



An
Bord
Pleanála

Inspector's Report

ABP-316252-23

Development

A residential development comprising a four-storey apartment block consisting of 21 apartments and all associated site works

Location

Junction of the Childers Road
/Greenfield Road, Rosbrien, Limerick
(Townland of Ballinacurragh Weston),
County Limerick

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

23/60025

Applicant(s)

Lonadale Limited

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party v. Grant

Appellant(s)

Anthony Kelly

Observer(s)

None

Date of Site Inspection

15 July 2024

Inspector

Cáit Ryan

1.0 Site Location and Description

- 1.1. The subject site is a corner site located at the junction of Childers Road and Greenfields Road, approx. 1.5km from Limerick city centre. It is located directly east of a signalised crossroads, and is bounded to the north by Childers Road, an orbital route in the south city. There are tree-planted wide grass verges either side of Childers Road north of the subject site, and some recent provision of cycle paths on this road is apparent. Greenfields Road and Rosbrien Road are located to south and north of the crossroads respectively.
- 1.2. On the northern side of Childers Road there is a neighbourhood-type centre comprising uses such as credit union, café and community centre with crèche and a church set back from the road on its large grounds. Rosbrien Court, a two/three-storey residential scheme comprising houses and apartments has recently been completed to the north the neighbourhood centre, accessed from Rosbrien Road. The Lidl supermarket premises and its large surface car parking area is located north west of the crossroads, diagonally opposite the site.
- 1.3. The site is bounded to the east by 4 Greenfields, an end of terrace house which forms part of the terrace at 1-4 Greenfields, and whose relatively long front gardens front Childers Road. The school grounds of the Mid West School for Hearing Impaired Children and Our Lady of Lourdes Primary School are to the east of these dwellings. Greenfields Road to the west and south of the site is characterised by established 2-storey terraced housing. 5 Greenfields bounds the site to the south.
- 1.4. The site area is stated as 0.237ha, and the development site is stated as 0.215ha. It is a cleared brownfield site. A small amount of hardcore was noted within the site near the entrance, and most of the site is overgrown. There is a slight slope on the site, whereby it falls gradually from north to south. Metal hoarding has been erected along northern, western and part of the southern site boundaries. There is a recessed vehicular access near the northern end of Greenfields Road frontage.

2.0 Proposed Development

- 2.1. Permission is sought for a residential development comprising
 - A part 3-storey, part 4-storey apartment building consisting of 21 apartments

- bin storage and lock ups
- site development works including connections to public watermain, foul and surface water drainage, access roads, footpaths, landscaping and boundary treatments
- 15no. car parking spaces and 34no. cycle parking spaces, comprising 22 internal and 12 external covered spaces
- setting Greenfields Road boundary wall further into the site to allow for future potential road upgrades along Greenfields Road.

at a site located at junction of Childers Road/Greenfields Road, Rosbrien, Limerick.

Save for a large terrace to serve Unit 21, a sedum roof is proposed. Documentation lodged with the application includes a Civil Engineering Report, dated October 2022.

2.2. The Design Statement lodged with the application states that the unit mix comprises:

- 8no. 1-bed units
- 13no. 2-bed units, of which 12no. are 4-person and 1no. is 3-person.

For clarity, email correspondence submitted on 15 March 2023 includes a revised accommodation schedule which sets out the following proposed unit mix:

- 9no. 1-bed units
- 12no. 2-bed (4 person) units

3.0 Planning Authority Decision

3.1. Decision

The planning authority made a decision to grant permission for the proposed development subject to 18no. conditions. Conditions of note are as follows:

- Condition 1: Development to be carried out in accordance with plans and particulars lodged on 26 January 2023 and on 16 March 2023, except where may be required to comply with the following conditions.
- Condition 3: Financial contribution of €40,720.00
- Condition 10: Management and maintenance shall be responsibility of legally

constituted management company. Details to be agreed.

- Condition 11: includes (i) submit revised site layout plan showing some car parking spaces repurposed as shared spaces for visitors and (ii) electric charging spaces and ducting for all spaces.
- Condition 13: Revised design of balcony facing Childers Road and Greenfields Road to incorporate louvres that can be drawn across or other suitable architectural approach.
- Condition 15: Submit Acoustic Design Statement (ADS) including assessment of road noise levels across the site prior to commencement. ADS shall consider potential impact of road noise on proposed units taking cognisance of WHO Environmental Noise Guidelines (2018), BS 8233:2014 (Guidance on sound insulation and noise reduction for buildings) and the ProPG (Planning & Noise: Professional Practice Guidance on Planning & Noise: New Residential Development) approach to new residential development. Reason stated is in the interests of orderly and sustainable development.
- Condition 16: Prior to commencement the developer shall locate and protect any Irish Water services within the site's red-line boundary. There shall be no building over water mains, common pipes, or sewers, and if found Irish Water must be contacted with a proposal for altering at the cost of developer.
- Condition 18: Archaeological monitoring to be carried out.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Executive Planner (16 March 2023)

- LSMATS identifies Childers Road as a Primary Cycle Route and on proposed 2040 Bus Priority route. Greenfields Road is a Secondary Cycle Route and on proposed 2040 Bus Priority Route. Current application incorporates setbacks.
- Separation distances between proposed building and site boundaries are acceptable and will not lead to adverse impacts on residential amenity
- Considers Vertical Sky Component (VSC) not required as overshadowing of

adjoining properties will either not take place or is minimal

- Recommends Acoustic Design Statement (ADS) raised in Environment Section report be addressed by condition.
- Considers proposed 15no. car parking spaces including 1no. accessible space is acceptable, subject to revisions to accommodate visitors.
- All apartments meet Limerick Development Plan standards and Section 28 Guidelines. A revised schedule was submitted on 15 March 2023 with clarification of floor area of unit 17.

Recommends grant of permission subject to 18 no. conditions.

Senior Executive Planner endorsed Executive Planner's report on 20 March 2023.

3.2.2. Other Technical Reports

Environment Section (Waste Management): Recommends a construction waste management condition.

Environment Section (Noise): States the proposed development is approx. 200m from N18 and noise levels are expected to be between 50 and 55dB Lden from the strategic noise mapping which would not be expected to have an adverse impact for residents. Those levels are based on a 4m height receptor and the development is a 4-storey building. Recommends an Acoustic Design Statement (ADS) is prepared including an assessment of road noise levels across the site.

Fire Authority: No objection

Roads Section: No objection subject to conditions. States consideration should be given to some of the car parking spaces as shared spaces for visitors

Housing Section: Preliminary Part V agreement has been reached for transfer of 2 units on-site to Limerick City and County Council.

3.3. Prescribed Bodies

None.

3.4. Observations to the Planning Authority

27no. observations were received by the planning authority, 4no. of which are from public representatives. The main issues are summarised as excessive height, density, out of character with the area, overlooking and overbearing impacts, traffic congestion and inadequate car parking.

4.0 Planning History

Subject Site:

P.A. Ref. 05/770044: Permission was granted in 2005 to retain demolition of shop and permission to construct part 2-, part 3-storey building comprising 20 apartments. The Design Statement submitted with the current case states 18no. apartments were permitted (although refers erroneously to P.A. Ref. 05/44).

ABP-315376-23 and P.A. Ref. 22/368: Permission was sought for a 5-storey apartment building containing 24no. units. Following a FI request, planning authority made a decision to grant permission for 21no. units. This application was withdrawn on appeal in 2023.

P.A. Ref. 23/60686: Permission granted to retain site hoarding with proposed modifications on site perimeter and hardstanding at site entrance at junction at Childers Road/Greenfields Road. Condition 2 states that permission shall be for a period of 2 years from date of notification of grant of permission. Final grant date is 13 December 2023.

Sites in Vicinity:

ABP-315273-22: The Board's decision to grant permission subject to conditions for 68 student accommodation apartments and 30 Build to Rent apartments at Punches Cross was quashed. This site is located at the junction of Rosbrien Road and O'Connell Avenue, approx. 230m north west of the site.

P.A. Ref. 18/8014: A Part 8 was approved in 2018 for 17 no. residential units comprising 5no. houses, 6no. apartments and 6no. duplexes at Gough Place, Rosbrien Road, as a part 2-storey, part 3-storey development. Other works include

relocation of existing pitch and roadworks. This scheme has been named Rosbrien Court and is approx. 110m north of the subject site. The houses and apartments appear substantially complete and are occupied.

5.0 Policy Context

5.1. Limerick City and County Development Plan 2022-2028

Land Use Zoning Objectives and Development Plan Mapping

The site is zoned **New Residential** in the Limerick City and County Development Plan 2022-2028, whereby the objective is to provide for new residential development in tandem with the provision of social and physical infrastructure.

The Development Plan outlines that this zone is intended primarily for new high quality housing development. The quality and mix of residential areas and the servicing of lands will be a priority to support balanced communities. New housing and infill developments should include a mix of housing types, sizes and tenures. Design should be complimentary to the surroundings and should not adversely impact on the amenity of adjoining residents. These areas require high levels of accessibility, including pedestrian, cyclists and public transport (where feasible).

Surrounding land uses in the immediate vicinity are:

- Greenfields dwellings to the east and Greenfields Road to west and south are zoned **Existing Residential**, whereby it is an objective to provide for residential development, protect and improve existing residential amenity.
- There is a narrow stretch of **Open Space and Recreation** zoned lands along the roadside frontage of Childers Road.
- On the opposite (northern) side of Childers Road, lands are zoned **Local Centre** and **Education and Community** on the western and eastern sides of Rosbrien Road respectively.

Development Plan mapping indicates that the site is

- within the 45+ density area

- within Flood Zone C

Chapter 2: Core Strategy

Table 2.6: Density Assumptions per Settlement Hierarchy outlines that site is within:

- Level 1 Limerick City and Suburbs (in Limerick), Mungret and Annacotty
- Density Zone 2: Intermediate Urban Locations/Transport Corridors, where minimum net density of 45+ dph are required at appropriate locations within:
800 metres of (i) the University Hospital; (ii) Raheen Business Park; (iii) National Technology Park; (iv) University of Limerick; (v) Technological University of the Shannon; (vi) Mary Immaculate College;
500m of high frequency (min. 10-minute peak hour frequency) existing or proposed urban bus services and;
400m of reasonably frequent (min. 15-minute peak hour frequency) urban bus services.

Chapter 3: Spatial Strategy

Objective CGR O3 Urban Lands and Compact Growth includes that it is an objective of the Council to:

- Deliver 50% of new homes within the existing built-up footprint of Limerick City and Suburbs (in Limerick), Mungret and Annacotty and 30% of new homes within the existing built-up footprint of settlements, in a compact and sustainable manner in accordance with the Core and Housing Strategies of this Plan.
- Encourage and facilitate sustainable revitalisation and intensification of brownfield, infill, underutilised and backland urban sites, subject to compliance with all quantitative and qualitative Development Management Standards set out under Chapter 11 of this Plan.

Chapter 4: Housing

Objective HO O2 Density of Residential Developments includes it is an objective of the Council to: a) Promote, where appropriate, increased residential density in the exercise of its development management function and in accordance with Table 2.6 Density Assumptions per Settlement Hierarchy in Chapter 2: Core Strategy and the

Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and the accompanying Urban Design Manual, DEHLG, May 2009.

Chapter 7: Sustainable Mobility and Transport

Objective TR O12 Limerick BusConnects Programme It is an objective of the Council to support the implementation of the Limerick BusConnects programme including b) A programme of Core Bus Corridors, which seeks to provide end-to-end full bus priority on key bus routes via measures such as new bus lanes, bus gates and bus priority signals, in order to ensure that bus services are no longer subject to traffic congestion impacts in Limerick. Corridors that are a priority include Childers Road between Parkway Roundabout and Ballinacurra Road.

Chapter 10: Sustainable Communities and Social Infrastructure

Objective SCSi O4 Ten - Minute Neighbourhood It is an objective of the Council to implement a strategy based on the sustainable compact settlements concept '10-minute city and town', whereby a range of community facilities and services are accessible in short walking and cycle timeframes from homes, or are accessible by high quality public transport services by connecting people to larger scaled settlements delivering these services.

Chapter 11: Development Management Standards

Section 11.3.6 Open Space Requirements states *inter alia* that open space shall be cognisant of the principles of national guidance including accessibility, personal and child safety, linkage, place-making, public realm, permeability and the hierarchy of open space. In brownfield sites or infill sites, a minimum of 10% may be provided as public open space.

5.2. Natural Heritage Designations

The site is not located in or adjacent to a European site.

- River Shannon and River Fergus Estuaries SPA (Site Code 004077) is located approx. 1.44km to north west.
- Slievefelim to Silvermines Mountains SPA (Site Code 004165) is approx.

15.7km to east.

- The nearest parts of Lower River Shannon SAC (Site Code 002165) are approx. 1.5km to west and north west.

The nearest part of Fergus Estuary and Inner Shannon, North Shore pNHA (Site Code 002048) is approx. 1.5km to north west.

5.3. National Planning Policy

5.3.1. The following list of Section 28 Ministerial Guidelines and other policy documents are considered to be of relevance to the proposed development, three of which are further outlined. Specific policies and objectives are referenced with the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- National Planning
- Regional Spatial and Economic Strategy for the Southern Region
- Limerick Shannon Metropolitan Area Transport Strategy 2040 (LSMATS)

5.4. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage (2024)

5.4.1. Sustainable Residential Development and Compact Settlements Guidelines were introduced by the Department of Housing, Local Government and Heritage in 2024, and replace Sustainable Residential Development in Urban Areas Guidelines 2009. These are Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), such that planning authorities and An Bord Pleanála shall have regard to Ministerial Guidelines and shall apply any specific planning policy requirements (SPPRs) of the Guidelines.

5.4.2. Table 3.2 - Area and Density Ranges Limerick, Galway and Waterford City and Suburbs outlines that City – Urban Neighbourhoods includes (ii) strategic and sustainable development locations and (iii) lands around existing or planned high capacity public transport nodes or interchanges (defined in Table 3.8) – all in the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of the Guidelines that residential densities in the range 50 dph to 200 dph (net) shall generally be applied in urban neighbourhoods of these 3 cities.

5.4.3. Special Planning Policy Requirements include:

- SPPR 1 - Separation Distances states statutory development plans shall not include an objective where minimum separation distances exceed 16 metres between opposing windows serving habitable rooms at rear or side of houses, duplex units or apartment units above ground floor level. Applications shall be determined on a case-by-case basis.
- SPPR 2 – Minimum Private Open Space Standards for Houses include that apartments and duplex units shall be required to meet private and semi-private open space requirements of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023. For urban infill schemes on smaller sites (e.g., sites up to 0.25ha), private open space standard may be relaxed in part or in whole subject to overall design quality and proximity to open space.
- SPPR 3 – Car Parking states *inter alia* that in city centres and urban neighbourhoods of the five cities, car parking provision should be minimised, substantially reduced or wholly eliminated. The maximum car parking provision where justified shall be 1no. space per dwelling.
- SPPR 4 – Cycle Parking and Storage states that all new housing schemes are to include safe cycle storage facilities for residents and visitors. It states that residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied.

5.4.4. Policy and Objective 5.1 - Public Open Space requires development plans to include objective(s) relating to public open space in new residential developments, whereby such provision shall be not less than minimum 10% of net site area and not more

than minimum 15% of net site area save in exceptional circumstances. Different minimum requirements (within the 10-15% range) may be set for different areas.

5.5. Sustainable Urban Housing: Design Standards for New Apartments (Department of Housing, Local Government and Heritage, 2023)

- 5.5.1. These are Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), such that planning authorities and An Bord Pleanála shall have regard to Ministerial Guidelines and shall apply any specific planning policy requirements (SPPRs) of the Guidelines. Appendix 1 sets out required minimum floor areas and standards, including for private and communal open space.
- 5.5.2. With regard to security, it states that entrance points should be clearly indicated, well lit, and overlooked by adjoining dwellings. Particular attention should be given to security of ground floor apartments and access to internal and external communal areas. Accessible, secure and usable outdoor space is a high priority for families with young children and less mobile older people. While private and communal amenity space may adjoin each other, there should generally be a clear distinction with appropriate boundary treatment and/or 'privacy strip' between the two.
- 5.5.3. It is stated (at Section 4.12) that for urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.
- 5.5.4. Appendix 1 sets out the minimum floor areas for communal space to include 1-bedroom: 5sqm and 2-bedroom (4 person): 7sqm. Minimum floor areas for private amenity space are the same as those for communal amenity space.

5.6. Limerick Shannon Metropolitan Area Transport Strategy 2040 (LSMATS)

- 5.6.1. The strategy outlines that this is the framework for the delivery of the transport system required to *inter alia* further the development of the Limerick Shannon Metropolitan Area as an environmentally sustainable and unified metropolitan unit and as a place where people of all ages can travel conveniently and safely.
- 5.6.2. It outlines that Strategic Walking Routes (at Section 8.3.2) connect residential areas to key areas of employment and third-level education in Limerick City Centre and

suburbs. It is envisaged that these will be upgraded in tandem with BusConnects and enhance the pedestrian (and cycle) network to enable greater levels of walking commuter trips or as part of linked-trips with public transport. Routes include Childers Road and link along Bloodmill Road to Groody Road.

5.7. Natural Heritage Designations

The site is not located in or adjacent to a European site.

- River Shannon and River Fergus Estuaries SPA (Site Code 004077) is located approx. 1.44km to north west.
- Slievefelim to Silvermines Mountains SPA (Site Code 004165) is approx. 15.7km to east.
- The nearest parts of Lower River Shannon SAC (Site Code 002165) are approx. 1.5km to west and north west.

The nearest part of Fergus Estuary and Inner Shannon, North Shore pNHA (Site Code 002048) is approx. 1.5km to north west.

5.8. EIA Screening

See completed Form 1 and Form 2. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is by Anthony Kelly on behalf of Undersigned Greenfields Residents, which includes 178 no. signatures.

The grounds of appeal are summarised as follows:

- Proposed development by reason of its design, density, height and layout would seriously injure the residential amenities of adjoining properties by reason of overlooking and overbearing impact.
- Proposal would be contrary to proper planning and sustainable development of the area.
- Residents requested height reduction from 4 to 3 storeys, which is a loss of just 3 apartments
- Bulk and scale of the proposal
- Contravention of minimum parking standards and location of access onto an already congested road.
- Residents proposed entry from Greenfields Road with exit on to a slip road off Childers Road. This was ignored by planning department.
- Limerick City Council recently developed an apartment complex at Gough Place of 17 units on a bigger site.
- Childers Road is a heavily trafficked inner orbital route that extends from nearby Punches Cross to the Parkway Roundabout. The Greenfields Road/Rosbrien Road link Childers Road to Junction 2 of the M20. This route acts as a 'rat run' for motorists, especially at peak times.

6.2. Applicant Response

The applicant's response to the grounds of appeal is summarised as follows:

- Proposal is for 13no. 2 bed (4 person) units and 8no. 1 bed (2 person) units. There is a discrepancy in the floorplans submitted to the planning authority whereby Unit 17 is shown as a 1-bed unit, but accommodation schedule and elevational drawings detail Unit 17 as a 2-bed unit. Unit 17 was intended as a 2-bed and correct floor plans are submitted to the Board correcting this error.
- The site comprises an infill and brownfield site, zoned for residential use in the Development Plan, adjoining existing residential development, within 10m of a

bus stop, 100m of a neighbourhood centre, adjoins a primary school and is within 479m of a district park (Portland Park).

- Apartment block is proposed in a T-configuration and positioned at northern extremity of the site, at a location furthest removed from neighbouring properties. It is 24m from houses to south and 23m from those to east. No overshadowing or loss of light occurs.
- Proposal fronts onto Childers Rd. which is a wide street.
- Site is 1,400m from Colbert Rail Station, 10m from a bus stop connecting to Raheen and 45m of a bus stop accessing city centre and Castletroy
- Apartments are significantly larger than minimum size Guidelines.
- Predominant house type in the area comprises 2 storey residential units. Proposal positively contributes to mix of dwelling typologies.
- 62% of units are dual aspect
- The open space has been divided into two distinct areas, with one taking advantage of the midday and morning sun and other area of the evening sun.
- Limerick Shannon Metropolitan Area Transport Plan (LSMATS) identifies Childers Rd. as Primary Cycle Route and is on proposed 2040 Bus Priority Route. Setback to facilitate this bus route is incorporated into the development
- Proposed Draft BusConnects confirms the provision of a bus route passing the site, linking the University Hospital with Athlunkard every 15 minutes.
- Located in Zone 2 Car Parking Provision of Development Plan, 15 no. car parking spaces inclusive of a disabled space, 22no. secure bike parking spaces and 12no. sheltered visitor spaces are proposed.
- Development Plan provides for maximum parking spaces to support shift away from car dependency. Table DM (a) clarifies that for urban infill schemes on sites of up to 0.25 hectares, car parking provision may relaxed in part or whole on a case-by-case basis, subject to overall design quality and location.
- Development traffic represents only a small fraction of traffic flows on the local road network. Capacity of the proposed development access junction was analysed using PCICADY software and the 2039 traffic flows including the

estimated traffic flows from the proposed development. Table 1.5 of Traffic Assessment Report demonstrates that the access junction on Greenfields Road will operate at a maximum of only 3.5% for all analysis periods with negligible (near zero) queues and delay predicted. Capacity results are well below the maximum allowable junction capacity of 85% (0.85).

6.3. Planning Authority Response

None

6.4. Observations

None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local, regional, national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Nature of Proposed Development - Planning Authority's Condition 1
- Compliance with Limerick City and County Development Plan – Land Use Zoning
- Density, Site Layout and Overdevelopment
- Impacts on Residential Amenities
- Traffic and Transportation
- Planning Authority's Condition 15
- Planning Authority's Condition 16
- Planning Authority's Condition 18

7.2. Nature of Proposed Development – Planning Authority's Condition 1

7.2.1. The Design Statement lodged with the application states that the proposed 21 no. apartments comprise

- 8no. 1-bed units
- 13no. 2-bed units, of which 12no. are 4-person and 1no. is 3-person.

However, I note that the lodged floor plans indicate that 9no. 1-bed units are proposed. No 3-person (2-bedroom) apartments are proposed on this drawing (Sheet No. 102; Rev. A). The accommodation schedule indicates that Unit 17 is a 2-person (3-bed) unit.

7.2.2. A revised accommodation schedule received in March 2023 clarifies that Unit 17 is a 1-bedroom (2-bedspace) apartment comprising 53sqm. In contrast, a revised drawing (indicated online as 'Unsolicited Further Information') shows Unit 17 amended to contain 2 bedrooms (3-bedspaces). There would therefore appear to be an inconsistency between the accommodation schedule and the drawings submitted in March 2023.

7.2.3. The planning authority's Condition 1 refers to the development to be carried out in accordance with the application lodged on 26 January 2023 and on 16 March 2023, except where otherwise required to comply with conditions. In terms of detail, I note that there is email correspondence on file which includes dates of 15 and 16 March 2023, although this is not date-stamped.

7.2.4. The applicant's response to the grounds of appeal outlines that the proposal is for 13no. 2 bed (4 person) units and 8no. 1 bed (2 person) units, that while the lodged application showed Unit 17 as a 1-bed unit it was intended as a 2-bed as per accommodation schedule and elevational drawings, and attaches correct floor plans. In terms of detail however, I note that Unit 17, where shown as a 2-bedroom unit, comprises a 3-bedspace unit, and not a 4-bedspace unit as stated.

7.2.5. While noting the inconsistencies on the lodged drawings and accommodation schedules on various dates, having regard to all information on file including the matters set out in the applicant's appeal response, I consider it reasonable in this instance to assess the proposed development on the basis of 21 no. apartments consisting of:

- 8no. 1-bed units
- 13no. 2-bed units, comprising 12no. 4-bedspace and 1no. (Unit 17) 3-bedspace units.

7.2.6. In the event that the Board was minded to grant permission, it is recommended that Condition 1 includes date of 15 March 2023, and that a separate condition confirms that Unit 17 comprises a 2-bed (3-bedspace) apartment as shown on plan lodged on 15 March 2023 (i.e., not a 1-bed unit shown on floor plan originally lodged).

7.3. Compliance with Limerick City and County Development Plan – Land Use Zoning

7.3.1. The site is zoned New Residential in the Development Plan. As such, the provision of a residential scheme comprising 21no. apartments would be in compliance with this land use zoning.

7.4. Density, Site Layout and Overdevelopment

Density

7.4.1. The proposed development comprising 21no. apartments on a 0.215ha site would result in a density of 97uph. For completeness, the applicant states that the site area outlined in red is 0.237ha and the development site area is 0.215ha. While the applicant's response to the grounds of appeal refers to a proposed 91uph density, I consider that the density calculation of 97uph is more appropriate in this instance.

7.4.2. The Development Plan indicates that the site is located within Level 1, Zone 2: Intermediate Urban Locations/Transport Corridors where, as outlined in Map 2.2 (Vol. 1) and Map 4 (Vol. 2a) a minimum 45+ density would be anticipated. As the proposed 97uph density would substantially exceed 45uph, the scheme's density would be in compliance with the Development Plan in this regard. For clarity, the subject site is not included in the Development Plan Map 1: Residential Settlement Capacity Map (Vol. 2a).

7.4.3. Separately, with regard to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 (hereafter referred to as the 'Settlements Guidelines'), I consider that the site location comes within the meaning of City – Urban Neighbourhood as set out in Table 3.2. City – Urban Neighbourhood,

wherein it is a policy and objective that residential densities in the range 50dph to 200dph (net) shall generally be applied. Having regard to the site location on Childers Road, whereby there is good access to employment, education and institutional uses and public transport, I consider that the 97uph residential density would be in compliance with Table 3.2 of the Settlements Guidelines.

- 7.4.4. In addition, the Development Plan seeks to encourage compact growth and seeks to make the most sustainable use of existing urban land within the built envelope of a settlement. I consider that the proposed development is in compliance with this Objective CGR O3 Urban Lands and Compact Growth. Accordingly, I consider that the proposed development would be in compliance with the operative Development Plan and with national policy with regard to density.

Site Layout and Overdevelopment

- 7.4.5. The overall scheme comprises a T-shaped apartment building, whereby the bulk of the 4-storey block is offset 1.45m from the proposed northern site boundary to Childers Road, with the 3-storey element at this location recessed 1.8m.
- 7.4.6. Vehicular access to the site is from Greenfields Road. A pedestrian entrance is proposed at eastern end of the Childers Road frontage which would provide pedestrian permeability from Childers Road to Greenfields Road via the subject site. Save for one other main entrance to the apartment block from Childers Road, no own-door access from either Childers Road nor Greenfield Road is proposed. Proposed northern and western roadside boundaries are annotated on plan to comprise 1.5m high brick wall with brick piers and metal guarding on proposed site plan. However, section A-A shows the overall boundary height as 1.67m, comprising low level brick wall with railings over.
- 7.4.7. The entrance to the apartment block from Childers Road would allow for access along the limited approx. 1.4m wide space between the building and proposed roadside boundary. While the site plan states that 20% open space is provided, the specific area(s) to which the 20% applies do not appear to be delineated. Open space to the east and west of the central part of the T-shaped apartment block are not clearly delineated as either public or communal open space. Other open spaces are largely narrow landscaped areas along the site's perimeter. One of the access

routes to the rear entrance of the building is via the western open space area, at which cycle parking is provided.

- 7.4.8. I note that the Development Plan states that in brownfield or infill sites a minimum of 10% may be provided as public open space, which in this case would be 215sqm. Separately, the Settlement Guidelines include (at Policy and Objective 5.1) that the Development Plan requirement for public open space provision shall be of not less than a minimum of 10%. For clarity, I note that these Guidelines state that public open space in residential schemes refers to open spaces that form part of the public realm within a residential development, as distinct from a public park.
- 7.4.9. On the basis of the site layout, I estimate that the provision of minimum 10% public open space would be marginally exceeded, and this does not include the narrow incidental areas of open space.
- 7.4.10. Given the site configuration, I do not consider that it has been demonstrated that communal open space for exclusive use of the residents has been provided. The standards set out in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments (hereafter referred to as the 'Apartment Guidelines') would require 125sqm communal open space for the proposed 21no. apartments. However, these Guidelines also state that for urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole subject to overall design quality.
- 7.4.11. With regard to overall design quality, I would have concerns regarding the detailing of the pedestrian access from Childers Road, as it bounds the side elevation of a proposed ground floor unit and the boundary wall to 4 Greenfields. While this access point creates permeability, it is not overlooked at its northern end and therefore lacks passive surveillance at this location. I consider that the permeability particularly where it provides improved access to public transport is desirable. However, while the non-overlooked extent of the route is limited, I consider on the basis of the information on file that the access point as proposed in this instance would have the potential to adversely impact on the residential amenities of the area. In the event that the Board was minded to grant permission, it is recommended that this pedestrian access be omitted by condition, and the area incorporated into the open space area, albeit of limited value with regard to open space provision.

7.4.12. I consider that the absence of clearly defined communal amenity space is indicative of the relatively large scale of development on this site. However, having regard to public open space provision meeting the minimum 10% requirement, and subject to the omission of the proposed pedestrian entrance at the eastern end of Childers Road frontage, I consider that the provision of open space to serve the proposed development at this urban neighbourhood location would be acceptable.

7.4.13. Notwithstanding therefore the absence of communal open space, having regard to the proposed density and the quantum of open space provided within the scheme which are in compliance with the provisions of the Development Plan and of the Settlement Guidelines, the quantum of development proposed on this site would be generally acceptable, and I do not consider that the proposed development would represent overdevelopment of the site. Matters relating to visual overbearance are discussed in the following section.

7.5. Impacts on Residential Amenities

7.5.1. While the site was previously occupied by a shop, given the absence of any buildings or development currently on this site, the overall nature and scale of the proposed apartment scheme results in a significant change to the built environment at this location and would be visually prominent in the streetscape.

7.5.2. In terms of height, the 4-storey part of the building would be 13.15m in height, save for the lift overrun. The 3-storey parts of the building would be 10m-10.55m in height.

7.5.3. The south eastern corner of the 3-storey apartment element near Childers Road is indicated to be 22.2m from the front elevation of the main dwelling at 4 Greenfields. The central projection extending on a north/south axis to the rear (south) of the principal 4-storey block on Childers Road is part 4-storey, part 3-storey. The southernmost part of the 3-storey element at this location is shown to be 20.8m from the single storey side extension of 4 Greenfields. While no shadow cast analysis of the proposed development has been included in the application, in noting that the 3-storey/4-storey scale is considerably higher than the surrounding context, I note that the proposed development would result in some additional overshadowing of 4 Greenfields to the east, although the overshadowing which would occur from the west would be primarily of its front garden. I consider that the proposed 4-storey block would also result in some overshadowing of dwellings houses on the western

side of Greenfields Road, whereby a 25.3m separation distance is indicated on proposed site plan. However, I consider that the overshadowing would be limited to the earlier part of the day, would not adversely impact on the residential amenities of these dwelling houses to an undue degree, and would be acceptable.

7.5.4. While noting the various separation distances to neighbouring properties, I would have concerns regarding adverse impacts on residential amenities due to visual overbearance, particularly on 4 Greenfields to the east. In the event that the Board was minded to grant permission for the proposed development, it is recommended that Units 15 and 16 be omitted, i.e., one floor level at the rear of the building, and that Unit 21 (currently shown at third floor plan) shall be provided in lieu of these two apartments on a revised second floor plan. This amendment would result in a net reduction of 2no. apartments. Subject to this amendment, I consider that the proposed development would be acceptable in terms of visual impact.

7.5.5. Notwithstanding the recommendation to omit Units 15 and 16, the plans and particulars on file show south-facing balconies are proposed in the 3-storey part of the building near Childers Road serving Units 11 (first floor) and 17 (second floor). Balconies proposed in the rear central projection of the apartment block serving Units 10 (first floor) and 16 (second floor) face both south and east, and Units 9 (first floor) and 15 (second floor) face south and west. A large roof terrace which has southerly, easterly and westerly views would serve Unit 21 at third floor level. South-facing balconies/terraces would be 23.6m from the side elevation of 5 Greenfields and would overlook the rear garden of that property, approx. 21m to the south. While I note that the proposed development would result in the introduction of overlooking from balconies on properties to the east and south, and to a lesser extent to the opposite side of Greenfields Road to the west, I consider that having regard to the minimum separation distances, the extent of overlooking would not seriously injure the residential amenities of adjoining properties.

7.5.6. With regard to external finishes, a brick finish is indicated on the principal 4-storey northern block on its northern and western elevations, and to a lesser extent on its southern and eastern elevations. The remainder of the overall building is indicated to have a painted plaster finish. I am of the opinion that the proposed plaster finish should be omitted and replaced with an alternative finish which would enhance the visual amenities of the area. This matter could be adequately dealt with by condition.

- 7.5.7. Having regard to the matters outlined above, I consider that the overall height and scale of the proposed development while substantial in the context of this streetscape would, subject to conditions, be acceptable in terms of the visual and residential amenities of the area.

7.6. Traffic and Transportation

Site Layout and Context

- 7.6.1. A Traffic Assessment dated October 2022 was lodged with the application. For clarity, it states that it has been compiled in response to a FI request from Limerick City and County Council (LCCC) in relation to P.A. Ref. 22/368. I note however that that planning application originally lodged for 24 apartments, and granted by the planning authority subject to conditions (for 21 apartments as amended in the FI response) was withdrawn on appeal in 2023; ABP-315376-23 refers.
- 7.6.2. The Traffic Assessment is based on a proposed development comprising 21no. apartments, 15no. car parking spaces and 33no. cycle spaces, 22no. of which are internal and the remaining 11no. spaces are external. The findings of the assessment state that the proposed development access junction on Greenfields Road will operate as a maximum of only 3.5% for all analysis periods with negligible (near zero) queues and delay predicted.
- 7.6.3. The Roads Section report on the current case states no objection to the car parking numbers due to proximity to city centre, train station and proposed strategic bus connects on the Ballinacurra Road R526 and the likely inclusion of a bus connect on Childers Road R509 as part of LSMATS.
- 7.6.4. Childers Road connects to the R526 (Ballinacurra Road) approx. 290m west of the subject site. I note that Limerick/Shannon Metropolitan Area Transport Strategy 2040 (LSMATS) outlines (at Chapter 9 Cycling) that the R526 (Ballinacurra Road) is a primary radial route, Childers Road is a primary orbital route, and that segregated cycle lanes are the most desirable infrastructure for Primary Routes.
- 7.6.5. Separately, Development Plan Map 6: Transport Map (Vol. 2a) shows Indicative Walking/Cycling routes along Childers Road and Greenfields Road site frontage.
- 7.6.6. On site inspection I noted that segregated cycleways are in place along the Childers Road frontage of the site, although not as continuous cycle lanes, and on the

(opposite) northern side of this primary orbital route. There are wide grass verges with mature trees to the north of the site on either side of Childers Road. There is a bus stop directly outside the site and a further bus stop is located a very short distance east of the site on the northern side of the Childers Road.

- 7.6.7. LSMATS states (at Section 8.3.2 Strategic Walking Routes) that routes connecting residential areas to key areas of employment and third-level education in Limerick City Centre and suburbs include Childers Road and link along Bloodmill Road to Groody Road. It is envisaged that these will be upgraded in tandem with BusConnects and enhance the pedestrian (and cycle) network to enable greater levels of walking commuter trips or as part of linked-trips with public transport.
- 7.6.8. I have viewed the BusConnects – Limerick Bus Network Redesign, December 2023 (accessed on 26 July 2024) which includes Childers Road in 7 of the 16 routes in the new network. This includes Route 1 (University Hospital Limerick to Athlunkard), Route 2 (Moylish to UL North Campus) and Route 3 (Coonagh Shopping Centre to Georgian Village). Each of these 3 routes is at a 15-minute frequency. Accordingly, BusConnects indicates that the Childers Road area would be well served by these and other bus routes to the city centre and various destinations in Limerick city.
- 7.6.9. Drawing titled Potential Road Upgrades lodged with the application (Drg. No. L0556-GAR-XX-XX-DR-C-0102; Rev. 03) shows potential footpath, cycle lane and bus lane on Childers Road, and similarly shows potential footpath and cycle lane on Greenfields Road. Typical section through Greenfields Road indicates a 6m wide road and 2m wide cycle lane and 1.8m wide footpath either side of the vehicular route. It states that this drawing represents potential future road upgrades only, and that these works are not proposed by this planning application.
- 7.6.10. The proposed site plan lodged with the application shows that the existing footpath along Greenfields Road is 1.8m wide. A 2m wide grass verge would be provided between the footpath and the new roadside boundary, and the new roadside boundary would be 3.6m-3.8m from edge of kerb.
- 7.6.11. The Design Manual for Urban Roads and Streets, 2019 (DMURS) states that minimum footway widths at 1.8m are based on the space needed for two wheelchairs to pass each other, and 1.8m is the minimum space for two people to pass comfortably, although I note that this relates to areas of low pedestrian activity.

- 7.6.12. The Roads Section has raised no concerns regarding the proposed development generally nor the proposed roadside boundary set-back at Greenfields Road.
- 7.6.13. While a 1.8m wide footpath is the minimum specified in DMURS, having regard to the proposed additional 2m wide grass verge on the outer (western) side of the proposed boundary, and noting that the planning authority has not raised concerns regarding the extent of this new roadside set-back, the position of this proposed site boundary is considered acceptable. Similarly, with regard to the proximity of the proposed apartment building to Childers Road, having regard to the information on file and noting that no concerns have been raised by the planning authority relating to same in terms of any future road/transportation proposals, the relationship of the apartment building to this primary orbital route is considered acceptable. The planning authority's Condition 15 is discussed elsewhere in this report.
- 7.6.14. Separately, I note that the grounds of appeal include that the suggested proposed entry from Greenfields Road with exit to a slip road off Childers Road was ignored. Having regard the primary orbital nature of Childers Road, I consider that an additional vehicular exit onto this road would add to the multiplicity of exit/entrance points on this important heavily trafficked route, and particularly in the absence of any traffic/transportation assessment of same, I would have concerns that any proposal to provide an additional vehicular exit at this location would interfere with the safety and free flow of traffic on this route, and would be undesirable.
- 7.6.15. Matters relating to permeability through the site are discussed separately under Density, Site Layout and Overdevelopment.

Parking

- 7.6.16. SP3 of the Settlement Guidelines states that in city centres and urban neighbourhoods of the five cities, car parking provision should be minimised, substantially reduced or wholly eliminated and that the maximum car parking rate, where justified to the planning authority, shall be 1 no. space per dwelling. It states that the maximum car parking standards include provision for visitor parking, but do not include bays assigned for use by a car club, designated short stay on-street Electric Vehicle (EV) charging spaces or accessible parking spaces.
- 7.6.17. 15no. car parking spaces are proposed, one of which is a disabled space, to serve 21no. units. Having regard to the site location, proximity to existing and planned

public transport and proximity to Limerick city centre, I consider that the quantum of parking spaces proposed would be acceptable and would generally be in compliance with SPPR 3, subject to a condition requiring revised proposals to include parking spaces for EV charging, and for use by visitors and a car club.

- 7.6.18. 34no. cycle parking spaces are proposed, comprising 22no. internal and 12no. external covered spaces. SPPR 4 states that where residential units do not have ground level open space or have smaller terraces, a general minimum standard of 1 parking space per bedroom should apply. As 33no. bedrooms are proposed, the provision of 34no. cycle spaces would generally be in compliance with SPPR 4. However, as this SPPR states that visitor parking should also be provided, and that any deviation from these standards shall be at the discretion of the planning authority, I consider that in the event that the Board was minded to grant permission for the proposed development, a condition should attach requiring additional cycle parking. I consider that additional covered cycle parking area(s), to include at least 4no. spaces comprising a mix of larger/heavier cargo bikes and electric bikes could be adequately accommodated within the site.

7.7. Planning Authority's Condition 15

- 7.7.1. Condition 15 requires the submission of an Acoustic Design Statement (ADS) for the written agreement of the planning authority prior to commencement of development. The ADS is to include an assessment of road noise levels across the site, and to consider the potential impact of road noise on the proposed units. The reason for the condition is in the interests of orderly and sustainable development.
- 7.7.2. Environment Section (Noise) report states that the proposal is expected to be approx. 200m from N18, and that noise levels are expected to be 50 to 55dB Lden which would not be expected to have an adverse impact for residents. These levels are predicted on a 4m height receptor and the proposed development is 4-storey.
- 7.7.3. I note the stated approximate distance of the proposed development from the N18. However, I estimate that the N18 is approx. 565m south of the site. The N18 flyover traverses Greenfields Road approx. 635m south east of the site. With regard to Development Plan mapping, Map 6 Transport Map (Vol. 2a) does not annotate new works to the N18, but does show an indicative link road approx. 460m to south east.

- 7.7.4. I note also the very close proximity of the proposed apartment building to Childers Road, whereby the front building line is minimum 1.4m from the roadside frontage and is also proximate to Greenfields Road.
- 7.7.5. However, the site is zoned New Residential in the current Development Plan, and notwithstanding that the wider roads and transportation context of the site may change as a result of LSMATS and Bus Connects proposals, having regard to the information on file, the land use zoning of the site, the distance of the subject site to the indicative link road shown on Development Plan mapping, I do not consider that it has been adequately demonstrated that Condition 15 would be required. Accordingly, in the event that the Board is minded to grant permission, I recommend that Condition 15 is not attached.

7.8. Planning Authority's Condition 16

- 7.8.1. No Irish Water report has been received on the file. Condition 16 states that prior to commencement the developer shall locate and protect any Irish Water services within the site's red-line boundary. There shall be no building over water mains, common pipes, or sewers, and if found Irish Water must be contacted with a proposal for altering at the cost of developer.
- 7.8.2. I note that the Civil Engineering Report lodged with the application includes an Irish Water (IW) letter dated 19 April 2022, regarding a pre-connection enquiry relating to a 24-unit development at 106 Rosbrien Road. I note that Eircode (www.eircode.ie) does not contain any entry for this address, although an IW map showing principally the subject site is attached to the letter.
- 7.8.3. While this Irish Water letter would appear to relate to a previous application which was withdrawn on appeal (ABP-315376-23 and P.A. Ref. 22/368 refer), for completeness I note that it includes –
- Water connection: Feasible without infrastructure upgrade by IW. IW records indicate existing IW assets traversing the site. To divert same, contact IW. Confirmation of Feasibility to connect to IW infrastructure does not extend to fire flow requirements.
 - Wastewater connection: Feasible without infrastructure upgrade by IW. Only in very exceptional circumstances can discharge of stormwater to combined

sewer be allowed. Stormwater discharges are to be minimised, and shall *inter alia* be below or as near as possible to greenfield storm runoff rate and discharge volumes as possible.

The attached map indicates pipework extending in a roughly north/south direction at the eastern side of the site, and separate pipework is shown to a more limited extent near the north western roadside frontage of the site.

7.8.4. The Civil Engineering Report states

- Water supply: It is proposed to connect to existing main which runs along the public road.
- Surface water: A sedum roof is proposed for most of the apartment block. An attenuation tank and hydrobrake manhole to control the surface water runoff rate to a restricted peak flow of 2.0l/s, and a bypass interceptor are proposed.
- Wastewater: It is proposed that foul sewerage will discharge to a new combined sewer manhole within the western boundary of the site, and discharge to an existing public combined sewer pipe at the southern boundary. However, in terms of detail, I note that the corresponding Drainage Layout drawing (Dwg. NoL0556-GAR-XX-XXDR-C-0200; Rev. P04) shows tie into existing municipal combined sewer network manhole near 106 Greenfields Road, on the opposite (western) side of the road.

While the IW correspondence dated 2022 on file relates to a withdrawn application, I consider that the information provided adequately outlines that there is IW infrastructure on site. In the event that the Board was minded to grant permission for the proposed development, it is recommended however that Condition 16 is not attached, and that an alternative condition is instead included requiring the location of any IW/UE assets within/traversing the site to be ascertained and diverted, if relevant, and any wayleaves including stated dimensions to also be shown on the revised drawings.

7.9. Planning Authority's Condition 18

- 7.9.1. Condition 18 relates to archaeological monitoring. I note on the National Monuments Service website (www.archaeology.ie) that there are no recorded sites/monuments on or in the immediate vicinity of the subject site. The nearest Recorded Monument

is LI013-015; Ringfort – rath, approx. 545m south west of the site. The cover letter lodged with the application does not itemise any reports relating to archaeology, and the submitted Design Statement states only that there are no recorded archaeological items on the application site.

- 7.9.2. Having regard to the information viewed on the National Monuments Service website, in particular the distance to the nearest recorded monument, and to the absence of information on file relating to potential archaeological remains on the subject site, I consider that a condition relating to archaeological notification only would be appropriate in this instance.

7.10. Conclusion

- 7.10.1. Having regard to the location of the subject site and its proximity to Limerick city centre, its overall design and scale and noting also that the proposed development complies with SPPRs 1-6 inclusive of the Apartment Guidelines and would be in compliance with the land use zoning objective for this site, it is considered that subject to conditions the proposed development would not adversely impact on the residential and visual amenities of the area and would be acceptable, and would be in accordance with the proper planning and sustainable development of the area.

8.0 AA Screening

- 8.1. I have considered the proposed development of an apartment scheme comprising 21no. units in light of the requirements of S177S and 177U of the Planning and Development Act 2000 as amended.
- 8.2. A screening report for Appropriate Assessment was not submitted with the subject case. In the local authority assessment of the proposed development, Appropriate Assessment screening was undertaken by Limerick City and County Council as part of their planning assessment and a finding of no adverse affect on the integrity of a Natura 2000 site was determined. For clarity, I note that no Natura Impact Statement (NIS) was lodged with the application. It is further stated that the development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

A detailed description of the proposed development is contained in Section 2.0 of my

report. In summary, the proposed development is located on a cleared brownfield site, comprising 0.215ha net developable area, surrounded by established 2-storey housing to the east and south and also on the opposite side of Greenfields Road to the west. Land uses in the vicinity of the site to the north comprise commercial, community and residential uses. The development includes a 15no. space car park. The development is proposed to be connected to public water main, foul and surface water drainage. Save for the proposed roof terrace to serve Unit 21, the roof of the apartment building comprises a sedum roof. Surface water management proposals include provision of an attenuation tank and a bypass interceptor.

- 8.3. There are no watercourses or other ecological features of note on the site that would connect it directly to European sites in the wider area. I note from www.catchments.ie (accessed on 30 July 2024) that the nearest waterbody is approx. 390m to the south, indicated as Ballynaclogh_010. At Greenfields Road, this waterbody flows a short distance southwest before joining other tributaries and continuing north west to enter River Shannon.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). Two of the European sites are located within 1.5km of the potential development site.

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

With regard to **Site Code 004077**, as viewed in the Site Synopsis on www.npws.ie, the estuaries of the River Shannon and River Fergus form the largest estuarine complex in Ireland. The nearest part of this SPA site is approx. 1.44km north west of the subject site. The SPA site comprises the entire estuarine habitat from Limerick City westwards as far as Doonaha in Co. Clare and Dooneen Point in Co. Kerry. This SPA is an internationally important site that supports an assemblage of over 20,000 wintering waterbirds. It holds internationally important populations of four species, i.e. Light-bellied Brent Goose, Dunlin, Black-tailed Godwit and Redshank. Three of the species which occur regularly are listed on Annex I of the E.U. Birds Directive, i.e. Whooper Swan, Golden Plover and Bar-tailed Godwit.

With regard to **Site Code 002165**, as viewed in the Site Synopsis on www.npws.ie, this very large site stretches along the Shannon valley from Killaloe in Co. Clare to Loop Head/ Kerry Head, a distance of some 120km. The site includes the Shannon, Feale, Mulkear and Fergus estuaries and the freshwater lower reaches of the River Shannon (between Killaloe and Limerick). This site is of great ecological interest as it contains a high number of habitats and species listed on Annexes I and II of the E.U. Habitats Directive, including the priority habitats lagoon and alluvial woodland, the only known resident population of Bottle-nosed Dolphin in Ireland and all three Irish lamprey species.

European Site	Qualifying Interests	Distance	Connections
River Shannon and River Fergus Estuaries SPA (Site Code 004077) [S.I. No. 329 of 2019]	Cormorant Whooper Swan Light-bellied Brent Goose Shelduck Wigeon <i>Anas penelope</i> Teal <i>Anas crecca</i> Pintail <i>Anas acuta</i> Shoveler <i>Anas clypeata</i> Scaup Ringed Plover Golden Plover Grey Plover Lapwing Knot Dunlin Black-tailed Godwit Bar-tailed Godwit	1.44km	No direct

	<p>Curlew</p> <p>Redshank</p> <p>Greenshank</p> <p>Black-headed Gull</p>		
<p>Lower River Shannon SAC (Site Code 002165)</p> <p>[S.I. No. 328 of 2023]</p>	<p><i>Natural Habitat Type</i></p> <p>In this list the sign [*] indicates a priority habitat type as defined in the Directive.</p> <p>Sandbanks which are slightly covered by sea water all the time, Estuaries, Mudflats and sandflats not covered by seawater at low tide, Coastal lagoons*, Large shallow inlets and bays, Reefs, Perennial vegetation of stony banks, Vegetated sea cliffs of the Atlantic and Baltic coasts, <i>Salicornia</i> and other annuals colonising mud and sand, Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>), Mediterranean salt meadows (<i>Juncetalia maritimi</i>), Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachium</i> vegetation, <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>), Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, <i>Salix alba</i>)*</p>	1.5km	No direct

	<i>Animal and Plant Species</i> Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> Sea Lamprey <i>Petromyzon marinus</i> Brook Lamprey <i>Lampetra planeri</i> River Lamprey <i>Lampetra fluviatilis</i> Salmon <i>Salmo salar</i> Common Bottlenose Dolphin <i>Tursiops truncatus</i> Otter <i>Lutra lutra</i>		
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Likely impacts of the project (alone or in combination)

Due to the nature and scale of the proposed development, located on a brownfield site on zoned serviced lands in Limerick city, in an established residential area and in close proximity to other existing commercial, community and residential lands, and the distance of the subject site from the nearest surface waterbody approx. 390m to south near Greefields Road, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

The proposed development would not have any direct impacts on any European site. Save for recent hoarding provided along most of the site perimeter, no substantial site clearance or demolition would be required to facilitate the proposed development. The survey drawing lodged with the application does not indicate any buildings or other development on site. During construction of the proposed apartment scheme and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.

The contained nature of the site (serviced, defined boundaries comprising walls and metal hoarding, no direct ecological connections or pathways) and distance from receiving features connected to River Shannon and River Fergus Estuaries SPA and

Lower River Shannon SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European sites.

With regard to Appropriate Assessment, the Design Statement lodged with the application states that no Appropriate Assessment has been submitted as part of this application.

However, given the scale of the proposed development within a built-up urban area, surrounded to east, west and south by established 2-storey housing, in close proximity to the city centre and adjoining Childers Road, a heavily trafficked primary orbital route, I do not consider it likely that any temporary noise or human disturbance that may occur during the construction phase would be any significant increase on the current baseline if works were to commence during the wintering period.

Likely significant effects on the European sites in view of the conservation objectives

The construction or operational phase of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance.

There will be no direct or ex-situ effects from disturbance on mobile species during construction or operation of the proposed development. There will be no significant disturbance to any wintering birds.

In combination effects

The proposed development will not result in any effects that could contribute to an additional effect with other developments in the area.

No mitigation measures are required to come to these conclusions. I consider the provision of a bypass interceptor a standard measure to prevent ingress of vehicle pollutants and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SPA or SAC.

Overall Conclusion

Screening Determination

Having carried out Screening Determination for Appropriate Assessment of the

project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European sites River Shannon and River Fergus Estuaries Spa nor Lower River Shannon SAC, nor on any other European site, in view of the sites' conservation objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development comprising a 21no. unit apartment scheme and lack of impact mechanisms that could significantly affect a European site
- Distance from and weak indirect connections to the European sites
- No significant impact ex-situ impacts on wintering birds.

9.0 Recommendation

I recommend permission be granted for the proposed development.

10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, located on lands zoned New Residential in Limerick City and County Development Plan 2022-2028, and to the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity, would not be prejudicial to public health 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.

11.0 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 received by the planning authority on the 15 day of March 2023, 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>(a) The development hereby permitted is for 19 no. apartments.</p> <p>(b) Prior to commencement of development, revised drawings shall be submitted to and agreed in writing by the planning authority which shall show:</p> <p>(i) The omission of Units 15 and 16 on second floor plan, i.e., the omission of this floor level at the rear (south) projection of the apartment building</p> <p>(ii) Unit 21 (shown on third floor plan) shall be re-positioned to a revised second floor plan.</p> <p>(c) Unit 17 shall comprise a two-bedroom (3-bedspace) apartment, as shown on the drawings lodged on 15 March 2023.</p> <p>Reason: In the interest of visual and residential amenities of adjoining residential properties, and in the interest of clarity.</p>
3.	<p>Prior to commencement of development, revised drawings shall be submitted to and agreed in writing by the planning authority, which show</p>

	<p>(a) The omission of the proposed pedestrian entrance at the northern (Childers Road) frontage of the site, and the continuation of the proposed roadside boundary at this location.</p> <p>(b) The pedestrian footpath extending from the north eastern corner of the site to approximately the south elevation of the eastern 3-storey block shall be landscaped and incorporated in the open space area.</p> <p>Reason: In the interest of residential amenities.</p>
4.	<p>A comprehensive boundary and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-</p> <p>(a) details of all proposed hard surface finishes of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;</p> <p>(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> <p>(c) details of proposed street furniture, including bollards, lighting fixtures and seating;</p> <p>(d) details of play facilities to be provided in the open space area;</p> <p>(e) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</p> <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Prior to commencement of development, revised drawings shall be submitted to and agreed by the planning authority which</p> <p>(a) shall identify car parking spaces for use by visitors and a car club; and</p> <p>(b) shall provide additional covered cycle spaces for use by visitors. A minimum of 4no. such spaces shall accommodate a mix of</p>

	<p>larger/heavier cargo bikes and electric bikes.</p> <p>Reason: In the interest of sustainable transportation.</p>
6.	<p>The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interest of sustainable transportation.</p>
7.	<p>The internal road network serving the proposed development [including turning bays, junctions, parking areas, footpaths and kerbs] shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
8.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
9.	<p>(a) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>(b) Prior to commencement of development, revised plans and particulars shall be submitted to and agreed in writing by the planning authority which shall show the location of any Irish Water/Uisce Éireann assets within/traversing the subject site. Details to be submitted shall include diversion proposals, if relevant. Any</p>

	<p>wayleaves, including stated dimensions, shall be shown on the revised drawings.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
10.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment.</p> <p>Reason: In the interests of amenity and public safety.</p>
11.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
12.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure with the proposed development.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
13.	<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. Plaster shall not be used as an external finish.</p>

	Reason: In the interest of the visual amenities of the area.
14.	<p>Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/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.</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 [and for the ongoing operation of these facilities] 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 construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <p>(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</p> <p>(b) Location of areas for construction site offices and staff facilities;</p>

	<p>(c) Details of site security fencing and hoardings;</p> <p>(d) Details of on-site car parking facilities for site workers during the course of construction;</p> <p>(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;</p> <p>(f) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;</p> <p>(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
17.	<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 circumstances where prior written approval has been received from the</p>

	<p>planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
18.	<p>If during the course of site works any archaeological material is discovered, the planning authority Archaeologist shall be notified immediately. (The applicant/developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland required notification).</p> <p>Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.</p>
19.	<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>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
20.	<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</p>

	Development Act 2000, as amended, and of the housing strategy in the development plan of the area.
21.	<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>
22.	<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>

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.

Cáit Ryan
Senior Planning Inspector

6 August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-316252-23		
Proposed Development Summary	Construction of a 4-storey apartment block consisting of 21no. apartments, storage for bins, bikes and lock ups, connection to public water main, foul and surface water drainage, vehicle parking, boundary treatments and all site development works.		
Development Address	Junction of Childers Road/Greenfield Road, Rosbrien, Limerick in the townland of Ballinacurragh Weston, County Limerick		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		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	Class10(b)(i) construction of more than 500 dwelling units.	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)
		Conclusion	
No		N/A	No EIAR or Preliminary Examination required
Yes		Class 10(b)(i) construction of more than 500 dwelling units	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-316252-23	
Proposed Development Summary	Construction of a 4-storey apartment block consisting of 21no. apartments, storage for bins, bikes and lock ups, connection to public water main, foul and surface water drainage, vehicle parking, boundary treatments and all site development works.	
Development Address	Junction of Childers Road/Greenfield Road, Rosbrien, Limerick in the townland of Ballinacurragh Weston, County Limerick.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p>	<p>The proposed development is located on lands zoned New Residential. The dwelling houses to the east, south and west of the site are of 2-storey scale, and as such the proposed part 4-storey, part 3-storey apartment building is higher than existing development on these adjoining sites.</p> <p>The surrounding context north of Childers Road comprises established commercial premises and community uses. The recently constructed Rosbrien Court on Rosbrien Road comprises a part 2-storey, part 3-storey residential scheme.</p> <p>Having regard to the varying scale of the range of established land uses in the vicinity of this site, the proposed development is not exceptional in the context of the existing environment.</p>	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development comprises a residential scheme. It would not result in the production of significant waste, emissions or pollutants.</p>	No

Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	<p>Having carried out Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European sites River Shannon and River Fergus Estuaries Spa nor Lower River Shannon SAC, nor on any other European site, in view of the sites' conservation objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required</p> <p>Having regard to the nature and scale of the proposed development, the project does not have the potential to significantly affect other significant environmental sensitivities in the area.</p>	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____

Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)