



An
Bord
Pleanála

Inspector's Report

ABP-314013-22

Development	The construction of 21 no. dwellings and all associated site works. The application is accompanied by a Natura Impact Statement (NIS)
Location	Rathmale, Mungret, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	22471
Applicant(s)	Primebay Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John Finnerty & Others
Observer(s)	None
Date of Site Inspection	December 06 th , 2023
Inspector	Lorraine Dockery

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The site, which has a stated area of 0.86 hectares, lies in the townland of Rathmale, south-west of the centre of Mungret village, to the south-west of Limerick city.
- 1.2. The roadway onto which the site has frontage (L-1402 Pump Road) is characterised by significant linear, ribbon development on both sides. The site, which is roughly rectangular in shape, is considered to be an underutilised, infill plot and is currently under grass. The site is located within the 50kph speed limit area. A verge area currently exists outside the front boundary wall of many properties along this stretch of roadway, which acts as an informal footpath for pedestrians.

2.0 Proposed Development

- 2.1. The proposal comprises the construction of 21 no. dwellings and associated site works to include provision of a footpath along L-1402 Pump Road, together with all ancillary site development works. The proposed footpath has a length of approximately 235m, to run along the western side of the carriageway, from the site frontage to the existing pedestrian crossing to the north-west. Here it will link up with an existing footpath. The proposed footpath varies in width from 1.8m to 1.5m.
- 2.2. The application is accompanied by an NIS.
- 2.3. The application is also accompanied by a letter from Limerick City & County Council (Operations and Services) (dated 11/04/2022) which states that the site includes lands in the ownership of Limerick City & County Council, specifically lands indicated on attached drawing. The letter confirms that the Roads Department has no objection to the inclusion of these lands for the sole purpose of making a planning application and that the application is subject to the full planning procedures and any subsequent conditions outlined by the relevant authority.
- 2.4. Furthermore, the application is accompanied by a letter from the Housing Directorate of Limerick City & County Council (dated 21/04/2022) which confirms that an agreement in principle to comply with their Part V obligations has been reached with the transfer of 2 no. units on-site. Final negotiations will be concluded on specific details before a commencement order is lodged.

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 26 no. conditions

Condition No. 5

The proposed footpath to connect the site with the village shall be constructed prior to the sale or occupation of any dwelling hereby permitted under this notification.

Reason- In the interest of orderly development and proper planning

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Reflects decision of planning authority; recommends grant of permission

3.2.2. Other Technical Reports

Roads, Traffic and Cleansing Section- Conditions recommended

Environment, Recreation and Climate Change Department- Conditions recommended

Executive Archaeologist- Conditions recommended

Fire and Building Control Section- No objection, subject to conditions

3.3. Prescribed Bodies

Uisce Eireann: No objections, subject to conditions

3.4. Third Party Observations

The planning authority received a number of observations which raised issues similar to that contained in the third party appeal.

4.0 Planning History

ABP-304817-19

Permission REFUSED on appeal for 13 no. houses, entrance road and associated site works. The one reason for refusal was as follows:

Having regard to the prioritisation of pedestrian facilities, particularly in the Design Manual for Urban Roads and Streets issued by Government of Ireland in 2019, the proposed development fails to include within it any such facilities between the subject site and the village centre of Mungret. This site would continue to be accessed off the L-1402, which links the site to this village centre, however, over the greater portion of this local road there is no public footpath, the proposed development would generate increased pedestrian movement along this portion of the road, movement which would be inherently hazardous. Furthermore, the absence of any pedestrian facilities would lead to an increase in unsustainable use of private motorised transport, therefore, the prioritisation of pedestrian facilities would be neglected. The proposed development would be premature in this regard, would endanger public safety by reason of traffic hazard, and would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. National Planning Policy

Section 28 Ministerial Guidelines

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

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

- Childcare Facilities – Guidelines for Planning Authorities
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Appropriate Assessment Guidelines for Planning Authorities
- Climate Action Plan

Other policy documents of note:

- National Planning Framework
- Regional Spatial & Economic Strategy for the Southern Region

5.2. Local Planning Policy

Development Plan

The Limerick Development Plan 2022-2028 applies.

Mungret is located within Level 1 Limerick City and Suburbs (in Limerick), Mungret and Annacotty in the Settlement Hierarchy with 11,442 residential units forecast between 2022-2028 within this category.

Zoning:

Existing Residential- To provide for residential development, protect and improve existing residential amenity.

Purpose: This zone is intended primarily for established housing areas. Existing residential amenity will be protected while allowing appropriate infill development. The quality of the zone will be enhanced with associated open space, community uses and where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area, such as schools, crèches, doctor's surgeries, playing fields etc

Residential is 'Generally Permitted' within this zoning objective

Objective MF O1 Mungret Framework

(g) Create a walkable and cycle friendly neighbourhood that provides easy access to schools and amenities

Section 11.3.7 Private Open Space

5.3. Natural Heritage Designation

The nearest designated sites- the Lower Shannon SAC (Site Code 002165) and River Shannon and River Fergus Estuaries SPA (Site Code 004077)- are located approximately 1.6km from the subject site.

5.4. EIA Screening

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

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

The proposed development is for 21 dwellings on a site c. 0.86 ha. The proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended). Accordingly, it does not attract the need for a mandatory EIA. The site is located within a designated development area of Limerick, on lands zoned for residential purposes. Furthermore, as this proposal would fall below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

5.5 **Appropriate Assessment**

5.5.1 The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity each European site

Compliance with Article 6(3) of the EU Habitats Directive

5.5.2 The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

5.5.3 An Appropriate Assessment Screening Report and Natura Impact Statement were submitted with the application. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. The information contained within the submitted reports is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development. The screening is supported by associated reports.

5.5.4 The AA Screening Report concludes that upon examination of the relevant information including in particular the nature of the proposed development and the likelihood of significant effect on European sites, by applying the precautionary principle, the possibility may not be excluded that the proposed development will have likely significant effects on the Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code 004077). The likely significant effects arise from the potential for the proposed development to affect water quality in the receiving aquatic and estuarine environments, which in turn has the potential to affect the conservation objectives of those European sites

alone or in-combination with other plans or projects. As a result, a NIS has been prepared.

Appropriate Assessment Screening

- 5.5.5 The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 5.5.6 The proposed development is examined in relation to any possible interactions with European sites, namely designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.
- 5.5.7 The proposal comprises permission for 21 dwelling houses, to include footpath of approximately 234 metres in length, together with ancillary works, on a stated site area of 0.86 hectares. The site is greenfield in nature, is comprised of 'Improved Agricultural Grassland' and trees/hedgerows. No non-invasive plant species listed in the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 were recorded. No protected species were recorded during the site walk over. There are no surface water features on the site. The Rathmeale stream is located approximately 0.8km west of the proposed site. The groundwater from the site may form a tenuous link via surface water run-off to the Rathmeale stream, which eventually joins the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA as the Barnakyle River. SuDS shall be utilised for stormwater management and the surface water drainage design has been carried out in accordance with the recommendations of the Greater Dublin Strategic Development Study (GDSDS) and Regional Drainage Policies Vol. 2- New Development. Separate foul and surface water drainage from the proposed development will be provided. In terms of flood risk, the OPW National Flood Hazard Mapping and CFRAMS flood mapping shows that there is presently no risk of flooding on the site. The planning authority have not raised concern in this regard. Uisce Eireann has expressed no objections, subject to conditions.

Designated Sites and Zone of Impact

- 5.5.8 A potential zone of influence has been established having regard to the location of a European site, the Qualifying Interests (QIs) and SCIs of the sites and their potential

mobility outside that European site, the source-pathway-receptor model and potential environment effects of the proposed project.

5.5.9 The subject site is not located within any designated European site. The applicants list all SACs and SPAs within a 15km radius in Table 5.1 (5 sites in total). All designated sites are screened out, aside from the two sites listed below where a source-pathway-receptor exists and there is a risk of impacts from the proposed development. I would concur with this opinion of the applicant. See below:

Table 1:

Site Name and Code Qualifying Interests/SCI Conservation Objectives	Distance from Dev Site	Screening Comment in submitted AA Screening Report
<p>Lower River Shannon SAC (Site Code 002165)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>	<p>1.6 km</p>	<p>The applicants consider that Lower River Shannon SAC (Site Code 002165) requires further consideration.</p> <p>There is a potential indirect hydrological pathway associated with migration of groundwater (pollution event). This could potentially negatively affect water quality in the River Maguire and the Shannon Estuary. A reduction in water quality could affect the quality of the aquatic and estuarine environments that support many of the QI habitat/species of the SAC.</p> <p>Has the potential to affect the conservation objectives of the Lower River Shannon SAC, either alone or in-combination with other plans or projects and therefore adversely affect the integrity of the European site.</p> <p>I would concur.</p>

<p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p> <p><u>Conservation Objective:</u></p> <p>To maintain/restore the favourable conservation condition of the species/habitat for which the SAC has been selected.</p>		
<p>River Shannon and River Fergus Estuaries SPA (Site Code 004077)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p>	<p>1.6km</p>	<p>The applicants consider that River Shannon and River Fergus Estuaries SPA (Site Code 004077) requires further consideration.</p> <p>There is a potential indirect hydrological pathway associated with migration of groundwater during the construction/operational phases (pollution event).</p>

<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Scaup (Aythya marila) [A062]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Greenshank (Tringa nebularia) [A164]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Wetland and Waterbirds [A999]</p> <p><u>Conservation Objective:</u></p> <p>To maintain or restore the favourable conservation</p>		<p>This could potentially negatively affect water quality in the River Maguire and the Shannon Estuary. A reduction in water quality could affect the quality of the aquatic, wetland and estuarine environments that support many of the SCI bird species of the SPA.</p> <p>Has the potential to affect the conservation objectives of the River Shannon and River Fergus Estuaries SPA, either alone or in-combination with other plans or projects and therefore adversely affect the integrity of the European site.</p> <p>I would concur.</p>
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condition of the habitats/species for which this SPA has been selected.		
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Direct/Indirect Impacts

5.5.10 The proposed development does not lie within any European designated sites. Following a precautionary approach, it is noted that there is a potential indirect hydrological pathway associated with migration of groundwater during the construction/operational phases in relation to two designated sites. The potential for cumulative effects resulting from the proposed development when considered in combination with other plans and projects cannot be discounted at the screening stage and the potential cumulative impacts arising as between the proposed development and other plans and projects are required to be considered as part of a Stage 2 Appropriate Assessment.

5.5.11 I have examined all of the information before me. In terms of the designated sites screened out, I note the nature and scale of development proposed on a greenfield site, connected to mains drainage. I note the distance involved to these designated sites and the lack of hydrological connections. I am of the opinion that the risk of contamination of any watercourse or groundwater is extremely low, given that there are no pathways linking the proposed development and these European sites. I am satisfied that there would unlikely be significant effects on these designated sites due to the nature and scale of the development proposed, separation distances, the extent of intervening urban environment and no pathways linking the proposed site to these designated sites together with the conservation objectives of the designated sites.

Screening Determination

5.5.12 The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) that significant effect on two European Sites in view of the Conservation Objectives of those sites

could not be ruled out, and Appropriate Assessment is therefore required for the following:

Table 2:

Site Name	Site Code	Distance
Lower River Shannon SAC	002165	1.6km
River Shannon and River Fergus Estuaries SPA	004077	1.6km

- 5.5.13 The proposed development does not occur within or directly adjacent to either of these designated sites and there will be no direct impacts, such as habitat loss or modification as a result of this proposed development. Indirect impacts relate to potential indirect hydrological pathways associated with migration of groundwater during the construction/operational phases.
- 5.5.14 The possibility of significant effects on all other European sites has been excluded on the basis of objective information. I have screened out all other European sites for the need for appropriate assessment, based on a combination of factors including the intervening minimum distances and lack of pathways. I am satisfied that there is no potential for likely significant effects on these screened out sites.
- 5.5.15 Measures intended to reduce or avoid significant effects on European sites have not been considered in the screening process.
- 5.5.16 I confirm that the sites screened in for appropriate assessment are included in the NIS prepared by the project proponent.

Stage 2- Appropriate Assessment

Introduction

- 5.5.17 The application included an NIS for the proposed development at Mungret, Co. Limerick. The NIS provides a description of the project and the existing environment. It also provides a background on the screening process and examines and assesses potential adverse effects of the proposed development on a number of European Sites (identified above). Potential direct and indirect impacts arising from the proposed development are outlined in section 4.1. Details of mitigation measures are outlined in section 4.2. In combination effects are examined within section 5.0 and it is concluded that there is no potential for any other plan or project to affect the

integrity of the Lower Shannon SAC or the River Shannon and River Fergus Estuaries SPA in-combination with the proposed development.

5.5.18 The NIS concludes that with the implementation of the mitigation measures included in the design of the development and the implementation of preventative measures during the construction and operational phases the proposed development will not have significant adverse impacts on the Lower Shannon SAC and River Shannon and River Fergus Estuaries SPA, alone or in combination with other plans and projects.

5.5.19 By applying a precautionary principle and on the basis of objective information, it is my opinion, that the designated sites for which a source-pathway-receptor link exists from the proposed development, require further consideration only. Based on the above and taking an extremely precautionary approach, I consider that it is not possible to exclude that the proposed development, individually or in combination with other plans or projects, will have a likely significant effect on the following sites:

Table 3:

Site Name	Site Code	Distance
Lower River Shannon SAC	002165	1.6 km
River Shannon and River Fergus Estuaries SPA	004077	1.6 km

5.5.20 Having reviewed all the documentation available to me, submissions and consultations, I am satisfied that the information allows for a complete assessment of any adverse affects of the development on the conservation objectives of the two European sites listed above, alone or in combination with other plans and projects. The planning authority have not expressed objections in this regard, subject to condition.

Appropriate Assessment of implications of the proposed development on each European Site

5.5.21 The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the two European sites using the best scientific knowledge in the field. All aspects of the project which could result in

significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

5.5.22 I have relied on the following guidance:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009);
- Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002);
- Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011);
- Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

5.5.23 A description of the two designated sites and their Conservation Objectives and Qualifying Interests, including any relevant attributes and targets, are set out in the NIS and outlined above as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

Appropriate Assessment of implications of the proposed development on each European Site

Special Areas of Conservation- Lower River Shannon SAC

5.5.24 There will be no direct impacts on any SAC site as a result of the proposed development as the development is located wholly outside of any European Site. The habitat on-site would not support any of the Annex II species of this SAC. The SAC lies beyond the ZoI of any hydrogeological, air quality or disturbance/displacement impacts. Potential impacts of the proposed development on key habitats and species have been set out in section 4.1.1.3 of the NIS and I refer the Board to same.

Table 4:

Designated Site	Qualifying Interests	Conservation Objective (favourable status)
Lower River Shannon SAC	<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	Maintain/Restore the favourable conservation status of habitats and species of community interest

- 5.5.25 There is a potential for indirect impacts due to the potential hydrological pathway between the development site and specified habitats/species of the SAC during the construction phase, in the absence of pollution control/water attenuation measures. Any accidental pollution event during construction may affect water quality in the Barnakyle River system which drains to the River Maigue and the Upper Shannon Estuary. In addition, an accidental pollution event during the operation phase may affect surface water quality in the Barnakyle River system which drains to the River Maigue and the Upper Shannon Estuary. The lower part of the of the Barnakyle River, the River Maigue downstream and the Upper Shannon Estuary all lie within the Lower Shannon SAC. Given the distance between the site and development site (c. 1.6 km) it is not likely that any pollution event at the development site could result in significant impacts on the SAC. A number of measures will be implemented in order to ensure that there are no adverse effects arising from the proposed development on the SAC.
- 5.5.26 Mitigation measures, which are primarily general protection measures that would be used by any competent developer in the construction of a similar type development are proposed including SuDS measures. Mitigation measures have been outlined in section 4.2. Specifically, sections 4.2.2 and 4.2.3 of the NIS deals with surface water and groundwater protection measures. Controlled surface water runoff procedures will be implemented; materials will be properly stored on site; emergency response procedures will be put in place.
- 5.5.27 Foul and surface water will only be discharged to the mains sewer under authorisation from Uisce Eireann and the local authority. It is noted that Uisce Eireann have stated that they have no objections to the proposed development, subject to conditions. All works will be undertaken in accordance with Uisce Eireann standard details and codes of practice. The planning authority have not raised concerns in this regard.
- 5.5.28 No invasive species, listed on the 3rd Schedule of S.I. 477/2011 have been recorded on site and it is intended that construction methodology shall contain measures for avoiding the introduction and spread of such non-invasive species and will follow best practice guidance documents.

5.5.29 Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the Lower Shannon SAC in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Special Protection Areas (SPAs) – River Shannon and River Fergus Estuaries SPA

5.5.30 The proposed development site is wholly located outside of this European site and as outlined for the SAC site above, there will be no direct impacts, either habitat loss or modification on any SPA sites. As the existing site is comprised mainly of improved agricultural grassland, it does not contain suitable habitats to support any of the Annex II bird species of this SPA. The SPA lies beyond the Zol of any hydrogeological, air quality or disturbance/displacement impacts. I note that the site is screened by existing urban development and landscaping. Potential impacts of the proposed development on key habitats and species have been set out in section 4.1.2.3 of the NIS and I refer the Board to same.

Table 5:

Designated Site	Qualifying Interests	Conservation Objective (favourable status)
River Shannon and River Fergus SPA	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Scaup (<i>Aythya marila</i>) [A062] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143]	To maintain/restore the favourable conservation status of all species/habitat listed

	Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]	
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5.5.31 There is a potential for indirect impacts due to the potential hydrological pathway between the development site and specified habitats/species of the SPA during the construction phase, in the absence of pollution control/water attenuation measures. Any accidental pollution event during construction may affect water quality in the Barnakyle River system which drains to the River Maigue and the Upper Shannon Estuary. In addition, an accidental pollution event during the operation phase may affect surface water quality in the Barnakyle River system which drains to the River Maigue and the Upper Shannon Estuary. The River Maigue, downstream of the confluence with the Barnakyle River and the Upper Shannon Estuary all lie within the River Shannon and River Fergus Estuaries SPA. Given the distance between the site and development site (c. 1.6 km) it is not likely that any pollution event at the development site could result in significant impacts on the SPA. A number of measures will be implemented in order to ensure that there are no adverse effects arising from the proposed development on the SPA.

5.5.32 Potential indirect impacts via surface water runoff and groundwater during the construction and operational phase is similar to that outlined above for the SAC. The matter of invasive species has been addressed above and I refer the Board to same.

5.5.33 Section 5 of the NIS considers the potential for cumulative effects on nearby designated sites arising in combination with other plans or projects and lists permitted developments in the area. It is not anticipated that other projects will act in combination with the proposed development to give rise to cumulative effects on any European sites.

Appropriate Assessment Conclusion

- 5.5.34 The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 5.5.35 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on two European Sites.
- 5.5.36 Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 5.5.37 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of these European Sites (Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA) or any other European site, in view of the site's Conservation Objectives.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the aforementioned designated sites.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.

No reasonable scientific doubt as to the absence of adverse effects on the integrity of these designated sites.

6.0 The Appeal

6.1. Grounds of Appeal

The third party appeal may be broadly summarised as follows:

- Procedural/legal matter relating to lands within red line and consent to make application
- Proposal contrary to both Southern Environs LAP and Development Plan that were in place at time of making decision- haphazard, over-scaled

development in an unsuitable environment; overdevelopment; lack of masterplan

- Traffic and Transport Matters: Proposed footpath is too narrow and unachievable; not in compliance with Objectives COM 028 and COM 029 of Southern Environs LAP; proposal does not support modal shift as no regular public transport or cycle links; carriageway too narrow to accommodate footpath; road safety concerns
- Residential Amenity Matters: overlooking, impacts on privacy, height, rear garden length; inadequate front garden and open space
- Proposal contrary to proper and sustainable development in such a rural area

6.2. Applicant Response

A response was received on behalf of the applicant, which may be broadly summarised as follows:

- Sole reason for refusal in previous application has been deficiency in footpath connectivity between the site and village. The scheme as proposed does not differ from previous applications other than the applicant has engaged comprehensively with local authority Roads Section in this regard. Footpath is now proposed, to be delivered prior to first occupation of any dwelling
- Footpath is located wholly within area under control of local authority, where the public road is taken in charge and the footpath does not involve interference or setting back of any individual's property boundary along its length
- Footpath will be a welcome addition to pedestrian infrastructure in the area and will provide safer walking environment for present and future residents

6.3. Planning Authority Response

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the reports of the planning authority and prescribed bodies, all appeal documentation received, together with having inspected the site, I consider that the main issues in this appeal are as follows:

- Principle of proposed development/policy context
- Previous ABP reason for refusal/ transport issues
- Other matters

7.2 The Board is advised that the application was assessed and decided upon by the planning authority under the Limerick City Development Plan 2010-2016 (as amended) and the Southern & Environs Local Area Plan 2021-2027. In the interim, a new Development Plan has been adopted which came into effect in July 2022. Therefore, I am assessing this proposal under the adopted Limerick Development Plan 2022.

7.3 The Board is advised that a similar type development was previously refused permission by An Bord Pleanála on this site (ABP-304817-19) in 2019. This was an application for 13 no. houses, entrance road and associated site works and the one reason for refusal related to the lack of pedestrian facilities/public footpath between the subject site and Mungret village.

7.4 I highlight to the Board that one of the main issues raised in the appeal submission relates to a legal matter pertaining to lands within the red line boundary and provision of footpath. It is contended within the submission that lands within the red line boundary (along the length of the proposed footpath on Pump Road) are within private ownership; are not within the control of the applicants and that no consent

was given for inclusion of these lands within the red line boundary. The appellants contend that the proposal is contrary to Article 22(1)(d) of the Planning and Development Regulations, 2001, as amended, in relation to purported failure of applicant to state the name and address of the owner. The appellants further contend that the application should be invalidated, due to this matter. I highlight to the Board that there is a letter of consent attached to the file from Limerick City & County Council (Operations and Services) (dated 11/04/2022) which states that the site includes lands in the ownership of Limerick City & County Council, specifically lands indicated on attached drawing. The letter confirms that the Roads Department has no objection to the inclusion of these lands for the sole purpose of making a planning application and that the application is subject to the full planning procedures and any subsequent conditions outlined by the relevant authority. The lands referred to are those along the length of the proposed footpath. The first party in their response state that the footpath is located wholly within an area under the control of the local authority, where the public road is taken in charge and the footpath does not involve interference or setting back of any individual's property boundary along its length.

- 7.5 I am of the opinion that this is more of a legal matter than a planning matter and I would question if this is the correct forum to solve the dispute. It is clearly a contentious issue between parties. I refer the Board to section 5.13 of the Development Management Guidelines 2007, which acknowledge that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In addition, I also note section 34(13) of the Planning Act, which states that a person shall not be entitled solely by reason of a permission to carry out any development.
- 7.6 The question which arises, and which is of most relevance to this planning appeal, in my mind, is whether the applicants have demonstrated sufficient legal interest to make the application. Section 5.13 of the aforementioned Guidelines continues by stating that if, however, the terms of the application itself, or a submission made by a third party, or information which may otherwise reach the authority, raise doubts as to the sufficiency of the legal interest, further information may have to be sought under Article 33 of the Regulations. The planning authority have not raised concerns in relation to this matter and validated the application. I am of the opinion that the

applicant has demonstrated sufficient legal interest to make this application. It is a matter for the courts to deal with further legal matters, if necessary, and I am noting both section 5.13 of the Development Management Guidelines and section 34(13) of the Act in coming to this conclusion. If the Board is disposed towards a grant of permission, I recommend that a note be attached to any such grant advising that a person is not entitled solely by reason of a permission to carry out any development.

7.7 Principle of proposed development/policy context

7.8 The proposed development comprises the construction of 21 dwellings, new footpath connection to the village along L-1402 Pump Road and all ancillary site development works. A mix of detached, semi-detached and terraced dwellings are proposed of maximum two-storey in height.

7.9 There is significant linear development along this roadway and the site is considered to be an underutilised infill plot, surrounded on both sides by residential plots. A density of 24 units/ha is proposed, which is considered acceptable given the site location and this is considered to be in accordance with Government guidance. I do not consider the proposal to represent a haphazard form of development nor overdevelopment of the site, as is contended within the appeal submission. The third party submission also states that this is a rural area and considers the proposed development to be unsuitable for such a location. I do not concur with this assertion. This is an urban area, zoned 'Existing Residential' within the relatively recently adopted Development Plan. It is an infill site located within Mungret village, a short distance from Limerick city and its associated employment bases. It is a site for which public, mains services are available and there are established services in proximity. I am satisfied that the principle of the proposed development is acceptable at this location. The Board did not have issue with the principle of such a development in the previous reason for refusal on this site. There are numerous policies that support infill development within the operative Development Plan. The adopted Development Plan seeks to encourage compact growth and sustainable development through the consolidation and intensification of the built environment and the redevelopment of brownfield and infill sites within established settlements in accordance with the objectives of the National Planning Framework (NPF). I consider that this is being achieved in this instance.

7.10 Traffic and Transport Matters

7.11 This is one of the main issues raised in the appeal submission. I have dealt with the legal matter above in terms of ownership/boundary matters and I refer the Board to same.

7.12 I note that the reason for refusal in the previous appeal (ABP-304817-19) related solely to the lack of pedestrian facilities/connectivity between the subject site and the village. During my site visit, I noted that the carriageway width varies and public lighting is in place. The speed limit is 50 kmph. A verge area currently exists outside the front boundary wall of many properties along this stretch of roadway, which acts as an informal footpath for pedestrians. In this current application, the applicant seeks to address this previous reason for refusal by proposing a footpath of approximately 235m length on the western side of the carriageway, from the site frontage to the existing pedestrian crossing to the north-west, where it will link up with that existing. The proposed footpath varies in width from 1.8m to 1.5m. I am satisfied that the applicant has addressed this sole reason for refusal in the previous appeal with the proposed provision of this footpath.

7.13 As stated above, there is a significant amount of linear development along this roadway. At the time of my site visit, I noted that the roadway was quite heavily trafficked and that existing pedestrian facilities were very poor. As stated, a verge area currently exists outside the front boundary wall of many properties along this stretch of roadway, which acts as an informal footpath for pedestrians. The proposal would generate an increase in traffic movements along the L-1402 in either direction. This proposed footpath will greatly improve accessibility/pedestrian facilities for all and this is to be welcomed. I am satisfied that this footpath will provide a valuable pedestrian facility, for not only future residents of this proposed scheme, but also for the numerous residents that currently live along this roadway. It will be a planning gain for the entire community.

7.14 The width of the proposed footpath is questioned in the appeal submission. However, given the variable width of the carriageway, I am satisfied that the footpath width reflects the available space. It is stated in the documentation that the width of the existing footpath along this roadway (on opposite side of pedestrian crossing) is 1.5m. I am of the opinion that a footpath that narrows for a portion of its length is

preferable to no footpath at all, given the extent of existing development along the roadway, even without this current proposal. The planning authority have not raised any concerns in this regard, subject to conditions. I have no information before me to believe that the proposal would lead to the creation of a traffic hazard or obstruction of road users. I consider that the proposal is substantially in compliance with DMURS and other government guidance, together with local policy. Under the Design Manual for Urban Roads and Streets (DMURS), the needs of pedestrians and cyclists are to be prioritised. I am satisfied in this regard and consider that the previous reason for refusal has been substantially overcome.

7.15 Residential Amenity

7.16 I note that the third party appeal submission raises concerns in relation to residential amenity, both for existing residents and proposed occupiers. Concerns raised include issues of overlooking, impacts on privacy and height of proposed development. In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. Having examined the proposal, I am of the opinion that separation distances typical of what would normally be anticipated within such an established, urban area are proposed with existing properties. This will ensure that any impacts are in line with what might be expected in an area such as this. Given the height and design of the proposed dwellings, I am of the opinion that the proposed houses would not unduly overbear, overlook or overshadow adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission. There is an acknowledged housing crisis and this is a serviceable site, in an established urban area, where there are adequate services, facilities and employment in close proximity.

7.17 In terms of rear garden lengths and other standards, I note that the proposed development substantially complies with the operative Development Plan in terms in such standards. This is considered to be an infill development, where flexibility is allowable in the operative Plan in this regard. Section 11.3.6 of the Development Plan states that in brownfield sites or infill sites, a minimum of 10% may be provided as public open space. This is being achieved in this instance. In terms of visual amenity, I am generally satisfied with the design approach put forward in this

instance. I do not consider the proposal to be excessively dominant, overbearing or obtrusive in its context and I consider that the subject site has capacity to accommodate a development of the nature and scale proposed, without detriment to the amenities of the area. I do not consider the proposal to be out of character with existing development in the vicinity nor does it represent over-development of the site. I am satisfied that the proposed development is in accordance with the operative Development Plan in this regard. The planning authority have not raised concern in this regard.

7.18 Other Matters

7.19 I highlight to the Board that there are no drawings (plans, sections or elevations) of proposed dwellings No. 19-21 inclusive. It would appear that they were also not submitted to the planning authority, see attached correspondence to query from An Bord Pleanála in this regard (dated 28/11/2023).. The floor area for these dwellings is stated as being 110m² and they are referred to as Type A1 in the submitted documentation. The FFL of these proposed dwellings is stated as being 18.70, similar to the other proposed dwellings within this proposed development. Their site layout is also shown on the submitted layout plans. Notwithstanding the inadequate drawings submitted for these three dwellings, I am generally satisfied, based on the information before me that the submission of plans, sections and elevations could be submitted by means of condition, if the Board were otherwise disposed towards a grant of permission. The height, layout, elevational treatment and materials should match that of the remainder of the dwellings.

7.20 I highlight to the Board that there is a residual piece of open space located adjacent to proposed dwelling No. 14, located at the end of proposed Road No. 2. I have concerns that given its residual nature and isolated location that it may become the focus of anti-social behaviour or dumping. For this reason, I recommend that an additional dwelling be located in this area, preferably a detached, single storey, two bed property that would offer a greater mix of units to the scheme, possibly catering to the elderly or those down-sizing. Exact details relating to same should be submitted to the planning authority for their written agreement, prior to the commencement of any works on site. Sufficient public open space would remain within the proposed development to generally comply with Development Plan standards.

7.21 A Supplementary Development Contribution is payable in respect of delivery of the R526 Link Road (Phase 3). If the Board is disposed towards the grant of permission, I recommend that this be attached as a condition to any such grant.

7.22 Condition No. 6 of the grant of permission that issued from the planning authority stipulated that the applicant shall submit revised plans for each dwelling to include a build-out to the rear that includes a utility room and WC, which may necessitate the internal layout of each unit. The rationale behind this condition relates to the adequate provision of storage space to comply with Development Plan standards. I consider that this condition is unwarranted in that it would reduce residential amenity of units by reducing light into kitchen/dining areas and would also reduce the level of private open space provided. I fully accept that storage should be provided, which at a minimum complies with Development Plan standards and Government guidance. This could be provided within the footprint of the dwellings as currently designed. I consider that this matter could be adequately dealt with by means of condition.

7.23 Conclusion

7.24 Having regard to the layout, height and design solution put forward, together with the enhanced pedestrian facilities proposed which will improve pedestrian connectivity with the village for all residents along this roadway, I am satisfied that the proposed development is in accordance with the zoning objective of the Development Plan, which seeks 'to provide for residential development, protect and improve existing residential amenity', is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

8.0 **Recommendation**

8.1. I recommend that the decision of the planning authority be UPHELD and that permission be GRANTED, subject to the following conditions.

9.0 **Reasons and Considerations**

Having regard to the pattern of development in the area and its residential zoning under the Limerick Development Plan 2022-2028, it is considered that, subject to compliance with conditions below, the proposed development would not seriously

injure the character of the area or the amenities of property in the vicinity, would provide an adequate standard of residential amenity to future occupiers and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of any works on site, the applicant shall submit the following for the written agreement of the planning authority,</p> <p>(a) plans, sections and elevations at an appropriate scale of Units 19-21 inclusive (House Type A1). The height, layout, elevational design and materials of the proposed units shall match that of the remaining dwellings.</p> <p>(b) revised layout plan showing an additional dwelling located on the public open space to the south of Unit 14. This dwelling shall be a two-bed, single storey structure and shall integrate with the remaining dwellings in terms of elevational treatment, materials and positioning on the site.</p> <p>(c) revised drawings of all dwellings showing storage (exclusive of wardrobes and hotpress) that meets the requirements of Appendix 1 of the Department of Housing, Local Government and Heritage, Sustainable Urban Housing: Design Standards for New Apartments (2022) and the Limerick Development Plan 2022-2028</p>

	<p>(d) the four no. car parking spaces located on the southern edge of the proposed open space shall be omitted from the proposal and the area suitably landscaped</p> <p>Reason: In the interests of proper planning and sustainable development</p>
3.	<p>No residential dwelling permitted shall be completed nor no dwelling occupied until such time as the proposed footpath is fully completed to the written satisfaction of the planning authority.</p> <p>Reason: In the interests of clarity and the proper planning and sustainable development of the area</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>(a) The roads and traffic arrangements serving the site (including footpath connections and signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense;</p> <p>(b) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the requirements of the planning authority and in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).</p> <p>Reason: In the interests of pedestrian and traffic safety.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 2000, Mondays to Fridays inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a satisfactory standard of development.</p>
8.	<p>The applicant shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
9.	<p>The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. All landscaping works shall be completed prior to the first opening of the store.</p> <p>Reason: To ensure a satisfactory completion and maintenance of the development in the interests of residential amenity</p>
10.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.</p> <p>Reason: In the interests of amenity and public safety</p>
11.	<p>Proposals for the development name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or</p>

	<p>topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
12.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide, inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise and dust management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
13.	<p>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.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
14.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.</p>

	<p>Reason: In the interest of protecting the environment and in the interest of public health.</p>
15.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
16.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall: (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues: (i) the nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material. A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p>

	<p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
17.	<p>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.</p> <p>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.</p>
18.	<p>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.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>

19.	<p>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.</p> <p>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.</p>
20.	<p>The developer shall pay to the planning authority a financial contribution in respect of the delivery of R526 Link Road (Phase 3) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.
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Note: The applicants are advised to note section 34(13) of the Planning and Development Act, 2000 (as amended) which states that a person shall not be entitled solely by reason of a permission to carry out any development.

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

Lorraine Dockery
Senior Planning Inspector

11th January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-314013-22		
Proposed Development Summary	Construction of 21 no. dwellings and all associated site works. The application is accompanied by an NIS		
Development Address	Rathmale, Mungret, Co. Limerick		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	x	
	No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	x		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	x	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Lorraine Dockery Date: 11th January 2024