to other public road users. The level of impact associated with the proposed development in this regard is considered minimal and acceptable.
- 7.3.10. In relation to communal amenity spaces, the development proposes 2 landscaped areas, 1 to the east (front) of the building and an area to the north and west (rear) of proposed building. I would note that the layout of the site proposes a total area of 500m<sup>2</sup> of open space in the form of a lawn and paved area to the front of the building to the north and south of the proposed access to the building. The scheme also proposes to provide a linear open space around the building which will include a gravel river amenity walk and wilding areas to promote biodiversity adjacent to the river. This area is being maintained to facilitate maintenance of the river by the OPW but will be available to the residents of the new scheme. In total, the open space provision amounts to approximately 30% of the site area, which exceeds the requirements of the LAP. Given the location of the subject site within the centre of the village of Patrickswell, I am satisfied that the proposed development is acceptable in terms of the provision of open space.

- 7.3.11. The Board will note that 18 car parking spaces are to be provided within the proposed development, including 1 accessible space. The Guidelines promote the location of apartments which have access to public transport and other sustainable transport modes. Where it is appropriate to reduce car parking provisions, high quality cycle parking and storage facilities should be provided. The guidelines require that 1 cycle storage space per bedroom is applied. The proposed development therefore requires 21 bicycle parking spaces for residents. In addition, there is a requirement for 7 visitor bicycle parking spaces to serve the development. The Guidelines require that the design of such cycle storage..... 'so that cyclists feel personally safe – secure cage/compound facilities, with electronic access for cyclists and CCTV, afford an increased level of security for residents.' It is therefore required that development proposals incorporate details on the provision of and access to cycle storage facilities at planning application stage.
- 7.3.12. The Board will note that the amended design of the basement area provides for 28 secure bicycle parking at basement level. I note that the drawing titled 'Typical Section Through Block' submitted in response to the FI request, indicates 'Bicycle storage for visitors at surface level at a rate of one per 2 apartments' but I cannot locate where the proposed surface level bicycle storage is located on the submitted drawings. While I am satisfied that the development adequately provides for bicycle parking, a condition to include this surface level bike storage should be included in the event of a grant of planning permission, with the location to be agreed with the PA.
- 7.3.13. In terms of car parking, the Guidelines notes that the quantum or requirement for car parking will vary in terms of the location of the site. Section 4.19 suggest that the car parking provision can be minimised, substantially reduced, or wholly eliminated in certain circumstances. Such policies are applicable in highly accessible areas in or adjoining city cores or at a confluence of public transport systems. The subject site is not located within such an area. The proposed development adequately provides for the car parking requirements of the scheme.

### Conclusion:

7.3.14. In terms of the principle of the proposed development, I am generally satisfied that the residential development is acceptable in terms of compliance with the local policy context. I have identified a number of minor issues above which might reasonably be addressed by way of condition of planning permission relating to the following:

- Floor to ceiling heights – could be reduced to reduce the overall height of the scheme.
- Floor area of internal storage rooms.
- Provision of bicycle parking at street level.

### **7.4. Layout & Design, Unit Mix & Typology:**

7.4.1. Chapter 6 of the Sustainable Residential Development in Urban Areas, 2009 deals with Small Towns and Villages, and sets out the design safeguards to ensure the provision of high-quality residential environments and the efficient use of serviced lands. In particular, the Guidelines note concerns raised about the impact of rapid development and expansion on the character of smaller towns and villages through poor design and particularly the impact of large housing estates with a standardised design approach on the character of towns and villages that have developed slowly and organically over time. In order for small towns and villages to thrive and succeed, their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past.

7.4.2. In terms of achieving appropriate residential development in towns and villages, the key message of the guidelines include:

- Development must be plan led through the adoption of a LAP or such supplementary local development frameworks as is appropriate and necessary to guide any new development proposals
- New development should contribute to compact towns and villages – where through planning and design, walking and cycling should be preferred over travel by car for local trips.

- Higher densities are appropriate in certain locations – as long as they contribute to the enhancement of the town or village by reinforcing the street pattern or assigning in the redevelopment of backlands.
- Offering alternatives to urban generated housing.
- The scale of new residential schemes for development should be in proportion to the pattern and grain of existing development - no one proposal for residential development should increase the existing housing stock by more than 10-15% within the lifetime of the development plan or local area plan.

In the context of the above, I am satisfied that the proposed development is appropriate and acceptable at this location.

- 7.4.3. The proposed development provides for the construction of a single apartment block which will be set centrally within the site with communal amenity spaces and 4 parking spaces to the front. Additional car parking, and bicycle parking will be provided in the proposed basement area with additional open space proposed to the north and rear of the proposed building, adjacent to the river. I would note that pedestrian access to the proposed building is separate from the vehicular access, and I have no objections to the proposed development layout.
- 7.4.4. In terms of the proposed design, the proposed modern building includes a flat green roof with lightweight railing around the edges. The building will be finished in a mix of select stone at ground floor level, self-colour render at first floor level with the recessed second floor element to be finished in self-colour cedar timber cladding. The balconies will include louvered timber guarding and the stairs to the upper ground floor level will include wrought iron railings.
- 7.4.5. The proposed building, as amended, will rise to approximately 12.325m in height over ground level, while the existing buildings to the south (and fronting onto Main Street) rise to approximately 9.5m (10m to top of chimneys) in height. The new building is to be located approximately 16m from the existing building and the access road to the basement car park will be located along the southern boundary of the site. The building will be located approximately 7.2m from the shared boundary. I have no objection in principle to the overall height of the building proposed.

However, I have indicated above that the overall height of the proposed building could be reduced by reducing the internal floor to ceiling heights should the Board consider it necessary.

7.4.6. With regard to the concerns raised in the third-party appeal, I would note that the subject site lies to the west of the public road which separates the site and the appellants property. Between the proposed building and the appellants home, there is a distance of approximately 27m, and approximately 20.5m to the roadside boundary. In addition, I note that the former R.I.C. / Garda Barracks for Patrickswell, Co. Limerick, NIAH - Ref. No 21901238, lies to the south of the subject site. This building is currently being redeveloped to provide for two houses.

7.4.7. I have no objections in principle to the overall design of the amended scheme. I am further satisfied that the amended scale of the building in terms of height and the design of the windows, is an appropriate response to this village centre location. While I would acknowledge the existing character of the wider area, which includes low-rise one-off houses on large sites, given the separation distance to these properties, I am satisfied that the proposed development can be appropriately accommodated on this site without undue impacts to the character of the wider area. I further note that the Limerick City and County Councils Conservation Officer has advised satisfaction with the amended proposals in the context of the proximity of the former RIC Barracks to the south west of the site.

7.4.8. In terms of unit mix and typology, the development, as permitted, proposes apartments only as follows:

<b>Unit Type</b>	<b>Proposed</b>	<b>% Of Units</b>
<b>1 bed</b>	5	38.5
<b>2 bed (4 person)</b>	8	61.5
<b>Total</b>	<b>13</b>	<b>100</b>

The Board will note that the proposed development seeks to construct only one type of residential unit, all being apartments. I also note the existing residential

development in the immediate vicinity of the subject site includes a range of house types including detached on large sites and semi-detached houses.

- 7.4.9. Given the location of the subject site in close proximity to the village centre and associated amenities, I am satisfied that the nature of the proposed development presents an appropriate residential form to serve the needs of the wider community in terms of housing mix and typologies. I further note the provisions of the 2018 Urban Development and Building Height Guidelines for Planning Authorities in addressing the need for more 1- and 2-bedroom units in line with wider demographic and household formation trends, while at the same time providing for the larger 3, 4 or more bedroom homes across a variety of building typology and tenure options, enabling households to meet changing accommodation requirements over longer periods of time without necessitating relocation. I am satisfied that apartments are an appropriate form of housing which can contribute to addressing the existing housing shortage in the country and can appropriately increase residential density on suitably zoned and serviced lands.

## **7.5. Visual Impacts & Residential Amenity**

- 7.5.1. The Urban Development and Building Height Guidelines for Planning Authorities (Dec 2018), builds on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. Increased building heights is identified as having a critical role in addressing the delivery of more compact growth in urban areas, particularly cities and larger towns. Specific Planning Policy Requirements (SPPRs) of the height guidelines take precedence over any conflicting policies, and objectives of the Patrickswell Local Area Plan.
- 7.5.2. In support of the proposed development, the applicant submitted contextual elevations and a number of photomontages as part of the original design assessment, to depict the development as originally proposed. The amendments to the building have been detailed above. In this context, and while no additional photomontages have been provided, I have no objection to the overall design



approach to the proposed development as amended. In addition, I would note no objection to the finishes proposed or the overall height of the building as amended. In the context of the location of the site, I am generally satisfied that the amended scheme provides an appropriate transition in scale with properties lying immediately adjacent.

#### Landscaping

- 7.5.3. I would note that landscaping proposals for the site appear to be concentrated along the northern and western areas, as well as the communal open space area to the east of the building, but there is little detail presented for the southern boundary. In terms of the southern boundary, the Board will note the proposal to locate the basement access road along this boundary. The boundary wall at this location comprises a rubble stone wall of approximately 2m in height. there should be no impact on this wall as it is associated with the Former R.I.C Barracks, which is included in the NIAH. Prior to the commencement of any development works at the site, the applicant should be requested to submit clear proposals for the landscaping of this boundary including proposed to protect the existing boundary wall and planting if any, for the written agreement of the Planning Authority. A condition to this effect should be included in any grant of permission.
- 7.5.4. With regard to the wider landscaping proposals for the site, I am satisfied that a condition to require the retention of the existing trees and vegetation along the boundary of the site with the river should be included. Full details for the protection of this area, including detailed proposals for the provision and construction of the proposed gravel rive amenity walk should be submitted for the written agreement of the Planning Authority prior to the commencement of development.

#### Overlooking

- 7.5.5. The Board will note that proposed building is to be located at a distance of 16m from the adjacent property to the south. While this is below the recommended 22m, I would have no real concerns in terms overlooking due to the orientation of the building within the site. In terms of the residential properties to the east, and across the public road, I consider that the separation distance is acceptable to prevent

overlooking of the front gardens over and above that which already exists from the public road.

#### Daylight/Sunlight/Overshadowing

- 7.5.6. Section 3.2 of the Urban Development and Building Height Guidelines (2018), in terms of the at scale of the site/building, deals with matters relating to daylight. The applicant has not submitted any shadow impact assessment to assess this issue. In terms of impact on existing houses however, I would accept that there is likely to be very little impact, if any, in terms of shadowing due to the orientation of the site and the location of the existing houses.

#### Conclusion

- 7.5.7. Overall, I am generally satisfied that the proposed development, as amended following the request for further information, can be adequately accommodated on the subject site without undue impacts arising in terms of visual or existing residential amenity impacts. The site is appropriately located within the village centre and the inclusion of appropriate conditions with regard to landscaping will provide for a sustainable residential development which accords with both national and local policy.

### 7.6. **Other Issues**

#### 7.6.1. **Roads & Traffic Issues**

In terms of roads and traffic issues, I note that the Limerick City & County Roads section raised no concerns in relation to the proposed development, and recommended conditions be included in any grant of planning permission. In addition, I note no objections from the Mid-West National Road Design Office. The subject site is located within the urban speed limit and on suitably zoned lands within the village centre of Patrickswell.

In addition to the above, I note the adequate car parking proposed to serve the development as well as the bicycle parking proposed in the lower ground floor basement. The Board will note that I have raised an issue in terms of the detail for

the provision of bicycle parking at surface level to serve visitors to the development. This might reasonably be addressed by way of condition. In addition, I am satisfied that the proposed layout of the site provides appropriate separation of vehicles and more vulnerable road users.

While I note the third-party submission in terms of the loss of car parking spaces, I would accept that the site is in private ownership and that the car parking which occurs at the site is ad hoc and informal. As such, I do not consider it to be the responsibility of the landowner to facilitate public parking on their private property. I would also note the presence of on-street car parking to the east and west of the junction of Main Street. The proposed development adequately provides for parking to serve future residents.

#### 7.6.2. **Water Services & Flooding**

The proposed development will connect to the public water networks in the village of Patrickswell. I note that Irish Water has raised no objections to the proposed development subject to compliance with conditions.

In terms of the proposed management of surface waters from the site, the Board will note that the application included a site specific Flood Risk Assessment. The site is noted to be located in an area which may experience flooding although the landowner has advised that no flooding has occurred at the site in the past 23 years. The applicant acknowledges that the proposed residential development is considered to be a highly vulnerable use in this regard. The proposed development provides for a lower ground floor area which will be used for car parking and the vulnerable uses associated with the development are to be located between 1.5-2m above the existing ground levels, and 2m above the surrounding 'benefitting lands', of which the subject site is not part of, as designated by the OPW, which lie to the north of the subject site. It is submitted that the benefitting lands will continue to flood first in any flood event and will continue to protect the subject appeal site.

Following the request for further information, the applicant confirmed that an attenuation storm water network has been incorporated into the updated design and

that a manual flood barrier will be installed at the entrance to the basement area of the proposed development. In addition, the plant room will have a 'step over' threshold at the entrance which will essentially 'bund' this room.

The FRA includes a Justification test for the proposed development and concludes that, given the location of the subject site within Patrickswell, on lands zoned for residential development which can connect to public services, the principle of the proposed development is acceptable. In addition, it is concluded that as the lowest level of the site adjacent to the footprint of the building will be allowed to flood in the event of the stream over topping its banks, there will be minimal loss of flood plain. The propose development includes measures to minimise flood risk to people, property, the economy and the environment as far as is reasonably possible and residual measures are included to ensure access around the building will be maintained.

In terms of the Planning Authoritys consideration of this issue, the Board will note that the Area Engineer included a number of conditions relating to the inclusion of SuDs measures and requests that a revised Surface Water Disposal Layout Plan be submitted for approval. I do not consider this request to be unreasonable. I also note the report from the Physical Section of the PA which requires that the applicant provide a revised FRA and site layout plan which addresses the need for compensatory storage for flood waters to mitigate against the risk of increasing flood risk off site. It is requested that a condition be included in any grant of permission to allow the lower ground floor to flood during a flood event and that any plant rooms be protected against flooding in the 1 in 100 year event. It is further requested that the surface water attenuation area be located to a Flood Zone C area, or detailed as such that it can operate effectively within an area of flood risk – Flood Zone A or B.

Having regard to the information presented in relation to the proposed development, together with the Planning Authority reports, I would accept that the principle of the proposed development is acceptable at this location within the centre of Patrickswell. I would further accept that subject to compliance with appropriate conditions, that the development, if permitted, will not exacerbate or add to flooding risk in the area.

### 7.6.3. **Part V**

The proposed development seeks to construct 13 residential units on a site covering 0.17ha on a serviced site in the village of Patrickswell, Co. Limerick. The development will connect to public services. The development is subject to requirements of Part V of the Planning and Development Act 2000, as amended and the Board will note that the applicant appears to have contacted the PA in this regard. A condition relating to Part V should be included in any grant of planning permission.

### 7.6.4. **Development Contribution**

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

## 8.0 **Appropriate Assessment**

### 8.1. **Introduction:**

- 8.1.1. The site is not located within any designated site. The closest Natura 2000 site is the Lower River Shannon SAC (Site Code: 002165) located approximately 3.9km to the west, the River Shannon and River Fergus Estuaries SPA (Site Code: 004077) which is located approximately 4.5km to the northwest of the site. The Tory Hill SAC (Site Code: 000439) lies approximately 6.2km to the south, the Askeaton Fen Complex SAC (Site Code: 002279) approximately 9.2km to the west and the Curraghchase Woods SAC (Site Code: 000174) approximately 10.2km to the west of the site.
- 8.1.2. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.
- 8.1.3. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to

the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.

8.1.4. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:

- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

## 8.2. **AA Screening Report**

8.2.1. The application included, as part of the Design Statement, a section on Screening for Appropriate Assessment. The report concluded that notwithstanding the proximity of the site to the Barnakyle River which joins the River Maigue before entering the River Shannon, the site is located within a village and is partly brownfield in nature. The applicant further advises that as the site is zoned, AA was undertaken in the preparation of the LAP. That AA Concluded that the plan in itself was not likely to have significant effects to the Natura 2000 network.

### 8.3. Consultations

8.3.1. With regard to consultations, the Board will note that no third-party concerns were raised with the Planning Authority with regard to AA.

### 8.4. Screening for Appropriate Assessment

8.4.1. The purpose of AA screening, is to determine whether appropriate assessment is necessary by examining:

- a) whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and
- b) the likely effects of a project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives and considering whether these effects will be significant.

8.4.2. In terms of AA, the Board will note that the development is not directly connected or necessary to the management of a European Site. There are 5 Natura 2000 Sites occurring within a 15km radius of the site. I am satisfied that following sites can be screened out in the first instance, as they are located outside the zone of significant impact influence because the ecology of the species and / or the habitat in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated sites to the development site and therefore, I conclude that no significant impacts on the following sites is reasonably foreseeable. I am satisfied that the potential for impacts on the following 3 Natura 2000 sites can be excluded at the preliminary stage:

Site Name	Site Code	Assessment
Tory Hill SAC	000439	Site is located entirely outside the EU site and therefore there is no potential for direct effects.
Askeaton Fen Complex SAC	002279	No habitat loss arising from the proposed development.
Curraghchase Woods SAC	000174	No disturbance to species.

		No pathways for direct or indirect effects. <b>Screened Out</b>
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8.4.3. The subject site has two boundaries with the Barnakyle River which is a tributary of the River Maigue, which ultimately drains into the River Shannon. As such, there is a potential direct hydrological or ecological connection to the SAC and SPA. In this regard, I consider that the following Natura 2000 sites, located within 15km of the subject site, can be identified as being within the zone of influence of the project, for the purposes of AA Screening, as follows:

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

## 8.5. Qualifying Interests for Natura 2000 Sites within Zone of Influence

8.5.1. The subject development site is to the north of the existing buildings which front onto Main Street and within the urban area of Patrickswell, and on lands zoned for 'Town Centre' purposes. The subject site is currently part brownfield in nature with an informal car parking area located towards the eastern area of the site. The western and northern areas of the site lie adjacent to the Barnakyle River and are currently overgrown. The site is not located within any designated site. The site does not appear to contain any of the habitats or species associated with any Natura 2000 site.

8.5.2. The following table sets out the qualifying interests for each of the identified Natura sites:

European Site	Qualifying Interests
<p><b>Lower River Shannon SAC (Site Code: 002165)</b></p> <p>Located approx. 3.9km to the west of the site.</p>	<ul style="list-style-type: none"> <li>• Sandbanks which are slightly covered by sea water all the time [1110]</li> <li>• Estuaries [1130]</li> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>• Coastal lagoons [1150]</li> </ul>



	<ul style="list-style-type: none"> <li>• Large shallow inlets and bays [1160]</li> <li>• Reefs [1170]</li> <li>• Perennial vegetation of stony banks [1220]</li> <li>• Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</li> <li>• Salicornia and other annuals colonising mud and sand [1310]</li> <li>• Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</li> <li>• Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</li> <li>• Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</li> <li>• Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</li> <li>• Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</li> <li>• <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</li> <li>• <i>Petromyzon marinus</i> (Sea Lamprey) [1095]</li> <li>• <i>Lampetra planeri</i> (Brook Lamprey) [1096]</li> <li>• <i>Lampetra fluviatilis</i> (River Lamprey) [1099]</li> <li>• <i>Salmo salar</i> (Salmon) [1106]</li> <li>• <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</li> <li>• <i>Lutra lutra</i> (Otter) [1355]</li> </ul>
<p><b>River Shannon and River Fergus Estuaries SPA</b> <b>(Site Code: 004077)</b></p> <p>Located approx. 4.5km to the northwest of the site</p>	<ul style="list-style-type: none"> <li>• Cormorant (<i>Phalacrocorax carbo</i>) [A017]</li> <li>• Whooper Swan (<i>Cygnus cygnus</i>) [A038]</li> <li>• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</li> <li>• Shelduck (<i>Tadorna tadorna</i>) [A048]</li> <li>• Wigeon (<i>Anas penelope</i>) [A050]</li> <li>• Teal (<i>Anas crecca</i>) [A052]</li> <li>• Pintail (<i>Anas acuta</i>) [A054]</li> <li>• Shoveler (<i>Anas clypeata</i>) [A056]</li> <li>• Scaup (<i>Aythya marila</i>) [A062]</li> <li>• Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</li> <li>• Golden Plover (<i>Pluvialis apricaria</i>) [A140]</li> <li>• Grey Plover (<i>Pluvialis squatarola</i>) [A141]</li> <li>• Lapwing (<i>Vanellus vanellus</i>) [A142]</li> <li>• Knot (<i>Calidris canutus</i>) [A143]</li> <li>• Dunlin (<i>Calidris alpina</i>) [A149]</li> <li>• Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</li> <li>• Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</li> <li>• Curlew (<i>Numenius arquata</i>) [A160]</li> <li>• Redshank (<i>Tringa totanus</i>) [A162]</li> <li>• Greenshank (<i>Tringa nebularia</i>) [A164]</li> </ul>

	<ul style="list-style-type: none"> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</li> <li>• Wetland and Waterbirds [A999]</li> </ul>
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## 8.6. Conservation Objectives:

8.6.1. The Conservation Objectives for the relevant designated sites are as follows:

European Site	Conservation Objectives
<p><b>Lower River Shannon SAC (Site Code: 002165)</b></p> <p>Located approx. 3.9km to the west of the site.</p>	<ul style="list-style-type: none"> <li>• The NPWS has identified a site-specific conservation objective to <b>restore</b> and <b>maintain</b> the favourable conservation condition of the habitats and species listed as a Qualifying Interest (details above), as defined by a list of attributes and targets.</li> </ul>
<p><b>River Shannon and River Fergus Estuaries SPA (Site Code: 004077)</b></p> <p>Located approx. 4.5km to the northwest of the site</p>	<ul style="list-style-type: none"> <li>• To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA (as detailed above)</li> </ul>

8.6.2. The Board will note that the Lower River Shannon SAC and River Shannon & River Fergus Estuaries SPA comprise a very large site stretching from Killaloe in Co. Clare to Loop Head / Kerry Head a distance of some 120km. The estuaries of the River Shannon and River Fergus form the largest estuarine complex in Ireland. The site comprises the entire estuarine habitat from Limerick City westwards as far as Doonaha in Co. Clare and Dooneen Point in Co. Kerry. Within the main unit of the Shannon and Fergus Estuaries, there are several tributaries with their own 'sub-estuaries' e.g. the Deel River, Mulkear River, and Maigne River.

## 8.7. Potential Significant Effects

8.7.1. In terms of an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation objectives, I would note that in order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As

the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated. With regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

Habitat loss / alteration / fragmentation:                      The subject site lies at a remove of some 3.9km from the boundary of any designated site. As such, there shall be no direct loss / alteration or fragmentation of protected habitats within any Natura 2000 site.

Disturbance and / or displacement of species:                      The site lies within a developed environment. No qualifying species or habitats of interest, for which the designated sites are so designated, occur at the site. As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts to species or habitats for which the identified Natura 2000 sites have been designated.

Water Quality:                      The proposed development relates to the construction of a three-storey apartment building on a brownfield site within the 'Town Centre' area of the village of Patrickswell. The development will connect to public services in the village and the Patrickswell Wastewater Treatment Plant is noted to have adequate capacity to accommodate the scheme.

The site is bound to the north and west by the Barnakyle River which is a tributary of the River Maigue, which forms part of the Natura 2000 site network. The distance from the Barnakyle River at the subject site to the point of meeting the River Maigue is measured to be approximately 7.2km.

The proposed development locates the apartment building at a remove of +5m from the bank of the Barnakyle River with an amenity space proposed in this area. Subject to normal and good construction practices, together with the nominal scale of the proposed development in the context of the overall capacity of the WWTP, I am generally satisfied that the development, if permitted, is unlikely to impact on the overall water quality of the Barnakyle

River or the River Maigue, or ultimately, the waters of the Lower River Shannon SAC and River Shannon & River Fergus Estuaries SPA.

I am generally satisfied that the potential for likely significant effects on the qualifying interests of the two identified Natura 2000 sites can be excluded given the distance to the sites, the nature and scale of the development and the lack of a hydrological connection.

#### **8.8. In Combination / Cumulative Effects**

- 8.8.1. Given the nature of the proposed development, being the construction of a residential scheme, which will connect to public services in the village of Patrickswell, I consider that any potential for in-combination effects on water quality in the associated Natura 2000 sites can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in European Sites are also subject to AA.

#### **8.9. Conclusion on Stage 1 Screening:**

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

## 9.0 Recommendation

I recommend that permission for the proposed development be granted subject to the following conditions.

## 10.0 Reasons and Considerations

Having regard to the location of the site within Patrickswell, and on lands zoned town centre, where apartment developments are generally permitted in this zone, and to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in December, 2020 and having regard to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be detrimental to the character of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 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 on the 11<sup>th</sup> day of April 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to the commencement of development, the developer shall submit revised apartment floor plans to ensure compliance with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in December, 2020, particularly as they relate to the provision of storage.

**Reason:** In the interests of proper planning and sustainable development.

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

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

- 4(a) Cycle parking shall be secure, conveniently located, sheltered and well-lit at surface level. Electric bike charging facilities shall be provided. Full details of access to the surface bike parking area and cycle parking stands shall be submitted for the written agreement of the Planning Authority, prior to the commencement of development.
- (b) A minimum of 2 parking spaces shall be fitted with electric vehicle charging points with the remaining spaces future proofed.
- (c) Clear pedestrian routes and facilities shall be clearly detailed on a site layout plan.

**Reason:** In the interests of clarity, road safety and the proper planning and sustainable development of the area and the promotion of sustainable transport.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan should include details of a programme of works that amongst other items provides for interception containment and treatment of construction runoff. No construction runoff should be diverted to the proposed Sustainable Drainage System measures such as the permeable paving or attenuation system. Any surface water sewer pipes used to convey construction runoff should be thoroughly cleaned before subsequent connection to Sustainable Drainage System elements.

This plan shall be prepared in accordance with the provisions of the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

7. Details of the materials, colours and textures of all the external finishes to the proposed building, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Sample panels shall be erected on site for inspection by the planning authority in this regard.

**Reason:** In the interest of visual amenity.

8. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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.

- 9(a) In addition to the submitted landscaping proposal, a scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall provide for the retention of existing trees and hedgerows on the northern and western boundaries. Any new planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.
- (b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- (c) Proposals for the protection of the southern boundary wall shall be submitted for agreement of the Planning Authority.

**Reason:** In order to screen the development, in the interest of visual amenity.



10. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

11. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

**Reason:** In the interest of residential amenity.

12. Prior to the commencement of any development, the developer shall submit revised proposals for drainage arrangements, including the attenuation and disposal of surface water, SuDs measures and flood management proposals to the Planning Authority for written agreement. The measures shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and water quality.

12. Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

13. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation

and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

14. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional development shall take place at roof level, including any lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area, and to permit the planning authority to assess any such development through the statutory planning process.

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

**Reason:** To ensure the satisfactory completion of the development.

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

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A. Considine  
Planning Inspector  
13<sup>th</sup> March 2023