



An
Bord
Pleanála

Inspector's Report

ABP-317476-23

Development	Construction of 74 no. residential units and all associated site development works
Location	Rathkeale Road, Adare, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	22990
Applicant(s)	Dwellings Development Ltd
Type of Application	Permission
Planning Authority Decision	Grant permission subject to Conditions
Type of Appeal	First & Third Party
Appellant(s)	Diarmuid and Sinead Fitzgerald Dwellings Development Ltd
Observer(s)	None
Date of Site Inspection	8 th March 2024
Inspector	Ciara McGuinness

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1.0 Site Location and Description

- 1.1. The site is located to the southwest of Adare village, c. 0.7km from the village centre, on the north side of the N21 National Road. The speed limit along this stretch of road is 60km/h. The site is an undeveloped greenfield area. The site is bound to the north by the existing Deerpark Housing Estate and to the west by a soccer pitch used by Adare United, which is accessed from the north by a laneway within the Deerpark estate. Detached houses are located to the south and east of the site. Deerpark Gateway (RPS Ref 1690) and Deerpark Lodge (RPS Ref 1691), both of which are protected structures, lie to the southeast of the site.
- 1.2. There is an existing entrance to the site off the N21 and a stone wall which form the southern boundary. The applicant has noted that Limerick City and County Council constructed this access a number of years ago, however it does not extend further and is not operational at present. I note that this access is intended to be shared with an adjoining Part 8 development which was permitted under PA Reg Ref 19/8010. The permitted part 8 scheme is spread over two areas with development to be located to the northeast of the site adjoining Deerpark and to the southwest of the site adjoining the N21.
- 1.3. There are two existing wayleaves within the site, one running the length of the site from north to south and the other running east to west inside the front boundary wall adjoining the N21. The site contains a number of existing mature trees.

2.0 Proposed Development

- 2.1. As a result of changes made by way of Further Information, the proposed development has reduced from 99 units to 74 units comprising 68 no. houses and 6 no. duplex units, consisting of the following unit types;
 - 4 no. 5 bed dwellings (House Type A)
 - 9 no. 4 bed dwellings (House Type B1)
 - 8 no. 4 bed dwellings (House Type D1)
 - 5 no. 4 bed dwellings (House Type D2)
 - 14 no. 3 bed dwellings (House Type B2)

- 18 no. 3 bed dwellings (House Type C)
- 10 no. 2 bed dwellings (House Type E)
- 1 no. 1 bed apartment (Type F1 GF apt (mid))
- 2 no. 2 bed apartments (Type F2 GF apt (end))
- 1 no. 3 bed apartment (Type F4 2 storey (mid))
- 2 no. 3 bed apartment (Type F5 2 storey (end))

- 2.1.1. The reduction in numbers has resulted in the omission of the crèche and associated community building which were originally proposed. The site area has also reduced from 4.29ha to 3.9ha. The density of the proposed development is stated as 25 units per hectare based on a net developable area of 2.97ha.
- 2.1.2. The site is zoned residential under the Adare LAP as discussed further below in Section 5.2. The applicant notes that the design of the proposed development has been influenced by requirements of the previous Adare LAP which required the provision of a link road through the site. The current LAP indicates a 'proposed pedestrian/cycle routes/links' on the same alignment through the site on the Amenity and Sustainable Transport Map. The design approach has also sought to preserve a number of mature trees located within the site.
- 2.1.3. A total of 6,951sqm of public open space has been provided equating to 17% of the total site area across 5 areas of centrally located grassed/landscaped areas. A further 2,234sqm has been provided in homezone/shared surface areas. The overall scheme would contain 172 car parking spaces. Connections are proposed to the public water supply and public wastewater system.
- 2.1.4. The application is accompanied by a Statement of Planning Consistency, Architectural Design Statement, Landscape Architecture Report, Civil Engineering Infrastructure Report, Archaeological Assessment Report, Tree Survey and Constraints Plan, Ecological Impact Assessment and Appropriate Assessment Screening Report.

3.0 Planning Authority Decision

3.1. Decision

Notification of the Decision to Grant Permission for the proposed development subject to 26 no. conditions issued on 8th June 2023. These were generally of a standard nature. However, Conditions 10, 11, 13, 23 and 25 are the subject of the first party appeal. These conditions are outlined below;

Condition 10

No walls or fences shall be constructed or erected around the front gardens of the proposed dwellings. The front gardens of the estate shall be kept as Open Plan. Class 5 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) and any statutory provision replacing or amending them shall not apply.

Reason – To ensure that the proposed scheme remains open plan in nature/appearance, in the interest of urban design and visual amenity.

Condition 11

a. A 2-metre high privacy wall shall be constructed along the rear, side and dividing boundary between houses. The wall shall be solid block, capped and rendered.

Where there is a difference in ground levels between this site and adjoining properties, the level shall be taken as their average level.

b. Screen walls abutting open space or estate roads shall be 2m high, plastered and capped with piers.

Reason: In the interest of privacy and residential amenity.

Condition 13

Prior to commencement of development, the developer shall submit details of the required local upgrade works to address the deficiency of water pressure and volume/quantity associated with the existing potable water network. These works shall be carried out at the applicants own expense.

Reason: in the interest of orderly development

Condition 23

Prior to the commencement of any development on site the developer shall submit a Revised Site Layout Plan indicating the following for the written agreement of the Planning Authority:

- i. The internal cycle lanes including all road markings and signage shall be in line with the "National Cycle Manual" and the "NTA Active Travel Manual".
- ii. The auto track simulation shall include the main junction with the N21.
- iii. The auto track simulation for refuse vehicle shall be amended to allow other vehicles to pass on the internal roads.
- iv. A revised detailed cross section through the footpaths, cycle track and road showing the construction build up for each layer with clear specifications shall be submitted.
- v. Include for T-junction ramps at each of the junctions main junctions with the main internal road.
- vi. Detailed proposal for the upgrade of the Traffic Signals on the N21 to facilitate a pedestrian phase. These works shall be carried out at the developers costs.
- vii. The developer shall show all proposed regulatory signage, advance warning, cycle signage and road markings areas on the revised layout.
- viii. The pedestrian crossing as the road markings shown shall be relocated to the pedestrian desire line.
- ix. Footpaths for the proposed development shall be in line with "TII Specification for Road Works Series 1100 - Kerbs, Footways and Paved Areas. The footpaths shall have a minimum width of 1.8m, with the exception of the footpaths at the perpendicular parking areas, which shall be extended in width so pedestrians will not be impeded by overhanging vehicles. Footpaths shall be continuous, suitably dished at all junctions, crossing points and include for appropriate tactile paving. The dishing of footpaths shall be constructed in accordance with the "Guidance on the use of Tactile Paving Surfaces Document". Footpath depth at vehicular access shall be increased to a minimum of 150mm with the inclusion of reinforcing mesh. Photographic evidence of the mesh installation shall be submitted to Planning Authority upon completion of any phase of the development.

- x. The road construction shall be in accordance with the "Recommendations for Site Development Works for Housing Areas" and the bituminous layers shall be in accordance "TII Publications NRA Specification for Road Works Series 900 Road Pavement-Bituminous Materials". The binder and surface course shall be machine laid.
- xi. The developer shall ensure that the road surface for the proposed development is tied in suitably to the existing road and any damage to the existing road shall be appropriately repaired in agreement with Limerick City and County Council.
- xii. Traffic calming shall be constructed in accordance with diagram 6.34 of the "Traffic Management Guidelines" from the Department of Transport. Ramps shall be constructed of flexible material.
- xiii. All turning areas, junction radii, driveway dimensions and gradients shall be in line with the "Recommendations for Site Development Works for Housing Areas" & "DMURS".
- xiv. Road Markings shall be in accordance with "IS EN 1436 European Standard for Road Markings" & in accordance with the "Traffic Signs Manual". Road Signs shall be in accordance with "IS EN 1436 European Standard for Road Markings" & in accordance with the "Traffic Signs Manual".
- xv. A Road Opening Licence is required for any works on the Regional road including all connections.
- xvi. A bank of spare bank of ducts shall be handed over to Limerick City & County Council
- xvii. Prior to any footpath construction or any blacktop material being laid developer shall make contact with Limerick City and County Council's Road Section to give a minimum of two weeks prior notice so that supervision of these works on-site can take place. Failure to do so will result in road cores being requested at the developers costs.
- xviii. CBR test results for the formation layer and all other construction layers prior to the laying of the bituminous layer shall be submitted to the Planning

Authority for approval. The developer shall confirm if capping layer is required and what depth this shall be.

Reason – In the interests of orderly development and the proper planning and sustainable development of the area.

Condition 25

Prior to the commencement of any development on site the developer shall submit a Revised Surface Water/SuDs Management Layout Plan for written agreement of the Planning Authority. The plan shall address the following:

- a) Revised drawings and details to include a more expansive suite of Nature Based Suds techniques (i.e. tree pits, rain gardens, ponds, or water butts) for the collection and treatment of storm water generated on site.
- b) Include for permeable paving systems for driveways. These shall include an overflow system connected to the main internal surface water system.
- c) Car parking spaces in the public realm shall be porous asphalt. Full details including cross sections to be provided.
- d) The surface water sewers and manholes shall be constructed in line with the IW Code of Practice. The drainage layout shall be amended to show that manhole 12 can accommodate a future connection.
- e) The Applicant shall submit the revised modelling to include the following:
 - Include for all SuDs measures.
 - demonstrate climate change of 30% plus 10% for urban creep added at the Summary of Critical Results stage by Maximum Level (Rank 1) for Storm Design for both the 1/30 & 1/100.
 - The modelling shall confirm discharge levels, which shall not exceed 2 l/s/ha in total or Qbar whichever is the greater restriction for the entire site. Qbar must be calculated using the Net area drained and not the gross area of the site (i.e. red line boundary). This discharge rate shall be marked on the manholes in which the flow restricting devices are located.
- f) Details of the attenuation Tank, Class 1 By-pass Interceptor with vent pipes for both and kiosk to house the messaging/alarm system for the interceptor

and flow control device shall be submitted. The attenuation tank used shall be designed for the site-specific conditions, installed, tested and certified by the approved supplier.

- g) The inspection, recording, certification, access and notification to Limerick City and County Council for the construction of the Surface Water/SuDs network for the development shall be in line with Limerick City and County Council's Surface Water/SuDs Specification.
- h) All surface water run-off from roofs, entrances and parking areas within the site shall be collected and disposed of within the site to surface water drainage system. No such surface waters shall discharge onto adjoining properties or the public road.
- i) All surface water run-off from the public road which flows into the site shall continue to be accommodated within the site unless alternative arrangements acceptable to the Planning Authority are carried out.
- j) A bonded Chartered Engineer shall be responsible for certifying all works in relation to the Surface Water Disposal System, which shall be submitted to the Planning Authority prior to the making final connection to the existing surface water system. A bonded Chartered Engineer shall be responsible for certifying the final connection to the existing surface water system prior to the completion and occupation of the development safety and amenity.

Reason - In the interest of public health and to prevent flooding in the interest of traffic.

3.1.1. Other conditions applied but not the subject of the appeal include the following;

- Condition 17 – requires a Construction Environmental Management Plan (CEMP), to be submitted and agreed in writing prior to the commencement of development.
- Condition 20 – requires the employment of an archaeologist and the monitoring of works.

3.2. Planning Authority Reports

Planning Reports

3.2.1. The Planner's Report (dated 03/11/22) notes that the proposal for a housing estate is in line with the zoning objectives for the site as outlined in the Adare LAP. Further Information was requested in relation to the following;

- 1) Clarification around compliance with core strategy and density calculations
- 2) Further Information request from Irish Water/Uisce Eireann. See section 3.3 below.
- 3) Redesign of surface water mitigation with priority given to natural based SUDs solutions.
- 4) Demonstrate no impact on national road network. Upgrade traffic signals to facilitate pedestrian phase. Submit revised Traffic and Transport Assessment (TTA) and Road Safety Audit (RSA)
- 5) Revised site layout plan required addressing traffic and pedestrian issues.
- 6) Revised public lighting design.
- 7) Clarification required on quantum of car parking spaces.
- 8) Revised site masterplan to show integration with adjacent soccer pitch.

3.2.2. The applicant responded to the Further Information request and submitted revised architectural, engineering and landscaping drawings for a reduced development proposal of 74 no. units. A Traffic Impact Assessment, Road Safety Audit and public lighting design were also submitted. The Planners Report (07/06/2023) considers that the applicant has adequately responded to all FI items. The proposed development is considered to be in line with National, Regional and Local Planning Policy. It is recommended that permission is granted subject to conditions.

Other Technical Reports

Roads Department – Further Information requested with regards to traffic and pedestrian safety.

Housing Department – No objection.

Fire and Emergency Services – No objection.

Active Travel – No objections subject to condition requiring further details on cycle storage in terms of access, management and security.

Environment (Noise) – Acoustic Design Statement requested due to the house's location adjacent to the N21.

Mid West National Road Design Office (NWNRDO) – Responsible for the design and development of N21 Adare Western Approach Improvement Scheme. No objection.

Flooding – Site is not at risk of flooding, therefore no objection.

Environment Strategy – Request to redesign surface water system.

Archaeologist – No objection subject to conditions. Existing stone boundary wall should be repaired using appropriate materials and reinstated.

3.3. Prescribed Bodies

TII – Insufficient data submitted to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site. The proposed development would be at variance with national policy in relation to control of frontage development on national roads, as outlined in the DoECLG Spatial Planning and National Road Guidelines for Planning Authorities (January 2021). Road safety Audit is incomplete as no RSA Audit Feedback form has been included with the RSA.

No further submissions were received from TII following receipt of Further Information.

Irish Water – Irish water requested Further Information on 4 items as follows;

1. Revised layout showing the route of the foul sewer that will inform the enabling works.
2. Proposals to address deficits in terms of water pressure and volume/quantity.
3. Proposals to address deficits in relation to upgrading wastewater treatment plant at Manor Court.
4. Confirmation that the propose foul sewer extension will provide for the extended catchment in and adjacent to zoned lands.

The applicant responded to the above items by way of a report prepared by DRA Consulting Engineers. I note that the applicant has consulted further with Irish Water. Irish Water have confirmed by way of an updated Confirmation of Feasibility that there is currently sufficient capacity in the treatment plant. The updated Confirmation of Feasibility also confirms that water connection is feasible subject to upgrades. Irish Water will require the applicant to provide a contribution of a relevant portion of the costs for the required upgrades at Connection application stage.

3.4. Third Party Observations

6 no. third party submissions were received on the application. A further 3 no. third party submissions were received on the Further Information. A summary of the issues is outlined below;

- Traffic and access impacts associated with N21.
- Issues related to surface water drainage, water supply and low water pressure, and wastewater capacity and upgrades.
- Poor layout and design.
- Application is piecemeal and is an example of project splitting.

4.0 Planning History

Application Site

PA Reg Ref 14/287 – Permission granted in July 2014 for the construction of dwelling house, domestic garage, waste water treatment system, access road from existing entrance off the Rathkeale Road, provision of new site entrance off new access road, boundary walls, car parking spaces and all associated site works

PA Reg Ref 2360793 – Application for the (1) construction of 28 no. residential units and a creche, connection to roads and services proposed under the neighbouring scheme (reg. ref 22/990), landscaping and all associated site development works. The application is currently the subject of an appeal to An Bord Pleanála (ABP-318890-24 refers).

PA Reg Ref 2460304 – Application for the development that will consist of construction of 25 no. residential units, connection to roads and services proposed under Phase 1 (reg. ref 22/990) and Phase 2 (reg. ref 23/60793), landscaping and all associated site development works. The application is currently the subject of an appeal to An Bord Pleanála (ABP-319995-24 refers).

The development the subject of this appeal comprises Phase 1 of a wider development proposal. PA Reg Ref 2360793 and PA Reg Ref 2460304 comprise Phase 2 and Phase 3 respectively and are dependent on the access roads and infrastructure associated with Phase 1. Both applications (phase 2 and phase 3) have been refused by the Planning Authority on the grounds that the applications are premature pending decision on the subject appeal.

Adjacent Site

PA Reg Ref 19/8010 – Permitted Part 8 Development at Deerpark and Rathkeale Road for the provision of 31 no. units and 8 no. plots for affordable housing at two separate development locations.

5.0 Policy Context

5.1. Limerick County Development Plan 2022-2028

- 5.1.1. Adare is identified as a Level 4 Large Village (>500 population) in the County's Settlement Hierarchy. The following objective relates to Level 4 settlements;

Objective CGR O15 Requirements for Developments within Level 4

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

- a) To ensure that the scale of new housing developments both individually and cumulatively shall be in proportion to the pattern and grain of existing development. Generally, no one proposal for residential development shall increase the existing housing stock by more than 10 – 15% within the lifetime of the Plan, unless the applicant can demonstrate that the settlement has adequate capacity in terms of both physical and social infrastructure to support additional growth.

5.1.2. The following Objectives are also considered relevant;

Objective TR O39 National Roads; It is an objective of Council to:

- a) Prevent, except in exceptional circumstances and subject to a plan-led evidence-based approach, in consultation with Transport Infrastructure Ireland, in accordance with the Section 28 Ministerial Guidelines Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012), development on lands adjacent to the existing national road network, which would adversely affect the safety, current and future capacity and function of national roads and having regard to reservation corridors, to cater for possible future upgrades of the national roads and junctions;
- c) Facilitate a limited level of new accesses, or the intensified use of existing accesses, to the national road network on the approaches to, or exit from, urban centres that are subject to a speed limit of between 50km/h and 60km/h. Such accesses will be considered where they facilitate orderly urban development and would not result in a proliferation of such entrances.

Objective TR O48 Traffic Management; It is an objective of the Council to require the submission of Mobility Management Plans and Traffic and Transport Assessments in accordance with the requirements of Traffic and Transport Assessment Guidelines (2014), for developments with the potential to create significant additional demands on the traffic network by virtue of the nature of their activity, the number of employees, their location or a combination of these factors and for significant developments affecting the national and non-national road network.

5.2. **Adare Local Area Plan 2024-2030**

5.2.1. The Adare Local Area Plan 2024-2030 was adopted on the 13th of February 2024 and is effective from the 26th of March 2024. The subject site is zoned 'New Residential' with the following Objective and Purpose Land-Use Zoning

Objective: To provide for new residential development in tandem with the provision of social and physical infrastructure.

Purpose: 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, to cater for all members of society. Design should be complimentary to the surroundings and should not adversely impact on the amenity of adjoining residents. These areas require high levels of accessibility, including pedestrian, cyclists and public transport (where feasible). This zoning may include a range of other uses particularly those that have the potential to facilitate the development of new residential communities such as open space, schools, childcare facilities, doctor's surgeries and playing fields etc.

5.2.2. Other relevant objectives in the Local Area Plan include but are not limited to the following:

- Policy DS2 Policy DS2 Development Strategy – seeks to deliver new residential development, in accordance with the Limerick Development Plan 2022 – 2028, supporting a choice of quality housing, mixed tenure and unit size/type universally designed for ease of adaption to the lifecycle and universally accessible.
- Objective H1 Residential Development - requires the use of a number of technical reports and assessment to ensure the coherent planning of residential development and seeks to ensure all new residential developments are fully permeable and provide high quality open spaces.
- Objective H2 Density and New Residential Development – seeks to ensures all residential densities comply with the requirements of Table 3 (22uph for New and Existing Residential zoned lands).
- Objective SM 5 Roads – seeks to ensure any future development requiring access onto the N21 shall be in accordance with objective TR 039 and objective TR 048 of the Limerick Development Plan 2022-2028
- Objective IU 02 Water Infrastructure – seeks to ensure that development proposal provide adequate water infrastructure to facilities proposed developments. Evidence of consultation by developers with Uisce Eireann prior to submit a planning application will be required.

5.3. National Planning Framework

5.3.1. The National Planning Framework 'Project Ireland 2040' addresses the issue of 'making stronger urban places' and sets out a range of objectives to support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

- National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.4. Section 28 - Ministerial Guidelines/Other Guidelines

The following Guidelines are considered to be of particular relevance;

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Cycle Design Manual (2023).
- Spatial Planning and National Roads – Guidelines for Planning Authorities (January 2012).

5.5. Natural Heritage Designations

Adare Woodlands pNHA (Site code 000429) – c.10m to the west of the site

Lower River Shannon SAC (Site Code 002165) – c0.9km to the north of the site

5.6. EIA Screening

- 5.6.1. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:
- Construction of more than 500 dwelling units
 - Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
 - Item 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
- 5.6.2. The proposed development is for a residential scheme of 74 units and on a stated development site area of 3.9ha. It is sub-threshold in terms of EIA, in that it is less than 500 units and is below the 10 hectares threshold.
- 5.6.3. The application includes a Sub Threshold EIA Screening Assessment (Section 9.2 of Statement of Planning Consistency prepared by HRA Planning) The purpose of the report is to demonstrate that there is no requirement for the preparation of an Environmental Impact Assessment Report for the proposed development. The methodology section of the report confirms that the report has had regard to the criteria set out in in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended.
- 5.6.4. I have completed an EIA screening determination as set out in Appendix 2 of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed

development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 and 7A, to the proposed sub-threshold development, demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's report.

6.0 The Appeal

6.1. Grounds of Appeal

The decision of Limerick City & County Council to issue notification to grant planning permission for the proposed development was the subject of a third party appeal and a first party appeal against a number of conditions. The third-party appeal was submitted by Diarmaid and Sinead Fitzgerald, the owner of the property located on the opposite side of the N21. The grounds of appeal are outlined below.

Third Party

The concerns of the third-party are limited to two items as summarised below;

- 1) The appellants live opposite the proposed entry to the proposed development and frequently suffer difficulties exiting their property onto the National Primary Route. They contend that the proposed development will inevitably lead to a substantial number of right turning movements into the proposed estate off the main road from the southwest bound carriageway, thus leading to queuing. The applicant has proposed a right turning laneway at this location. It is difficult to see how this turning lane can be accommodated given the very narrow width of the road at this location. The appellant has suggested that the only way this turning lane could be accommodated is by widening the carriageway on the side of the proposed development, and not interfering with the width of the existing westward bound carriageway that adjoins their property. The application is premature pending the delivery of the Adare bypass.

- 2) The appellants are concerned that the low water pressure experienced in Adare, will be further exacerbated by the proposed development.

First Party

Condition 10 - The applicant notes that the project landscape architect prepared a detailed Design Rational report justifying the approach to the scheme, whilst recognising the historic fabric of the village. The boundary treatments in section 4.8 of the report were based on such principles. The applicant requests that all landscaping be as per the detailed landscaping report and associated drawings.

Condition 11 - The applicant notes that all boundary details are shown on Drawing No.1928-LA-001 Rev05. The applicant considers that 2m high block walls between each house is excessive. The applicant is agreeable to replace the timber posts with concrete posts and timber panel fence. It is requested that the Board amend this condition.

Condition 13 - The applicant will continue to engage with Uisce Eireann on all matters relating to both foul and water supply. This will be agreed via a Connection Application/Agreement in due course. The condition is pre-empting the process pre-empting the process.

Condition 23 - The applicant considers that items i-xviii have been substantially covered in the submitted technical reports, while may others are considered standard construction detail being applied across many of their projects. The Board is requested to omit this condition.

Condition 25 - The development as proposed is in full compliance with SUDs measures. Rock at a shallow level is present along the entire lower eastern section of the site rendering it difficult to employ additional measures as suggested by this condition. It is requested that the porous asphalt intended to apply to the public visitor parking be extended to the front driveways of all units acting as an additional SUDs measure. Regarding 25d it is noted that it is difficult to adjust the size of MH12 to allow for a future connection without knowing the volume to be disposed through same and from what direction, and what upsizing would be then required in the actual network/piping thereafter. The board is requested to amend/remove this condition.

6.2. Applicant Response

The applicant's response to the third party appeal is summarised as follows;

- The applicant proposes to remove the right turn lane to allow the appellants exit their property and turn right as per the current situation. A Road Plan Report and analysis on this revised option for the junction prepared by Roadplan Consulting Ltd is submitted and sets out that the revised junction will operate within capacity. A yellow box should be provided on the N21 adjacent to the proposed access to the residential development. This would allow right turning vehicles to access the residential development when vehicles are queued back from the existing N21/Rathkeale Road signalised junction.
- Uisce Eireann acknowledge in their confirmation of feasibility letter that upgrades to the potable water network are required to accommodate connection to the development. Upgrade works will be determined when the connection application is made. It is likely that the conditions attached to any new connection offer will require the upgrades to be complete prior to the connection of any new units proposed under this application.

6.3. Planning Authority Response

None

6.4. Observations

None.

6.5. Further Responses

A further response was submitted by the third party appellants. The appellants have no objection to the incorporation of a right turning lane but only on the basis that the road is significantly widened immediately to the front of the application site to incorporate this lane. There is capacity to widen the road locally in front of the application site and this is not shown on the drawings.

With regard to the provision of a yellow box as part of the revised proposal, the applicant notes that the exact delineation of any changes to road markings on the existing road should be shown in order to ensure that the appellant will have sufficient space for a right turn coming out of his property. A drawing should be prepared indicating the appellants property in relation to the new access arrangement for this proposed site. The access arrangement should take account of all the developments that will use this access as land is developed.

In relation to water pressure, in the absence of detail with regards to the nature of the upgrade works required, the application is considered premature.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows;

- Principle of development
- Access
- Water Supply
- Appeal against Conditions
- Appropriate Assessment

7.2. Principle of Development

7.2.1. At the time of the assessment of the application, the Adare Local Area Plan 2015-2021 (Extended to 2024) was the operative plan for the area. The application was assessed by Limerick City and County Council in accordance with the policies and objectives of this plan. The Adare Local Area Plan 2024-2030 was adopted on the 13th of February 2024 and is effective from the 26th of March 2024. I have assessed the proposal in accordance with the provisions of the now operative Local Area Plan (2024-2030). The subject site is zoned 'New Residential' with the Objective '*to provide for new residential development in tandem with the provision of social and*

physical infrastructure.’ I consider that the proposal is in accordance with the zoning of the site, and I have no concerns with regards to the principle of development at this location. I do not consider that there has been any material or substantial change in policy with the new adopted LAP which will have a bearing on the assessment of this development.

- 7.2.2. I note the overall density of the development is in keeping with the densities of adjoining housing and is in accordance with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). The Compact Settlement Guidelines contain several Specific Planning Policy Requirements (SPPRs) with which the proposed development must comply. On review of the submitted plans the proposed development appears to achieve the minimum required private open space of 30sqm for 2-bed houses and 40sqm for 3-bed houses (SPPR 2), and a separation distance of at least 16 metres between opposing windows above ground floor level (SPPR 1). In accordance with SPPR 3, the applicant has also proposed 2 no. parking spaces for each dwelling in accordance with the maximum rate allowed for peripheral areas. I consider that there are no implications for the development arising from the Sustainable Residential Development and Compact Settlements Guidelines.

7.3. Access

- 7.3.1. The appellants have noted generally the difficulties they face exiting their property onto the N21 and are concerned that the proposed development will exacerbate this issue. Concerns are also raised as to how the right turning lane can be accommodated given the narrow width of the road at this location. A further response by the appellant has clarified that they have no objection to the incorporation of a right turning lane in principle but only on the basis that the road is significantly widened immediately to the front of the application site to incorporate this lane.
- 7.3.2. At the location of the proposed development site entrance, the N21 is a single carriageway road, approximately 7m wide and within a 60kph speed limit zone. The proposed development will incorporate a ghost island to facilitate the inclusion of a

right turn lane into the development, upgrading the proposed junction to a priority junction.

- 7.3.3. The application was accompanied by a Traffic and Transportation Assessment (TTA) prepared by Roadplan Consulting, which was subsequently updated at Further Information stage. The TTA includes an analysis of local network capacity in the form of an assessment of 2 no. junctions;

Junction 1- Proposed N21/Development Access Priority Junction.

Junction 2- Existing N21/ Rathkeale Road Signalised Junction.

The junction analysis indicates that in 2025, 2030 and 2040, with the residential development in place Junction 1 will operate within capacity with minimal queues and delays during AM and PM peak hour. In 2040 with the committed development to the southwest operational, Junction 1 will operate within capacity with some queues and delays during AM and PM peak hour. Junction 2 is currently operating within capacity with queues and delays during AM and PM peak periods. In 2025, 2030 and 2040, with the residential development operational and an increase in background flows only, Junction 2 will operate within capacity with queues and delays during AM and PM peak hour. In 2040 with the committed development to the southwest operational, Junction 2 will operate within capacity with some queues and delays during AM and PM peak hour.

- 7.3.4. The Council's Roads Department report raises no objection to the proposal on the grounds of traffic or conflicting vehicular movements. None of the relevant internal sections recommended a refusal of permission, and the decision was made by the Local Authority to grant permission. I consider that the proposed development, which is on zoned land, would not have such an impact on the local traffic network or the adjoining properties that permission should be refused on this basis.

- 7.3.5. The appellants have also noted that the access arrangement should take account of all the developments that will use it to enter and exit the N21. The Planner's Report notes that the proposed entrance has previously been appraised and approved under the adjoining Part 8 development (19/8010). I note that the applicant's Traffic and Transport Assessment submitted as Further Information has also had regard to the Part 8 development. The Roads Department are satisfied with the submitted

details and note that the outstanding matters can be agreed by way of condition. I consider that the access proposal submitted by the applicant to be acceptable.

- 7.3.6. The submission from TII raises concern that the proposal is at variance with official policy regarding control of frontage development on national roads (Spatial Planning and National Roads Guidelines for Planning Authorities (2012)). Section 2.5 of the Spatial Planning and National Roads Guidelines outlines a series of policy approaches with regard to access to national roads which all development plans and any relevant local area plans must implement. These include lands in transitional areas where the plan area incorporates sections of national roads on the approaches to or exit from urban centres that are subject to a speed limit of 60kph before a lower 50kph limit is encountered. The Guidelines expressly state that any such proposal in the transitional areas must be subject to a road safety audit carried out in accordance with the NRA's requirements and a proliferation of such entrances, which would lead to a diminution in the role of such zones, must be avoided. Given the characteristics of the development access, which will serve the proposed development, the adjoining Part 8 development and the remaining residential zoned lands to the north, I consider that the proposed development is in accordance with the Spatial Planning and National Roads Guidelines.
- 7.3.7. It is also noted that a Stage 1/2 Road Safety Audit (RSA) was submitted as part of the application, however the report was not signed, and it did not contain the 'Feedback Back Audit Form'. A revised RSA was requested by way of Further Information. The applicant's cover letter that accompanied the FI response noted that a revised RSA was submitted, however it was not attached as part of the FI submission. I note the FI response reports states that all safety recommendations contained within the RSA have been accepted by the applicant and are highlighted on Drawings G153-171-5. I am satisfied that the provisions of the Stage 1/2 Road Safety Audit are included in the design and that the proposed development would not result in a traffic hazard. Should the board be minded to grant permission, I recommend that a condition be attached which requires the Road Safety Audit be submitted for agreement with the Planning Authority.
- 7.3.8. In response to the appeal, the applicant has put forward by way of submission to the Board, a proposal to remove the right turn lane to allow the appellants exit their property and turn right as per the current situation. A Report and analysis on this

revised option for the junction prepared by Roadplan Consulting Ltd is submitted. It is stated that a yellow box should be provided on the N21 adjacent to the proposed access to the residential development to allow right turning vehicles to access the residential development when vehicles are queued back from the existing N21/Rathkeale Road signalised junction. I note the applicant has not submitted any drawings to demonstrate this revised proposal. No response was received from the Planning Authority in relation to the material submitted by the applicant in response to the appeal, nor has the revised proposal been commented on by TII. On this basis I would consider that there is significant uncertainty with regard to the revised road proposals. In this regard, I consider that the initial proposal submitted with application is the only option that can be assessed as part of this appeal.

- 7.3.9. I note the appellants have clarified in their further response that their primary concern is not with the right turning lane in principle but with the land take associated with the proposal. I have reviewed the drawings and note that the proposed right turning lane and widening of the road has been facilitated within the applicant's ownership (blue line) boundary and does not encroach onto the appellants ownership.
- 7.3.10. The appellants also consider that the proposed development is premature pending the delivery of the Adare bypass. Having regard to the above assessment, I do not have any concerns with regards to the proposal's prematurity. I also note the government proposals to accelerate construction of Adare Bypass¹.

7.4. Water Supply

- 7.4.1. The appellants have also raised concerns with regards to the issues with low water pressure being exacerbated by the proposed development. The details of the proposed water supply are presented within the Civil Report by DRA Consulting Engineers. As part of the Further Information request the applicant was asked to submit proposals to address deficits in terms of water pressure and volume/quality. In response the applicant submitted an updated Confirmation of Feasibility from Uisce Eireann. The updated Confirmation of Feasibility confirms that water

¹ <https://www.gov.ie/en/press-release/61afb-government-approves-proposal-to-accelerate-construction-of-adare-bypass/>. (accessed 26/08/2024)

connection is feasible subject to upgrades. Such upgrades may include pressure boosting and network upsizing. Uisce Eireann will require the applicant to provide a contribution of a relevant portion of the costs for the required upgrades at Connection application stage. I consider that this is adequate to demonstrate that the proposed development would be properly serviced without unacceptable impact on the wider networks.

- 7.4.2. The response was also considered acceptable by the Planning Authority. The determination of minor design details in regard to the connections and the finalisation of a certificate of design acceptance can be made the subject to a condition attached to a permission as it would not affect the principle of development or prejudice the position of third parties.

7.5. Appeal Against Conditions

Condition 10

- 7.5.1. Condition 10 requires that no walls or fences shall be constructed or erected around the front gardens of the proposed dwellings and that the front gardens of the estate shall be kept as open plan. The applicant requests that the condition is omitted, and all landscaping be as per the detailed landscaping report and drawings submitted. The applicant has proposed that front gardens are divided between dwellings with a 1m high timber post fence with a black painted finish. This approach is a contemporary version of the existing village garden boundaries that exist in Adare. I note the reasoning for this condition is to ensure that the proposed scheme remains open plan in nature/appearance, in the interest of urban design and visual amenity, however the Planning Authority have not provided a justification for the inclusion of such a condition. I note that car parking will be provided within the front curtilage of the houses and therefore I am not overly concerned about the need for this area to remain open plan in nature/appearance. I am satisfied that the design approach proposed by the applicant has appropriately considered the historic character of the village. I therefore recommend that the condition is omitted.

Condition 11

- 7.5.2. Condition 11 requires a 2-metre high block wall to be constructed along the rear, side and dividing boundary between houses. The applicant considers that 2m high

block walls between each house is excessive. The applicant notes that all boundary details are shown on Drawing No.1928-LA-001 Rev05. The applicant has proposed that side to side gardens are divided by 1.8m high timber hit and miss panel fencing with timber posts. The applicant is agreeable to replace the timber posts with concrete posts and timber panel fence. It is requested that the Board amend this condition. I note Section 11.3.10 of the Development Plan deals with Boundary treatments. It states that the provision at a minimum of concrete post and concrete panel fencing as the side boundary between the flank side walls of houses will be required. I therefore recommend that the condition is amended to reflect the requirements of the Development Plan as follows;

“a. A 2-metre high privacy wall shall be constructed along the rear boundary between houses, and (at a minimum) a concrete post and concrete panel fencing shall be constructed at the side boundary between houses. The wall shall be solid block, capped and rendered. Where there is a difference in ground levels between this site and adjoining properties, the level shall be taken as their average level.

b. Screen walls abutting open space or estate roads shall be 2m high, plastered and capped with piers.

Reason: In the interest of privacy and residential amenity.”

Condition 13

- 7.5.3. Condition 13 requires the developer to submit details of the required local upgrade works to address the deficiency of water pressure and volume/quantity associated with the existing potable water network. The applicant considers that this condition is pre-empting the Connection Application/Agreement process with Uisce Eireann and requests that the condition is omitted. For the purposes of my planning assessment, I note that Uisce Eireann has provided sufficient confirmation of feasibility of the proposed development. I recommend that the condition is amended to the standard board condition which requires connection agreements with Uisce Eireann for water supply and wastewater prior to the commencement of development as follows;

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

Reason: In the interest of public health”

Condition 23

- 7.5.4. Condition 23 relates to the delivery of roads, cycle tracks and footpaths and references a number of manuals and guidelines that the proposed development should accord with. The applicant considers that items i-xviii have been substantially covered in the submitted technical reports, while many others are considered standard construction detail being applied across all projects. The Board is requested to omit this condition. I have reviewed the condition and consider that there is no need for this additional and very prescriptive condition. No specific requirements to justify the inclusion of this condition are outlined in either the Planners Report or the Roads Department Report. The assessments submitted by the applicant have been thorough and have had regard to the relevant manuals and guidelines. In that context I recommend that condition 23 should be replaced with a standard Board condition, as follows:

“The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: *In the interest of amenity and of traffic and pedestrian safety.”*

Condition 25

- 7.5.5. Condition 25 as worded by the Planning Authority requires future agreement for the design of SUDS. The applicant has noted that the development as proposed is in full compliance with SUDS measures. Rock at a shallow level is present along the entire lower eastern section of the site rendering it difficult to employ additional measures as suggested by this condition. Item 3a of the request for further information sought a redesign of the surface water system with priority given to the Nature Based Solutions. It is noted that design was changed slightly to include some dry swales to collect runoff from sections of the road and impermeable footpaths. The Environmental Section were not satisfied with this revised proposal. It was considered, having regard to the amount green spaces available in the development, that there is significant potential to retain and treat the storm water/rain water generated on the site.

7.5.6. The Roads section also sought the use of permeable paving for driveways and porous asphalt for public realm car parking. The applicant notes that the engineering consultants designed the scheme on the basis of not having permeable driveways, as they will cease to function after 5 years as they will not be maintained by the homeowners. The applicant requests that the porous asphalt intended to apply to the public visitor parking be extended to the front driveways of all units acting as an additional SUDs measure.

7.5.7. It is not entirely clear whether the applicant is appealing the entire condition or specific elements of the condition. Having regards to the outstanding matters outlined above, I consider that the design of SUDS measures should be looked at further and submitted for written agreement of the planning authority prior to the commencement of development. In relation to the other items of the condition I would consider them again to be overly prescriptive and not planning issues. Therefore, I recommend that Condition 25 be amended as follows;

“The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: *To prevent flooding and in the interests of sustainable drainage.”*

7.5.8. In conclusion, I recommend the following;

- Condition 10 to be omitted.
- Condition 11, 13, 23 & 25 to be amended.

7.6. **Appropriate Assessment**

7.6.1. Refer to Appendix 3 for AA Screening Determination. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

7.6.2. This conclusion is based on:

- Objective information presented in the Screening Report
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same
- Distance from European Sites,
- The absence of meaningful pathway to any European site
- Impacts predicted would not affect the conservation objectives.

7.6.3. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

8.0 Recommendation

8.1. I recommend that permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to residential land use zoning of the site, and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information submitted to the Planning Authority on the 12th May 2023, except

as may otherwise be required in order to comply with the following conditions. Where such conditions required details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. All mitigation measures set out in the submitted Ecological Impact Assessment and Bat Survey shall be implemented in full in the carrying out and occupation of the permitted development.

Reason: To protect residential amenity and natural heritage.

3. Details of materials, colours and textures of all external finishes to proposed dwellings, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual interest

4. a. A 2-metre high privacy wall shall be constructed along the rear boundary between houses, and (at a minimum) a concrete post and concrete panel fencing shall be constructed at the side boundary between houses. The wall shall be solid block, capped and rendered. Where there is a difference in ground levels between this site and adjoining properties, the level shall be taken as their average level.
b. Screen walls abutting open space or estate roads shall be 2m high, plastered and capped with piers.

Reason: In the interest of privacy and residential amenity.

5. The window openings located on the side walls of proposed units, numbered 1 to 5, shall be orientated to open away from the adjacent N21 road.

Reason: In the interest of residential amenity.

6. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in

accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

7. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation

8. Prior to commencement of development details of cycle parking and associated storage for cycling equipment shall be agreed in writing with the planning authority.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

9. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

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

Reason: In the interest of public health

11. The naming and numbering of the dwellings shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing with, the planning authority prior to occupation of the proposed dwellings.

Reason: In the interest of orderly development.

12. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturday and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenity of property in the vicinity.

13. 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 hours of work, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity

14. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plan for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interests of sustainable waste management.

15. Prior to the commencement of any development on site the applicant shall submit the following for the written agreement of the Planning Authority

- i) The Stage 1 and Stage 2 Road Safety Audit shall be signed by the design team or the employer and include the feedback audit form. The Stage 2 Road Safety Audit shall be in compliance with the TII Publication 'Road Safety Audit GE-STY-01024'. The recommendations of the Stage 1 & Stage 2 Road Safety Audit shall be implemented in full/
- ii) A Stage 3 Road Safety Audit in compliance with the TII Publication 'Road Safety Audit GE-STY-01024' shall be submitted on upon the completion of construction and prior to the opening to traffic.

Reason: In the interests of traffic and pedestrian safety.

16. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

17. The development shall be carried out and completed in accordance with the “taking-in-charge” standards of the planning authority. The development shall be maintained by the developer until such time as it is taken in charge by the planning authority.

Reason: In the interest of ensuring that the development is carried out to appropriate standards.

18. 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 within the proposed development. All existing over ground cables shall be re-located underground as part of the site development works.

Reason: In the interests of visual and residential amenity

19. 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 by the developer for occupation of any house.

Reason: In the interests of amenity and public safety.

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

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

21. Prior to the 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 provisions 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 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 of An Bord Pleanála for determination.

Reason: To comply with requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

22. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the development in the area of the planning authority that is provided or intended to be provided 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 the commencement of the development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is 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 to be applied to the permission

23. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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.

Ciara McGuinness
Planning Inspector

30th August 2024

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Construction of 74 no. residential units and all associated site development works		
Development Address	Rathkeale Road, Adare, Co. 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	✓
		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	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(i), 10(b)(iv) of Part 2 to Schedule 5 / Sub-Threshold	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes	✓	Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2 - EIA Screening Determination

A. CASE DETAILS

An Bord Pleanála Case Reference **(317797-23)**

Development Summary

Construction of 74 no. residential units and all associated site development works at Rathkeale Road, Adare, Co. Limerick

Yes / No /
N/A

Comment (if relevant)

1. Was a Screening Determination carried out by the PA?

No

2. Has Schedule 7A information been submitted?

Yes

Section 9.2 of Statement of Planning Consistency prepared by HRA Planning

3. Has an AA screening report or NIS been submitted?

An Appropriate Assessment Screening Report was submitted with the application. An Ecological Impact Statement was also submitted with the application.

5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA

SEA and AA were undertaken in respect of the Limerick Development Plan 2022-2028 and the Adare Local Area Plan 2024-2030.

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	There is a clear consistency in the nature and scale of development in the surrounding area, primarily comprising residential development to the south, east and north. The proposed development would provide for a new residential development at an urban location that is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The proposed residential development has been designed to logically address the alterations in topography on site, resulting in minimal change in the locality, with standard measures to address potential impacts on surface water and groundwaters in the locality.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical for an urban development of this nature and scale.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for	No

	construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in a Construction Environmental Management Plan would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of a Construction Environmental Management Plan would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other operational impacts in this regard are not anticipated to be significant.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Operation of the standard measures listed in a Construction Environmental Management Plan, will satisfactorily mitigate emissions from spillages during construction and operation. The operational development will connect to mains services and discharge surface waters only after passing through SUDS. Surface water drainage will be separate to foul services within the site.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard	No

	measures listed in the Construction Environmental Management Plan.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within the Construction Environmental Management Plan would satisfactorily address potential risks on human health. No significant operational impacts are anticipated for the piped water supplies in the area.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. The site is not at risk of flooding.	No
1.10 Will the project affect the social environment (population, employment)	Development of this site would result in an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an	The nearest European sites are listed in Section 5.5 of this report. Protected habitats or habitats suitable for substantive habituating of the site by protected species were not found on site during ecological surveys. The proposed development would not result in significant impacts to any protected sites, including those downstream	No

objective of a development plan/ LAP/ draft plan or variation of a plan		
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	The proposed development would not result in significant impacts to protected, important or sensitive species. A bat survey report was carried out for the proposed development. Bat species were recorded on site, however no bat roosts were identified. Foraging and commuting was mainly associated with mature trees forming field boundaries. Provided that the development is constructed and operated in accordance with the design best practice and mitigation described within the report no significant impacts on local bat population will occur.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	An Archaeological Assessment was submitted with the application. No features or finds of archaeological significance were found. The remains of the 19 th century limestone boundary wall will be repaired and reused as part of the development boundary. Condition recommended for archaeological monitoring during development. LCCC Archaeologist has reviewed and agreed with same.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No such features are in this urban location, with the site separated from agricultural areas by intervening urban lands and road infrastructure	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	The development will implement SUDS measures to control surface water run-off. The development would not increase risk of flooding to downstream areas with surface water to discharge at greenfield runoff rates. No surface water features in the vicinity of the site.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No

2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The site is served by the N21 national road. There are sustainable transport options available for future residents. No significant contribution to traffic congestion is anticipated to arise from the proposed development.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	The site is in close proximity to a hospital and schools. However, there is no negative impact anticipated as a result of the proposal.	No
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No
3.3 Are there any other relevant considerations?	No	No
C. CONCLUSION		
No real likelihood of significant effects on the environment.	Agreed <input checked="" type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	<input type="checkbox"/>
D. MAIN REASONS AND CONSIDERATIONS		
<p>Having regard to</p> <ul style="list-style-type: none"> the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022; the location of the site un an established urban area; 		

- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Construction Management Plan and the Ecology Reports.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 3 - Screening for Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Screening Determination

Step 1: Description of the project

I have considered the proposed residential development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. An appropriate assessment screening report has been prepared by OPENFIELD Ecological Services on behalf of the applicant and the objective information presented in that report informs this screening determination.

The proposed development site is not located within or directly adjacent any European Site. The subject site is located c.0.9km to the south of the Lower River Shannon SAC (Site Code 002165). There is no direct hydrological connection from the site to the SAC. The direction of site drainage is towards the River Maigue which falls within the River Shannon SAC. The town is serviced by a wastewater treatment plan and this too discharges treated effluent into the River Maigue. Further north the Maigue also falls within the River Shannon and River & Fergus Esturies SPA. Consequently, there is a weak hydrological connection between the site and these two European Sites. The Curraghcase Woods SAC (site code: 000174) lies approx. 4.8km to the northwest of the site and because of its population of lesser horseshoe bats is included within the zone of influence as a precautionary approach.

It is proposed to construct a residential development on the lands. The habitats on site have been surveyed and are described in accordance with standard practice (Fossitt 2000) and comprise Improved Agricultural Grassland (GA1), Scattered Trees (WD5), Scrub (WS1), Dry Meadow (GS2), Broadleaved Woodland (WD1) and Hedgerows (WI1). There are no water courses or drainage ditches on the lands.

The proposed development comprises 74 no. residential units and all associated works. I have provided a detailed description of the development in my report (section 2) and detailed specifications of the proposal are provided in the AA Screening report and other planning documents provided by the applicant.

No AA concerns have been raised by the Local Authority, Third-Parties or Prescribed Bodies.

Step 2: Potential impact mechanisms from the project [consider direct, indirect, temporary/permanent impacts that could occur during construction, operation and, if relevant, decommissioning]

The proposed development will not result in any direct effects such as a habitat loss of any European Site.

Sources of impact include;

- Surface water pollution from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.
- Surface water pollution from operation resulting in changes to environmental conditions such as water quality / habitat degradation.
- Increased human disturbance at the site, particularly during construction phase.

Where an ecological pathway exists, these indirect impacts could negatively alter the quality of the existing environment, negatively affecting qualifying interest species and habitats that are dependent on high water quality, that require maintenance of vegetation composition and for mobile species, unimpeded access.

Step 3: European Sites at risk

Table 1 European Sites at risk from impacts of the proposed project [example]

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Deterioration of water quality	Pathway from development site via surface and wastewater flows to River Maigue and its estuaries	Lower River Shannon SAC	Freshwater species dependent on high water quality: Freshwater pearl mussel, Lamprey species, salmon, otter
Deterioration of water quality	Pathway from development site via surface and wastewater flows to River Maigue and its estuaries	River Fergus Estuaries SPA	No objective in relation to water quality.
Disturbance	SAC designated for Lesser Horseshoe bats	Curraghchase SAC	Lesser Horseshoe Bat

Lower River Shannon SAC (Site Code 002165)

site stretches along the Shannon valley from Killaloe in Co. Clare to Loop Head/ Kerry Head, a distance of some 120 km. The site thus encompasses the Shannon, Feale, Mulkear and Fergus estuaries, the freshwater lower reaches of the River Shannon (between Killaloe and Limerick), the freshwater stretches of much of the Feale and Mulkear catchments and the marine area between Loop Head and Kerry Head. Rivers within the sub-catchment of the Feale include the Galey, Smearlagh, Oolagh, Allaughau, Owveg, Clydagh, Caher, Breanagh and Glenacarne. Rivers within the sub-catchment of the Mulkear include the Killeenagarraff, Annagh, Newport, the Dead River, the Bilboa, Glashacloonaraveela, Gortnageragh and Cahernahallia. 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. A good

number of Red Data Book species are also present, perhaps most notably the thriving populations of Triangular Club-rush. A number of species listed on Annex I of the E.U. Birds Directive are also present, either wintering or breeding. Indeed, the Shannon and Fergus Estuaries form the largest estuarine complex in Ireland and support more wintering wildfowl and waders than any other site in the country. Most of the estuarine part of the site has been designated a Special Protection Area (SPA), under the E.U. Birds Directive, primarily to protect the large numbers of migratory birds present in winter.

Curraghchase Woods SAC (Site Code 000174)

This site is situated approximately 7 km east of Askeaton in Co. Limerick. The area is characterised by glacial drift deposits over Carboniferous limestone. The site consists largely of mixed woodland and a series of wetlands. The combination of a secure hibernation site and suitable foraging habitat and the presence of over 60 individuals make Curraghchase Woods an internationally important site for the Lesser Horseshoe Bat. The presence of Desmoulin's Whorl Snail *Vertigo moulinsiana*, an Annex II species, and two woodland types that are listed with priority status on Annex I of the E.U. Habitats Directive, and especially Yew woodland, which is of very limited occurrence in Ireland, is of particular note.

Step 4: Likely significant effects on the European site(s) 'alone'

Having reviewed the documentation on file, the Conservation Objectives supporting documents for the above referenced sites available through the NPWS website (www.npws.ie), and noting the nature, scale, design, and location of the proposed development, together with the nature of the qualifying interests which will not be in anyway affected, I am satisfied that likely significant impacts on the qualifying interests of the subject European Sites that are not listed in the Tables below can be ruled out and do not require further consideration. As such, the tables below focus only on the qualifying interest features at risk having regard to the specifics of the proposed development.

Table 2: Could the project undermine the conservation objectives 'alone'			
European Site and qualifying feature	Conservation objective (summary) [provide link/ refer back to AA Screening Report]	Could the conservation objectives be undermined (Y/N)?	
		Effect A	Effect B
Lower River Shannon SAC	Lower River Shannon SAC National Parks & Wildlife Service (npws.ie)	Deterioration of water quality	Disturbance
Freshwater pearl mussel,	Restore FCS Maintain distribution at 7km, restore populations to 10,000 adult mussels, Restore to least 20% of population no more than 65mm in length; and at least 5% of population no more than 30mm in length, no more than 5% decline from previous number of live adults counted, Restore suitable habitat in more than 3.3km (see map 15) and any additional stretches necessary for salmonid spawning. Restore water quality-	N	N

	macroinvertebrates: Restore substratum quality-filamentous algae: Restore substratum quality-stable cobble and gravel substrate with very little fine material; Restore to no more than 20% decline from water column to 5cm depth in substrate, restore appropriate hydrological regimes Maintain sufficient juvenile salmonids to host glochidial larvae.		
Sea Lamprey	Restore FCS: Greater than 75% of main stem length of rivers accessible from estuary, at least three age/size groups present, Juvenile density at least 1/m ² , No decline in extent and distribution of spawning beds, More than 50% of sample sites positive,	N	N
Brook Lamprey	Maintain FCS: Access to all water courses down to first order streams, at least three age/size groups of brook/river lamprey present, Mean catchment juvenile density of brook/river lamprey at least 2/m ² , No decline in extent and distribution of spawning beds, more than 50% of sample sites positive.	N	N
River Lamprey	Maintain FCS: Access to all water courses down to first order streams, at least three age/size groups of river/brook lamprey present, Mean catchment juvenile density of brook/river lamprey at least 2/m ² , No decline in extent and distribution of spawning beds, more than 50% of sample sites positive.	N	N
salmon	Maintain FSC: 100% of river channels down to second order accessible, Conservation Limit (CL) for each system consistently exceeded, Maintain or exceed 0+ fry mean catchment-wide abundance threshold value, No significant decline in out-migrating smolt abundance, No decline in number and distribution of spawning redds, t Q4 water quality at all sites sampled by EPA	N	N
otter	Restore FCS: No significant decline in distribution, extent of terrestrial habitat, extent of marine habitat, extent of freshwater habitat, couching sites and holts and fish	N	N

	biomass available. No significant increase in barriers to connectivity.		
Curraghchase Woods SAC	Curraghchase Woods SAC National Parks & Wildlife Service (npws.ie)		
Lesser horseshoe bat	Restore FCS: Minimum number of 100 bats for the summer roost; minimum number of 81 bats for the winter roost, no decline in winter, summer or auxiliary roosts, no significant decline in extent of potential foraging habitat within 2.5km of qualifying roosts, no significant loss of linear features within 2.5km of qualifying roosts, No significant increase in artificial light intensity adjacent to named roosts or along commuting routes within 2.5km of those roosts.	N	N

The nearest European Site is located 0.9km from the proposed development. Having regard to this distance, the nature, scale and extent of the proposed works, the nature of the receiving environment which comprises a built-up urban area, the absence of a direct hydrological link, and implementation of standard construction techniques, significant effects on the European site are unlikely.

The proposed development site is outside the 2.5km core foraging range of Lesser horseshoe bat. The bat survey submitted with the application recorded no suitable roosting habitat for the species on the site. Due to the separation distance between the subject site and the SAC, the proposed development would not have any disturbance impacts on bats related to the European Site.

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of Lower River Shannon SAC and Curraghchase Woods SAC. Further AA screening in-combination with other plans and projects is required.

Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

Having reviewed the Limerick City and County Council and An Bord Pleanála's online mapping system, I consider the following projects, could have the potential to have significant in-combination effects on a European Site when considered alongside the proposed development.

Table 3: Plans and projects that could act in combination with impact mechanisms of the proposed project.

e.g. approved but uncompleted, or proposed

Plan /Project	Effect mechanism
Adare bypass	Deterioration of Water Quality
	Disturbance

Table 4: Could the project undermine the conservation objectives in combination with other plans and projects?

European Site and qualifying feature	Conservation objective	Could the conservation objectives be undermined (Y/N)?
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		Water Quality	Disturbance		
Lower River Shannon SAC	Lower River Shannon SAC National Parks & Wildlife Service (npws.ie)	Deterioration of water quality	Disturbance		
Freshwater pearl mussel,	Restore FCS Maintain distribution at 7km, restore populations to 10,000 adult mussels, Restore to least 20% of population no more than 65mm in length; and at least 5% of population no more than 30mm in length, no more than 5% decline from previous number of live adults counted, Restore suitable habitat in more than 3.3km (see map 15) and any additional stretches necessary for salmonid spawning. Restore water quality- macroinvertebrates: Restore substratum quality-filamentous algae: Restore substratum quality-stable cobble and gravel substrate with very little fine material; Restore to no more than 20% decline from water column to 5cm depth in substrate, restore appropriate hydrological regimes Maintain sufficient juvenile salmonids to host glochidial larvae.	N	N		
Sea Lamprey	Restore FCS: Greater than 75% of main stem length of rivers accessible from estuary, at least three age/size groups present, Juvenile density at least 1/m ² , No decline in extent and distribution of spawning beds, More than 50% of sample sites positive,	N	N		
Brook Lamprey	Maintain FCS: Access to all water courses down to first order streams, at least three age/size groups of brook/river lamprey present, Mean catchment juvenile density of brook/river lamprey at least 2/m ² , No decline in extent and distribution of	N	N		

	spawning beds, more than 50% of sample sites positive.				
River Lamprey	Maintain FCS: Access to all water courses down to first order streams, at least three age/size groups of river/brook lamprey present, Mean catchment juvenile density of brook/river lamprey at least 2/m ² , No decline in extent and distribution of spawning beds, more than 50% of sample sites positive.	N	N		
salmon	Maintain FSC: 100% of river channels down to second order accessible, Conservation Limit (CL) for each system consistently exceeded, Maintain or exceed 0+ fry mean catchment-wide abundance threshold value, No significant decline in out-migrating smolt abundance, No decline in number and distribution of spawning redds, t Q4 water quality at all sites sampled by EPA	N	N		
otter	Restore FCS: No significant decline in distribution, extent of terrestrial habitat, extent of marine habitat, extent of freshwater habitat, couching sites and holts and fish biomass available. No significant increase in barriers to connectivity.	N	N		
Curraghchase Woods SAC	Curraghchase Woods SAC National Parks & Wildlife Service (npws.ie)				
Lesser horseshoe bat	Restore FCS: Minimum number of 100 bats for the summer roost; minimum number of 81 bats for the winter roost, no decline in winter, summer or auxiliary roosts, no significant decline in extent of potential foraging habitat within 2.5km of qualifying roosts, no significant loss of linear features within 2.5km of qualifying roosts, No significant increase in artificial light intensity adjacent to named roosts or along commuting	N	N		

	routes within 2.5km of those roosts.				
<p>I consider that there is potential for an in-combination effect with the proposed Adare Bypass, which I note was approved by the Board in August 2022 under ABP Ref 306146. I note that this application was accompanied by an NIS and mitigation measures were proposed to protect the integrity of the European Sites. Having regard to the nature of the proposed development and to the implementation of mitigation measures, I am satisfied that the in-combination impact of this project, and any other project, will not affect the overall integrity of the European Sites.</p> <p>I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.</p>					
<p>Overall Conclusion- Screening Determination</p> <p>In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.</p> <p>This conclusion is based on:</p> <ul style="list-style-type: none"> • Objective information presented in the Screening Report • The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development. • Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same • Distance from European Sites, • The absence of meaningful pathway to any European site • Impacts predicted would not affect the conservation objectives. <p>No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.</p>					