



An
Bord
Pleanála

Inspector's Report ABP-318378-23

Development	The construction of 54 residential units and all ancillary site works. A Natura Impact Statement (NIS) and an Environmental Impact Assessment Report (EIAR) accompany this application.
Location	Townland of Clonconane, between Old Cratloe Road (L3102) and Pass (Meelick) Road, Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	221114
Applicant(s)	Riverpoint Construction Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Michael McLoughlin & Others
Observer(s)	None

Date of Site Inspection

March 26th, 2024

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 2.56 hectares is located within the townland of Clonconane, between Old Cratloe Road (L3102) and Pass (Meelick) Road, approximately 3.5km from Limerick city centre. The site forms part of a larger landholding, of stated 22.53 hectares for which a masterplan has been prepared by the applicants.
- 1.2. The subject site is greenfield in nature and comprises a parcel of agricultural land, currently used for grazing by horses/ponies. It is set within a former golf course which reverted back to agricultural use by 2000. The topography of the site is undulating and falls from east to west.
- 1.3. The lands are bound by the Old Cratloe Road to the south and the Meelick Road to the east, both of which are being upgraded and realigned as part of the Coonagh-Knockalisheen Distributor Road scheme, with expected completion date of 2025.
- 1.4. There is some low-density housing in the immediate vicinity, with prevailing height of single and two-storey. The remainder of the area in the immediate vicinity is generally undeveloped and agricultural in nature.

2.0 Proposed Development

- 2.1. The proposal comprises the construction of a residential development of 54 residential units and all associated site development works. An NIS and EIAR were submitted with the application (EIAR submitted at FI stage).

Site Area	2.56 hectares (part of larger landholding of 22.53 ha)
No of units	54 units 30 x 3-storey, 5 bed semi-detached (56%) 2 x 2-storey, 4 bed semi-detached (4%) 14 x 2-storey, 3 bed semi-detached (26%)

	4 x single storey, 2-bed end of terrace (7%) 4 x single storey, 2-bed mid-terrace (7%)
Height	1-3 storeys
Other Uses	None
Part V	6 units
Public Open Space	16.7%
Density	21.09 units/hectare (gross) 35.1 units/hectare (net)
Car Parking	104 spaces at surface level
Access	From Old Cratloe Road and also through roundabout and link to the east of the site

- 2.2. The application is accompanied by a letter from Housing Development Directorate, Limerick City and County Council (dated 12/08/2022) which confirms that an agreement in principle to comply with the applicants Part V obligation has been reached with the transfer of 6 no. units on-site to the Council on condition that the units are managed by an Approved Housing Body. Final negotiation to be concluded on specific details of Part V before a commencement order is lodged under this permission.

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 30 no. conditions

Further Information was requested by the planning authority in relation to (i) how proposal will integrate with revised proposal on adjoining site Reg. Ref. 22/959 (ii)

linear nature of access road (iii) lack of surveillance of public open spaces (iv) management of construction noise and dust (v) traffic and pedestrian issues (vi) lighting design (vii) surface water management (viii) archaeological testing (ix) provision of childcare facility (x) bicycle parking (xi) areas to be taken in charge (xii) impacts on Old Cratloe Road 'Feeder' cycling route (xiii) stormwater impacts on receiving environment.

In addition, by separate correspondence the applicant was requested by the planning authority to submit information as specified in Schedule 7A of the Planning and Development Regulations 2001 for the purposes of EIA screening determination, which should include details of potential for cumulative impact considerations having regard to existing and/or permitted development.

Revised public notices were submitted by the applicants on foot of the Further Information request. An EIAR was included in the response to the FI request.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planning Officer- Reflects decision of planning authority; recommends grant of permission
- Director of Services report- proposal acceptable with regards to AA and EIA; mitigation measures contained in NIS and conditions are such that proposal is acceptable

3.2.2. Other Technical Reports

Roads, Traffic and Cleansing Section- Conditions recommended (11/09/2023)

Active Travel Section- Conditions recommended (08/09/2023)

Flooding Department (PEMP)- No objection on grounds of flood risk (22/11/2022)

Environment, Recreation and Climate Change- Conditions recommended in relation to waste management (01/12/2022)

Heritage Officer- Conditions recommended (02/10/23)

Executive Scientist- No objections (26/09/2023)

Fire Service- No objection (14/11/2022)

Archaeology Section- Conditions recommended (05/09/2023)

3.3. **Prescribed Bodies**

Uisce Eireann: No report received

3.4. **Third Party Observations**

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

4.0 **Planning History**

None

Applications of relevance of adjacent lands:

ABP-317626-23 (22/959)- Permission GRANTED for 98 residential units and associated site development works. Appeal decision PENDING

ABP-315673-23 (21/1800)- Permission GRANTED for 99 residential units and ancillary site development works. Decision UPHELD on appeal.

22/790- Permission GRANTED for 107 space creche and associated works

22/817- Permission GRANTED for 86 residential units and associated site development works

22/917- Permission GRANTED for 12 residential units and a mixed-use development comprising coffee shop, two retail units and a foodstore.

5.0 **Policy Context**

5.1. National Planning Policy

Section 28 Ministerial Guidelines

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

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities – Guidelines for Planning Authorities
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Appropriate Assessment Guidelines for Planning Authorities
- EIA Guidance for Consent Authorities regarding Sub-Threshold Development
- Climate Action Plan

Other policy documents of note:

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

5.2. Local Planning Policy

Development Plan

The Limerick Development Plan 2022-2028 applies.

Settlement Tier- Level 1 – Limerick City and Suburbs (in Limerick), Mungret and Annacotty

Zoning:

Site is primarily zoned 'New Residential' which seeks to 'provide for new residential development in tandem with the provision of social and physical infrastructure'. A small sliver of land along the western boundary is zoned for 'Agriculture'.

Density: - Zone 3: Suburban Edge- a minimum net density of 35+ dwelling units per hectare are required at sites in suburban development areas

Building Height: Volume 6 Building Height Strategy for Limerick City

Table DM 9(a): Car and Bicycle Parking Standards Limerick City and Suburbs- site located within Zone 3

5.3. **Natural Heritage Designation**

The nearest designated site- Lower River Shannon SAC (Site Code 002165) and River Shannon and River Fergus Estuaries SPA (004077)- are approximately 1.4km from the subject site.

5.4 **Appropriate Assessment Screening**

5.4.1 See Appendix 1, Form 1

5.4.2 I highlight to the Board that AA Screening and a Stage 2 Appropriate Assessment was undertaken by the Inspector and Board for ABP-315673-23, an appeal for 99 houses and associated site works on adjoining lands, part of the masterplan area. I refer the Board to section 8.14 of the initial Inspector's Report in that regard.

5.4.3 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 the proposed development is likely to have a significant effect on identified Qualifying Interests of the Lower River Shannon SAC (Site Code 002165) and River Shannon and River Fergus Estuaries SPA (Site Code 004077) 'alone' with the most likely impacts on the integrity of the designated sites resulting from decline in water quality due to construction activities in the absence of mitigation measures. This is due to the presence of a drainage ditch, that in periods of heavy rainfall would contain moving water that would have connectivity to the flow network and onto these two designated sites. These emissions to the surface water have the potential to effect the supporting habitat of species downstream of the proposed development site. I consider this to be an extremely precautionary approach, given the scale of the development, the distance from designated sites, dilution effects and the fact that the drainage ditch is dry except in period of heavy rainfall. Notwithstanding this, it is

therefore determined that Appropriate Assessment (Stage 2), under Section 177V of the Planning and Development Act 2000, is required on the basis of the effects of the project 'alone'.

- 5.4.4 A Natura Impact Statement was submitted with the application, and I refer the Board to same.

Stage 2- Appropriate Assessment

Introduction

- 5.4.5 The application included an NIS for the proposed development at Old Cratloe Road, Limerick. The NIS provides a description of the project and the existing environment. It also provides a background on the screening process and examines and assesses potential adverse effects of the proposed development on a number of European Sites. Assessment of likely significant effects on European sites are outlined in section 3. The most likely impact on the integrity of the designated sites was identified as impacts on designated species and/or habitats resulting from decline in water quality and therefore food source/breeding habitat for species identified due to construction activities in the absence of mitigation measures. Details of mitigation measures are outlined in section 4.4. Cumulative or in-combination effects are examined within section 5 and it is concluded that there would be no significant cumulative impacts of the proposed project with other projects and plans.
- 5.4.6 The NIS concludes that with the implementation of the mitigation measures during the construction and operational phases, it is considered that the proposed development will not affect the integrity of the Lower River Shannon SAC (Site Code: 002165) or River Shannon and River Fergus Estuaries SPA (Site Code: 004077).
- 5.4.7 The planning authority notes the submission of an AA Screening Report and NIS and state that following implementation of the appropriate mitigation measures outlined in the NIS, that the development as proposed should not result in a significant effect on the integrity of the qualifying interests of the Lower River Shannon SAC.
- 5.4.8 On the basis of objective information, it is my opinion, that the designated sites in closest proximity to the development site, requires further consideration only. Based on the above, I consider that it is not possible to exclude that the proposed development, individually or in combination with other plans or projects, will have a

likely significant effect on the following sites:

Table 1:

Site Name	Site Code	Distance
Lower River Shannon SAC	002165	1.1km W
River Shannon and River Fergus Estuaries SPA	004077	1.1km E

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

5.4.9 The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

5.4.10 I have relied on the following guidance:

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

5.4.11 A description of the designated site and its Conservation Objectives and Qualifying Interests, including any relevant attributes and targets, are set out in the NIS. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives/Statutory Instrument supporting documents for these sites available through the NPWS website (www.npws.ie).

5.4.12 I note that varying distances are put forward to these designated sites within the submitted documentation. Using a precautionary approach, I am stating that the proposed development site is approximately 1.1km from these designated sites. I also note some errors in the submitted documentation, these are considered relatively minor and do not impact the outcome of my recommendation.

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

Special Area of Conservation- Lower River Shannon SAC

5.4.13 The development is located wholly outside of any European site and is located approximately 1.1km from the Lower River Shannon SAC. Potential impacts of the proposed development on key habitats and species have been set out in section 3.1 of the NIS and I refer the Board to same. I also refer the Board to Appendix 1 of this report. The only habitat recorded near the site (not on the site) is that of Water courses of plain to montane levels while the only QI species for this designated site recorded in the vicinity of the site was Otter. No traces of otter were found on the site during field surveys.

Table 2:

Designated Site	Qualifying Interests (*QI most likely to be impacted highlighted in BOLD)	Conservation Objective (favourable status)
Lower River Shannon SAC	Sandbanks which are slightly covered by sea water all the time Estuaries Mudflats and sandflats not covered by seawater at low tide Coastal lagoons Large shallow inlets and bays Reefs Perennial vegetation of stony banks Vegetated sea cliffs of the Atlantic and Baltic coasts Salicornia and other annuals colonising mud and sand Atlantic salt meadows]	Maintain/Restore the favourable conservation status of habitats and species of community interest

	<p>Mediterranean salt meadows</p> <p>Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior</p> <p>Freshwater Pearl Mussel</p> <p>Sea Lamprey</p> <p>Brook Lamprey</p> <p>River Lamprey</p> <p>Salmon</p> <p>Common Bottlenose Dolphin</p> <p>Otter</p>	
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Lower River Shannon SAC (Site Code 002165)	<u>Lower River Shannon SAC National Parks & Wildlife Service (npws.ie)</u>	Water Quality	Pollution/ Contamination	Siltation	
Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation	<p>Maintain FCS</p> <p>Habitat area stable or increasing; no decline in habitat distribution. Maintain appropriate hydrological regimes; hydrological regimes; substratum should be dominated by the particle size ranges, appropriate to the habitat sub-type.</p> <p>Area of active floodplain and area of riparian woodland at and upstream of the habitat should be maintained; Typical species of the relevant habitat sub-type should be present and in good condition; concentration of nutrients in the water column should be sufficiently low</p>	Y	Y	N	
Otter	Restore FCS	Y	Y	Y	

	No significant decline in habitat extent/ distribution/couching sites & holts; available fish biomass. No significant increase in barriers to connectivity.				
Common Bottlenose Dolphin	Maintain FCS Species range within the site should not be restricted by artificial barriers to site use; Critical areas, representing habitat used preferentially by bottlenose dolphin, should be maintained in a natural condition; human activities should occur at levels that do not adversely affect the bottlenose dolphin population at the site (disturbance)	Y	Y	Y	

5.4.14 Potential for limited impacts on QI species Otter was identified. Indirect pressures/threats on this species on water quality relate to food source/breeding habitat for the species. It was noted that during field surveys there were no typical sites for spraints and no evidence of tracks or suitable resting/breeding sites. It is stated that the Favourable Conservation Status (FCS) target, based on 1980/81 survey findings is 88% in SACs and that the current range is 93% (2013 data).

5.4.15 Potential for limited impacts on QI species Bottlenose Dolphin was identified. Indirect pressures/threats on this species relate to impacts on water quality and therefore food source and habitat for this species. It is stated that the overall conservation status for Bottlenose Dolphin is favourable and the trend is stable. This status should not be impacted upon by the proposed development.

5.4.16 I am also aware that other species including lamprey and Atlantic salmon, which are QI for the Lower River Shannon SAC have the potential to be impacted by changes in water quality, primarily due to siltation of spawning beds and contaminant impacts and/or impacts on prey species. This has not been addressed in the submitted NIS. However, mitigation measures have been outlined which will prevent impacts on water quality for all QI and I am generally satisfied in this regard.

5.4.17 Mitigation measures, which are primarily general protection measures that would be used by any competent developer in the construction of a similar type development

are proposed. Mitigation measures have been outlined in section 4.4 and many of which seek to ensure that there will be no negative impacts on water quality as a result of the proposed development, at both construction and operational phase. Works will take place during periods of low rainfall; materials will be properly stored on site; refuelling will be confined to designated areas. A suitably experienced and qualified project manager will monitor works.

- 5.4.18 Foul and surface water will only be discharged to the mains sewer under authorisation from Uisce Eireann and the local authority. All works will be undertaken in accordance with Uisce Eireann standard details and codes of practice. I note the separation distance of the proposed development site to this designated site, in excess of 1km largely across urban lands. The dilution effect is highlighted to the Board. No habitats/species which are QI of the Lower River Shannon SAC were found on this development site, during field surveys. The Board were satisfied in terms of AA on the adjoining site, in a recently permitted development. The planning authority have not raised concerns in this regard. I am satisfied that it is not likely that any pollution event at the development site could result in significant impacts on the SAC.

Special Protection Area - River Shannon and River Fergus Estuaries SPA

- 5.4.19 The subject site is located approximately 1.1km downstream from the River Shannon and River Fergus Estuaries SPA. There are 21 bird species selected as SCIs for this SPA and the majority of these species (17) were recorded in the vicinity of the site (see Table 3 of NIS, page 10). None of these species were recorded on the development site during field surveys. Significant impacts due to direct disturbance were ruled out at screening stage, impacts from contaminants or harm to prey are the main possible impacts, due in part to mobile nature of species.

Table 3:

Designated Site	Qualifying Interests (*QI most likely to be impacted highlighted in BOLD)	Conservation Objective (favourable status)
River Shannon and River Fergus Estuaries SPA	Cormorant Whooper Swan Light-bellied Brent Goose	Maintain/Restore the favourable conservation status of habitats and species of community interest.

	Shelduck Wigeon Teal Pintail Shoveler Scaup Ringed Plover Golden Plover Grey Plover Lapwing Knot Dunlin Black-tailed Godwit Bar-tailed Godwit Curlew Redshank Greenshank Black-headed Gull Wetland and Waterbirds	Long term population trend is stable or increasing for all species
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5.4.20 It is noted that none of the species associated with this designated site were recorded on the site and that the long-term population trend is stable or increasing for all species. The development site is therefore not utilised as an ex-situ feeding/foraging ground for any QI of this SPA. The NIS concludes that the proposed development is unlikely to have any significant impact, both directly or indirectly as there are no potential pathways for impact. As above, mitigation measures have been outlined in section 4.4 in terms of impacts on water quality. I have dealt with this in the Lower Shannon SAC section above and I refer the Board to same. Similarly, foul and surface water will only be discharged to the mains sewer under authorisation from Uisce Eireann and the local authority. All works will be undertaken in accordance with Uisce Eireann standard details and codes of practice. The planning authority have not raised concerns in this regard. The Heritage Officer

states that there might be some effects on the Lapwing, a species of conservation interest for this SPA, however they consider this to be minor and its omission not significant. The Heritage Officer suggests a condition such that the contents of Chapter 4 (Preventative Measures to Avoid Impacts) of the NIS be implemented in full. This is considered reasonable. I am satisfied that it is not likely that any pollution event at the development site could result in significant impacts on the SPA. The applicants did not explore this designated further and I am generally satisfied in this regard.

Appropriate Assessment Conclusion

- 5.4.21 The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 5.4.22 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on two European Sites.
- 5.4.23 Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of its conservation objectives.
- 5.4.24 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of these European Sites, in view of the site's Conservation Objectives.

This conclusion is based on:

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

6.0 The Appeal

6.1. Grounds of Appeal

One third-party appeal submission was received, which may be broadly summarised as follows:

- Surface water and flooding- proposal to transfer surface water from one catchment to another increases the risk of downstream impacts; EIAR does not assess assimilative capacity of receiving waters to absorb additional run-off, capacity of drainage network or cumulative impacts; no capacity in drainage system in periods of high tide/heavy rainfall for additional loading to the OPW network; concerns regarding flooding of other properties;
- Proposed to discharge surface waters to lands already at high risk of flooding; SuDS not adequate to mitigate risk
- Wastewater Management- concerns regarding impacts on existing septic tanks in vicinity; proposal should look at holistic wastewater solution for local area and eliminate some of the existing private septic tanks in the area, connect up sewer lines to future proof these sites environmentally many of which were installed in 1970s
- Visual Amenity- impacts on existing character of the area; existing development is low density unlike that proposed
- Removal of mature hedgerow along western boundary
- Residential Amenity - overlooking; impacts on privacy; overbearing due to scale and height
- Other Matters- lack of engagement; inaccuracies in drainage drawings; masterplanning of lands outside of applicant's ownership and future development of same; impacts on ground stability from removal of hedgerow
- Photographs, drawings and maps submitted in support of appeal

6.2. Applicant Response

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

- Refutes grounds of appeal and outlines approach to development, including with regard to preparation of EIAR and masterplan
- Site is zoned for residential development in accordance with provisions of operative Development Plan
- Site and immediate neighbouring lands are located within Flood Zone C and are not subject to flooding
- No additional surface water discharge or additional loading from proposal over and above that which currently exists, as surface water from site will be attenuated to greenfield run-of rates. Site is disposing surface water within its own catchment and not transferring to another part of catchment. Stormwater from the proposal does not discharge directly to the OPW drainage channel but to an existing open drain following attenuation to greenfield runoff rate. No adverse effect is expected to the downstream network. OPW notes the proposed design intent that surface water discharge is accommodated within the existing land drainage network and does not raise issue with same
- Comprehensive EIAR prepared in accordance with relevant legislation. Examines treatment of surface water from the entirety of subject site and impacts arising from Coonagh-Knockalisheen Road
- Regarding existing septic tanks in area, there is a duty of care on each homeowner to ensure their domestic wastewater system is properly maintained and fit for purpose. It is therefore the responsibility of the homeowners and not the applicant to ensure that their systems are operating effectively and efficiently.
- Proposal does not give rise to an unacceptable level of overlooking or invasion of privacy. Lands within development boundary of Limerick and land is zoned for development purposes, with minimum densities stipulated. Character of area will change in line with provisions of Development Plan.

Comprehensive plan to replace removed hedgerows with compensatory habitat

- Refutes claims regarding inaccuracies in drainage drawings and states that they have been misinterpreted by appellants
- Not within remit of applicant to masterplan third party lands not within his control

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

7.1. The site forms part of an overall landholding for which a masterplan has been prepared by the applicants in consultation with the planning authority and the current proposal is for Phase 4 of the overall masterplan area. This masterplan does not have any statutory role. Permission was granted on appeal in April 2024 for 99 houses and associated works under ABP-315673-23- also part of the masterplan lands. Other phases of development permitted by the planning authority include a 107 space creche (22/790); 86 residential units (22/817) and 12 residential units and neighbourhood centre (22/917). There is another current appeal for 98 residential units (ABP-317626-23) with decision pending.

7.2. The proposed development comprises the construction of 54 residential units and all ancillary site development works. The proposal forms part of a masterplan area, prepared by the applicants and supported by the planning authority, for which it is envisaged that the overall lands will provide for 448 no. residential units, childcare

facility and neighbourhood centre (4 no. commercial units) on an overall site area of 22.53 hectares.

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

- Principle of proposed development/policy context
- Drainage/flooding matters
- Residential and visual amenity issues
- Other matters

7.4 In terms of the design approach put forward, I note that the site forms part of the wider masterplan lands. I highlight to the Board that I have some reservations in relation to the proposal before me in terms of the urban design rationale put forward. I have concerns regarding the long, linear nature of the distributor road serving the proposal; the location of the public open space adjacent to the main road and not centrally located within the scheme; together with the fact that the public open space to the west of the proposed distributor road appears residual in nature. I also have reservations regarding the lack of character areas along the length of the distributor road with the majority of the proposed units being semi-detached dwellings with little variation evident. I also have reservations regarding the mix of units proposed, with no one-bed units and only 14% two-bed units, all in conventional housing units. In my opinion, all of these matters could form the basis for refusal of the application and I highlight this to the Board. However, while I acknowledge that this is not a stand-alone application in itself, it is noted that it is Phase 4 of a wider development of these overall lands, one for which a masterplan has been agreed with the planning authority and any assessment of this application/appeal, must consider how it integrates into the wider masterplan (particularly the elements that have previously been granted permission). Having regard to this fact, I am therefore not recommending refusal in relation to these highlighted matters. I highlight to the Board that these matters have not been raised within the third-party appeal submission.

Principle of proposed development/policy context

- 7.5 The site is primarily zoned 'New Residential' which seeks to 'provide for new residential development in tandem with the provision of social and physical infrastructure'. Residential uses are 'Generally Permitted' within such zones. A narrow sliver of the site along the western boundary is zoned for 'Agriculture', which seeks to 'To protect and improve rural amenity and provide for the development of agricultural uses'. There is no residential development within this portion of the site and a wayleave is demarcated on the submitted drawings within this area, to accommodate drainage infrastructure. The planning authority consider the proposed development to be appropriate and in line with the zoning provisions, as set out in the Limerick Development Plan 2022.
- 7.6 The Board have recently accepted the principle of residential development on the wider masterplan lands in the immediate vicinity, in granting permission for 99 residential units under ABP-315673-23 (April 2024). The locational context of the site is noted, approximately 3.5km from Limerick city centre, within the development boundary of Limerick city (Tier 1 settlement area), on lands zoned for new residential development and where development is being undertaken within the parameters of an agreed masterplan. It is located within Zone 3: Suburban Edge within the operative Development Plan. Social and physical infrastructure is being provided as part of the overall masterplan, in accordance with the zoning objective including the overall masterplan area being served by the recently developed road as part of the wider Coonagh to Knockalisheen Distributor Road (CKDR). The application provides for wastewater, waste supply and surface water proposals. A creche has been permitted to serve the overall masterplan lands, as has a neighbourhood centre. I am satisfied that the principle of residential development is acceptable on the element of the site zoned for such and that the proposal accords with the zoning objective for the area. I also consider that the proposal would aid in achieving targets for residential development within the settlement. There are numerous policies and objectives within the operative Plan in support of compact growth and revitalisation (for example Policy CGR P1) which place an emphasis on revitalisation and the delivery of more compact and consolidated growth, integrating land use and transport, with the use of higher densities and mixed-use developments at an appropriate scale on brownfield, infill, backland, state lands and underutilised sites

within the existing built footprint of Limerick's City, Towns and Villages. The current proposal provides part of a mix of uses within the wider masterplan lands, on an underutilised site, located at the edge of the built-up area of Limerick city. Bus Route 302 is within walking distance of the site connecting it to the wider Limerick city area. The site is also within walking distance of the Moylish TUS campus and local schools. I am generally satisfied in this regard.

Density

- 7.7 The third-party submission received raise concerns regarding the density proposed and states that a lower density of development would be more appropriate on the site. Table 2.6 of the operative Plan sets out Density Assumptions per Settlement Hierarchy while Map 2.2 outlines the density zones. The subject site is located within Zone 3: Suburban Edge where, as outlined in Map 2.2 (Vol 1) and Map 4 (Vol 2a) a minimum net density of 35+ dwelling units per hectare is anticipated.
- 7.8 The stated area of the subject site is 2.56 hectares- this includes for the entire area as outlined in red, including the area demarcated for the distributor road and wayleave. While the gross density (based on 2.56 ha area) is approximately 21 units/hectare, it is acknowledged that the net density of development is stated as being 35.1 units/ha and is therefore generally in compliance with the policies and objectives of the operative County Development Plan in this regard. The planning authority are satisfied in this regard and state that the overall masterplan area has a density of 37 units/hectare, which they also consider acceptable.
- 7.9 In terms of national guidance, I note the recently published Sustainable and Compact Settlements, Guidelines for Planning Authorities (2023). Table 3.2 of these Guidelines sets out density ranges for Limerick and Suburbs and I consider the site to be located within the City-Suburban/Urban Extension, namely greenfield lands at the edge of the existing built-up footprint that are zoned for residential development. The site is located within 3.5km of the city centre. The Guidelines state that it is a policy and objective that residential densities in the range of 35 dph to 50 dph (net) shall be generally applied in such suburban and urban extension locations. I consider that the proposal is in compliance with these Guidelines in this regard, albeit at the lower end of the scale. The adopted Development Plan seeks to encourage compact growth and seeks to make the most sustainable use of existing

urban land within the built envelope of a settlement. I am of then opinion that the site may have capacity to accommodate a higher level of density than that proposed, which is at the lower end of the acceptable scale. However, notwithstanding this, I consider the proposal to be generally in compliance with both local and national policy in this regard.

Drainage/Flooding Matters

- 7.10 One of the primary matters raised in the third-party submission relate to drainage and flooding matters, in addition to the standard of existing third-party wastewater infrastructure. In terms of surface water and flooding, the appellants raise concerns stating that the proposal seeks to transfer surface water from one catchment to another increasing the risk of downstream impacts; they contend that the EIAR does not assess assimilative capacity of receiving waters to absorb additional run-off and capacity of drainage network or cumulative impacts. They further contend that there is no capacity in the drainage system in periods of high tide/heavy rainfall for additional loading to the OPW network and that this may lead to flooding of other properties as the proposed SUDS not adequate to mitigate this perceived risk. In terms of wastewater management, the third parties raised concerns regarding impacts on existing septic tanks in vicinity and consider that the proposal should look at holistic wastewater solution for local area and eliminate some of the existing private septic tanks in the area, many of which were installed in 1970s.
- 7.11 I refer the Board to Chapter 8 of the submitted EIAR Lands & Soils, Geology and Hydrogeology, together with Chapter 9 Hydrology-Surface Water and Flooding. The planning authority have not raised objection in this regard. They requested Further Information in relation to surface water management and stormwater impacts on the receiving environment. The planning authority, including their technical departments, are satisfied in this regard. I note a Confirmation of Feasibility from Uisce Eireann is included in Appendix G of the submitted Civil Engineering Report, which states that both water and wastewater connections are feasible, subject to upgrades.
- 7.12 In response to the appeal, the first party refute the claims made in the appeal submission and highlight that the proposed development is disposing of surface water within its own catchment and is not transferring surface water to another part of the catchment. Stormwater from the proposal will not discharge directly to the

OPW drainage channel but to an existing open drain at the western boundary, following attenuation to the greenfield runoff rate and they further state that no adverse effect is expected to the downstream network. The applicants set out the location of watercourse/drainage channels throughout the site. The first party notes that the appellant relies on a report from the OPW (dated 08/06/2023) of the site but highlights that this OPW report was submitted in response to a different planning application (Phase 3- P22/959) and in this report, the OPW notes the proposed design intent that surface water discharge is accommodated within the existing land drainage network and does not raise concern in this regard. The OPW further states that if there is a change to this proposal, only then, there may be an adverse impact on flood risk in the area.

- 7.13 The site is located within Flood Zone C and the site is zoned for residential development and that zoning objective has been subject to strategic flood risk assessment and strategic environmental assessment as part of preparation of the County Development Plan. The PEMP section of the planning authority state that only a very small, localised area to the west of the site is located within Flood Zone B and as the proposed highly vulnerable development is located away from that area, the risk is considered low. They further state that no significant alterations to important flow paths or impacts off site are anticipated on account of the proposed development and have no objections in terms of flood risk. Surface water runoff is controlled at greenfield runoff rate and the proposal contains SUDS measures. Furthermore, the first party state that contrary to the appellant's assertion, the EIAR does consider the treatment of surface water from the entirety of the site in a holistic manner, including impacts arising from the Coonagh-Knockalisheen Road. There is no additional surface water arising or additional loading from the proposal over and above the current situation and therefore the assimilative capacity of receiving waters to absorb additional surface water runoff from the development is considered by the applicants not to be a consideration. The first party are satisfied that proposal is consistent with operative Development Plan in this regard.
- 7.14 Regarding existing septic tanks in area, the first party respond by stating that there is a duty of care on each homeowner to ensure their domestic wastewater system is properly maintained and fit for purpose. It is therefore the responsibility of the

homeowners and not the applicant to ensure that their systems are operating effectively and efficiently. I would concur with this assertion.

7.15 I note the photographs submitted with the appeal submission and highlight to the Board that some of these do not indicate when/where the photographs were taken.

7.16 I note that in the previous appeal ABP-315673-23 similar concerns were raised in relation to drainage and flooding matters. A comprehensive assessment of the matter was undertaken in the Inspector's Report. The Board did not raise issue in relation to this matter and I refer the Board to same. A fully operating surface water system is contained within the redline boundary of the site and a stone infiltration system which will promote infiltration to ground and will mimic the natural surface water discharge from the site is proposed. Having regard to all of the information before me including the reports of the planning authority and Uisce Eireann, I have no information before me to believe that the proposal would lead to an increase in flooding elsewhere. An examination of the OPW website does not indicate any historical flooding in the immediate area. Infrastructural capacity would have been taken into account by the planning authority in the zoning of the land, during the Development Plan process. I have no information before me to believe that the proposal would be prejudicial to public health. I am satisfied in this regard.

Residential and Visual Amenity

7.17 I note that the third-party appeal submissions raise concerns in relation to residential amenity and concerns raised include issues of overlooking; impacts on privacy and overbearing impacts due to scale and height.

7.18 In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. Having examined the proposal, I am of the opinion that separation distances typical of (or greater than) what would normally be anticipated within such an area are proposed with existing properties. This will ensure that any impacts are in line with what might be expected in an area such as this. A separation distance of in excess of 30m is proposed between the rear elevation of the proposed development and existing development to the west of the site. A separation distance of almost 47m is proposed between the proposed development and the nearest property on the opposite side of the roadway.

- 7.19 Given the height and design of the proposed development, I am of the opinion that they would not unduly overbear, overlook or overshadow adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission. There is an acknowledged housing crisis and this is a serviceable site, in an area identified for new residential development, where there are adequate services, facilities and employment in close proximity.
- 7.20 In terms of visual amenity, I note that concerns regarding impacts on the existing character of the area and that the existing development is low density unlike that proposed have been raised in the third-party submission. Concerns are also expressed regarding the removal of mature hedgerow along western boundary. I have dealt with the matter of density above and refer the Board to same. I also refer the Board to Chapter 16 of the submitted EIAR which deals with 'The Landscape'.
- 7.21 I am satisfied with the heights proposed and consider that they would integrate well with existing development in the immediate locality. The prevailing heights in the immediate area are single and two-storey properties. The proposal is single, two and three-storeys in height. Generally, I do not consider the proposal to be excessively dominant, overbearing or obtrusive in its context and I consider that the subject site has capacity to accommodate a development of the nature and scale proposed, without detriment to the visual amenities of the area. I do not consider the proposal to be out of character with existing development in the vicinity nor does it represent over-development of the site. I am satisfied that the proposed development is in accordance with the operative Development Plan in this regard. The planning authority have not raised concern in this regard.
- 7.22 In terms of the removal of native hedgerow along the western boundary to facilitate the proposed development, I note that this has been raised in the third-party appeal submission. I refer the Board to Chapter 7 of the submitted EIAR 'Biodiversity' in this regard and also highlight that an NIS and Landscape Masterplan have been submitted with the application documentation. It is stated in the EIAR that the majority of hedgerows are in good condition. There is a drainage ditch on the other side of this hedgerow along the western boundary. It is inevitable that there will be some loss of vegetation in order to facilitate the proposed works. However, compensatory planting is proposed of native species hedgerow, with more planted

than those removed over the masterplan lands. Concerns raised in relation to impacts on ground stability due to the removal of the hedgerow along the western boundary could be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission. The documentation states that the compensatory planting will be of higher conservation value, therefore stated to be a net gain in terms of biodiversity. I am satisfied in this regard. I do highlight that a number of trees are proposed to be planted in the rear garden areas of proposed dwellings. I would question the appropriateness of this, in terms of maintenance going forward. I consider that these trees should be relocated to elsewhere within the overall development, within publicly accessible areas. This matter could be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission.

7.23 I consider that the site has capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. I am generally satisfied in this regard.

Other Matters

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

7.25 Lack of clarity in the information submitted by the first party has been raised in the third-party submission. I am satisfied that there is adequate information on file for me to undertake a comprehensive assessment of the proposed development.

7.26 While it would be beneficial for agreement between adjoining landowners in terms of the planning of the wider area, there is no onus on the applicants to include third party lands within their masterplan.

7.27 While not raised in the appeal submission, there appears to be a lack of clarity relating to the proposed wayleave along the western boundary of the site, in terms of its treatment, its security and maintenance. This wayleave contains drainage infrastructure. I note that Dwg CE-01 'Old Cratloe Road Contiguous Elevation' was submitted with the application, however it does not give sufficient clarity in relation to this matter. In my opinion insufficient information has been submitted in this regard and I consider the matter should be dealt with by means of condition to

ensure that it does not become an area which attracts dumping or anti-social behaviour.

Conclusion

7.28 To conclude the planning assessment, I highlight to the Board that there are elements of this proposed scheme with which, taken in isolation as a stand-alone development, I have issue with, including the linear nature of the proposed development with similar house types and lack of character areas; the proposed typology being primarily semi-detached units; the long distributor road through the proposed scheme; the density of development being at the lower end of the stated spectrum and the location of the public open space alongside the main road, being somewhat residual in nature. Notwithstanding these concerns, I acknowledge and highlight to the Board that the proposal forms part of a larger masterplan area and therefore the proposal before me cannot be examined in isolation. Having regard to this and examined in conjunction with previously permitted elements of the masterplan only, I am satisfied that the proposed development is in accordance with the zoning objective of the Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

8.0 Environmental Impact Assessment

8.1 Statutory Provisions

- 8.1.1 This application was submitted to the Board after 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 8.1.2 The application was accompanied by an Environmental Impact Assessment Report (EIAR). Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and section 172(1)(a) of the Planning and Development Act 2000 (as amended) provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings

- an area of 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

The development proposes 54 residential units and has a stated area of 2.56 hectares. It is therefore sub-threshold in terms of mandatory EIA. However, the proposal forms part of an overall masterplan area comprising 448 no. residential units, creche and neighbourhood centre on an overall site area of 22.53 hectares. Cumulatively, when the proposed development is considered in conjunction with previous phases of development, the extent of the overall phased masterplan proposal exceeds the mandatory EIA threshold of 10 hectares in a built-up area. Therefore, an EIAR has been submitted with the application which examines the cumulative effects of the overall masterplan area lands.

8.1.3 The EIAR is laid out as follows:

- Part A of the EIAR provides a Non-Technical Summary of its content
- Part B includes the Main Report of the EIAR (Chapters 1-18)
- Section 1.9.2 describes the assessment criteria employed within the assessment of each chapter and section 1.10 sets out the expertise of those involved in the preparation of the report.
- Mitigation measures and monitoring described throughout the report are summarised in Chapter 18

8.1.4 The strategic need for the development is outlined in the context of the zoning of the site and national and local planning policy, set out in section 3.

8.1.5 The likely significant direct and indirect effects of the proposed development are considered in the remaining chapters which collectively address the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and Human Health
- Biodiversity
- Land, Soils, Geology and Hydrogeology
- Hydrology- Surface Water & Flooding
- Air Quality and Climate

- Noise and Vibration
- Material Assets- Traffic and Transport
- Material Assets-Built Services
- Cultural Heritage
- The Landscape
- Interactions Between Environmental Factors
- Summary of Mitigation Measures

8.1.6 I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct and indirect effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

8.1.7 I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority, prescribed bodies and the appellant has been set out above.

8.1.8 This EIA has had regard to the application documentation, including the EIAR, the submissions received and the planning assessment completed above.

8.1.9 The planning authority state in their Decision Makers Statement EIAR having regard to the character of the landscape in the area and the proposed use on site, it is considered that subject to conditions the proposal is acceptable.

8.2 Alternatives

8.2.1 Article 5(1)(d) of the 2014 EIA Directive requires the following:

“a description of the reasonable alternatives studied by the developer, which are relevant to the development and its specific characteristics, and an indication of the main reasons for selecting the chosen option, taking into account the effects of the development on the environment.”

8.2.2 Section 5 of the submitted EIAR deals with alternatives and sets out alternative layouts and designs considered. The final design and layout was based on matters

such as site zoning, proximity to public transport routes, existing urban developments and site topography. It is considered that the issue of alternatives has been adequately addressed in the application documentation.

8.3 Consultations

- 8.3.1** Details of the consultations carried out by the applicant as part of the preparation of the application and EIAR are set out in the documentation submitted and are considered adequate. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

8.4 Assessment of Likely Significant Direct and Indirect Effects

My assessment is based on the information provided by the applicant, including the EIAR, in addition to the submissions made in the course of the application, together with my site visit.

Population and Human Health

Section 6 of the EIAR is entitled population and human health. The study methodology is detailed identifying the sources of desk-based studies. The existing receiving environment is described. The site is located on the western side of Limerick City, approximately 3.5 km from the city centre, adjoining existing residential development and agricultural lands, at the edge of the development boundary. Demographic information is provided for the Limerick North Rural ED and Limerick City North Electoral Area. Socio-economic information for the area is also provided. Community facilities and amenities are detailed.

Potential impacts are described. Mitigation measures have been outlined that will ensure that significant negative residual impacts/effects on human health or population will be largely avoided. Some exceptions have been outlined for example short-term, negative, slight to significant impacts during construction stage. Overall, it is stated that the proposed project will result in introduction of a residential land use which will provide much needed housing for a growing population.

Assessment

The potential of the overall masterplan area is acknowledged and if permitted in its entirety would result in a projected population of approximately 1210 people. This

would result in a sizeable new community within the area. A quality proposal has been put forward, in accordance with national policy guidance. Concerns I have raised above relate to planning matters, as opposed to any environmental concerns. The works within this proposed phase are anticipated to be completed within a 9 month timeframe. I am satisfied in this regard.

I have considered all of the written submissions made in relation to the proposal. Based on the data presented and as noted above, I consider that the proposed development will provide much needed accommodation in an established area, in the context of an on-going housing crisis. Existing services and facilities are noted in the wider area and the permitted neighbourhood centre including childcare facility is also acknowledged.

There will be some nuisance issues for the existing residents (and future residents as additional phases are constructed out) during construction, but with the mitigation measures proposed, these will be reduced and will not result in a seriously negative impact. Furthermore, they are temporary in duration. Cumulative impacts have been addressed.

I am satisfied that this matter has been appropriately addressed in terms of the application and the information submitted by the applicant. Having regard to the development of residential accommodation on zoned and serviced lands and having regard to the need for residential development for an increasing population, I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable adverse direct, indirect or cumulative effects on population and human health.

Biodiversity (Flora and Fauna)

Section 7 of the EIAR refers to biodiversity (flora and fauna). I also refer the Board to the Appropriate Assessment section above.

An impact assessment for the proposed development, which assessed the potential impact to the ecological receptors during the construction and the operational phase of the development was undertaken. The AA Screening and NIS is referenced.

Methodology utilised is described. Ecological surveys were undertaken at the site in November 2021 and June 2022. Habitats present on the proposed site are shown in Figure 7.4 of the submitted EIAR. The area is composed primarily of open grazed farmland and the dominant habitats within the site boundary are Improved Agricultural Grassland/Dry Neutral Grassland Mosaic (GA1/GS1), Improved Agricultural Grassland (GA1) and Hedgerows/Treelines (WL1/WL2), as per Fossitt. Hedgerows/treeline combinations run along most of the site boundaries. The majority of hedgerows are stated to be of good quality.

Watercourses

There is a small pool adjacent to a drainage ditch at the western boundary of the proposed project site. (I note the direct links from the site to the designated sites Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA).

Designated Sites

The nearest European sites are the Lower River Shannon SAC (Site Code: 002165), located 1.14km distant and River Shannon and River Fergus Estuaries SPA (Site Code 004077) located 1.7km distant.

The nearest site designated for nature conservation, not otherwise designated as a European site, is the Knockalisheen Marsh pNHA (Site Code 002001), located approximately 1.4km from the proposed project site at its nearest point. There is no hydrogeological connectivity with this and there is sufficient geographical separation, so no potential pathway for impacts.

Rare/Protected Plants

There are no known records of rare or protected plant species within the proposed site, and none were recorded during any of the site visits undertaken.

Wintering Birds

No overwintering waterfowl species were identified on site. No rare or species of conservation concern were recorded on site at time of surveying.

Other Birds

All of the bird species recorded within the proposed site are very common in Ireland. Almost all of these species are on the green list of Birds of Conservation Concern in Ireland, indicating that they are not currently species of conservation concern. I note that House Sparrow and Starling, amber-listed species (of medium conservation concern) were recorded on the site.

Bats

No dusk/dawn bat surveys were undertaken, however trees within the copses and hedgerows were checked for likely roosts and none were identified. There are no derelict or unoccupied buildings on site, that would provide suitable bat roosting sites.

Large Mammals

No evidence of badgers, otters, stoat or hare was recorded on the proposed project site.

Evidence of a fox burrow that is not currently in use, together with tracks were noted at several locations, which are not protected under wildlife legislation.

Other Species

No amphibians have been observed during the surveys undertaken to date at the site, although there is likelihood that frogs could spawn due to presence of standing water in drainage ditches and small pond. A number of species of butterfly were recorded on the site during surveys.

Invasive Species

No non-native invasive species were recorded on the overall masterplan site.

Description of effects of the proposed project are outlined in section 7.4 of the submitted EIAR for both the construction and operational phases, together with cumulative effects with this assessment having had regard to Phase 1, 2 and the creche all of which have been granted permission, together with other remaining phases as proposed insofar as information is available. It is noted that the NIS

concluded that none of the habitats and species listed as qualifying interests or special conservation interests in any European site designation will be affected by the proposed project. There is connectivity with designated sites, however there is a low risk of significant effects on water quality due to the distance involved and dilution provided and therefore the impacts on water quality will be imperceptible and the effect on aquatic ecology will be imperceptible. See AA section for further assessment of same.

Mitigation measures are proposed for both the construction and operational phases. It is noted that no designated conservation areas will be impacted in any way by the proposed project. Mitigation measures include ground clearance being undertaken outside of bird breeding season; construction works undertaken during hours of daylight and SuDS measures shall be utilised.

In terms of cumulative impacts, it is stated that taken in conjunction with any other developments, the proposal will give rise to any significant adverse effects on the natural environment.

Residual impacts are considered to be permanent but moderate as the landscape changes from semi-rural to urban.

Assessment

I note that the matter of removal of hedgerows has been raised within the third-party submission received. I have considered all of the written submissions made in relation to biodiversity including the third-party submission and the reports of the planning authority and prescribed bodies. The planning authority states that the contents of the chapter are noted and have been reviewed by the Heritage Officer and Environment Section and they have no objections to the proposed development.

I am of the opinion that impacts on biodiversity would not be so great as to warrant a refusal of permission. The landscaping proposed is of a high quality. The mitigation measures summarised in section 18 of the submitted EIAR are noted, in particular sections 18.2.6, 18.3.2 and 18.4.2. The proposal includes for additional

compensatory natural hedgerow planting to offset the loss of woody hedgerow on site and to provide an appropriate environment for potential nesting, together with the development of a biodiversity area to the south of the Old Cratloe Road to enhance biodiversity in that area. The clearance of scrub and other vegetation that may be suitable for use by nesting birds will be undertaken outside the bird nesting season. Pre-construction bat and mammal surveys will be undertaken by suitably qualified ecologists.

I am satisfied that biodiversity matters have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on biodiversity (flora and fauna) are likely to arise.

Lands, Soils, Geology and Hydrogeology

Section 8 of the EIAR deals with land, soils, geology and hydrogeology. This chapter provides an overview of the approach taken to address these topics. Desk studies and surveys carried out are described. The wider masterplan lands has again been examined, with particular focus on subject site.

The site is composed of glacial till derived from limestone on bedrock. It is underlain by a Locally Important Bedrock Aquifer (LI), which is moderately productive. The vulnerability of the aquifer is defined as 'High' and 'Moderate' across the study lands, with the 'High' are located within the northern central lands. The overall site has a high point of +18.00m AOD, with the lands falling in SE, S and westerly directions.

There are no recorded waste disposal or contaminated sites nor detections of contaminated soils recorded. There is one well approximately 450m from the subject site. There is a historic quarry located within the lands, the extent of quarrying was limited and unlikely to have resulted in large voids that required infilling.

The site is not within or directly adjacent to any protected areas. The closest Natura 2000 sites are Lower River Shannon Special Area of Conservation (SAC) and the River Shannon and River Fergus Estuaries SPA and Fergus Estuary, approximately 1.5 km distant.

Description of effects is set out in section 8.4. The identified potential construction and operational phase impacts predominantly relate to ensuring that the groundwater is not contaminated which could act as a pathway to downstream sensitive receptors. The assessment of potential effects also examines the collective cumulative effects of the overall development on all seven phases of development, in accordance with best practice. It is considered that the overall cumulative masterplan development will have slight and long-term impacts on the underlying land, soil, geology and hydrogeology of the area.

Mitigation measures to address these potential impacts are outlined in section 8.6 for both construction and operational phases and include minimisation of excavation and disturbance to soil structure, removal of excess material to licenced facilities, groundwater monitoring, runoff and sediment control measures. The proposed drainage system is designed in accordance with the Greater Dublin Strategic Drainage Study (GDSDA) and the CIRIA SuDS Manual. Residual impacts on surface waters during the operational phase will be imperceptible.

No likely significant negative effects are predicted to occur as a result of the construction or operation of the proposed project.

Assessment

I have considered all of the written submissions made in relation to lands, soils, geology and hydrogeology. The planning authority have not raised concerns with this chapter of the EIAR. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of lands, soils, geology and hydrogeology.

Hydrology- Surface Water & Flooding

Section 9 of the submitted EIAR deals with hydrology- surface water and flooding. This section assesses and evaluates the potential impacts of the proposed project on the hydrological environment, in terms of surface water and flooding impacts. The inter-relationship between hydrology (addressed in Chapter 9 - Hydrology) and the above section on soils, geology and hydrogeology is acknowledged. I highlight to

the Board that this is one of the primary concerns raised in the third-party appeal submission.

The assessment methodology and receiving environment are detailed. The proposed project is located within the North Ballycannon sub-basin, which feeds directly into the Rive Shannon. The proposed development lies outside of the Crompaun East sub-basin, but as it is within approximately 200m of its defined boundary, it is considered as part of the EAIR. It is anticipated that surface water from the proposed development will flow into the River Shannon via the North Ballycannon surface water drainage network.

The western boundary of the lands contain an open land drain which services over 60% of the development lands. This drain flows north where it connects to an OPW maintained channel (Ref. C7/2) that flows to the west. As part of the construction of the Coonagh to Knockalisheen Distributor Road, new drains are being constructed which will connect to OPW maintained channel.

The subject lands are all located within Flood Zone C and have been zoned for residential on this basis. Surface water runoff rate is controlled to the greenfield runoff rate. Proposal provides SuDS which includes tree pits, bioretention areas and permeable paving. The resulting surface water from the development discharges to a series of stone-based infiltration and attenuation area with infiltration to ground to mimic the natural surface water discharge from the site.

Description of effects for both construction and operational phases are outlined in section 9.4. In terms of cumulative effects, it is stated that the overall cumulative masterplan development will have an imperceptible and long-term impact on the surrounding hydrology through the construction of additional buildings, infrastructure and hardstanding required for the development.

Mitigation measures for both construction and operational phases are outlined in section 9.6, which includes for the preparation of an overall Construction & Demolition Waste Management Plan, an appropriately designed drainage system

incorporated in the design of the proposal, proper storage of materials, silt fencing and berms and monitoring of surface/ground water quality. Residual effects are stated to be 'Imperceptible' with mitigation measures in place. With mitigation, imperceptible impacts are predicted to occur as a result of the construction or operation of the proposed project.

Assessment

I have considered all of the written submissions made in relation to hydrology-surface water and flooding. The planning authority have not raised concerns in relation to this matter. Neither the Flooding Department (PEMP) nor the Environment, Recreation and Climate Change Department raise any objections, subject to conditions being imposed.

It is noted that during the operation phase, the design incorporates measures in accordance with the Greater Dublin Strategic Drainage Study (GDSDS), together with SuDS measures.

The site is located in Flood Zone C and having regard to the mitigation measures proposed, I am satisfied that there will not be a negative impact on flooding as a result of the proposed development.

I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of hydrology- surface water and flooding.

Air Quality and Climate

Section 10 of the submitted EIAR deals with air quality and climate. Baseline data for the existing air quality environment, together with data available from similar environments indicates that levels of nitrogen dioxide, particulate matter less than 10 microns and less than 2.5 microns are generally well below the national and European Union ambient air quality standards. The greatest potential impact on air quality during the construction phase is from construction dust emissions. In order to minimise dust emissions during construction, a series of mitigation measures have been prepared, which include a Dust Minimisation Plan (Appendix 10.1). When the

dust minimisation measures set out in the Plan are implemented, fugitive emissions of dust from the site are considered to be short-term, localised, negative and imperceptible and will not pose a nuisance to nearby sensitive receptors.

Potential impacts to air quality and climate during the operational phase of the proposed project are as a result of increased traffic volumes on the local road network. Modelling assessments determined that there is no potential for significant impacts as a result of traffic related to the proposed development. The operational phase of the proposed project will have a localised, imperceptible, neutral and long-term impact on air quality and climate. Cumulative impacts have been addressed.

Impacts to climate at this stage are predicted to be short-term, neutral and imperceptible. The proposed project has been designed to minimise the impact to climate, where possible, during operation for example by prioritising walking and cycling over private car use.

No significant impacts on either air quality or climate are predicted during the construction or operational phases of the proposed project.

Assessment

I have considered all of the written submissions made in relation to air quality and climate. The planning authority states that they accept the findings of this chapter of the EIAR. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

Noise and Vibration

Section 11 of the submitted EIAR deals with noise and vibration. Details of surveys undertaken have been set out. An environmental noise survey was conducted in order to quantify the existing noise environment. Prevailing noise levels in the locality are primarily due to local road traffic. Worst-case construction noise level assumptions were made for developments of this size. Closest noise sensitive locations have been identified, with the closest being the houses at Old Cratloe Road to the west of the site. It is predicted that the nearest sensitive properties at 30-35m

from construction activity, are predicted to be slightly above the threshold for significant impact during the general construction phase. At distances greater than 40m from noise-generating construction activity, the predicted effects are below the criterion for a significant noise impact. Potential for vibration impacts during the construction phase programme are associated with rock breaking and excavations. The potential vibration impact during the construction phase is of negative, not significant and temporary impact. Any construction activities on site will be required to operate below recommended vibration thresholds during all activities. Mitigation measures have been outlined, to ensure any noise and vibration impacts are minimised.

Residual impacts are detailed. During the operational phase, the predicted change is noise levels associated with additional traffic in the surrounding area, which is predicted to be of negligible impact along the existing road network. It is considered to range from imperceptible, long-term to a negative, moderate, long terms effect. The potential for inward noise was also assessed. Cumulative impacts have been addressed and it is noted that the phases of development are more likely to be sequential and not concurrent.

Assessment

In terms of noise and vibration, I acknowledge that there may be nuisance with noise during the construction phase. Mitigation measures have been detailed. These impacts would be temporary in nature. Given the nature of the development proposed, I do not anticipate noise levels during the operational phase to be excessive.

I have considered all of the written submissions made in relation to noise and vibration. The planning authority states that they accept the findings within this chapter of the submitted EIAR. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions for example noise sensors. I note the report of the Executive Scientist Division of the planning authority which does not raise concern, subject to condition. Having regard

to all of the above, I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration.

Material Assets- Traffic and Transport

Section 12 of the submitted EIAR deals with Material Assets- Traffic and Transport. It is noted that other transport related documents have been submitted with the application including a Traffic and Transport Assessment. The receiving environment is described. The site is bounded by the Old Cratloe Road to the south and the Meelick Road to the east, both of which are being upgraded and realigned as part of the Coonagh-Knockalisheen Distributor Road (CKDR) scheme which is currently on site and expected to be completed by 2025/26. It is stated in the EIAR that the EIS report of the CKDRA, concluded that the new distributor road would lead to a significant increase in capacity of the local road network. A 50km/hr speed limit is in place on the local road network. An assessment of the effects and potential impacts of the proposed masterplan development on the existing/future road network and transport infrastructure was undertaken. The Traffic and Transport Assessment was updated on foot of the Further Information request of the planning authority. The TRICS database was utilised. The overall site layout has taken DMURS into consideration. Six key junctions were analysed. The junction capacity analysis results demonstrate that all junctions operate significantly below maximum capacity. The TTA concludes that in terms of roads, traffic and junction capacity, the proposed development would operate in a safe and efficient manner, with minimal impact on other road users and on the capacity of the local road network into the future.

A description of significant effects has been set out. Cumulative impacts have been addressed, which states that the overall cumulative development of the overall lands within the masterplan area will have moderate, long-term impact on the surrounding environment. Mitigation measures are proposed for construction stage, including the preparation of a Construction Traffic Management Plan. No mitigation measures are considered necessary for the operational phase.

Predicted residual effects are set out in section 12.7, with no significant adverse effects identified. At operational stage, with the proposed mitigation measures in place, the residual impacts of the proposed project on traffic will be slight to imperceptible impact on road users due to additional traffic on the local road

network. It is also noted the CKDR infrastructure which is currently under construction will introduce several 'Major Beneficial' impacts and 'Permanent' effects for road users from both the subject lands and the surrounding road network.

Assessment

I have considered all of the written submissions made in relation to traffic and transportation. The planning authority addressed this matter in their request for Further Information and were satisfied with the response received. Conditions are recommended. Third parties did not raise concern in this regard.

I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of traffic and transportation.

Material Assets-Built Services

Section 13 of the EIAR deals with Material Assets-Built Services and assesses the potential impacts of the proposed project on ownership, access and services/utilities infrastructure. Methodology used is detailed. Existing services are described, together with proposed works and mitigation measures. During the construction phase, no significant impacts are predicted to occur in relation to built services/utilities infrastructure as a result of the proposed project. Some minor impacts, by way of temporary disruption is anticipated during the construction phase of development. In addition, no significant impacts on services or the infrastructure itself are predicted to occur as a result of the operational phase. The proposal will result in a sizeable new community, which is considered significant, permanent and positive, particularly in the context of the current housing crisis.

Cumulative impacts are addressed. There are no significant developments permitted in the area, which have not yet been constructed, aside from those associated with the masterplan lands. Remedial and mitigation measures are proposed. No significant residual impacts in relation to services are anticipated to occur as a result of the proposed project.

Assessment

I have considered all of the written submissions made in relation to Material Assets-Built Services. The planning authority have not raised concerns with this chapter of the submitted EIAR. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Material Assets-Built Services.

Material Assets-Waste Management

Section 14 of the EIAR deals with Material Assets-Waste Management. An assessment of waste management during both the construction and operational phase of the development was undertaken. Methodology used was detailed. The receiving environment is set out. A Resource Waste Management Plan is referenced.

During the construction phase, typical construction and demolition (C&D) waste materials will be generated, which will be source segregated on-site and removed by suitably permitted waste contractors to authorised waste facilities. Where possible, materials will be reused on-site to minimise raw material consumption.

It is anticipated that 25% of subsoil cut could be reused on site.

It is stated that the Resource Management Plan, will detail specific measures to minimise waste generation and resource consumption and provide details of proposed waste contractors and destinations of each waste stream. which will ensure that the effect on the environment will be short-term, neutral and imperceptible. Cumulative impacts have been addressed. Mitigation measures have been outlined and the predicted effect of the operational phase on the environment is stated as being long-term, neutral and imperceptible.

Assessment

I have considered all of the written submissions made in relation to material assets-waste management. The planning authority states that they accept the findings

within this chapter of the submitted EIAR. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. The matter was not raised as a concern in the third-party submission. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets-waste management.

Cultural Heritage

Section 15 of the submitted EIAR deals with cultural heritage, with reference to archaeology and architectural heritage, and assesses the likely effects of the proposed project on the cultural heritage of the site and within its wider context. An evaluation of the chronology of the site is also included. A number of appendices have been referenced to be read in conjunction with this section including historic maps, drawings and photographs, together with photographic records and details of previous excavations. Methodology utilised has been detailed, surveys and testing previously undertaken has been detailed.

There are six Recorded Monuments within 1km of the study area, with one being within the site boundary – a children’s burial ground (Ref. LI005-007), which is clearly visible as a sub-circular feature on all reviewed aerial images. There are no archaeological sites within the application boundary, although a small portion of the area encroaches into the Zone of Influence around the children’s burial ground. In addition, a Zol of a settlement cluster (Ref. LI005-039) extends slightly on the southern end of the proposed development site. There is no evidence of any features associated with this cluster on recent aerial mapping and much of the location of the settlement cluster is now occupied by modern housing. There are two Protected Structures within 1 km of the site, with none located within the site itself. The proposal has been designed to avoid any direct impacts on the burial ground, which will be preserved in situ as a greenspace within the masterplan area. Mitigation measures have been put forward including the provision of a 20m buffer from the outer edge of the burial ground will be put in place, prior to construction works commencing and will be fenced off during construction works. A buffer of

wildflower meadow will be planted and maintained around its perimeter during the operational phase. In addition, there shall be appropriate recording of previously unrecorded features of archaeological potential identified during recent site investigations, with a full archaeological excavation.

Cumulative impacts have been examined and the proposed development will not result in any predicted significant cumulative effects on the cultural heritage resource. The residual impacts of the proposed project have been addressed. No potential significant construction or operational effects on the cultural heritage resource have been identified.

Assessment

The planning authority state that the contents of this chapter are noted, that the chapter has been reviewed by the Executive Archaeologist and there are no objections to the proposed development. I note that a significant amount of archaeological site investigations have taken place within the wider masterplan lands, and I refer the Board to section 15.3.3.7 of the EIAR in this regard.

I have considered all of the written submissions made in relation to cultural heritage. The matter was not raised as a concern in the third-party submission. I am satisfied that there is sufficient information on file to assess this matter and that mitigation by condition would be appropriate if any material is found during construction works. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on cultural heritage- are likely to arise.

The Landscape

Section 16 of the submitted EIAR deals with The Landscape and presents an assessment of the likely effects on the existing landscape and visual environment arising from the construction and operation of the proposed project. Methodology used has been detailed. The assessment addresses the visual impacts and impacts on the character of the landscape. A description of the site and surrounding environment has been set out.

Eleven potential sensitive visual receptors were identified.

I refer the Bord to the planning assessment above, in particular the section entitled 'Residential and Visual Amenity' where this matter has been comprehensively assessed and to avoid repetition, I will not reiterate points made above. This section should be read in conjunction with the above assessment, in terms of addressing third party concerns.

Most of the subject lands are considered to have the character of an 'agricultural field' typified by traditional hedgerow boundaries both around and within the site. It is stated that the lands can accommodate development within minimal risks to the landscape in terms of character or visual amenity. The sensitivity of the landscape is considered as being low to medium level.

The construction phase will give rise to short-term, temporary, moderate impacts on character, in particular in relation to vegetation clearance. However, much of the existing vegetation on site will be retained and incorporated into the landscape design.

The assessment concludes that, with mitigation measures, no significant negative visual impacts are anticipated.

Assessment

I have considered all of the written submissions made in relation to landscape. I have considered the concerns raised by the third-party in relation to the opinion that the proposal is out of character with existing development in the area and to avoid repetition, I refer the Bord to those sections above. The planning authority have not expressed concerns expressed in this regard and note the contents of this chapter. It is noted that the proposed development is not within the boundaries or sightlines of any identified views and prospects, as identified in the operative City Development Plan. There are no Tree Preservation Orders pertaining to the site and the land is not located within or adjoining any designated environmental or heritage sites. The

lands are located within Urban Character Area 5, classed as part of the city landscape and gateway from the west.

The density and layout have been addressed above. Presently, the lands are underdeveloped and underutilised, having regard to the location of the site proximate to Limerick city. The character of the lands will change from largely undeveloped to urban in nature- I do not consider this to be a negative in this instance.

I am of the opinion that once completed and occupied, the proposal will represent a comprehensive transformation of these lands to an urban development of appropriate density, part of a wider masterplan area. Landscape and visual impacts are likely to be perceived initially as negative by virtue of the landscape change and during development works, however these impacts will become more acceptable over time as the buildings are occupied and the development offers new facilities to the wider area, for example public open space provision. The proposal will allow for establishment of the high-quality development and new residential community at this location.

I am generally satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on landscape and visual are likely to arise.

Interaction Between Environmental Factors

Section 17 of the submitted EIAR provides a summary of principal interactive effects, which have been discussed in the preceding chapters. A matrix of potential interactions and the subsequent text details the interactions between topics. I consider this approach to be satisfactory and that adequate consideration has been given to the interactions.

Section 17.4 of the submitted EIAR examines potential cumulative impacts on the environment of the proposed project with other developments in the locality. Methodology used is detailed.

I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In my assessment of each environmental topic, I have considered the likelihood of significant effects arising as a consequence of interrelationships between factors. Most interactions, for example the impact of noise and air quality on the population and human health are addressed under individual topic headings. Given the generally modest impacts which are predicted to occur having regard to the nature of the proposed development, mitigation measures, or as a consequence of proposed conditions, I do not foresee any likelihood of any of these interrelationships giving rise to significant effects on the environment.

In conclusion, I am satisfied that there are no such effects and, therefore, nothing to prevent the granting of permission on the grounds of interaction between factors.

Reasoned Conclusion on Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment.

The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- **Biodiversity:** Impacts mitigated by proposed landscaping strategy which will use mix of appropriate species that will attract feeding invertebrates; will

ensure no invasive species introduced; the significant provision of active and passive open space; protection of trees to be retained, and measures to avoid disturbance to bats and nesting birds.

- **Land, soils, geology and hydrogeology** impacts to be mitigated by construction management measures including minimal removal of soil, reuse of excess material within the site; proposals for identification and removal of any possible contamination; management and maintenance of plant and machinery.
- **Hydrology** impacts to be mitigated by management of surface water run-off during construction; adherence to Construction Management Plan; to attenuate surface water flow and avoid uncontrolled discharge of sediment. Operational impacts are to be mitigated by surface water attenuation to prevent flooding.
- **Landscape and Visual:** The development will present as a new development in the landscape. There will also be changed views for some in nearby residences and nearby locations. The potential impact will be mitigated by the establishment of site hoarding to restrict views and minimise sense of visual disruption into site during construction works; design and landscape strategy; hedgerow protection and maintenance regime.
- **Archaeological** impacts which will be mitigated by preparation of archaeological management plan; creation of buffer around the children's burial ground and retention of existing vegetation around this
- **Traffic and Transport** impacts to be mitigated by implementation of a Construction Environmental Management Plan as well as a Road Safety Audit; dwellings will not be occupied until local road network, which is currently under construction, is fully completed and operational.
- **Air quality and climate** impacts which will be mitigated by dust minimisation plan
- **Noise and vibration** impacts which will be mitigated by adherence to requirements of relevant code of practice; location of noisy plant away from noise sensitive locations; noise control techniques

- **Material Assets-Built Services** impacts which will be mitigated by consultation with relevant service providers; adherence to relevant codes of practice and guidelines; service disruptions kept to a minimum
- **Material Assets-Waste** impacts which will be mitigated by preparation of site specific C&DWMP

The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment' (2018); 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). The assessments provided in the individual EIAR chapters are considered satisfactory. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. In the main, they would not require or justify refusing permission for the proposed development or requiring substantial amendments to it.

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to the pattern of development in the area and its zoning under the Limerick Development Plan 2022-2028, it is considered that, subject to compliance with conditions below, the proposed development would comprise a coherent form of development as part of a wider masterplan area; would not seriously injure the character of the area or the amenities of property in the vicinity, would not be prejudicial to public health or lead to flooding elsewhere and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by Further Information received by the planning authority on 23rd August 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report (EIAR) and associated appendices, Natura Impact Statement, Construction and Environmental Management Plan and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions.</p> <p>Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments in a single document, as identified in the submitted documents and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement</p> <p>Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.</p>
3.	<p>Prior to the commencement of any development of site, the applicant shall submit for the written agreement of the planning authority revised drawings showing:</p> <p>(a) Details relating to proposed wayleave including materiality, maintenance, boundary treatments so as to ensure it does not become an area that attracts dumping and/or anti-social behaviour</p>

	<p>(b) Proposed trees in rear garden areas shall be relocated to elsewhere within the development, within publicly accessible areas</p> <p>(c) Details of construction management measures to be implemented to ensure the maintenance of ground stability during the removal of hedgerow along the western boundary of the site</p> <p>Reason: In the interests of clarity</p>
4.	<p>No more than 75 residential unit within the Masterplan land as identified on Drawing No. MP-01, received by the planning authority on the 17th day of October 2023 shall be made available for occupation, until such time as the creche permitted under Register Reference No. 22/790 has been completed and is in operation, unless agreed otherwise with the until planning authority.</p> <p>Reason: In the interest of orderly development.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Render shall not be used as an external finish.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Each dwelling shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.</p> <p>Reason: In the interests of sustainable development and proper planning</p>
7.	<p>The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:</p> <p>(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning</p>

	<p>Authority for such works and shall be carried out at the developer's expense.</p> <p>(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;</p> <p>(c) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,</p> <p>(d) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site</p> <p>Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900, Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
9.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.</p> <p>Reason: In the interests of amenity and public safety.</p>

10.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a satisfactory standard of development.</p>
11.	<p>The applicant shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
12.	<p>The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.</p> <p>Reason: To ensure a satisfactory completion and maintenance of the development in the interests of residential amenity and in the interests of protecting the environment</p>
13.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this</p>

	development
14.	<p>Prior to the commencement of any house 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 housing unit), pursuant to section 47 of the Planning and Development Act, 2000, that restricts all houses 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.</p> <p>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.</p>
15.	<p>The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interests of sustainable transportation</p>
16.	<p>Proposals for the development name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of</p>

	<p>the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
17.	<p>The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide, inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise and dust management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
18.	<p>Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
19.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided</p>

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

	<p>these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
22.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
23.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála</p>

	<p>for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
24.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

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

Lorraine Dockery
Senior Planning Inspector

20th August 2024

Appendix 1 - Form 1

Screening for Appropriate Assessment

Screening Determination

I have considered the proposed residential development and associated site works in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is not located within any designated European site but is located approximately 1.3km west of the Lower Shannon SAC (Site Code: 002165) and 1.5km east of the River Shannon and River Fergus Estuaries SPA (Site Code: 004077).

It is proposed to construct a residential development comprising 54 no. units and ancillary works at Old Cratloe Road, Limerick. The site forms part of wider lands for which a non-statutory masterplan has been prepared.

The development site can be best described as Improved Agricultural Grassland/Dry Neutral Grassland Mosaic (GA1/GS1), Scattered Trees (WD5), Pond (FL8), Drainage Ditch (FW4), and Hedgerows/Treelines (WL1/WL2) as per Fossitt (2000).

I have provided a detailed description of the development in my report and detailed specifications of the proposal are provided in the AA Screening Report, NIS, and other planning documents provided by the applicant.

European Sites

Two European sites were identified as being located within a potential zone of influence of the proposed development. The Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code 004077) are the only Natura 2000 sites considered to be potentially impacted by the development. All others have been screened out due to distance and lack of hydrological connections, together with nature and scale of development proposed.

Ecological surveys undertaken by the applicant at appropriate season and frequency, using best practice survey methods have identified that there is a drainage ditch in the field (outside of the development area) to the west that connects with the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA. No other habitats of relevance to these two designated sites are recorded on the development site.

European Site	Qualifying Interests	Distance	Connections
Lower River Shannon SAC (Site Code 002165) <u>Lower River Shannon SAC National Parks & Wildlife Service (npws.ie)</u>	<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion</p>	1.3km W	Yes, drainage ditch with direct connection to SAC

	<p>incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>		
<p>River Shannon and River Fergus Estuaries SPA (Site Code 004077)</p> <p><u>River Shannon and River Fergus Estuaries SPA National Parks & Wildlife Service (npws.ie)</u></p>	<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Scaup (Aythya marila) [A062]</p>	1.5km E	Yes, drainage ditch with direct connection to SPA

	<p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>		
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Likely impacts of the project.

The proposed development will not result in any direct effects on either the SAC or SPA as it relates to the Lower River Shannon and River Shannon and River Fergus Estuaries.

The applicant has undertaken an assessment of likely significant effects of the two European Sites.

Due to the presence of the drainage ditch, which provides connectivity with these two designated sites, impacts generated by the construction and operation of the proposed residential development require consideration. There is a potential

indirect risk during periods of heavy rainfall/storm periods of runoff into the drainage ditch and subsequently to the two designated sites.

Examples of impact include:

- Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality with subsequent impacts on species and habitats.
- Potential for decline in habitat quality due to contaminant input/construction activities which may impact on foraging opportunities of annexed species
- Potential for impacts to spawning beds due to silt/contaminant input, or impacts to health of adults due to contaminant input
- Surface water impacts during operational phase

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

The primary pathway to the two identified designated sites is via the drainage channel system that bounds the proposed development site and discharges into the River Shannon.

As the River is designated for freshwater species including freshwater pearl mussel, lamprey species, Salmon, that require high water quality, these sensitive receptors are therefore at possible risk via the pathway identified, particularly during the construction and operational phase.

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in the following impacts:

- potential damage to riparian and river habitats associated with inadvertent spillages of hydrocarbons and/or other chemicals during construction phase;
- potential damage to the River Shannon associated with escapement of silt during the construction phase; with many of the habitats and freshwater qualifying interest species dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives

I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

Overall Conclusion Screening determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development would have a likely significant effect

'alone' on conservation objectives of the Lower River Shannon SAC (Site Code 002165) and River Shannon and River Fergus Estuaries SPA (Site Code: 004077) in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

Inspector: Lorraine Dockery Date: 20th August 2024