



An
Bord
Pleanála

Inspector's Report

ABP-318485-23

Development	The construction of a residential development comprising of 28 no. apartments and all associated site works.
Location	Sexton Street North, Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	221189
Applicant(s)	Peter & Catherine Moloney
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Frank Healy & Brian Healy
Observer(s)	None
Date of Site Inspection	9 th October 2024
Inspector	Ciara McGuinness

1.0 Site Location and Description

- 1.1. The site is located on Sexton Street (north) approximately 1km northwest of Limerick City Centre. The area is characterised by mixed use development. Residential development is located to the south and east of the site. Gaelscoil Sáirséal adjoins the site to the west, with Shelbourne Park amenity area to the south. Thomond Park Stadium and Limerick Institute of Technology are located further to the northwest of the site.
- 1.2. The site is a brownfield site and contains derelict commercial building setback approximately 20m from the public footpath/road. The remains/rubble of a previously demolished dwelling on site are present along the eastern boundary of the site. The site has a stated area of 0.51ha. The site levels fall from the road to the rear of the site. The rear (south) of the site is currently overgrown. The site is currently fenced off from Sexton Street by green mesh fencing.
- 1.3. A Part 8 Scheme along Sexton Street has been permitted and provides for active travel improvements including segregated cycle lanes and footpath upgrades.

2.0 Proposed Development

- 2.1. The proposal includes the demolition of the existing derelict building on site. The building measures 542sqm and is in a poor state of repair.
- 2.2. The proposed development comprises 4 apartment blocks. Block A fronts onto Sexton Street, with Block B and Block C located behind Block A, running along the western boundary. Block D is located along the eastern boundary of the site, to the rear of the existing adjacent dwellings which front onto Sexton Street. The breakdown of the blocks is as follows;
 - Block A – 6 no. 2 bed apartments - 2-3 storeys - 663.95sqm
 - Block B – 8 no. 2 bed apartments – 4 storeys – 875.2sqm
 - Block C - 8 no. 2 bed apartments – 4 storeys – 875.2sqm
 - Block D – 6 no. 2 bed apartments – 3 storeys – 656.4sqm
- 2.2.1. It is noted that all apartments are 2-bedroom apartments. The proposal includes 28 no. car parking space adjacent to each block. Covered bicycle parking is proposed to

the rear of the apartment blocks. The communal open space is provided by way of 3 no. green areas to the rear of the site including a play area and has a cumulative area of 1,033sqm. An access through the development site to the appellants rear workshop/shed is also proposed. The proposed development has a density of 55 dwellings per hectare.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a Notification of Decision to Grant Permission on 24th October 2023, subject to 29 no. of conditions.

3.1.2. Conditions generally were of a standard nature. Notable conditions include;

- Condition 7 - Submit a CEMP for written agreement.
- Condition 9 – Submit details of the Management Company established to manage operation of the development.
- Condition 14 – A 2m high privacy wall shall be constructed along the rear and side of the boundaries of the entire site.
- Condition 15 – The proposed development shall align with the proposed cycling and walking infrastructure on the adjoining public road.
- Condition 16 – Details of Bicycle Parking spaces shall be agreed in writing.
- Condition 29 – Submit a 5-year programme for the implementation of biosecurity measures and the treatment of invasive species.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report (dated 20/12/2022) considers that residential development is generally permitted under the zoning objective for lands zoned 'Existing Residential'. The principle of development of apartments is regarded as acceptable at this location and is in line with objectives of the Development Plan in terms of zoning, compact growth, and development of brownfield sites. The existing buildings on site

are not of architectural merit and the principle of demolition is acceptable in principle. While it is noted that the Planning Authority would welcome the addition of studio/1-beds, the apartments vary in size and are therefore considered acceptable. The development is in line with the SPPRs set out in the Apartment Guidelines. The density, height and design are considered acceptable. Further Information (FI) was requested in relation to the following;

- Submit an Urban Design Statement including a sunlight analysis.
- Submit a revised site layout including boundary treatments, bin storage, bicycle parking areas, play spaces and overlays with adjoining Part 8 development.
- Submit design drawings for bicycle parking and bin storage areas.
- Submit a site specific survey of Japanese Knotweed on site and details of proposed mitigation for removal.
- Submit an Acoustic Design Statement.
- Submit proposals for the management of dust and noise.
- Justify parking numbers, submit a Traffic Assessment and Stage 1 and 2 Road Safety Audit and a revised site layout plan.
- Submit a revised detailed lighting design.
- Submit a revised Surface Water Disposal Layout Plan.
- Submit a refurbishment Demolition Asbestos Survey.
- Respond to the third-party Objections on file.

3.2.2. The applicant responded to the Further Information request. The red line boundary was updated to include connections to Irish Water services. The Planners Report (18/10/2023) considers that the applicant has adequately responded to all FI items. The proposed development is considered to be in line with National, Regional and Local Planning Policy and relevant Section 28 Guidelines. It is recommended that permission is granted subject to conditions.

3.2.3. Other Technical Reports

- Executive Scientist – Requested Acoustic Design Statement to be submitted. Acoustic Design statement submitted by way of FI is considered satisfactory. Condition recommended.
- Active Travel – Requested FI in relation to layout, access and cycle storage. Conditions recommended following receipt of FI.
- Fire and Emergency Services – No objection.
- Roads Department – Requested FI in relation traffic and pedestrian issues, public lighting and surface water disposal. Conditions recommended following receipt of FI.
- Archaeologist – No Archaeological Issues.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Submissions were received from Frank and Brian Healy, and Ger O'Dowd and Mark Hussey (on behalf of residents of Farranvilla and Stenson Park), on both the application and further information submitted. The issues raised generally reflect the grounds of appeal and relate to boundary treatments, access, landownership, residential amenity, wastewater and invasive species.

4.0 Planning History

PA Reg Ref 07/770464 – Permission refused in February 2008 for the demolition of the existing warehouse unit at the rear of The Woodworker's Store, Sexton Street North and backing onto Farran Villa and the erection of seven three storey terraced houses and fourteen three storey apartments with entrance gates, car spaces, landscaping and all ancillary site works and services with access through Stenson Park.

5.0 Policy Context

5.1. Limerick Development Plan 2022-2028

Zoning

The subject site is zoned 'Existing Residential' with the objective to provide for residential development, protect and improve existing residential amenity.

Density

Level 1, Zone 2: Intermediate Urban Locations/Transport Corridors A minimum net density of 45+ dwelling units per hectare are required at appropriate locations within:

- 800 metres of (i) the University Hospital; (ii) Raheen Business Park; (iii) National Technology Park; (iv) University of Limerick; (v) Technological University of the Shannon; (vi) Mary Immaculate College; •
- 500m of high frequency (min. 10-minute peak hour frequency) existing or proposed urban bus services and;
- 400m of reasonably frequent (min. 15-minute peak hour frequency) urban bus services. (Map 2.2 and Map 4)

Building Height: Volume 6 Building Height Strategy for Limerick City - Thomond Park Gateway Area

Table DM 9(a): Car and Bicycle Parking Standards Limerick City and Suburbs- site located within Zone 2

The following policies are considered relevant;

- **Policy CGR P1 Compact Growth and Revitalisation** - It is a policy of the Council to achieve sustainable intensification and consolidation, in accordance with the Core Strategy, through 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

- **Objective CGR O3 Urban Lands and Compact Growth** - It is an objective of the Council to:
 - a) Deliver 50% of new homes within the existing built-up footprint of Limerick City and Suburbs (in Limerick), Mungret and Annacotty and 30% of new homes within the existing built-up footprint of settlements, in a compact and sustainable manner in accordance with the Core and Housing Strategies of this Plan.
 - b) Encourage and facilitate sustainable revitalisation and intensification of brownfield, infill, underutilised and backland urban sites, subject to compliance with all quantitative and qualitative Development Management Standards set out under Chapter 11 of this Plan....
- **Objective HO O5 Apartments** - It is an objective of the Council to encourage an increase in the scale and extent of apartment development, particularly in proximity to core urban centres and other factors including existing public transport nodes, or locations where high frequency public transport can be provided, close to locations of employment and a range of urban amenities including parks/ waterfronts, shopping and other services.

5.2. National Policy

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

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

existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.3. Regional Policy

- 5.3.1. The site is located within the 'Limerick-Shannon Metropolitan Area'. The RSES incorporates Metropolitan Area Strategic Plans (MASP) to ensure coordination between local authority plans. The MASP notes that Limerick City is the largest urban centre in the Mid-West and the country's third largest city. The MASP highlights the need to increase residential density in Limerick City and Shannon through a range of measures including, reductions in vacancy, re-use of existing buildings, infill and site-based regeneration. The MASP supports the densification of Limerick City Centre, the assembly of brownfield sites for development and City Centre rejuvenation and consolidation.

5.4. Section 28 & Other Guidelines

Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2022)

The guidelines set out planning guidance to achieve both high-quality apartment development and a significant increase in the overall level of apartment output. They provide guidance on matters such as locational considerations, mix of units, internal space standards, dual aspect, floor-to-ceiling heights, apartments to stair/lift core ratios, storage space, room dimensions, amenity spaces and car parking.

Identification of suitable locations is guided by 2.4. which highlights three types of location, namely Central/Accessible Urban Locations, Intermediate Urban Locations and Peripheral/Less Accessible Locations. The central locations (suitable for the highest density) are generally within easy walking distance of city centres/significant employment zones or high quality/frequency public transport.

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

- 5.4.1. Density ranges for Limerick, Galway and Waterford are set out in Table 3.2 of these guidelines. It is stated that for the city centres of Limerick, Galway and Waterford, comprising the city centre and immediately surrounding neighbourhoods, are the

most central and accessible urban locations in their regions with the greatest intensity of land uses, including higher order employment, recreation, cultural, education, commercial and retail uses. It is a policy and objective of these Guidelines that residential densities in the range 100 dph to 250 dph (net) shall generally be applied in the centres of Limerick, Galway and Waterford.

- 5.4.2. Section 4 of the Guidelines deals with Quality Urban Design and Placemaking. Section 5 of the Guidelines deals with Development Standards for Housing and includes a number of specific planning policy requirements (SPPRs).

Other Guidelines

- 5.4.3. The following Section 28 - Ministerial Guidelines and other policy documents are also considered of relevance to the proposed development.

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Cycle Design Manual (2023).
- Limerick Shannon Metropolitan Area Transport Strategy 2040 (LSMATs)

5.5. Natural Heritage Designations

Lower River Shannon SAC (site Code 002165) – c.0.5km to the east of the site.

River Shannon and River Fergus Estuaries SPA (Site Code 004077) – 1km to the south of the site.

5.6. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appeal is a third-party appeal by Frank and Brian Healy (the adjoining landowners) against Limerick City and County Council's decision to grant permission. The grounds of appeal are summarised as follows;

- The appellants do not object in principle to the development or to the proposed design and layout. They are requesting that the interface with their property be detailed further along with whatever modifications are required in order to protect their privacy, security and enjoyment of their property.
- The current folio maps do not reflect the existing boundaries on site. The development should not have been permitted in the absence of accurate ownership mapping.
- The side of the Healy's' properties will be exposed to a public open space. No proposals for the treatment of the boundary are contained in the application.
- It is unclear where the exact locations of the boundary walls are being conditioned.
- The site plan indicates the vehicular driveway to the Healy's' workshop as a 'possible access'. This reference does not ensure continued access. The issues of access during construction are not addressed.
- Pedestrian access to external side doors in the dwelling house has not been addressed.
- Piped services serving the Healy property along the western elevation will also need to be accommodated at the interface boundary.
- There is concern that inadequate parking is being provided and that the resulting overflow onto Sexton Street will impact adjacent dwellings. The proposal does not comply with Table DM9(a) of the Development Plan. The further information in relation of parking was justified on the basis of 'draft' guidelines. Deviating from the Development Plan in favour of unapproved draft guidelines is premature and inappropriate.

6.2. Applicant Response

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

Folio Map Boundaries – The Folio boundaries appear incorrect and will require rectification in due course. The site is within the applicant's landholding and thus will not affect any neighbouring properties.

Overlooking/privacy – The house previously demolished was located circa 800mm from the appellant's house. It is proposed to erect a 2m high concrete post and panel wall 1000mm out from the appellants building line to afford the appellant privacy to their west facing windows and they will have access within same.

Access – The appellant in their appeal raised issues in relation to the "possible access" annotation, which would allow for access to the appellant's rear workshop/shed. A revised site layout is submitted which indicates tactile paving and a dropped kerb at this location. This access will be subject to registration and legalisation in due course.

Party Wall – The demolished house did not connect to the appellant's house as there was a space of circa 800mm between same. It is proposed to engage with the appellants agent to agree on a course of action/agreeable scope of works, which shall include the removal of all spoil or rubble material from the area where the house was demolished, any weathering works to the existing house and the formation of a new boundary offset from the appellant's house. A legal agreement can be put in place for this.

Parking – The proposed 28 parking spaces are considered sufficient having regard to the location of the development on a brownfield site, within walking distance of the city centre, and on a main city bus route and a cycle lane. The proposal is in line with development managements standards and environmental recommendations in relation sustainable travel.

6.3. Planning Authority Response

None.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

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

- Principle of Development
- Boundary Treatments
- Impact on Residential Amenity
- Parking
- Miscellaneous - Landownership

7.2. Principle of Development

7.2.1. The subject site is located within Limerick City. It is currently an underutilised site, with a disused building, that detracts significantly from the streetscape and would benefit from appropriate intervention. The site is zoned 'existing residential' with the objective to provide for residential development, protect and improve existing residential amenity and as such the proposed development is considered acceptable in principle. I note that there are numerous policies in the operative Development Plan that support, compact growth and the redevelopment of brownfield and infill sites. I am satisfied that the principle of residential development is acceptable on this site and that the proposal would aid in achieving targets for residential development within the city, while also improving the visual amenity of this underutilised site within the built-up, urban area.

7.2.2. I note the overall density of the development (55 dwelling per hectare) is in accordance with the Development Plan and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) which requires densities in the range 50 dph to 200 dph (net) to generally be applied in urban neighbourhoods of Limerick, Galway and Waterford. The Compact Settlement Guidelines contain several Specific Planning Policy Requirements (SPPRs) with which the proposed development must comply. The proposal is considered to be in accordance with SPPR 1 and SPPR 3 as discussed below in section 7.4 and 7.5 respectively. I consider that there are no implications for the development arising from the Sustainable Residential Development and Compact Settlements Guidelines.

7.3. Boundary Treatments

- 7.3.1. The appellants have raised concerns in relation to the lack of proposed boundary treatments contained in the application at the interface with their properties. I note that the applicant was requested to submit a revised site layout including boundary treatments as part of the Further Information. I have reviewed the drawings submitted by the applicant by way of further information, and I do not consider that the revised boundary proposals to be clear or comprehensive. It was noted in the Planers Report dated 18/10/2023 that a 2.4m high green mesh fence was proposed along the south and east boundary of the site which is not considered acceptable. Furthermore, no boundary details were shown along the western boundary. The Planning Authority considered that the issue could be addressed by way of condition requiring that all side and rear boundaries of the site have a 2m high capped and rendered block wall and be agreed with the Planning Authority prior to the commencement of development.
- 7.3.2. The applicant in their response to the appeal has submitted a revised site layout map with updated boundary proposals and is proposing a 2m high concrete post and rail fence along the eastern boundary adjoining the appellants property. I note that the previously demolished house on site was 800mm from the appellants dwelling, with the proposed boundary wall now indicated at 1000mm from appellants dwelling. I consider that the proposed boundary line is acceptable, noting the tight plots of the adjoining dwellings and proximity of the previously demolished house on the site relative to the appellants property. I consider that adequate space has been afforded

to the appellants and that the proposed boundary will not interfere with the external side doors of their property. I am satisfied that the details of boundary treatments can be addressed by way of condition to be agreed with the Local Authority and that this issue would not warrant a refusal of permission.

7.3.3. The appellants also contend that the exact locations of the boundary walls being conditioned are unclear. I disagree and note that the condition attached by the Local Authority refers to the rear and side boundaries of the entire site. If the Board are minded to grant permission, the condition attached shall be explicit in requiring boundaries for all side to be agreed with the Planning Authority prior to development.

7.3.4. The appellant also raised concerns with regards to the annotation of the vehicular driveway to their workshop as a 'possible access'. I note that the applicant's response to the appeal has indicated that there will be tactile paving and a dropped kerb at this location. The applicant also notes that this access will be subject to registration and legalisation in due course. I consider that proposed site layout adequately allows for access to the appellants workshop. Any legal agreements in relation to access or works to the appellant exposed wall are outside the scope of this planning appeal. The appellant also notes that the issues of access to their rear lands during construction is not addressed. I note that the submission of a Construction Environmental Management Plan, prior to the commencement of any works on site has been conditioned by the Planning Authority. I consider that this matter could be adequately dealt with by means of this condition, if the Board is disposed towards a grant of permission. Furthermore, I do not consider that the proposed development will have any impact on the services serving the appellants property. I note the footprint of the buildings are located along the western boundary away from the appellants property.

7.4. Residential Amenity

7.4.1. In terms of impacts on residential amenity, I note the concerns raised in the third-party appeal include issues of proximity/separation distances, overlooking and impacts on privacy.

7.4.2. Given the height and design of the proposed apartments, I am of the opinion that the proposed development 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 the 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, within Limerick city centre, where there are adequate services, facilities and employment in close proximity. The planning authority have not expressed concerns in this regard.

7.4.3. I would note also that the proposal also accords with the updated development standards for apartments set out in the Sustainable Residential development and Compact Settlement Guidelines for Planning Authorities (2024) which requires a separation distance of at least 16m between opposing windows serving habitable room at the rear of side of apartments above ground floor level, thereby ensuring the reasonable protection of residential amenity. The issue of boundary treatments is addressed in Section 7.3.

7.4.4. In conclusion, I am satisfied that the proposed development can be adequately accommodated on the subject site without undue impacts arising in terms of existing residential amenity.

7.5. Parking

7.5.1. The appellants are concerned that inadequate parking is being provided and that the resulting overflow onto Sexton Street will impact adjacent dwellings. It is also contended that the proposal does not comply with Table DM9(a) of the Development Plan which addresses car parking and bicycle parking requirements for Limerick City and Suburbs. The Planners Report (dated 20/12/2022) considers the proposed number of parking spaces acceptable given the sites infill brownfield nature and the fact that it is within walking distance to Limerick City and high frequency bus routes. Notwithstanding the applicant was asked to justify the car parking numbers at FI. The applicant in their response has outlined the city centre location of the site and the availability of public transport and cycle lanes in their response.

7.5.2. I note that the site is located in zone 2 for the purpose of calculating parking requirements. The car parking requirements for zone 2 as set out in Table DM9(a) are a maximum of 1 space per unit and 1 visitor space per 3 units. The applicant is proposing 28 no. car parking spaces. The proposed number of spaces does not exceed the stated maximum. I consider the proposed development to be in accordance with the Development Plan in this regard.

- 7.5.3. The appellants have also raised concerns that the parking provisions was justified on the basis of 'draft' guidelines. The applicant in their documentation has made reference to the draft planning guidelines which seeks to minimise or potentially element parking in new residential developments in cities. I consider this reference to be in relation to the Sustainable and Compact Settlements Guidelines which were adopted in January 2024. One of the key principles of the guidelines is to minimise the quantum of car parking in new developments in order to manage travel demand and to ensure that vehicular movement does not impede active modes of travel or have undue prominence within the public realm. SPPR 3 of the guidelines states that *'In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.'* In this regard, I consider the proposal to also be in accordance with the Sustainable and Compact Settlement Guidelines.
- 7.5.4. In terms of cycle parking, I note the planning authority have included a condition for cycle parking to be agreed with the planning authority prior to the commencement of development, due to the lack of detail in the application and further information. Table DM 9 (a) requires a minimum of 1 space per unit and 1 visitor space per 2 units for zone 2. In this regard, a minimum of 42 cycle spaces should be provided within the development. I recommend that a condition to this affect is included should the board be minded to grant permission.
- 7.5.5. In summary, I have no concerns in relation to the contended under provision of parking. The proposal is accordance with the Development Plan and Sustainable and Compact Settlement Guidelines. I also consider the provision appropriate considering the sites city centre location near high frequency bus routes and the permitted Part 8 scheme which provides for active travel improvements along Sexton Street.

7.6. **Miscellaneous - Landownership**

- 7.6.1. The appellant has raised issues over the accuracy of Folio mapping and access rights through the applicant's lands. In terms of the legal interest, I am satisfied that

the applicants have provided sufficient evidence of their legal intent to make an application. Any further legal dispute is considered a civil matter and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

8.0 AA Screening

8.1. See Appendix 3 of this report for Appropriate Assessment Screening Determination. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site namely the Lower River Shannon SAC and is therefore excluded from further consideration. Appropriate Assessment is not required.

8.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites
- Taking into account screening determination by LPA

9.0 Recommendation

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

10.0 Reasons and Considerations

10.1.1. Having regard to the pattern of development in the area and its existing residential zoning under the Limerick Development Plan 2022-2028, it is considered that, subject to compliance with conditions below, the proposed development would provide a high-quality residential development on an underutilised site; would not seriously injure the character of the area or the amenities of property in the vicinity

and would provide an adequate standard of residential amenity to future occupiers. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority, on the 27th day of September 2023 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.

Reason: In the interest of clarity.

2. 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.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

3. Proposals for an estate/street name, numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

4. Prior to the operation/occupation of the proposed development any noise mitigation measures (specified in Noise Impact Report) shall be constructed and completed in accordance with the proposed scheme.

Reason: In order to protect the residential amenities of property in the vicinity.

5. Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

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

Reason: In the interest of public health.

7. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

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

8. The proposed development shall align with the proposed cycling and walking infrastructure on the adjoining public road. Prior to the commencement of development, the developer shall submit a Site Layout Plan showing how the development integrates with the adjoining approved Part 8 scheme (22/8014) and that it will not impact on the proposed pedestrian crossing.

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

9. Prior to the commencement of any development on site the applicant shall submit the following for the written agreement of the Planning Authority
 - i) The Stage 1 and Stage 2 Road Safety Audit shall be signed by the design team or the employer and include the feedback audit form. The

Stage 2 Road Safety Audit shall be in compliance with the TII Publication 'Road Safety Audit GE-STY-01024'. The recommendations of the Stage 1 & Stage 2 Road Safety Audit shall be implemented in full/

- ii) A Stage 3 Road Safety Audit in compliance with the TII Publication 'Road Safety Audit GE-STY-01024' shall be submitted on upon the completion of construction and prior to the opening to traffic.

Reason: In the interests of traffic and pedestrian safety.

10. Site development and building works shall be carried out only between the hours of 0800 to 2000 Mondays to Friday inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking/access for existing adjoining properties during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

Reason: In the interest of amenities, public health and safety and environmental protection

12. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP

shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

13. A minimum of 42 no. safe and secure bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

14. (a) Screen walls shall be provided along the rear and side boundaries of the site. Such walls shall be two metres in height above ground level.
(b) The screen walls shall be constructed in brick to match the brick used in the buildings or concrete block or similar durable materials and, if in concrete block, shall be suitably capped and rendered on both sides in a finish that matches the external finish of the buildings.

Reason: In the interest of residential and visual amenity.

15. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

17. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit 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.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

18. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

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 for the area.

19. 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.

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.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

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

Ciara McGuinness
Planning Inspector

22nd November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318485-23			
Proposed Development Summary	The construction of a residential development comprising of 28 no. apartments and all associated site works.			
Development Address	Sexton Street North, Limerick			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	✓		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes		Class 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 / Sub-Threshold		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318485-23	
Proposed Development Summary	The construction of a residential development comprising of 28 no. apartments and all associated site works.	
Development Address	Sexton Street North, Limerick	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The nature of the development is not exceptional in the context of the urban environment.</p> <p>The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised constructions impacts will be temporary.</p>	No
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The size of the development is not exceptional in the context of the existing urban environment.</p> <p>There is no real likelihood of significant cumulative effects having regard to existing or permitted projects</p>	No

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>The nearest European site is 0.5km to the east of the site. It is not considered that the proposed development would be likely to have a significant impact on the European site.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p> <p>✓</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector:

Date:

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Template 2: Screening the need for Appropriate Assessment
Finding of no likely significant effects

Appropriate Assessment: Screening Determination
(Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed apartment development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Limerick City and County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Limerick City and County Council concluded the proposed development would not require Appropriate Assessment.

A detailed description is presented in Section 2 of my report. In summary, the proposed development site is a brownfield site within a mixed use/suburban environment, surrounded by housing, retail, roads and amenity space in the immediate vicinity. The development will comprise of demolition of an existing warehouse building that has fallen into disrepair and the construction of 28 new apartments, laid out in 4 no. blocks. Surface water will discharge to the local drainage system. Water and waste will be connected to local services.

There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

2 no. of European sites are located within a potential zone of influence of the proposed development. These are:

- Lower River Shannon SAC (site Code 002165) – c.0.5km to the east of the site.
- River Shannon and River Fergus Estuaries SPA (Site Code 004077) – 1km to the south of the site.

Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those listed above.

European Site	Qualifying Interests (summary)	Distance	Connections
Lower River Shannon SAC (site Code 002165)	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 (<i>Glauco-Puccinellietalia maritima</i>),	0.5km	No direct

	Mediterranean salt meadows (<i>Juncetalia maritimi</i>), Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation, <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>), Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae), <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel), <i>Petromyzon marinus</i> (Sea Lamprey), <i>Lampetra planeri</i> (Brook Lamprey), <i>Lampetra fluviatilis</i> (River Lamprey), <i>Salmo salar</i> (Salmon), <i>Tursiops truncatus</i> (Common Bottlenose Dolphin), <i>Lutra lutra</i> (Otter)		
River Shannon and River Fergus Estuaries SPA (Site Code 004077)	Cormorant (<i>Phalacrocorax carbo</i>), Whooper Swan (<i>Cygnus cygnus</i>), Light-bellied Brent Goose (<i>Branta bernicla hrota</i>), Shelduck (<i>Tadorna tadorna</i>), Wigeon (<i>Anas penelope</i>), Teal (<i>Anas crecca</i>), Pintail (<i>Anas acuta</i>), Shoveler (<i>Anas clypeata</i>), Scaup (<i>Aythya marila</i>), Ringed Plover (<i>Charadrius hiaticula</i>), Golden Plover (<i>Pluvialis apricaria</i>), Grey Plover (<i>Pluvialis squatarola</i>), Lapwing (<i>Vanellus vanellus</i>), Knot (<i>Calidris canutus</i>), Dunlin (<i>Calidris alpina</i>), Black-tailed Godwit (<i>Limosa limosa</i>), Bar-tailed Godwit (<i>Limosa lapponica</i>), Curlew (<i>Numenius arquata</i>), Redshank (<i>Tringa totanus</i>), Greenshank (<i>Tringa nebularia</i>), Black-headed Gull (<i>Chroicocephalus ridibundus</i>), Wetland and Waterbirds.	1km	No direct

Likely impacts of the project (alone or in combination)

Due to the enclosed nature of the development site and the presence of a significant buffer area between the brownfield site and the River Shannon, I consider that the proposed development would not be expected generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

The proposed development would not have direct impacts on any European site. During site clearance, demolition and construction of the proposed development and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.

The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to Lower River SPA and River Shannon and River Fergus Estuaries SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

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

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species during construction or operation of the proposed development.

In combination effects

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

No mitigation measures are required to come to these conclusions.

Overall Conclusion**Screening Determination**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site namely the Lower River Shannon SAC and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites
- Taking into account screening determination by LPA