



An  
Bord  
Pleanála

## Inspector's Report ABP-314754-22

### Development

Nursing home and all site development and excavation works above and below ground. A Natura Impact Statement will be submitted to the planning authority with this application.

### Location

South eastern part of the former Greenpark Racecourse, Dock Road, Limerick

### Planning Authority

Limerick City and County Council

### Planning Authority Reg. Ref.

211222

### Applicant(s)

Voyage Property Ltd.

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

Log na gCapall Residents Association

### Observer(s)

Noeleen Louer

Noel Quirke

Susanne Moloney

KMPM Property Management for Log  
na gCapall No. 1 Management  
Company

Log na gCapall Residents Association  
41-100

Orla O'Dwyer

**Date of Site Inspection**

25<sup>th</sup> and 26<sup>th</sup> January 2024

**Inspector**

Lorraine Dockery

## 1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 4.6 hectares (which includes for proposed access to Dock Road) forms part of the Greenpark Racecourse lands, located approximately 2.5km to the south-east of Limerick city. The site area exclusive of the access road is stated to be 1.3 hectares. The lands are currently undeveloped. Works were on-going during my site visit on the construction of a previously permitted residential SHD development on a portion of the overall lands to the north and west (ABP-311588-21).
- 1.2. The site is bound by Limerick City and County Council Vance lands to the south and residential estates (which includes for the Log na gCapall development) to the east.

## 2.0 Proposed Development

- 2.1. The proposal comprises the construction of a nursing home and all associated site development works.
- 2.2. The following table outlines some of the key parameters for the proposal as permitted:

Table 1:

Site Area	4.6 hectares – inclusive of access road 1.3 hectares- exclusive of access road
Height	4 storey
Gross Floor Area	5237m <sup>2</sup>
No. of rooms/bedspaces	123 rooms/126 bedspaces
Additional Uses	Day Space- 777m <sup>2</sup>
Car Parking	39 car spaces at surface level (4 no. EV charging spaces)
Open Space Provision	2954m <sup>2</sup>

Access	Via Dock Road with bicycle/pedestrian access through Log na gCapall development
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2.3 A Natura Impact Statement was submitted with the application.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission GRANTED, subject to 16 no. conditions

Condition No. 3(i) stipulates that the development shall not be occupied until such time as the access from the Dock Road (R510) is completed.

Condition No. 7(i) stipulates that the existing vehicular gate at the end of the cul-de-sac at Log na gCapall shall be replaced with a new gate and kept at the same width. The cycle lane and pedestrian route from the ramp shall be a shared surface tied into the existing layout at the end of the cul-de-sac at Log na gCapall.

Condition No. 7(iii) stipulates that the new gate shall remain locked and only used in the event of the Dock Road (R510) access being temporarily inaccessible due to an incident.

Further Information was requested by the planning authority in relation to traffic and pedestrian issues; public lighting; surface water disposal and shadow study comments.

On foot of the Further Information request, the first party amended the proposal such that the vehicular movements associated with the proposed nursing home will be via a permitted access road to Dock Road. They confirmed that Log na gCapall will not be used for construction or operational vehicular access.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report

- Reflects decision of planning authority; recommends grant of permission

#### 3.2.2. Other Technical Reports

Roads, Traffic and Cleansing Section- further information requested (undated)  
O&M Technical Staff & Capital Delivery Team: Conditions attached (02/08/2022)  
Environment Section- condition recommended (11/10/2021)  
Assistant Chief Fire Officer- no objection, subject to conditions (30/09/2021)  
City and County Archaeologist- conditions recommended (31/08/2022)  
Environmental Health- conditions recommended (24/09/2021)  
Senior Planner (in relation to AA)- agrees with findings of NIS (undated)

### **3.3. Prescribed Bodies**

Uisce Eireann-Further Information requested (04/10/2021)

### **3.4. Third Party Observations**

A significant volume of observations was received by the planning authority with issues raised similar to that contained in the appeal documentation.

## **4.0 Planning History**

No recent relevant planning history on this site. However, there is a substantial history on the wider racecourse lands, which is detailed within the Planner's Report. The most recent relevant history is as follows:

### Adjacent Site

#### ABP-311588-21

Permission GRANTED for construction of 371 residential units, creche and associated site development works (SHD application) on site to north and west.

## 5.0 Policy Context

### 5.1. 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.

- Project Ireland 2040, National Planning Framework (2018)

Specifically addresses the needs of older people (National Policy Objective 30) by requiring that local planning, housing, transport/accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population along with the inclusion of specific projections, supported by clear proposals in respect of ageing communities as part of the core strategy of city and county development plans.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024)

The creation of sustainable communities also requires a diverse mix of housing and variety in residential densities across settlements. This will require a focus on the delivery of innovative housing types that can facilitate compact growth and provide greater housing choice that responds to the needs of single people, families, older people and people with disabilities, informed by a Housing Needs Demand Assessment (HNDA) where possible.

- 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)
- Appropriate Assessment Guidelines for Planning Authorities
- Climate Action Plan
- EIA Guidance for Consent Authorities regarding Sub-Threshold Development

## 5.2. Development Plan

The Limerick Development Plan 2022-2028 applies

### Zoning:

‘Existing Residential’ which seeks ‘to provide for residential development, protect and improve existing residential amenity’

‘Nursing home’ is ‘generally permitted’.

The lands on which the access roads are located (and which have been previously permitted under ABP-311588-21), are zoned ‘New Residential’ and ‘Enterprise and Employment’

### Section 10.7 Health and Respite Care

The provision of both public and private healthcare facilities, together with community support services, will be encouraged on suitably zoned lands that are accessible to new and existing residential areas and that benefit communities by providing multi-disciplinary health care, mental health and wellbeing services in easily accessible locations.

### Section 10.8 Age Friendly Strategy

#### Section 4.2.12 Nursing Home/Care Home Accommodation

Proposals for nursing homes/care home accommodation shall be located in existing residential areas well served by appropriate levels of infrastructure and amenities such as footpath networks, local shops and public transport. This will ensure appropriate integration with the local community and afford the residents an appropriate level of independence and access to services.

#### Objective HO O10 Location Criteria for Nursing Homes/ Care Home

Accommodation- It is an objective of the Council to ensure that the maximum distance from nursing homes/care homes shall be no more than 300m safe walking distance to community facilities, convenience retail facilities and amenities.

#### Section 11.4.5- Housing for All – Nursing Homes/ Assisted Living Accommodation

When assessing planning applications for Nursing Homes/Assisted Living Units, the Council will have regard to the following:

- Location - Such facilities will be resisted in remote locations removed from urban areas. They should be located in established neighbourhoods/residential areas well served by community infrastructure and amenities where future residents can access local services such as shops and community facilities;
- Accessibility - Proximity of high-quality public transport links and provision of good footpath links; • The potential impact on residential amenities of adjoining properties;
- Nursing Homes/Assisted Living Accommodation shall provide at least 20% open space of the overall site area;
- Adequate provision of parking facilities (Refer also to Section 11.8.3 Car and Bicycle Parking Standards, DM Table 9a/9b);
- The design, layout, size and scale of the proposal must be appropriate to the area;
- Quality of proposed landscaping

### 5.3. **Natural Heritage Designations**

The Lower River Shannon SAC is located c. 0.16km west of the subject site and the River Shannon and Fergus Estuaries SPA is located c. 0.53km west of the subject site.

### 5.4. **EIA Screening**

Having regard to the nature and scale of the proposed development comprising a nursing home on appropriately zoned land where public sewerage and potable water supply is available, the site area, the built-up nature of the surrounding area and the likely emissions therefrom 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.

### 5.5 **Appropriate Assessment**

- 5.5.1 I highlight to the Board that concerns regarding impacts of the proposal on species and habitats associated with designated sites was raised in some of the observations received. 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 A Natura Impact Statement was submitted with the application. It is noted that an Ecological Impact Assessment was also submitted with the application documentation, and I refer the Board to same. 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 It is stated that given the proximity to two designated sites and potential for significant effects during the project construction cannot be discounted without the implementation of best practice construction and operational design and control measures. Therefore, the possibility may not be excluded that the proposed development will have a significant effect on the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA without the consideration and analysis of further information. 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 a four-storey nursing home, together with ancillary works, on a site area of 1.3 hectares, on lands at the former Greenpark Racecourse, Limerick city. The site is greenfield in nature, The habitat that covers the subject development site (as set out in Table 3.3 of EcIA) is primarily scrub/woodland/grassland habitats. It is located on the urban edge of Limerick city. There are no watercourses immediately adjacent to the site, however the Ballynaclogh River is a tributary of the River Shannon (located approximately 500m to north of site) and is located to the west of the proposed site. It flows upstream into the River Shannon after approximately 2.5km. SuDS shall be utilised for stormwater management and the foul and surface water drainage will be connected to the existing mains system. There is an existing surface water drainage network within the Greenpark site in the form of a regional SuDS attenuation lagoon and a strategic conveyance system, which has capacity to accommodate the proposed development. In terms of flood risk, it is noted that there is a line of existing flood defences along both the Ballynaclogh River and the River Shannon which offer a good standard of protection to this area of Limerick. The proposal is classed as 'less vulnerable development' and is primarily located within Flood Zone C, although a small area in the south-west corner of the site is within Flood Zone B and an even smaller area within Flood Zone A- these areas accommodate the previously permitted access road. A justification test is required and has been undertaken. The planning authority have not raised concern in this regard. Intensive field-based surveys were undertaken in 2020/2021.

#### 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 4.1 (6 designated sites). All designated sites are screened out, due to distances, lack of any clear pathways, nature and location of development, aside from the two sites listed below – Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. I would concur with this opinion of the applicant. See below:

Table 2:

Site Name and Code Qualifying Interests/SCI Conservation Objectives (*QI/SCI most likely to be impacted highlighted in BOLD)	Distance from Dev Site	Screening Comment in submitted AA Screening Report
<b>Lower River Shannon SAC (Site Code 002165)</b>  <u>Qualifying Interests/SCI</u>  Sandbanks which are slightly covered by sea water all the time [1110]  <b>Estuaries [1130]</b>  <b>Mudflats and sandflats not covered by seawater at low tide [1140]</b>  Coastal lagoons [1150]  Large shallow inlets and bays [1160]  Reefs [1170]  Perennial vegetation of stony banks [1220]  Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	0.16km	<p>The applicants consider that Lower River Shannon SAC (Site Code 002165) requires further consideration.</p> <p>Site specific mitigation is required to ensure no effects occur on identified habitats from pollution/release of suspended solids.</p> <p>All other habitats, aside from those highlighted, are screened out due to lack of potential pathway-receptor links.</p> <p>I would concur.</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><b>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</b></p> <p><b>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</b></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><b>Petromyzon marinus (Sea Lamprey) [1095]</b></p> <p><b>Lampetra planeri (Brook Lamprey) [1096]</b></p> <p><b>Lampetra fluviatilis (River Lamprey) [1099]</b></p> <p><b>Salmo salar (Salmon) [1106]</b></p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p><b>Lutra lutra (Otter) [1355]</b></p> <p><u>Conservation Objective:</u></p> <p>To maintain/restore the favourable conservation condition of the species/</p>		
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habitat for which the SAC has been selected.		
<p><b>River Shannon and River Fergus Estuaries SPA (Site Code 004077)</b></p> <p><u>Qualifying Interests/SCI</u></p> <p><b>Cormorant (Phalacrocorax carbo) [A017]</b></p> <p><b>Whooper Swan (Cygnus cygnus) [A038]</b></p> <p><b>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</b></p> <p><b>Shelduck (Tadorna tadorna) [A048]</b></p> <p><b>Wigeon (Anas penelope) [A050]</b></p> <p><b>Teal (Anas crecca) [A052]</b></p> <p><b>Pintail (Anas acuta) [A054]</b></p> <p><b>Shoveler (Anas clypeata) [A056]</b></p> <p><b>Scaup (Aythya marila) [A062]</b></p> <p><b>Ringed Plover (Charadrius hiaticula) [A137]</b></p> <p><b>Golden Plover (Pluvialis apricaria) [A140]</b></p> <p><b>Grey Plover (Pluvialis squatarola) [A141]</b></p> <p><b>Lapwing (Vanellus vanellus) [A142]</b></p> <p><b>Knot (Calidris canutus) [A143]</b></p> <p><b>Dunlin (Calidris alpina) [A149]</b></p> <p><b>Black-tailed Godwit (Limosa limosa) [A156]</b></p> <p><b>Bar-tailed Godwit (Limosa lapponica) [A157]</b></p>	0.53km	<p><b>The applicants consider that River Shannon and River Fergus Estuaries SPA (Site Code 004077) requires further consideration.</b></p> <p><b>There is a potential indirect hydrological pathway associated with migration of groundwater during the construction phase.</b></p> <p><b>Mitigation measures will be put in place in the form of timing of construction to avoid disturbance to wintering birds.</b></p> <p><b>I would concur.</b></p>

<p><b>Curlew (<i>Numenius arquata</i>) [A160]</b></p> <p><b>Redshank (<i>Tringa totanus</i>) [A162]</b></p> <p><b>Greenshank (<i>Tringa nebularia</i>) [A164]</b></p> <p><b>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</b></p> <p><b>Wetland and Waterbirds [A999]</b></p> <p><u>Conservation Objective:</u></p> <p>To maintain or restore the favourable conservation condition of the habitats/species for which this SPA has been selected.</p>		
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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 the proposed development site has potential hydrological connectivity with two Natura 2000 sites (Lower River Shannon SAC and River Shannon and Rive Fergus Estuaries SPA). The Ballynaclogh River is located to the south and west of the site. Currently, surface water on the existing site either infiltrates naturally through the ground or by overland flow to the existing drainage network. Significant effects during the construction phase cannot be ruled out without the implementation of best practice construction design measures. There are no hydrological links between the proposed development and any other Natura 2000 sites listed. In addition, the construction activity will see a localised increase in a potential source of disturbance within the development site.

5.5.11 The potential for cumulative effects resulting from the proposed development when considered in combination with other plans and projects will be considered as part of a Stage 2 Appropriate Assessment.

5.5.12 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. 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

5.5.13 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 3:

Site Name	Site Code	Distance
<b>Lower River Shannon SAC</b>	002165	0.16km
<b>River Shannon and River Fergus Estuaries SPA</b>	004077	0.53km

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 phase and a potential disturbance to wintering birds due to construction noise.

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 a NIS for the proposed development at former Greenpark racecourse, 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 indirect impacts arising from the proposed development are outlined in section 5.1.1. Details of mitigation measures are outlined in section 5.2. Cumulative or in-combination effects are examined within section 5.1.2 and it is concluded that significant in combination effects of the proposed project with other projects and plans are not likely.

5.5.18 The NIS concludes that with the implementation of the mitigation measures included in the design of the development, it can be objectively concluded that no significant effects arising from the proposed development are likely to occur in relation to the Lower Shannon SAC and River Shannon and River Fergus Estuaries SPA, or indeed any other Natura 2000 site in the wider hinterland.

5.5.19 By applying a precautionary principle and on the basis of objective information, it is my opinion, that the designated sites in closest proximity to the development site, require further consideration only. Based on the above and taking a 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 4:

Site Name	Site Code	Distance
Lower River Shannon SAC	002165	0.16km
River Shannon and River Fergus Estuaries SPA	004077	0.53km

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. 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](http://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. Potential indirect impacts of the proposed development on key habitats and species have been set out in section 5.1.1 of the NIS and I refer the Board to same.

Table 5:

Designated Site	Qualifying Interests (*QI <b>most likely to be impacted highlighted in BOLD</b> )	Conservation Objective (favourable status)
Lower River Shannon SAC	<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p><b>Estuaries [1130]</b></p> <p><b>Mudflats and sandflats not covered by seawater at low tide [1140]</b></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>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p><b>Water courses of plain to montane levels with the <i>Ranunculum fluitans</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</b></p>	Maintain/Restore the favourable conservation status of habitats and species of community interest

	<p><b>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</b></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><b>Petromyzon marinus (Sea Lamprey) [1095]</b></p> <p><b>Lampetra planeri (Brook Lamprey) [1096]</b></p> <p><b>Lampetra fluviatilis (River Lamprey) [1099]</b></p> <p><b>Salmo salar (Salmon) [1106]</b></p> <p><i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p> <p><b>Lutra lutra (Otter) [1355]</b></p>	
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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. Indirect habitat loss or deterioration of designated sites within the surrounding area could occur from the effects of run-off or discharge into the aquatic environment through impacts such as increased siltation, nutrient release and/or contamination. The Ballynaclogh River is located to the south and west of the site, which forms part of the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. There is therefore a direct hydrological connection between the development site and this designated site. No other pathways between the development site and designated sites exist.

5.5.26 The ground conditions at the site mean that the main pathway for contamination is via surface water pathways. It is noted that all treated water will be directed to an existing lagoon to the west of the site. This lagoon was constructed in anticipation of the site being developed and was sized to receive and attenuate the operational surface water drainage. The lagoon will therefore be capable of dealing with run-off from the unpaved site during construction. All surface water drainage from hard

standing areas will ultimately drain to the lagoon via suitably sized bypass interceptors.

- 5.5.27 In addition, the construction activity will see localised increase in potential source of disturbance for example noise, vehicular movements and presence of people within the development site. Disturbance of any key species of other Natura 2000 sites is not expected.
- 5.5.28 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 5.2-5.5.3. Controlled surface water runoff procedures will be implemented; materials will be properly stored on site; appropriate training will be given. A suitably experienced and qualified Ecological Clerk of Works will be appointed to ensure that the environmental control measures are fully and properly implemented.
- 5.5.29 Foul and surface water will only be discharged to the mains sewer under authorisation from Uisce Eireann and the local authority. 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. Given the distance between the site and development site (c. 0.16 km) it is not likely that any pollution event at the development site could result in significant impacts on the SAC.
- 5.5.30 No invasive species, listed on the 3<sup>rd</sup> Schedule of S.I. 477/2011 have been listed as being recorded on site.
- 5.5.31 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

- 5.5.32 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. 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 5.1.1 of the NIS and I refer the Board to same.

Table 6:

Designated Site	Qualifying Interests (*QI/SCI most likely to be impacted highlighted in BOLD)	Conservation Objective (favourable status)
River Shannon and River Fergus SPA	<b>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</b> <b>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</b> <b>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</b> <b>Shelduck (<i>Tadorna tadorna</i>) [A048]</b> <b>Wigeon (<i>Anas penelope</i>) [A050]</b> <b>Teal (<i>Anas crecca</i>) [A052]</b> <b>Pintail (<i>Anas acuta</i>) [A054]</b> <b>Shoveler (<i>Anas clypeata</i>) [A056]</b> <b>Scaup (<i>Aythya marila</i>) [A062]</b> <b>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</b> <b>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</b> <b>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</b> <b>Lapwing (<i>Vanellus vanellus</i>) [A142]</b> <b>Knot (<i>Calidris canutus</i>) [A143]</b> <b>Dunlin (<i>Calidris alpina</i>) [A149]</b> <b>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</b> <b>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</b> <b>Curlew (<i>Numenius arquata</i>) [A160]</b> <b>Redshank (<i>Tringa totanus</i>) [A162]</b> <b>Greenshank (<i>Tringa nebularia</i>) [A164]</b> <b>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</b> <b>Wetland and Waterbirds [A999]</b>	To maintain/restore the favourable conservation status of all species listed

- 5.5.33 In terms of ex-situ feeding potential, the low-lying and relatively undisturbed nature of the former racecourse lands, it was important to ascertain if there was any usage of the lands by wintering birds. The monthly winter surveys undertaken confirmed that the proposed development site and all adjoining lands within the applicant's ownership does not appear to be used to any appreciable extent by SCI species of the River Shannon and River Fergus Estuaries SPA. There were no sightings of any concentrations of waterbirds made on site during these surveys. Low numbers of Snipe were recorded and in February 2021, a pair of Mallard using the wetter, more low-lying part of the study area. Snipe are not a SCI for this designated site. In terms of the development site itself, with the exception of low numbers of Snipe, there were no waterbirds present during any of the winter walk-overs. The development site and adjoining lands by wintering birds, especially those listed as SCI for the SPA. The entirety of the Greenpark racecourse lands were surveyed each month between October 2020 and March 2021. The development site is not located directly adjacent to any watercourses and is dominated by habitats that would be generally be unattractive for these species.
- 5.5.34 I note that the nature of the habitats on site provided limited ex situ feeding resource, of which the majority favour waterbodies, arable/cultivated lands or open green spaces with short grass. The habitat that covers the subject development site (as set out in Table 3.3 of EclA), primarily scrub/woodland/grassland habitats, in combination with distance from SPA, disturbance from local community and availability of suitable habitat in wider area render it largely unsuitable for the SCI species listed for the River Shannon and River Fergus SPA.
- 5.5.35 The site is not located in close proximity to the coast, it lies 0.53km from the River Shannon and River Fergus SPA and is separated from the SPA by a significant urban buffer. I note that there is significant high-quality habitat located in the immediate vicinity of the SPA. Therefore, it is concluded that the site and habitats within form a negligible ex-situ foraging/roosting resource, if any, for SCI species of this SPA.
- 5.5.36 Potential indirect impacts 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.

5.5.37 Construction works are likely to result in localised/temporary disturbance in noise levels, however the area is already exposed to ongoing daily noise given its location. Mitigation measures are proposed to include timing of construction outside of wintering bird months.

5.5.38 Section 5.1.2 of the NIS considers the potential for cumulative or in-combination 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

5.5.39 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.

5.5.40 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on two European Sites.

5.5.41 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.

5.5.42 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 Appeal

### 6.1. Grounds of Appeal

One appeal submission was received from LNGRA, which may be broadly summarised as follows:

- Requests proposal be assessed de novo
- Principle of proposed development- proposal could be considered premature pending development of 'Vance' lands right of way; new masterplan required; existing masterplan has no legal standing with no public consultation; concerns regarding piecemeal development and unsustainable development
- Distance to local amenities and public transport; compliance with Development Plan policy in relation to nursing home development; lack of integration with local community; located on edge of a housing area
- Traffic concerns- pedestrian and cyclist safety; capacity of road network to accommodate additional cyclists/pedestrians; increased usage of existing footpath in Log na gCapall will have a direct and negative long-term impact in terms of residential amenities and devaluation of properties; increased anti-social behaviour; pedestrian links are notoriously problematic and work in new development areas not when traversing existing residential areas. Opening up of area to pedestrians and cyclists will be to the detriment of existing long-term residents; alternative access proposed through 'Vance' lands that would address many of concerns raised
- Reference to 'existing vehicular gates' is incorrect in previous SHD application. Log na gCapall is a cu-de-sac despite the presence of double gates
- Impacts on residential amenity- design, layout, size and scale of proposal is not appropriate; out of character; consider to be a commercial development in a residential area; safety and security concerns



- Other Matters- lack of clarity in some planning conditions attached by planning authority (specifically Conditions No.s 4, 5, 7). Agreeing details by condition denies third party involvement. Clarity on definition of 'incident'

## 6.2. Applicant Response

A response received on behalf of the first party may be broadly summarised below:

- Refutes grounds of appeal
- Sets out proposal in context of current local and national policy and considers proposal to accord with national, regional and local policy objectives in respect of delivering purpose-built accommodation to cater for the needs of the elderly, which has been identified as a key objective on the context of Ireland's rapidly ageing population
- Proximate to high frequency bus connections into Limerick city centre and surrounding area and local services; considered to be well located to accommodate such a development
- Proposed design ensures compatibility with surrounding development, existing and permitted; will not give rise to unacceptable adverse impacts on neighbouring residential amenity
- Provided pedestrian/cyclist access via Log na gCapall which will contribute to policy objectives surrounding sustainable mobility through the delivery of a more integrated and sustainable transport network within the surrounding area; delivery of increased permeability and connectivity also aligns with best urban design practice and ensure safe and well-integrated development that contributes to sustainable communities
- Proposal is on accordance with proper planning and sustainable development of the area

## 6.3. Planning Authority Response

None

#### **6.4. Observations**

Six observations were received. Two of the observations welcome the proposal, offer support for it and consider it compatible with neighbouring development in Log na gCapall. Others welcome the relocation of the vehicular entrance to Dock Road and welcome in principle the proposal but have concerns in relation to specific matters. Many of the matters of concern were largely contained within the appeal submission. In the interests of brevity, I will not reiterate but will refer the Board to same. I shall expand on matters raised within the main body of my report. Additional matters raised, not included in the appeal submission include:

- Inadequacy of discussions with local residents
- Zoning concerns
- Submission of Mobility Management Plan and Construction Management Plan including details of construction hours
- Additional design details required for pedestrian/cycle access; lack of compliance with DMURS
- Lack of parking for nursing home
- Residential Amenity concerns- overbearing, impacts on sunlight, overshadowing
- Other matters- impacts on wildlife and species associated with SAC

#### **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 submissions received, together with observations, further responses and having twice inspected the site, I consider that the main issues in this appeal are as follows:

- Principle of proposed development/policy context

- Traffic and Transport
- Impacts on residential amenity
- Other matters

## 7.2. Principle of proposed development/policy context

- 7.2.1 The proposed development comprises the construction of a four-storey nursing home development comprising 126 bed spaces with total stated floor area of 5237m<sup>2</sup> including ancillary day space (777m<sup>2</sup>), 39 car parking spaces and all associated site development works, located on lands of the former Greenpark racecourse, Dock Road, Co. Limerick. Access to the proposed development is via a previously permitted link to the Dock Road with bicycle/pedestrian access through Log na gCapall development. The subject site comprises a stated 1.3 hectares out of a total area of 47 hectares within the Greenpark racecourse lands, for which a non-statutory masterplan has been prepared in consultation with the local authority.
- 7.2.2 The Limerick Development Plan 2022-2028 applies and the zoning objective is 'Existing Residential' which seeks 'to provide for residential development, protect and improve existing residential amenity'. 'Nursing home' is 'generally permitted' under this zoning objective. The lands on which the access roads are located (and which have been previously permitted under ABP-311588-21), are zoned 'New Residential' and 'Enterprise and Employment'.
- 7.2.3 I note the operative County Development Plan is generally supportive of development of the nature proposed in this current appeal and includes for an Age Friendly Strategy (section 10.8). This Development Plan is relatively recent, having come into effect in July 2022. It states that the provision of both public and private healthcare facilities, together with community support services, will be encouraged on suitably zoned lands that are accessible to new and existing residential areas and that benefit communities by providing multi-disciplinary health care, mental health and wellbeing services in easily accessible locations (Section 10.7). Section 4.2.12 further states that proposals for nursing homes/care home accommodation shall be located in existing residential areas well served by appropriate levels of infrastructure and amenities such as footpath networks, local shops and public transport. This will ensure appropriate integration with the local community and afford the residents an appropriate level of independence and access to services. I am of the opinion that

given the location of the subject site, adjacent to existing and under construction (SHD development) residential development that the proposal is substantially in compliance with these sections of the operative County Development Plan. The proposal seeks to integrate with the existing community by way of providing pedestrian/cycle links through the existing Log na gCapall development. The third-party appeal cites concerns regarding lack of integration on one hand, whilst at the same time objecting to the proposed pedestrian/cycle links, which seek to achieve such integration. This appears somewhat contradictory to me.

7.2.4 I highlight to the Board that some of the third-party submissions received raise concern that the proposal is not in compliance with Objective HO O10 of the operative County Development Plan, which states that 'it is an objective of the Council to ensure that the maximum distance from nursing homes/care homes shall be no more than 300m safe walking distance to community facilities, convenience retail facilities and amenities'. The proposed development is located approximately 450m from the nearest retail facilities, with the Crescent Shopping Centre located approximately 750m distant. The nearest bus stops are approximately 400m from the pedestrian access on the Ballinacurra Road, with a frequent service into the city centre. I note that the planning authority did not consider the proposal to be a material contravention of the operative Development Plan in this regard and granted permission for the proposed development. I consider that the proposal does not represent a material contravention of the Plan in this regard and I consider that the provisions of Section 37(2)(b) do not apply in this instance. I note the locational context of the site, close to existing and permitted residential development, in close proximity to good public transport links, good established pedestrian infrastructure, located approximately 2.5km from Limerick city centre and 750m from the Crescent shopping centre. The operative Plan seeks to accommodate the needs of older people by encouraging the provision of suitable accommodation to allow them remain in their established communities. The provision of this proposed nursing home, with associated day care service, at this location would help meet this commitment of the planning authority.

7.2.5 Section 11.4.5 of the Plan notes that when assessing planning applications for Nursing Homes/Assisted Living Units, the Council will have regard to location; accessibility; open space provision and quality landscaping; parking facilities and

design, layout and size being appropriate to the area. In terms of location, the site is located in an urban area, considered to be 'outer suburban/greenfield' location close to the built-up area of Limerick city. It is located within established neighbourhoods/residential areas, which is well served by community infrastructure and amenities. In terms of accessibility, the proposal is proximate to high-quality public transport links and provision of good footpath links via the Log na gCapall development. I do not anticipate that the proposal will lead to potential negative impacts on residential amenities of adjoining properties, however I shall deal with this matter further below. Adequate open space is provided to comply with Development Plan requirements, while quality landscaping is proposed. Adequate parking facilities, including EV charging is proposed. I am of the opinion that the design, layout, size and scale of the proposal is appropriate to the area. The proposal would provide an attractive addition to the area and would provide good quality of accommodation for future occupants. The proposal is considered not to represent a piecemeal form of development and I note the non-statutory masterplan for the overall racecourse lands in this regard. Having regard to the above, I am satisfied that the proposal is substantially in compliance with section 11.4.5 of the operative Development Plan and does not materially contravene Objective HO 010 of the Plan.

- 7.2.6 In terms of national policy, I refer the Board to the NPF, in particular NPO 30, which seeks to meet the needs and opportunities of an ageing population. It is stated in the documentation that the proposed nursing home will cater for those living in the community, so as to enable them to remain with their community within existing built-up environments. It is envisaged in the NPF that the population projection of those aged over 65, will account for an estimated 23% of the population (1.3 million persons) of the State's total population by 2040, as opposed to 13.5% in 2016. The NPF notes that this ageing population will give rise to a range of changing needs, particularly in the areas of housing and healthcare. The NPF is underpinned by a goal of providing accommodation best suited to cater for the needs of a growing elderly population. In addition, the Board is referred to RSES for the Southern Region, in particular RPO 182 which relates to an ageing population and which seeks to support Smart Ageing and National Positive Ageing policies...to ensure that local planning, housing, transport/accessibility and leisure policies meet the needs and

opportunities of an ageing population. Having regard to all of the above, I consider that the proposal to be in compliance with this national and regional policy and an appropriate form of development at this location.

7.2.7 The third-party submissions received raise concerns regarding the submitted masterplan, its legal standing and lack of third-party participation in its preparation. It is further contended that the proposal could be considered premature pending development of 'Vance' lands right of way. I note that this masterplan was prepared in 2020 and submitted with the SHD application, recently granted permission (ABP-311588-21). Limited information in relation to this masterplan was submitted with this current application. The Board did not consider the permitted SHD application premature pending the development of the Vance lands, which are in the ownership of the local authority. This masterplan is for the entirety of the Greenpark racecourse lands and it seeks to rejuvenate and regenerate this large undeveloped site and significant land back in the urban area. I acknowledge that it is not a statutory document, however, the applicant states that it was prepared in conjunction with Limerick City and County Council and sets out a vision for the overall lands. The planning authority raised no objection to the content of the masterplan. I am satisfied that notwithstanding that it is not a statutory document, it sets a vision for this area and this has previously been accepted by the Board in granting permission for the SHD development. Obviously, any development proposed on these lands will require a grant of planning permission and any such proposal will be assessed at that time. While I note the contents of the masterplan prepared in 2020, I am assessing this current appeal based on its own merits.

7.2.8 Having regard to all of the above, I am satisfied that the proposal is acceptable in principle and consistent with the provisions of local, regional and national policy in this regard.

### 7.3. Traffic and Transport Matters

7.3.1 I highlight to the Board that this is one of the main areas of concern raised in the third-party submissions namely concerns regarding pedestrian and cyclist safety; capacity of road network to accommodate additional cyclists/pedestrians; increased usage of existing footpath in Log na gCapall, which is contended will have a direct and negative long-term impact in terms of residential amenities and devaluation of

properties; increased anti-social behaviour; pedestrian links are notoriously problematic and work in new development areas not when traversing existing residential areas. Concerns are further raised that the opening up of the Log na gCapall area to pedestrians and cyclists will be to the detriment of existing long-term residents and that an alternative access through 'Vance' lands that would address many of concerns raised.

7.3.2 I highlight to the Board that in the original application to the planning authority, the proposal provided for vehicular/pedestrian/cycle access through the Log na gCapall housing development. In the Further Information response to the planning authority, the vehicular access was revised such that, it is now proposed to link with an existing permitted road (permitted under SHD application) onto Dock Road. The only traffic now passing through Log na gCapall development from this proposed development is cyclist/pedestrian and in emergency situations where the Dock Road becomes inaccessible. The third parties contend that there was never access from these lands through their development, which while may be the case, I highlight to the Board that nonetheless there exists double gates and a separate pedestrian gate from Log na gCapall through to the subject site. Pedestrian access through the Log na gCapall development was permitted in the SHD application.

7.3.3 Condition No.s 3 and 7 of this current grant of permission is noted. Condition No. 3 stipulates that the development shall not be occupied until such time as the access from Dock Road (R510) is completed. Condition No. 7(i) stipulates that the existing vehicular gate at the end of the cul-de-sac at Log na gCapall shall be replaced with a new gate and kept at the same width. The cycle lane and pedestrian route from the ramp shall be a shared surface tied into the existing layout at the end of the cul-de-sac at Log na gCapall. Condition No. 7(iii) stipulates that the new gate shall remain locked and only used in the event of the Dock Road (R510) access being temporarily inaccessible due to an incident. This has raised concerns among local residents as to what constitutes an 'incident', that there is a vagueness to the wording and they are requesting clarity as to when this access may be used. I consider that the wording of these conditions is quite clear- the development shall not be occupied until such time as the access from Dock Road (R510) is completed and the new gate shall remain locked unless the Dock Road becomes temporarily inaccessible. If the Dock Road is not inaccessible, then the gate remains locked. The Dock Road is a

main thoroughfare into the city that carries a significant amount of traffic. It is envisaged that for it to become inaccessible (and remain so for any period) on any regular basis is very unlikely and would only occur in very limited circumstances. I would envisage that the responsibility for locking/unlocking the gate would remain with the management company. I am satisfied in this regard.

7.3.4 I do not accept the arguments put forward in the third-party submissions relating to inadequate capacity of the existing road network to accommodate additional pedestrians/cyclists in the area. No evidence has been put forward to validate these claims. A Traffic and Transport Assessment was submitted with the application documentation. The site is located within an urban area, approximately 2.5km from Limerick city centre. The Log na gCapall development has footpaths, a good carriageway width and public lighting. I saw very few people utilising the existing infrastructure at the time of my site visit and I have no information before me to validate the claims that existing infrastructure could not accommodate additional cyclists/pedestrian traffic movements generated by this proposed nursing home development. I strongly disagree with the assertion that pedestrian links are notoriously problematic and only work in new areas and that the opening up of this pedestrian/cycle link will be to the detriment of existing, local residents. Such increased permeability within an urban area is one of the cornerstones of good urban design and is to be welcomed in principle. In any event, this link has already been permitted by An Bord Pleanála in the grant of permission for the SHD application. I recommend that if the Board is disposed towards a grant of permission, that this matter be dealt with by means of a similarity worded condition to that attached by the planning authority in their grant of permission. I have no information before me to believe that the opening up of this pedestrian/cycle link would lead to devaluation of property, would lead to increased anti-social behaviour or be detrimental to the residential amenities of the area.

7.3.5 One of the third-party submissions received raise concerns regarding the adequacy of car parking provision to serve the proposed development. I note that 39 car parking spaces are proposed, of which 4 no. are EV charging spaces. The planning authority have not raised concerns in this regard. I note that section 7.10.4 of the operative Development Plan states that maximum car parking standards have been applied in all areas, to support the shift away from car dependency and to support



the modal shift to alternative modes of transport. The subject site is located in Zone 3 which sets out a maximum of 1 space per 4 beds. In this instance, 126 bedspaces requires a maximum of 31.5 car parking spaces. Therefore, the parking provision is actually in excess of Development Plan standards. The Board may decide to omit 7 no. spaces, if they are minded to grant permission. In this instance, I am satisfied with the quantum of car parking proposed.

- 7.3.6 The planning authority have not raised concerns in relation to the proposed traffic and access arrangements. I am generally satisfied in this regard. The proposed vehicular access will link into an existing permitted access onto the Dock Road and Condition No. 3(i) stipulates that the development shall not be occupied until such time as the access from the Dock Road (R510) is completed. This is considered reasonable and I recommend a similarly worded condition to any grant of permission. I consider there to be no lack of clarity regarding the use of the existing double gates at the end of the cul-de-sac with Log na gCapall and consider that the matter can be adequately dealt with by means of condition. I have no information before me to believe that the proposal will lead to the creation of a traffic hazard or obstruction of road users. I am satisfied in this regard, subject to condition.

#### 7.4. Impacts on Residential and Visual Amenity

- 7.4.1 I highlight that this a matter contained within the third-party submissions received, including *inter alia*, overlooking, overshadowing and loss of light, together with privacy concerns. Concerns were raised that the development as proposed, would negatively impact on the value of their properties and would lead to increased anti-social behaviour in the area.
- 7.4.2 Having regard to the orientation and location of the site, the separation distances involved and the design of the proposed development, I do not have undue concerns with regards the impacts on amenity of properties in the vicinity. 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 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. A Sunlight and Daylight Access Impacts Analysis was submitted with the application

documentation. This analysis notes that the potential impact of shadows cast by the proposed development on sunlight access to the sample studied gardens at Log na gCapall is assessed as ranging from 'none' to imperceptible' to 'slight'. In terms of daylight access, the analysis indicates that the proposed development is likely to result in little or no change in daylight access to the sample windows in the existing buildings in Log na gCapall and there is no potential for the proposed development to result in an adverse reduction in VSC at the sample studied windows, within the meaning of the BRE Guide. I am generally satisfied that the proposal will not impact on the amenities of the area, including by way of overlooking, overshadowing or loss of light to such an extent as to warrant a refusal of permission. I have no information before me to believe that the proposal, if permitted would lead to devaluation of property in the vicinity. Impacts on privacy would not be so great as to warrant a refusal of permission. This is an urban location and a certain degree of overlooking, overshadowing, impacts on privacy and loss of light is to be anticipated at such a location. There is an acknowledged need for accommodation for older people and this is a serviceable site in an established urban area where adequate services and facilities exist.

- 7.4.3 In terms of visual amenity, 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 consider that given the shared access arrangements, the proposed nursing home development would read as part of the overall permitted SHD development on the adjoining lands. In time, it is anticipated that the remainder of the racecourse lands may also be developed. 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.
- 7.4.4 Issues raised in the third-party submissions regarding anti-social behaviour are a matter for An Garda Síochána, outside the remit of this planning application.
- 7.4.5 Having regard to all of the above, I am satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is acceptable and the proposal if permitted would be an attractive place in which to reside. I am also satisfied that

impacts on existing residential amenity would not be so great as to warrant a refusal of permission.

7.5. Other Matters

7.6. While consultation with local residents is welcomed and often beneficial for all parties, I note that there is no obligation in the legislation for the applicants to consult with local residents prior to submission of a planning application.

7.7. I am generally satisfied with the remainder of the proposal, subject to compliance with conditions. The proposal will be an attractive addition to the area at this location and would contribute to the mix of community facilities in the area, in accordance with its zoning objective. As stated above, a masterplan has been submitted to demonstrate how the proposal will interact with the recently permitted and possible future development on Greenpark racecourse lands. I am generally satisfied in this regard. The planning authority are also satisfied. The proposal is considered to be generally in compliance with relevant policies and objectives of the operative Development Plan and the proper planning and sustainable development of the area.

7.8. Conclusion

7.9. Having regard to all of the above, I am of the opinion that the applicant has demonstrated compliance with planning policy and I consider that the proposal is acceptable and in accordance with the proper planning and sustainable development of the area.

## 8.0 Recommendation

- 8.1 In light of the above assessment, I recommend that the decision of the planning authority be UPHELD and that permission be GRANTED for the following reasons and considerations.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Limerick Development Plan 2022-2028 and the location of the site, and the scale and quantum of development, as proposed, it is considered that the proposed development would not impact adversely on existing residential amenity, would represent an appropriate design response to the site's context, would not lead to the creation of a traffic hazard or obstruction of road users, would increase permeability within the area and would otherwise 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, as amended by the further plans and particulars submitted on the 15<sup>th</sup> day of July 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>(a) Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement and Ecological Impact Assessment submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.</p>

	<p>(b) The applicant shall make available a single document of the mitigation measures/recommendations relating to biodiversity that are outlined in the various documents that form part of the application, for the written agreement of the planning authority. This document shall include a programme for the implementation of the mitigation measures including any monitoring requirements by a suitably qualified ecologist shall accompany this document for written agreement at least 5 weeks in advance of site clearance works</p> <p>(c) The applicant shall appoint and retain the services of a qualified ecological consultant for the duration of the development. The consultant shall ensure that the mitigation measures recommended are implemented in full.</p> <p><b>Reason:</b> In the interest of protecting the environment and in the interest of public health.</p>
3.	<p>Details (including samples) of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity</p>
4.	<p>Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the visual amenities of the area.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900, Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
6.	<p>The developer shall comply with all requirements of the planning authority in relation to roads, access, signage, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:</p> <ul style="list-style-type: none"> <li>(a) The development shall not be occupied until such time as the access road from the Dock Road (R510) is completed to the written satisfaction of the planning authority</li> <li>(b) The existing vehicular gate at the end of the cul-de-sac at Log na gCapall shall be replaced with a new gate and kept the same width. The use of bollards is not permitted. The existing piers may have to be readjusted to facilitate these works. The new gate shall remain locked and only used in the event of the Dock Road (R510) access being temporarily inaccessible due to an incident</li> <li>(c) The cycle lane and pedestrian route from the ramp shall be a shared surface tied into the existing layout at the end of the cul-de-sac at Log na gCapall.</li> <li>(d) A pedestrian route shall be included from the car parking areas to the building</li> <li>(e) The recommendations of the Road Safety Audit shall be addressed in full, prior to occupation of the proposed development</li> <li>(f) A minimum of 10% of car parking spaces shall be provided with electric vehicle charging stations or points, at least one of which shall serve a car club or car share space, and ducting shall be provided for all remaining car parking spaces to facilitate the</li> </ul>

	<p>installation of electric vehicle charging points or stations at a later date</p> <p>(g) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,</p> <p>(h) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site</p> <p><b>Reason:</b> In the interests of traffic, cyclist and pedestrian safety; to provide for and future proof the development and in the interests of clarity</p>
7.	<p>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><b>Reason:</b> In the interests of pedestrian and traffic safety.</p>
8.	<p>Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Management Company. Confirmation that this company has been set up shall be submitted to the planning authority prior to the first occupation of the building.</p> <p><b>Reason:</b> To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.</p>

9.	<p>No additional development shall take place above roof parapet level, including 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.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
10.	<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><b>Reason:</b> In the interest of public health and to ensure a satisfactory standard of development.</p>
11.	<p>The applicant shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
12.	<p>(a) The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.</p> <p>(b) Details of hard landscaping materials and boundary treatment shall be submitted to and agreed in writing with the planning authority</p> <p><b>Reason:</b> To ensure a satisfactory completion and maintenance of the development in the interests of residential and visual amenity</p>



13.	<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><b>Reason:</b> In the interests of amenity and public safety</p>
14.	<p>The construction of 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. The plan shall provide details of intended construction practice for the development, including a detailed traffic management plan, hours of working, and noise management measures.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity</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><b>Reason:</b> 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</p>

	<p>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><b>Reason:</b> 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 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><b>Reason:</b> To ensure the satisfactory completion of the development.</p>
18.	<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</p>

	<p>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><b>Reason:</b> 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>
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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.

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Lorraine Dockery  
Senior Planning Inspector

04<sup>th</sup> April 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála</b>	ABP-314754-22		
<b>Case Reference</b>			
<b>Proposed Development Summary</b>	Nursing home development and ancillary works		
<b>Development Address</b>	Old Greenpark Racecourse, Dock Road, Limerick		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		<b>Yes</b>	x
		<b>No</b>	No further action required
<b>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?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	x		Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>			x Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	<input checked="" type="checkbox"/>	<b>Preliminary Examination required</b>
<b>Yes</b>	<input type="checkbox"/>	<b>Screening Determination required</b>

**Inspector: Lorraine Dockery****Date: 04/04/2024**