



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318890-24

#### Development

28 no. residential units and a creche comprising of (a) 13 no. houses, (b) 12 no. apartments, (c) creche with 3 no. apartments at first floor.

Connection to roads and services proposed under the neighbouring scheme (reg. ref 22/990) and all landscaping and associated site development works.

#### Location

Rathkeale Road, Adare, County Limerick.

#### Planning Authority

Limerick City and County Council

#### Planning Authority Reg. Ref.

2360793

#### Applicant(s)

Dwellings Developments Adare Limited

#### Type of Application

Permission

#### Planning Authority Decision

Refuse

#### Type of Appeal

First Party

<b>Appellant(s)</b>	Dwellings Developments Adare Limited
<b>Observer(s)</b>	Diarmaid and Sinead Fitzgerald
<b>Date of Site Inspection</b>	8 <sup>th</sup> March 2024 9 <sup>th</sup> May 2024 31 <sup>st</sup> January 2025
<b>Inspector</b>	Ciara McGuinness

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## **1.0 Site Location and Description**

- 1.1.1. The site is located to the southwest of Adare village, c. 0.7km from the village centre, on the north side of the N21 National Road. The site is an undeveloped greenfield area. The existing Deerpark Housing Estate is located to the north of the site. The site is adjoined by soccer pitch used by Adare United to the north and west, which is accessed from the north by a laneway within the Deerpark estate. Detached houses are located to the south and east of the site. Deerpark Gateway (RPS Ref 1690) and Deerpark Lodge (RPS Ref 1691), both of which are protected structures, lie to the southeast of the site.
- 1.2. The proposed development is a Phase 2 development of a previously submitted Phase 1 application for 74 units which was granted by Limerick City and County Council under PA Reg Ref 22/990 and which is currently under appeal to An Bord Pleanála (ABP Ref 317476-23). Connections to roads and services are through Phase 1 of the scheme and as such the applications are intrinsically linked. The subject site is spread over two areas, an area to the west of the Phase 1 development and an area to the north of the Phase 1 development.
- 1.2.1. There is an existing entrance to the site off the N21 to the Phase 1 lands. The applicant has noted that Limerick City and County Council constructed this access a number of years ago, however it does not extend further and is not operational at present. This access is intended to be shared with an adjoining Part 8 development which was permitted under PA Reg Ref 19/8010. The permitted Part 8 scheme is spread over two areas with development to be located to the northeast of the site adjoining Deerpark and to the southwest of the site adjoining the N21.

## **2.0 Proposed Development**

- 2.1. The proposed development the subject of this appeal consists of 28 residential units and a creche. The residential units comprise 13 no. houses, 12 no. duplexes, and 3 no. apartments.
- 2.2. The houses are located in the northern area of the site. The houses comprise the following;
  - 3 no. two storey 4-bed detached houses

- 2 no. two storey 4-bed semi-detached houses
- 8 no. two storey 3-bed semi-detached houses

2.3. The duplex and creche blocks are located in the western area of the site. The duplexes are made up of 2 no. blocks each containing 6 no. units comprising single storey units at ground level and two storey units at the first and second level. The duplex units comprise the following;

- 2 no. 1 bed apartments (Ground Floor)
- 4 no. 2 bed apartments are proposed (Ground Floor)
- 6 no. 3 bed apartments proposed above (Upper Floors)

2.4. The creche building contains a creche at ground floor with 3 no. apartments (2 no. 2-beds and 1 no. 3-bed) on the first floor. The creche has an area of 289.8sqm and can accommodate up to 33 no. children in a full or part time capacity.

2.4.1. The area of this appeal site is stated as 0.95ha, while the total area of the Phase 1 scheme together with this site is stated as 4.8ha. Within the subject site, 790sqm of public open space is provided equating to 12%. However, in the wider scheme (phase 1 & 2) the public open space provided is 7,741sqm or 15.68% of the overall scheme. A total of 64 no. car spaces are provided in Phase 2.

2.4.2. The application is accompanied by a Planning Report, Bat Report, Archaeological Assessment, Civil Report, Design Statement, Ecological Impact Assessment and Appropriate Assessment Screening Report.

### 3.0 Planning Authority Decision

#### 3.1. Decision

The Planning Authority issued a notification of a decision to refuse permission for the following single reason on the 22<sup>nd</sup> December 2023:

*“The proposed application is dependent on the access roads and infrastructure associated with the adjacent planning application, planning reference 22/990 which is currently on appeal to An Bord Pleanála. The proposed development is therefore considered premature pending a determination on that planning application.”*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planners Report (dated 21/11/2023) notes that the proposal is in accordance with the draft Adare LAP 2024-2030 and its zoning objectives. The applicant has calculated that there are approximately 666 dwelling units in Adare. The proposed development coupled with the adjacent application would have a total of 102 units which equates to 15% rise in housing stock, not exceeding the 15% threshold as set out in Objective CGR 015. The submitted social audit also concludes that the development is considered of sufficient and suitable scale commensurate to the level of existing service provision. The proposal is considered to provide a good mix of dwelling types for different household sizes. While it is considered that the proposal is compliant with National, Regional and Local Policy, the Planning Authority has concerns in relation to the reliance this application has on the adjoining application (PA Reg Ref 22/990) which is currently on appeal to An Bord Pleanála. The application is dependent on the access and internal road layout shown in PA Reg Ref 22/990. Additionally Irish Water have requested a new pre-connection enquiry. Overall, the proposal is considered premature pending the outcome of PA Reg Ref 22/990. Refusal is recommended.

#### **3.2.2. Other Technical Reports**

Archaeologist – No objection subject to condition.

Heritage Officer – Bat survey, AA screening and EclA require updating.

MWNRDO – No observation.

Fire and Emergency Services – No objection.

Roads Department – Further Information/Recommendations in relation to Roads, Public Lighting and Surface Water Management.

Active Travel – Further Information/Recommendations in relation to cycle storage/facilities.

### **3.3. Prescribed Bodies**

Irish Water – Development is reliant on Phase 1. New Pre-Connection Enquiry required.

TII – The Authority considers that the proposed development would be at variance with national policy in relation to control of frontage development on national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January, 2012). It is recommended that a Road Safety Audit (RSA) should be carried out. It is also recommended that a Traffic and Transport Assessment (TTA) is carried out to assess the cumulative impacts of the proposed development. Any recommendations arising shall be incorporated in the proposed development by amendment to the existing planning application or as conditions on the permission, if granted. Any additional works required as a result of the TTA or RSA should be funded by the developer.

DAU – No objection. Mitigation measures in Bat Report and Ecological Impact Assessment to be applied.

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

Submissions were received from D&S Fitzgerald c/o Leahy Planning Ltd and from Declan Fitzgerald. The issues raised relate to the reliance on the Phase 1 application, project splitting, enabling works on the site, traffic and access, water supply, impact on adjoining woodland/biodiversity and cultural heritage.

## **4.0 Planning History**

### Live Applications on the Site

The development the subject of this appeal comprises Phase 2 of a wider development proposal. PA Reg Ref 22/990 and PA Reg Ref 24/60304 comprise Phase 1 and Phase 3 respectively. All 3 no. of applications are currently the subject of an appeal to An Bord Pleanála. Phase 2 and Phase 3 are dependent on the access roads and infrastructure associated with Phase 1. Both applications (phase 2 and phase 3) have been refused by the Planning Authority on the grounds that the



applications are premature pending decision on the appeal of the Phase 1 application.

**Phase 1** - PA Reg Ref 22/990 – ABP-317476-23 – Application for the construction of 74 no. residential units, construction of vehicular access/egress junction with the Rathkeale Road (N21 National route) and associated works including modified road demarcation on the N21 road to facilitate right turning lane; lowering in height of existing roadside wall in part, landscaping, provision of associated infrastructure including connection to separate foul and surface water drainage systems, provision of surface water attenuation, and connection to mains water supply, and landscaping and all associated site development works.

*Note:* This application was initially for 99 units and a creche and was subsequently amended by Further Information.

**Phase 3** - PA Reg Ref 24/60304 - ABP-319995-24 – Application for the development that will consist of construction of 25 no. residential units, connection to roads and services proposed under Phase 1 (reg. ref 22/990) and Phase 2 (reg. ref 23/60793), landscaping and all associated site development works.

#### Previous Applications on the Appeal Site

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

#### Adjacent Site

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

## **5.0 Policy Context**

### **5.1. Limerick County Development Plan 2022-2028**

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

#### **Objective CGR O15 Requirements for Developments within Level 4**

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

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

5.1.2. The following Objectives are also considered relevant to the proposed development;

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

- a) Prevent, except in exceptional circumstances and subject to a plan-led evidence-based approach, in consultation with Transport Infrastructure Ireland, in accordance with the Section 28 Ministerial Guidelines Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012), development on lands adjacent to the existing national road network, which would adversely affect the safety, current and future capacity and function of national roads and having regard to reservation corridors, to cater for possible future upgrades of the national roads and junctions;

...

- c) Facilitate a limited level of new accesses, or the intensified use of existing accesses, to the national road network on the approaches to, or exit from, urban centres that are subject to a speed limit of between 50km/h and 60km/h. Such accesses will be considered where they facilitate orderly urban development and would not result in a proliferation of such entrances.

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

and for significant developments affecting the national and non-national road network.

**Objective SCSi O14 Childcare Facilities;** It is an objective of the Council to:

a) Encourage the provision of appropriate childcare facilities as an integral part of proposals for new residential developments and to improve/expand existing childcare facilities.

b) Encourage the provision of childcare facilities in a sustainable manner to encourage local economic development and to assist in addressing disadvantage.

- 5.1.3. Section 11.3 sets out Residential Development Management Standards. Car and bicycle parking requirements are set out in Table DM 9(b): Car and Bicycle Parking Standards – Newcastle West and other settlements.

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

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

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

*Purpose: This zone is intended primarily for new high quality housing development. The quality and mix of residential areas and the servicing of lands will be a priority to support balanced communities. New housing and infill developments should include a mix of housing types, sizes and tenures, to cater for all members of society. Design should be complimentary to the surroundings and should not adversely impact on the amenity of adjoining residents. These areas require high levels of accessibility, including pedestrian, cyclists and public transport (where feasible). This zoning may include a range of other uses particularly those that have the potential to facilitate the development of new residential communities such as open space, schools, childcare facilities, doctor's surgeries and playing fields etc.*

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

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

### **5.3. National Planning Framework**

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

- National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

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

#### 5.4. Section 28 - Ministerial Guidelines/Other Guidelines

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

- 5.4.1. 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.

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

- 5.4.2. Under these Guidelines, Adare is defined as a 'Rural Town and Village' with a population of 1,500 persons or less, that offers services to a wide rural hinterland. These settlements are not identified for significant population growth under the NPF and should grow at a limited pace that is appropriate to the service and employment function of the settlement, and the availability and capacity of infrastructure to support further development. New development should contribute to compact towns and villages and offer alternatives to urban generated housing in unserved rural areas.
- 5.4.3. 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) as follows:

- SPPR 1 – Separation Distances which requires a minimum of 16m between opposing windows serving habitable rooms at the rear or sides of houses above ground floor level.
- SPPR 2 – Minimum Private Open Space for houses; 1 bed -20sqm, 2 bed - 30sqm, 3bed -40sqm and 4 bed+ -50sqm.
- SPPR 3 – Car Parking which restricts the maximum rate of car parking provision for residential development in ‘intermediate and peripheral’ locations to 2 no. spaces per dwelling (exclusive of visitor spaces).
- SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), where residential units do not have a ground level open space or have smaller terrace.

#### Other Ministerial Guidelines/Guidelines

The following Guidelines are considered to be of particular relevance;

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

### **5.5. Natural Heritage Designations**

Adare Woodlands pNHA (Site code 000429) – c.40m to the south/west of the site

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

River Shannon and River Fergus Estuaries SPA (Site Code 004077) – c. 7km to the north of the site

Curraghchase Woods (Site Code 000174) - c. 5km to the northwest of the site

## **5.6. EIA Screening**

See completed Form 2 on file. 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 screening determination, therefore, is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The decision of Limerick City & County Council to refuse planning permission for the proposed development was the subject of a first party appeal. The grounds of appeal are outlined below;

- It is likely that a decision will issue on Phase 1 prior to this appeal being determined.
- Should the board positively consider Phase 1, consistency in conditions is respectfully requested
- Traffic assessments were provided in the initial application for 99 units and a creche. Furthermore, a traffic assessment was submitted under the original SHD proposal for the site (ABP Ref TC01.307484) for 157 units over a larger site at tripartite stage to ABP (since withdrawn). There is no basis for further traffic studies on foot of this application, further exacerbating costs incurred to date.
- The Foynes to Limerick bypass has been approved and will commence in the short term. Traffic through Adare will be reduced considerably.
- Environmental assessments were carried out and approved by LCCC for Phase 1 under PA reg ref 22/990 (which originally included) the subject site. Further studies to assess Phase 2 are not required.

- The enabling works to service this site and the LCCC residual lands on which a Part 8 was approved are at an advanced stage and being delivered by a contractor on behalf of LCCC.
- Two separate pre-connection enquiries (PCE) were submitted to Uisce Eireann in late 2022. Both PCE's were approved in January 2023 for a total of 137 units. Given that no additional schemes have been commended in the interim, further PCE's are not required.

## 6.2. Planning Authority Response

None.

## 6.3. Observations

An observation was made by Diarmaid and Sinead Fitzgerald in respect of the planning appeal which can be summarised as follows;

- It is inappropriate that this appeal should come before the Board when the Phase 1 application is still to be decided on.
- The observer can't fully comment on the subject appeal without knowing the outcome of the Phase 1 application.
- The proposed development constitutes project splitting.
- As the proposed development is dependent on Phase 1 it is questionable whether it constitutes a valid application/appeal in its own right.
- The number of houses was substantially reduced in the Phase 1 scheme. It is inappropriate that the applicant now proposes to increase the numbers in the wider site.

## 7.0 Assessment

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



- Principle of Development
- Access/Traffic
- Water Supply
- Biodiversity
- Archaeology

## 7.2. Principle of Development

- 7.2.1. At the time of the assessment of the application, the Adare Local Area Plan 2015-2021 (Extended to 2024) was the operative plan for the area. The application was assessed by Limerick City and County Council in accordance with the policies and objectives of this plan. The Adare Local Area Plan 2024-2030 was adopted on the 13th of February 2024 and is effective from the 26th of March 2024. I have assessed the proposal in accordance with the provisions of the now operative Local Area Plan (2024-2030). The subject site is zoned 'New Residential' with the Objective '*to provide for new residential development in tandem with the provision of social and physical infrastructure.*' I consider that the proposal for housing and a childcare facility is in accordance with the zoning of the site, and I have no concerns with regards to the principle of development at this location. I do not consider that there has been any material or substantial change in policy with the new adopted LAP which will have a bearing on the assessment of this development.
- 7.2.2. The proposed development provides for a residential density of 29 units per hectare, consistent with the Adare LAP which seeks a minimum of 22 units per hectare. Phases 1 & 2 combined will provide a total of 102 units plus creche on a gross area of 4.8ha, equating to a density just under 22 units per hectare. Although not provided in the application, I consider that refined calculations based on a net site area, would result in a density of at least 22 units per hectare. I note the overall density of the development is in keeping with the densities of adjoining housing and is in accordance with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- 7.2.3. The Compact Settlement Guidelines also contain several Specific Planning Policy Requirements (SPPRs) with which the proposed development must comply. On review of the submitted plans the proposed development provides for well in excess

of the minimum required private open space of 40sqm for 3-bed houses and 50sqm for 4-bed houses (SPPR 2). A separation distance of at least 16 metres between opposing windows above ground floor level is also provided (SPPR 1). In accordance with SPPR 3, the applicant has also proposed 2 no. parking spaces for each dwelling in accordance with the maximum rate allowed for peripheral areas. I consider that there are no implications for the development arising from the Sustainable Residential Development and Compact Settlements Guidelines. I note, the SPPRs outlined in the Apartment Guidelines have also been complied with.

- 7.2.4. Objective CGR 015 requires that no one proposal for residential development shall increase the existing housing stock by more than 10 – 15% within the lifetime of the Plan, unless the applicant can demonstrate that the settlement has adequate capacity in terms of both physical and social infrastructure to support additional growth. The applicant has calculated that there are approximately 666 dwelling units in Adare. This application (phase 2) coupled with the adjacent application (phase 1) would have a total of 102 units which equates to 15% rise in housing stock, not exceeding the 15% threshold as set out in Objective CGR O15. The submitted social audit also concludes that the development is considered of sufficient and suitable scale commensurate to the level of existing service provision. I consider the proposed development to be in compliance with this objective.
- 7.2.5. In terms of the proposed childcare facility, I am satisfied that the scale of the crèche / childcare facility proposed would be acceptable to serve the development based on the relevant standards, the site context and the proposed unit types. I consider that the proposed development complies with the provisions of the Childcare Facilities Guidelines.

### **7.3. Access/Traffic**

- 7.3.1. Access to the site is from the N21 road, through the proposed Phase 1 development. At the location of the proposed development site entrance, the N21 is a single carriageway road, approximately 7m wide and within a 60kph speed limit zone. The observers objected to the Phase 1 application on the grounds that the new development will exacerbate the difficulties they face exiting their property onto the N21 and have again reiterated this concern in their submission on the planning application. I also acknowledge the concerns expressed by TII and their remit to

safeguard the carrying capacity, operational efficiency and safety of strategic national roads network. I also note Objective TR O39 'National Roads' of the operative Development Plan. This seeks to prevent any development on lands adjacent to the existing national road network, which would adversely affect the safety, current and future capacity and function of national roads.

- 7.3.2. I note that TII did not make a submission on the Phase 1 application. The submission from TII on this application specifically raises concerns that the proposal is at variance with official policy regarding control of frontage development on national roads as set out in the Spatial Planning and National Roads Guidelines for Planning Authorities (2012). Section 2.5 of the Guidelines outlines a series of policy approaches with regard to access to national roads which all development plans and any relevant local area plans must implement. These include lands in transitional areas where the plan area incorporates sections of national roads on the approaches to or exit from urban centres that are subject to a speed limit of 60kph before a lower 50kph limit is encountered. The Guidelines expressly state that any such proposal in the transitional areas must be subject to a road safety audit carried out in accordance with the NRA's requirements and a proliferation of such entrances, which would lead to a diminution in the role of such zones, must be avoided.
- 7.3.3. I note that a Road Safety Audit (RSA) was carried out in the Phase 1 application, with all safety recommendations contained within the RSA having been accepted by the applicant and highlighted on Drawings G153-171-5 submitted under PA Reg Ref 22/990. I consider the RSA to have adequately considered the proposed access and frontage onto the national road. Given the characteristics of the development access, which will serve the proposed development, the adjoining phase 1 development, the adjoining Part 8 development and the remaining residential zoned lands to the north, I consider that the proposed development is in accordance with the Spatial Planning and National Roads Guidelines.
- 7.3.4. The TII submission also recommended that a Traffic and Transport Assessment (TTA) is carried out to assess the cumulative impacts of the proposed development. The applicant has noted in their grounds of appeal that Traffic Assessments were provided in the initial application under PA Reg Ref 22/990 which was originally for 99 units and a creche. I note the Traffic Assessment was subsequently revised at Further Information to reflect the design changes (reduction to 74 units and omission

of creche). The applicant also notes that a Traffic Assessment was submitted under the original SHD proposal for the site (ABP Ref TC01.307484) for 157 units over a larger site at tripartite stage to ABP (since withdrawn). The applicant contends that there is no basis for further traffic studies on foot of this application, further exacerbating costs incurred to date. I am satisfied that based on the information provided in the Traffic and Transport Assessment for Phase 1, a reasonable approach to modelling future vehicular traffic scenarios on the local road network with the development in place has been set out and this does not reveal substantive inconvenience for road users. I note that the Planning Authority did not object to the findings of the applicant's Traffic and Transport Assessment.

- 7.3.5. I consider it is important to know the context of this site and its surroundings. The lands are located within the town of Adare. The site is located on zoned lands with good access to an array of services. While the proposed development would provide for a substantive scale of development cumulatively, it would also connect in with cycle and pedestrian infrastructure serving the site and the surrounding area. There would undoubtedly be some increase in traffic as a result of the proposed development, which would invariably add to any existing congestion in the area. However, traffic congestion at peak periods in suburban and urban areas, would be anticipated to occur intermittently. It is also considered that the delivery of the Adare bypass would reduce significantly the transport movements through the village. I note from my site visit, that construction work to deliver this new piece of infrastructure is ongoing. I also note the government proposals to accelerate the construction of the Bypass<sup>1</sup>.
- 7.3.6. While I acknowledge and have regard to the remit of TII, I must assess the proposal in a wider context. I am of the opinion that to develop this site to any lesser scale of development, could be considered contrary to national guidance in relation to the appropriate densification of serviced, urban sites close to town centres and the appropriate level of development to be provided thereon in order to be consistent with the proper planning and sustainable development of the area.

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<sup>1</sup> <https://www.gov.ie/en/press-release/61afb-government-approves-proposal-to-accelerate-construction-of-adare-bypass/>. (accessed 22/02/2025)

- 7.3.7. Having regard to all of the above, I consider the proposal to be consistent with local, regional and national guidance in terms of the appropriate development of urban, serviced sites close to existing built-up areas. I consider that the proposed development, which is on zoned land, would not have such an impact on the local traffic network that permission should be refused on this basis.

#### **7.4. Water Supply**

- 7.4.1. The observers objected to the Phase 1 application on the grounds of inadequate water supply to meet the demand imposed by the new development and have again reiterated this concern in their submission on the planning application. The details of the proposed water supply are presented within Section 2.9 of the Civil Report by DRA Consulting Engineers. The applicant has submitted a Confirmation of Feasibility from Uisce Eireann (Appendix 3 of Civils Report). I do not agree with the submission by Uisce Eireann that the proposed Phase 2 development is relying on the governing permission (phase 1). Two separate pre-connection enquiries (PCE) were approved by Uisce Eireann in January 2023 for a total of 137 units and were submitted separately with the Phase 1 and Phase 2 applications. The Confirmation of Feasibility confirms that water connection is feasible subject to upgrades. Such upgrades may include pressure boosting and network upsizing. Uisce Eireann will require the applicant to provide a contribution of a relevant portion of the costs for the required upgrades at Connection application stage. I consider that this is adequate to demonstrate that the proposed development would be properly serviced without unacceptable impact on the wider networks. The determination of minor design details in regard to the connections and the finalisation of a certificate of design acceptance can be made the subject to a condition attached to a permission as it would not affect the principle of development or prejudice the position of third parties.

#### **7.5. Project Splitting**

- 7.5.1. The observers have suggested that the issue of project splitting arises in this instance by submitting 2 no. separate planning applications. In my opinion, the issue of project-splitting does not arise. Prospective applicants are not bound to submit a single planning application for development. The submission of separate planning applications is permitted through the standard S. 34 application process under the

Planning and Development Act, 2000 (as amended). In addition, I note that the term project-splitting normally arises in situations where an applicant may seek to avoid the requirement to undertake an Environmental Impact Assessment of a proposed development. The combined development of 102 no. residential units in this instance falls significantly below the mandatory requirement to undertake such an assessment under Class 10 (b) of Schedule 5, Part 2 of the Planning and Development Regulations, 2001 (as amended) which is the relevant class in this case. The application assessments consider the cumulative impact of the combined Phase 1 and Phase 2 developments on the overall landholding, and as such, the impacts of the entire development have been considered. Having regard to the nature, size and location of the proposed development, I am also satisfied that the undertaking of a sub-threshold EIA is not necessary. Thus, I am satisfied that the issue of project splitting does not arise and is not relevant to the assessment of this case.

## **7.6. Biodiversity**

- 7.6.1. Concerns were raised in the submissions with regards to the impact on adjoining woodland/biodiversity. I note that an Ecological Impact Assessment and Bat Survey Report which relate to the combined site area for Phase 1 and Phase 2 were submitted with the application. Habitats on site were identified in accordance with the standard classification system (Fossit, 2000). It found that much of the land can be described as improved agricultural grassland (GA1), a highly modified habitat of low biodiversity value. Hedgerows (WL1) form boundary features in places and mostly comprise of Hawthorn, along with Blackthorn, Holly, Brambles and Elder. With the implementation of mitigation outlined in the report, no significant negative impacts are expected to occur.
- 7.6.2. The submitted Bat Report notes that one dawn and two dusk activity surveys were undertaken in May and June 2020. Seven bat species were recorded across the study area. Foraging and commuting was mainly associated with mature trees forming field boundaries. No bat roosts were identified but potential roosting features were observed in trees within the site boundary. The report concludes that provided that the proposed development is constructed and operated in accordance with the design, best practice and mitigation that is described within this report, no significant impacts on local bat populations will occur. I note that the survey is dated from 2020,

however the mitigation measures outlined in the Report require a pre-commencement survey in line with industry best practice. In the event of a grant permission, a standard condition will be attached requiring all mitigation measures to be implemented in full.

- 7.6.3. The site adjoins the Adare Woodlands pNHA (Site Code 000429) to the southwest of the site. While Adare Woodlands pNHA is not designated specifically for bats, the overall landscape connectivity will be maintained with the retention of the mature trees on site, as well as the existing landscape features around the periphery of the site. Additional trees and hedgerow are also being proposed as part of the Landscaping proposals to ensure connectivity with the wider landscape can continue, for commuting and foraging bats. I recommended that should the Board be minded to grant permission that a condition is attached requiring adherence to a landscape plan to ensure biodiversity enhancement and to offset the loss of habitat.

## **7.7. Archaeology**

Concerns were also raised by an observer on the application in relation to protection of cultural heritage and it was contended that several historic monuments have been recorded on the site. I note that an Archaeological Assessment prepared by Icon Archaeology is submitted with the application. No features of archaeological interest were noted on the site. Three recorded monuments are located within 150m of the proposed development site to the south; LI021-156/1 Enclosure, LI021-156/2 Enclosure, LI021-156/3 Enclosure. Portions of the original estate wall enclosing the Deerpark still survive along the eastern boundary of the development site. The wall will be repaired and reused as part of the development boundary where possible/feasible. The report notes that 13 test trenches were excavated within the site to ascertain the nature and extent of any sub-surface archaeological remains. A single linear feature found in Trench 12, is most likely the remnants of a disused agricultural field system. The feature is described as being of limited archaeological significance and will be preserved by record. No significant sub-surface archaeological monuments or remains will be impacted by the proposed development works. I note that the County Archaeologist has no objection to the proposed development subject to condition. Overall, I do not have any concerns in relation to the impact on Archaeology subject to condition.

## **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 would not result in likely significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The scale of the development on fully serviced lands and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

## **9.0 Recommendation**

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

## **10.0 Reasons and Considerations**

Having regard to new residential land use zoning of the site under the Adare Local Area Plan 2024-2030, and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



## 11.0 Conditions

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

**Reason:** In the interest of clarity

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

**Reason:** To protect residential amenity and natural heritage.

3. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. In the event of any disagreement on phasing, between the developer and the planning authority, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

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

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

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

**Reason:** In the interest of public health

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

**Reason:** In the interest of visual interest

7. (a) Details of the signage for the proposed crèche facility shall be submitted for the written agreement of the Planning Authority prior to its occupation.

(b) The proposed crèche facility shall be operational prior to the occupation of the housing units within the proposed development unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed (at this time).

**Reason:** In the interest of residential amenity and the proper planning and sustainable development of the area.

8. The landscaping scheme shown on drawing number 1928-PH2LA-001Rev02, as submitted to the planning authority on the 1st day of November 2023 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

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

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

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

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

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

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

**Reason:** In the interest of sustainable transportation

12. A minimum of 35 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.

13. Proposals for an estate/street name, house/apartment 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 house/apartment numbers, shall be provided in

accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

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

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

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of work, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity

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

commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interests of sustainable waste management.

17. 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 within each house plot and for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

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

18. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

19. 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 commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

20. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be re-located underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity

21. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available by the developer for occupation of any house.

**Reason:** In the interests of amenity and public safety.

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

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

23. Prior to the commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provisions of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been granted under Section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement of An Bord Pleanála for determination.

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

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

**Reason:** It is requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act to be applied to the permission

25. 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

28<sup>th</sup> February 2025



## Appendix 1 - Form 1

### EIA Pre-Screening

<b>An Bord Pleanála</b>	318890-24		
<b>Case Reference</b>			
<b>Proposed Development Summary</b>	28 no. residential units and a creche comprising of (a) 13 no. houses, (b) 12 no. apartments, (c) creche with 3 no. apartments at first floor. Connection to roads and services proposed under the neighbouring scheme (reg. ref 22/990) and all landscaping and associated site development works.		
<b>Development Address</b>	Rathkeale Road, Adare, County Limerick.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	✓	Class 10(b)(i), 10(b)(iv) of Part 2 to Schedule 5	Proceed to Q3.
<b>No</b>			No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required

<b>No</b>	✓	<p>Class 10(b)(i) – Construction of more than 500 dwellings</p> <p>Class 10(b)(iv) – Urban development which would involve an area greater than 10 hectares</p>	Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	✓	<p>The proposed development is below the 500 dwelling threshold. The proposed development is for 28 no. units. The combined Phase 1 and Phase 2 project is for 102 units.</p> <p>The proposed development is below the 10 hectare threshold. The proposed development has an area of 0.95 hectares. The combines Phase 1 and Phase 2 project has an area of 4.8 hectares.</p>	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	✓	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2 - Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-318890-24</b>
<b>Proposed Development Summary</b>	28 no. residential units and a creche comprising of (a) 13 no. houses, (b) 12 no. apartments, (c) creche with 3 no. apartments at first floor. Connection to roads and services proposed under the neighbouring scheme (reg. ref 22/990) and all landscaping and associated site development works.
<b>Development Address</b>	Rathkeale Road, Adare, County Limerick.
<p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The nature and size of the development (28 no. residential units and creche) is not exceptional in the context of the existing residential environment. The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised constructions impacts will be temporary.</p> <p>The development, by virtue of its type(residential), does not pose a risk of major accident and/or disaster.</p>

<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is located in a suburban area and is zoned for residential development. The nearest European site is 0.9km to the north of the site. It is not considered that the proposed development would be likely to have a significant impact on the European site. 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><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>There is no real likelihood of significant effects on the environment arising from the proposed development. There is no real likelihood of significant cumulative effects having regard to existing or permitted projects.</p>								
<p><b>Conclusion</b></p>									
<p><b>Likelihood of Significant Effects</b></p>	<table> <tr> <th data-bbox="663 1469 1158 1581">Conclusion in respect of EIA</th><th data-bbox="1158 1469 1461 1581">Yes or No</th></tr> <tr> <td data-bbox="663 1581 1158 1715">EIA is not required.</td><td data-bbox="1158 1581 1461 1715">✓</td></tr> <tr> <td data-bbox="663 1715 1158 1895">Schedule 7A Information required to enable a Screening Determination to be carried out.</td><td data-bbox="1158 1715 1461 1895"></td></tr> <tr> <td data-bbox="663 1895 1158 2007">EIAR required.</td><td data-bbox="1158 1895 1461 2007"></td></tr> </table>	Conclusion in respect of EIA	Yes or No	EIA is not required.	✓	Schedule 7A Information required to enable a Screening Determination to be carried out.		EIAR required.	
Conclusion in respect of EIA	Yes or No								
EIA is not required.	✓								
Schedule 7A Information required to enable a Screening Determination to be carried out.									
EIAR required.									
<p>There is no real likelihood of significant effects on the environment.</p>									
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>									
<p>There is a real likelihood of significant effects on the environment.</p>									

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 3 - Appropriate Assessment Screening Determination

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

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

An appropriate assessment screening report has been prepared by OPENFIELD Ecological Services on behalf of the applicant and the objective information presented in that report informs this screening determination. The submitted AA screening report relates to the combined site area for Phase 1 and Phase 2.

#### Description of the proposed development

The proposed development comprises 28 no. residential units (phase 2) and all associated works. I have provided a detailed description of the development in my report (section 2) and detailed specifications of the proposal are provided in the planning documents provided by the applicant.

The habitats on site have been surveyed and are described in accordance with standard practice (Fossitt 2000) and comprise Improved Agricultural Grassland (GA1), Scattered Trees (WD5), Scrub (WS1), Dry Meadow (GS2), Broadleaved Woodland (WD1) and Hedgerows (W11). There are no water courses or drainage ditches on the lands.

#### Consultations and submissions

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

#### 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).

Three European sites are potentially within a zone of influence of the proposed development. These are:

- Lower River Shannon SAC (Site Code 002165) – c.0.9km to the north of the site.
- River Shannon and River Fergus Estuaries SPA (Site Code 004077) – c. 7km to the north of the site.
- Curraghchase Woods (Site Code 000174) - c. 5km to the northwest of the site.

I have only included those sites with any possible ecological connection or pathway in this screening determination.

European Site	Qualifying Interests (summary)	Distance	Connections
Lower River Shannon SAC	Sandbanks which are slightly covered by sea water all the time, Estuaries,	c.0.9km to the north	Indirect

	<p>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>Glaucopuccinellietalia maritima</i>), Mediterranean salt meadows (<i>Juncetalia maritimi</i>), Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-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> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>), <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)</p>			
River Shannon and River Fergus Estuaries SPA	<p>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.</p>	c.7km to the north	Indirect	
Curraghchase Woods	<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>), <i>Taxus baccata</i> woods of the British Isles, <i>Vertigo moulinsiana</i> (Desmoulin's Whorl</p>	c.5km to northwest	Indirect	

	Snail). <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat)		
<p>The proposed development site is not located within or directly adjacent any European Site. The subject site is located c.0.9km to the south of the Lower River Shannon SAC (Site Code 002165) There is no direct hydrological connection from the site to the SAC. The direction of site drainage is towards the River Maigue which falls within the River Shannon SAC. The town is serviced by a wastewater treatment plant and this too discharges treated effluent into the River Maigue. Further north the Maigue also falls within the River Shannon and River &amp; Fergus Esturies SPA. Consequently, there is a weak hydrological connection between the site and these two European Sites. The Curraghcase Woods SAC (site code: 000174) lies approx. 5km to the northwest of the site and because of its population of lesser horseshoe bats is included within the zone of influence as a precautionary approach.</p>			
<p><b>Likely impacts of the project (alone or in combination with other plans and projects)</b> As the proposed application site is not located within or adjacent to a European site there will be no direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p>Due to the enclosed nature of the development site, 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.</p> <p>During site clearance and construction of the proposed development, 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 the River Shannon SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.</p> <p>The proposed development site is outside the 2.5km core foraging range of Lesser horseshoe bat. The bat survey submitted with the application recorded no suitable roosting habitat for the species on the site. Due to the separation distance between the subject site and the SAC, the proposed development would not have any disturbance impacts on bats related to the European Site.</p> <p><b>Likely significant effects on the European site(s) in view of the conservation objectives set out for the qualifying features including:</b> Having regard to this distance, the nature, scale and extent of the proposed works, the nature of the receiving environment which comprises a built-up urban area, the absence of a direct hydrological link, and implementation of standard construction techniques, significant effects on the European site are unlikely.</p> <p><b>In combination effects</b> The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.</p> <p>No mitigation measures are required to come to these conclusions.</p>			
<p><b>Overall Conclusion</b> <b>Screening Determination</b></p>			



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 would not result in likely significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The scale of the development on fully serviced lands and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.