



An
Bord
Pleanála

Inspector's Report

ABP-319009-24

Development

Development of 122 residential houses and apartment units on a site of 3.2ha and all associated site works. The application may be inspected online at the following website URL, setup by the applicant: www.golflinksroadlrd.com.

Location

Golf Links Road, Newtown, Monaleen, Limerick

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

2360842

Applicant(s)

Philip Collins

Type of Application

Permission

Planning Authority Decision

Grant subject to Conditions

Type of Appeal

Third Party x 4

Appellant(s)

- 1) Ryno Developments Ltd
- 2) Dr Arash Joorabchi & Others
- 3) Sile O'Donovan & Others
- 4) Robert McNamara & Margaret McNamara

5) Jessica O'Donovan & Others

Observer(s)

None

Date of Site Inspection

1st May 2024

Inspector

Mary Crowley

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Appendix 1 – EIA Pre-Screening

Appendix 2 – EIA Screening Determination:

1.0 Site Location and Description

- 1.1. The site with a stated area of 3.2 ha is located in the eastern environs of Limerick City in the Castletroy area a short distance north of the M7 motorway. The site is bound by the Kylemore Estate to the east, Evanwood Estate to the south and southwest, Ashfort Estate to the northwest and open land to the north which contains a ring fort. The site is accessed from School House Road, via a short run of roadway which serves the Ashfort Estate and the Tall Trees Crèche, this roadway connects with a laneway, which was the original road serving the area prior to extensive housing development, which included the construction of the School House Road. This laneway runs along the western boundary of the site, prior to connecting onto the Golf Links Road.
- 1.2. The site comprises one agricultural field, currently under pasture, covering most of the site area, as well as one existing residential property surrounded by a garden and an adjoining farmyard with associated farm buildings, at the northern end of the site. A well-formed stream runs along the whole of the eastern boundary of the site and appears to have a constant flow. Trees, groups of trees / hedgerows are present along most outer boundaries of the site, as well as within the garden of the residential property and surrounding the farmyard. None of the trees within the site are known to be covered by a Tree Preservation Order or a nature conservation designation. There is a considerable fall across the site, of approximately 8m, falling from the most northerly point to the most southern point, the site is considerably more level in an east/west direction.
- 1.3. I refer to the photos and photomontages available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. The proposed development will provide the following:
 - Demolition of existing agriculture buildings on site with a total gross floor area of 284.4m².
 - 65 no. housing units comprising a variety of forms to include detached, semi-detached and terraced houses, all two storey in height. The mix of proposed

houses include 6 no. four bedroom units and 59 no. three bedroom units to provide a total of 6,280.8m² gross floor area;

- 57 no. apartment units across 7 no. 3 storey blocks throughout the development. The apartment units provide a mix of one, two and three bedroom units, comprising 29 no. one bedroom units, 26 no. two bedroom units, and 2 no. three bedroom units to provide a total of 4,929.1m² gross floor area.
- All private dwellinghouses are two-storey. The apartment blocks throughout are all three storey, however as some have a flat roof, the overall height is similar to the proposed and surrounding two-storey housing.

2.2. The proposed development also includes:

- A childcare facility measuring 352.2m², providing 58 childcare places, located at the northern most edge of the development.
- The provision of 114 no. car parking spaces within the curtilage of the proposed dwelling houses and 89 no. public car parking spaces and 311 no. bicycle parking spaces.
- The provision of 1 no. ESB sub-station, ancillary services and infrastructure works including foul and surface water drainage, blue roofs, landscaped public open spaces (approximately 0.5 ha or 15.9% of the overall site area), landscaping, lighting, internal roads, cycle paths, footpaths.
- In total, the proposed development would provide a total residential gross floor area of 11,749.9m².
- Proposed connection to public mains and public sewer. A letter of consent has been provided from the adjoining landowner for the proposed connection to services in the Evanwood Estate

2.3. A Natura Impact Statement has been prepared in respect of the proposed development.

2.4. The phasing proposed is as follows (Drawing no. 2206-03-05 - Phasing Plan Layout refers)

- Phase 1 – Creche, House Nos. 1-15 and Apartment Nos. 16-28 & 49-54.
- Phase 2 – House Nos. 86-123 and Apartment Nos. 79-85.

- Phase 3 – House Nos. 29-41 and Apartment Nos. 42-48 & 55-78.

2.5. The following is a summary breakdown of the unit types proposed:

Houses		
Unit Type	No of Units	Gross Floor Space m²
1 bed	0	
2 bed	0	
3 bed	59	35 x 108m ² + 24 x 91.9m ² = 5,985.6m ²
4 bed	6	4x 139.2m ² = 835.2m ²
4+ bed	0	
Total	65	6,820.8m²
Apartments		
Unit Type	No of Units	Gross Floor Space m²
Studio	0	
1 bed	29	1,816m ²
2 bed	26	1,761.5m ²
3 bed	2	227.6m ²
4 bed	0	
4+ bed	0	
Total	57	4,805.1m² (Note: Does not include internal corridors)

2.6. Bicycle storage will be provided in accordance with Table DM 9(a) of the Development Plan, which stipulates 1 bicycle parking space per residential unit and 1 visitor bicycle parking space per every two residential units. One hundred and fourteen (114) car parking spaces have been provided within the curtilage of the individual private dwellinghouses and 89 public car parking spaces have been provided to accommodate the residents of the apartments and visitor parking.

2.7. **The application was accompanied by the following:**

2.7.1. Planning

- Cover Letter
- Planning Application Form
- Form 19 LRD Application Form
- Planning Report and Statement of Consistency
- Statement of Response
- Childcare Demand Analysis
- Newspaper Notice
- Site Notice
- Letter of Consent from Applicant to Agent to Submit
- Letter of Consent to Join Neighbouring Services

2.7.2. Architecture and Landscape

- Part V Agreement Letter
- Design Statement
- Schedule of Architecture Drawings
- Site Location Map
- Site Layout Plan
- Architectural Drawing Pack
- Schedule of Accommodation
- Schedule of Compliance
- Booklet of Computer-Generated 3D Images
- Daylight and Sunlight Analysis
- Building Lifecycle Report
- Landscape Design Statement
- Schedule of Landscape Drawings
- Landscape Drawings
- Tree Survey Report

2.7.3. Engineering

- Services Report (Includes Confirmation of Feasibility from Irish Water and Green & Blue Infrastructure Assessment)
- Outline Construction Environmental Management Plan
- Schedule of Engineering Drawings
- Civil Engineering Drawings
- External Lighting Report
- Traffic and Transport Assessment
- Stage 1 Road Safety Audit

2.7.4. Environmental

- AA Screening and Natura Impact Statement
- Ecological Impact Assessment (EclA)
- Tree Survey Report
- EIA Screening Statement
- Flood Risk Assessment

3.0 LRD Planning Authority Pre-Application Opinion

- 3.1. In the LRD opinion issued on 17th May 2023 the Planning Authority state that the documents submitted require further consideration and amendment to constitute a reasonable basis for an application for an LRD. The issues raised relate to vehicular access, the design of the apartments, promotion of pedestrian and cycling transport modes, Services Report and Road Safety Audit, public lighting design, surface water/SuDS management layout plan, Stage 1 Habitats Screening Assessment, EIA Screening report and Integration of Nature Based SuDS in the green areas.
- 3.2. The applicant submitted a Statement of Response with the planning application which addresses each of the matters cited by the planning authority in the LRD Opinion.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Limerick City & County Council issued a notification of decision to grant permission subject to 24 no conditions summarised as follows:

a)	Development shall be carried out in accordance with the plans and particulars lodged with the application.
b)	Section 48 Development Contribution
c)	Development Bond
d)	Part V
e)	Section 47 agreement restricting all houses permitted, to first occupation by individual purchasers
f)	Revised plans in respect of materials, provision of an active front to Unit Nos. 35 and 92, useable public open space to be delivered in Phase 1, details of patio boundary treatments, provision of a 5 metre wide maintenance strip to be provided adjacent to the OPW channel, a parking plan screened, bin stores, drawings of bicycle stores and the proposed creche.
g)	Compliance with the requirements of Uisce Eireann.
h)	Compliance with Natura Impact Statement, Ecological Impact Assessment and Landscape Design Statement
i)	Landscaping
j)	Invasive species management plan
k)	Estate / street name, house numbering scheme and associated signage to be agreed.
l)	Archaeological Impact Assessment
m)	No walls, fences or other boundary treatment including hedges/trees shall be constructed or created around the front gardens of the proposed dwellings.

n)	The management and maintenance of the communal areas shall be the responsibility of a legally constituted management company.
o)	Waste management plan
p)	A Stage 2 Road Safety Audit shall be submitted for written agreement. Stage 3 Road Safety Audit shall be completed. A revised Site Layout Plan to include sightlines, stopping sight distances and forward visibility for all junctions and road bends, driveway gradients and dimensions, provision of corduroy tactile paving at the edges / radii, show house numbering signage layout, include their design, locations and how they will be mounted, revised refuse collection vehicle swept path information, revised buffer area for the accessible parking and traffic calming details.
q)	Cycle storage for Apartment block A and B shall be provided
r)	A minimum of 1 EV Charge Point space per five car parking spaces
s)	Revised lighting design fully in line with Limerick City and County Council's Public Lighting Specification
t)	Surface Water & SuDs systems
u)	All service cables associated shall be laid underground within the site.
v)	Constructed drawings for the development must submitted upon completion of any phase.
w)	The developer shall engage the services of a suitable qualified person who shall oversee all construction works as per the permission granted..
x)	Construction, Environmental Management Plan

4.2. Planning Authority Reports

4.2.1. Planning Reports

4.2.2. The **Case Planner** having considered the proposed development recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by Limerick City and County Council reflects this recommendation.

4.2.3. Other Technical Reports

- **Housing Section** – Stated that a preliminary Part V agreement letter was issued.
- **Fire & Building Control** - No objection.
- **Mid-West National Road Design Office** - No observations
- **Planning, Environment & Place Making (Noise)** - Stated that the proposed development is approx. 170m at its nearest point to the M& motorway. Having assessed the scheme there are no objections in relation to road noise.
- **Archaeologist** – Archaeological mitigation is required prior to the commencement of the development. Conditions as set out in the report to be attached.
- **Heritage Officer** - Agrees with the findings of the EIA screening in that progression to full EIA is not necessary. Re AA they agree with the possibility of effects through sedimentation and other pollutants. Conditions recommended.
- **Roads** - Conditions provided in respect of roads, surface water, public lighting, servicing and construction management.
- **Environment (Waste Management)** - Requests a Waste Management Plan by condition.
- **Active Travel** - Conditions provided in relation to access, cycle storage and childcare facility.

4.3. **Prescribed Bodies**

4.3.1. **Irish Water**

- Water Connection - Feasible without infrastructure upgrade by Uisce Éireann
- Wastewater Connection - Feasible subject to upgrades.
- No stated objection subject to conditions as outlined in their report.

4.3.2. **TII**

- The Authority requests that the Council has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application.
- The Council shall ensure that the significant national investment in the adjoining national road network is safeguarded in accordance with official policy.

4.3.3. **OPW**

- Requested that a 5m wide strip be retained, adjacent to the channel to facilitate on-going access and maintenance requirements. This strip should be unimpeded to mechanical plant and should not be landscaped, paved or otherwise developed in a manner that would impede or prevent access to said channel.

4.4. **Third Party Observations**

4.4.1. A total of 60 no submissions are recorded on the planning file. The issues raised can be summarised as follows:

- Proposed entrance and pedestrian accesses
- Traffic, congestion, road safety
- Lack of physical infrastructure - cycle lanes, underdeveloped road network
- Inadequate wastewater infrastructure
- Premature pending the delivery of road infrastructure - distributor road
- Drainage and flooding issues
- Archaeology
- Environmental concerns - loss of green space; lack of green space and play space provided; impact on biodiversity, trees, bats, barn owl, hedgerows, flora and fauna
- Lack of social infrastructure / amenities - school places, garda station, GPs, library, community centre, sporting facility, shops
- Loss of light and privacy
- Building height - overbearing impact, out-of-character, visual impact
- Unacceptable proposal for adjacent laneway
- Increased pollution
- Pollution of adjacent stream
- Noise Construction phase
- Inadequate community consultation
- Tenure mix

- Anti-social behaviour, crime and safety
- Variance with Development Plan - residential yield
- De-valuation of property
- Overlooking
- Overcrowding
- Insufficient car parking proposed
- Waste management
- Inappropriate material finishes
- EV charging facilities should be provided
- Size of proposed crèche is not viable
- Proposed connections to Kylemore Estate - not permissible as it's a privately owned property.

5.0 Planning History

5.1. There is no evidence of any previous planning application or subsequent appeal on this site. I note the following planning history on adjacent sites from the Case Planners report:

- **Reg Ref 09/568** - Permission refused for the construction of 2 no. 3 bed semi-detached houses and associated site works.
- **Reg Ref 16/705** - Permission granted for 53 houses on the adjoining land to the south as phase 3 of the Evanwood development. This development has been constructed.
- **Reg Ref 06/1220** - Permission granted to the east for alterations to the 198 houses, 51 apartments and creche. The duration of this permission was extended (Reg Ref 09/7020). Subsequent permission for amendment of design was granted under Reg Ref 18/18.

6.0 Policy Context

6.1. National Planning Policy

6.1.1. National Planning Framework

6.1.2. The NPF comprises the Government's proposed long-term strategic planning framework to guide national, regional and local planning and investment decisions over the next 25 years. Part of the vision of the NPF is managing growth and targeting at least 40% of all new housing in existing built-up areas of cities, towns and villages through infill and brownfield sites while the rest of new homes will be targeted on greenfield edge of settlement areas and within rural areas. The NPF also sets out a number of National Strategic Outcomes which include Compact Growth and Strengthened Rural Economies and Communities.

6.1.3. The NPF has a number of directly relevant national policy objectives that articulate delivering on a compact urban growth programme. These include:

- NSO 1 - Compact Growth
- NSO 7 - Enhanced Amenity and Heritage
- NPO 3a - Securing Compact & Sustainable Growth
- NPO 3c - Securing Compact & Sustainable Growth
- NPO 4 - Why Urban Places Matter (Community)
- NPO 5 - Why Urban Places Matter (Economy/Prosperity)
- NPO 6 - Why Urban Places Matter (The Environment)
- NPO 9 - Planning for Ireland's Urban Growth (Ireland's Towns)
- NPO 11 - Achieving Urban Infill/Brownfield Development
- NPO 13 - Performance-Based Design Standards
- NPO 32 - Housing
- NPO 33 - Housing (Location of Homes)
- NPO 34 - Housing (Building Resilience in Housing - Lifetime Needs)
- NPO 35 - Housing (Building Resilience in Housing - Density)

6.2. Section 28 Ministerial Guidelines

6.2.1. The following national policy, statutory guidelines, guidance and circulars are also relevant:

- Housing for All: A New Housing Plan for Ireland (2021)
- Rebuilding Ireland: Action Plan for Housing & Homelessness (2016)
- Appropriate Assessment Guidelines (2009)
- Architectural Heritage Protection Guidelines (2011)
- Childcare Facilities Guidelines (2020)
- Environmental Impact Assessment Guidelines (2018)
- Flood Risk Management Guidelines (2009)
- Regulation of Commercial Institutional Investment in Housing Guidelines (2021)
- Sustainable Urban Housing: Design Standards for New Apartments (2020)
- Urban Development and Building Heights Guidelines (2018)
- Best Practice Urban Design Manual (2009)
- Design Manual for Urban Roads and Streets (2013)
- Quality Housing for Sustainable Communities (2007)
- Circular Letter: NRUP 02/2021 (Residential Densities in Towns and Villages)
- Housing Circular 28/2021 (Affordable Housing Act 2021 - Amendments to Part V)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)¹
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Childcare Facilities Guidelines for Planning Authorities (2020)

¹ The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) have been revoked.

- Guidelines for Planning Authorities on the Planning System and Flood Risk Management (2009)
- Part V of the Planning and Development Act 2000 Guidelines (2017)
- Local Area Plans Guidelines for Planning Authorities (2013)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)

6.3. Regional Guidelines

6.3.1. Regional Spatial and Economic Strategy for the Southern Region, Southern Assembly (2020).

6.3.2. The RSES identifies a number of objectives that seek to achieve compact growth, increased residential densities and urban regeneration. Of particular relevance are:

- RPO 10 (compact growth in the metropolitan areas,
- RPO 34 (regeneration, brownfield and infill development)
- RPO 35 (Support for compact growth)

6.3.3. Limerick-Shannon is identified as one of three Metropolitan Areas in the Strategy which includes the Limerick-Shannon Metropolitan Area Strategic Plan (MASP). Of particular relevance are the following MASP Policy Objectives:

- Policy Objectives 1 and 2 to achieve compact growth and regeneration and consolidation of development in Limerick city centre and suburbs.
- Policy Objective 5 to identify suitable sites for regeneration and development by a quality site selection process that addresses environmental concerns.
- Policy Objective 10 which seeks to support the environmentally sustainable densification of Limerick City Centre, the assembly of brownfield sites for development and the regeneration of suburbs to accommodate residential use.
- Policy Objective 21 seeks to deliver projects which can strengthen placemaking and public realm improvements.

6.4. Development Plan

6.5. Limerick Development Plan 2022-2028

6.5.1. The site is zoned **New Residential** under the Limerick Development Plan where the objective **to provide for new residential development in tandem with the provision of social and physical infrastructure**. This zone is intended primarily for new high quality housing development, including the provision of high-quality, professionally managed and purpose built third level student accommodation. 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 zone 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.

- **Policy CS P2 - Compact Growth** It is a policy of the Council to support the compact growth of Limerick City Metropolitan Area, towns and villages by prioritising housing and employment development in locations within and contiguous to existing City and town footprints where it can be served by public transport and walking and cycling networks, to ensure that development proceeds sustainably and at an appropriate scale, density and sequence, in line with the Core Strategy Table 2.7.
- **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.

6.5.2. **Objective CGR 03 - 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.*
- c) Continue to work proactively with key state agencies, such as the LDA to bring forward, brownfield urban underutilised state land, which can contribute to the delivery of compact growth within an urban context, subject to Development Management Standards set out under Chapter 11 of this Plan.*
- d) Encourage residential development in the City Centre zone by requiring at least 20% of new development to comprise residential use. Exceptions may be made on a case-by-case basis, where residential use is not deemed compatible with the primary use of the site e.g. museums/tourist attractions etc.*

6.5.3. Chapter 2 Core Strategy

6.5.4. The site is located in Level 1 (Density Zone 3: Suburban Edge). A minimum net density of 35+ dwelling units per hectare are required at sites in suburban development areas that do not meet proximity or accessibility criteria of the Intermediate Urban Locations.

6.5.5. Urban Character Area: UCA 03 Castletroy/ Plassey/ Annacotty

This area is located to the east of the City Centre and covers the urban areas of Castletroy, Annacotty, Monaleen and Plassey as well as the University of Limerick. This area is substantially residential, served by a range of uses including the Castletroy Shopping Centre, Castletroy Park Hotel, recreational facilities such as the Castletroy Golf Club, educational institutions and business parks.

A substantial character area is the University of Limerick campus. The campus is expansive at over 130 hectares and located both north and south of the River Shannon in Counties Limerick and Clare. The campus is largely self-contained and is substantially enclosed. Its presence has attracted technology companies to the area, with the National Technology Park located to the east.

Specific Objectives:

- a) Infill and brownfield development patterns to be favoured.*

- b) *River Groody Green Wedge to be retained.*
- c) *Building Height Strategy to inform design of higher buildings, in particular: - Any proposed buildings of height must be balanced with the need to maintain the status of the University rather than the creation of a high building cluster: - A modest increase in building height at important intersections/nodes and street corners may be required to enhance legibility and sense of place.*
- **Objective HO 01 Social Inclusion** - *It is an objective of the Council to ensure that new developments are socially inclusive and provide for a wide variety of housing types, sizes and tenure, in suitable locations, throughout Limerick, to cater for the demands established in the Housing Strategy and the Housing Need Demand Assessment.*
 - **Objective HO 05 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.*
 - **Objective SCS1 014 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.*
 - **Objective CAF 03 Sustainable Development** - *It is an objective of the Council to support sustainable travel, energy efficient projects, provision of green spaces and open space and sustainable residential development projects, as a means of addressing climate change*
 - **Objective CAF 04 Climate Proofing** - *It is an objective of the Council to ensure climate proofing measures are incorporated into the design, planning, layout and*

orientation and construction of all developments, including the use of sustainable materials, selection of suitable locations and the use of renewable energy sources.

- **Objective CAF 06 Energy Efficiency in New Developments** - *It is an objective of the Council to ensure that all developments are designed to take account of the impacts of climate change. This will include the installation of rainwater harvesting systems, sustainable urban drainage systems and nature-based solutions for water management. Energy efficiency and renewable energy measures should be incorporated, in the cases of large industrial, commercial or newly constructed public buildings. The incorporation of renewable technologies, such as solar energy in the design will be encouraged, subject to compliance with all relevant planning criteria.*
- **Objective CAF 07 Near Zero Energy Buildings** - *It is an objective of the Council to support and promote climate smart and the Near Zero Energy Building (NZEB) standard of building, or equivalent, for all new developments.*
- **Objective CAF 011 Nature Based Solutions** - *It is an objective of the Council to promote integration and delivery of nature-based solutions and infrastructure in new developments, including surface water management, public realm and community projects as a means of managing flood risk and enhancing the natural environment.*
- **Objective HO 04 Re-use of Existing Buildings** - *It is an objective of the Council to encourage redevelopment and reuse, including energy retrofitting, of existing housing stock and conversion of other suitable buildings to sustainable housing accommodation.*

6.5.6. Chapter 11 Development Management Standards

- •11.2 Residential Development - Design, Principles and Standards
- 11.3 Residential Development - General Requirements
- 11.4 Residential Development - Quality Standards
- 11.5.1 Childcare Facilities • Table DM 9(a): Car and Bicycle Parking Standards Limerick City and Suburbs (in Limerick) Mungret and Annacotty
- 11.8.6 EV Charging Points

- 11.8.7 End of Journey Cycling Facilities

6.5.7. **Draft Limerick Shannon Metropolitan Area Transport Strategy (LSMATS)**

6.5.8. This is a framework for investment in transport for the Limerick Shannon Metropolitan Area for the next 20 years and includes proposals for the significant development of the cycle network and enhancement of bus services and infrastructure. The Bus Connects Limerick programme envisages a network of reliable high frequency routes connecting Limerick City and suburbs, which includes provision for the widening of a number of roads

6.6. **Natural Heritage Designations**

6.6.1. The proposed site is c2.4km from the Lower River Shannon SAC (Site Code 002165) and c5km from the River Shannon and River Fergus Estuaries SPA (Site Code 004077).

6.7. **EIA Screening**

6.7.1. **Statement of Response** - An EIA Screening Statement has been submitted as part of the application documents. The EIA Screening Statement concludes that a full Environmental Impact Assessment Report (EIAR) is not required for the proposed development as it is sub threshold and would not result in negative impact on the environment.

6.7.2. I refer to the EIA Screening Statement submitted with the application. The application is also accompanied by a comprehensive list of assessments which identify measures which avoid or prevent a significant effect and include:

- Natura Impact Statement
- Ecological Impact Assessment
- Traffic and Transport Assessment
- Site Specific Flood Risk Assessment
- Landscaping Plan
- Biodiversity Plan & Tree Survey
- Outline CEMP (including Construction Management)

- SUDs Strategy

6.7.3. As documented the scheme is a residential development comprising 122no. residential units consisting of 65 no. house units in a variety of forms including detached, semi-detached and terraced houses and 57 no. apartment units across 7 no. 3 storey blocks throughout the development. There is one existing dwelling on the site which is to be retained. A creche facility is also proposed.

6.7.4. Section 176 of the Planning and Development Act, 2000 (as amended) provides for the establishment in Regulations of thresholds or criteria for the purpose of determining which classes of development are likely to have significant effects on the environment and for which an Environmental Impact Assessment is required. The prescribed classes of development for the purposes of section 176 of the Act are set out in Schedule 5 of the Planning and Development Regulations 2001-2023. A mandatory Environmental Impact Assessment is required for a project that provides for the construction of *more than 500 dwelling units*, or urban development which would involve an *area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area* and 20 hectares elsewhere.² The development site is not located in a business district and therefore the area threshold of 10 hectares is relevant in this screening assessment.

6.7.5. The proposed development does not meet either of the thresholds and therefore a mandatory Environmental Impact Assessment is not required. The proposed development can therefore be considered a 'sub-threshold' development for which Environmental Impact Assessment may be required if it is considered that significant effects on the environment are likely to result from the development scheme.

6.7.6. The EIA Screening Statement provides details in relation to Schedule 7A of the Regulations. A description of the aspects of the environment likely to be significantly affected by the proposed development summarised as follows:

- Population - The proposed development will result in an increase of the local residential population with likely beneficial effects on the age structure and social mix of the local area.
- Human health - The proposed development will not have any effects on human health.

- Biodiversity - The proposed development will have potential impacts on biodiversity in terms of potential impacts on Natura 2000 sites. These have been fully assessed as part of a Natura Impact Statement that has been carried out. Subject to limited mitigation measures, the development will not have an impact on biodiversity of the area. General improvement of biodiversity is likely to result from the proposed landscaping.
- Land – While the loss of agricultural lands is noted the proposed development will have a beneficial effect on the land by providing a high-quality residential estate on lands zoned to provide residential accommodation.
- Soil - During construction, topsoil will be stripped back and either stockpiled on site for pending re-use where feasible in landscaped areas or removed off site to a permitted or licensed facility as part of a recovery operation. This will be done in accordance with all relevant statutory requirements. Site stripping will be kept to a minimum in line with the phasing plan. A project programme will be developed for each phase of the project. During the operational phase of development, there will be no impact on the soils.
- Water - There is an open drain water course within the boundary of the site which discharges into third party lands to the east. During the construction phase, control measures will be put in place to mitigate against surface water contamination. This open drain eventually discharges to the Groody River, a tributary of the River Shannon. The construction management of the site will take account of the recommendations of the CIRIA guidance to minimise as far as possible the risk of soil, groundwater and surface water contamination. The Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters from Inland Fisheries Ireland 2016 will also be followed. As a result of these design measures, the proposed development will not have any effects on water.
- Air - The proposed development may have temporary effects on air quality during the construction phase. However these effects will be temporary and will not be significant.
- Climate - The proposed development will not have any significant effects on climate.
- Material Assets - The proposed development will enhance local property values.

- Cultural Heritage - The proposed development will not have any detrimental effects on cultural heritage but will enhance the awareness of the ring fort located to the north of the development site.
- Landscape - The proposed development is likely to significantly change the local urban environment by the creation of a new residential estate. A landscape design strategy has been developed and accompanies the application documentation.

6.7.7. The Construction Environmental Management Plan details the measures that will be implemented to protect against residues or emissions arising from the development. These can be summarised as follows:

- **Construction** - When possible, construct diversion structures during periods of low or no stream flow. Minimise disturbance and removal of adjacent vegetation. If riparian vegetation is disturbed for construction of the diversion, the vegetation should be cut no lower than ground level and covered with a layer of clean river cobble. The exterior of vehicles and equipment in wet areas of the diversion construction site should be free of petroleum residues and sealed so as to prevent leakage of fuels and oils into the water body if submerged. Only the bucket of an excavator/backhoe may operate in a water body. The main body of the equipment is not to enter the water portions of the water body except to cross the stream to access the work site.
- **Operation** - Barriers should be installed to prevent muddy water from flowing from adjacent construction activity to the stream. Drip pans must be placed under all stationary equipment and vehicles located over water diversions that remain idle for more than one hour. As a result there will be no significant use of natural resources arising from the proposed development.

6.7.8. Conclusions

- The physical characteristics of the proposed development are those of a large-scale residential development. As such, and based on the adopted design of the project, the development will not result in significant effects on the environment.
- The proposed development is in accordance with the zoning objective for development of the land and will contribute to a significant improvement of the local environment in terms of visual amenity, local biodiversity and increased population.

- The proposed development will not result in any effects in terms of residues and emissions, waste, or significant use of natural resources.
- The location in the vicinity of European designated sites, has given rise to the preparation of a Natura Impact Statement. The mitigation measures recommended in the EIA Screening Statement have been included in the design of the proposed scheme.
- Consideration is given to cumulative and transboundary effects (of which there are none).
- As the proposed development will not give rise to any significant effects on the environment, the preparation of an Environmental Impact Assessment Report is not therefore required.

6.7.9. I have reviewed the EIA Screening Statement and the applicable supporting reports, and concur with the nature of the impacts identified, and note the range of mitigation measures proposed. I am satisfied that the submitted EIA Screening Statement identifies and describes adequately the effects of the proposed development on the environment. The EIA Screening Statement concludes that an EIA is not required due to the project being significantly below thresholds for Schedule 5 classes of project requiring EIA, that mitigation measures are proposed to address identified impacts, and that the proposed development is not considered likely to cause significant effects on the environment. This is a conclusion with which I concur.

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

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. There are 4 no third party appeals that may be summarised as follows:

7.2. Ryno Developments Ltd, 214 Kylemore, School House Road, Castletroy, Limerick

- On the drawings submitted with this planning application there are three to four proposed "possible footpath connectivity to Kylemore estate". There is a large open culvert, fencing / block walls and extensive mature planting including mature trees at these proposed connections and one footpath appears to connect to a back garden of a house. It is not permissible to enter privately owned land or property under any circumstances.

7.3. Dr Arash Joorabchi & Others, 278 Kylemore, School House Road, Castletroy, Limerick

7.4. Connection to Nearby Estates - In the last number of years, estates around the LRD site have been a haven for burglaries particularly Kylemore. A walkway from the LRD to the Kylemore housing estate is unacceptable as it will increase the potential for burglaries and all-round safety concerns as there will be multiple points of exit and entry where thieves can disappear.

7.5. Tenure Mix - Serious concern regarding the tenure mix of this development. While the planning application outlines meeting the minimum Part V requirements as set down by legislation, Castletroy residents have already seen how this can mean nothing in reality with examples where the local authority have allowed for 100% public housing on the site with no home ownership options. This poses a serious risk to existing local cohesion and community and we feel this could negatively affect property values.

7.6. Height of Development - It is wholly inappropriate that 7 apartment blocks will be located in an overbearing nature in the centre of three existing estates. The submitted application highlights that the proposed finish of the floor levels will be between 23.7m and 24.2m which is considerably higher than the neighbouring estate in Kylemore which averages approximately 8-9m.

7.7. Traffic Management

- **Limerick-Shannon Metropolitan Area Transport Strategy (LSMATS)** - The LSMATS has the population of Castletroy in 2016 as 5,998 residents, growing to 9,120 by 2040. This is an increase of 3,122 or 52%. No plan acknowledges that currently the Golf Links Road is used as a rat run, not only at peak times, but off-peak times too, connecting the Dublin Road to the Old Ballysimon Road creating serious congestion and safety concerns.

- **Bus Connects** – Existing transport, and future transport, is not designed to handle the volume Castletroy currently has, again, excluding the mass development happening on the periphery which will only serve to add to the issues.
- **Exit Through Ashfort Estate** - Serious concerns regarding the volume of traffic that the exit at Ashfort and running another, very busy road through this area will create safety concerns for children and parents using the Tall Trees Childcare creche. To run a pedestrian and cycleway onto a road where there is no appropriate infrastructure is highly dangerous and needs to be addressed prior to the granting of planning permission.
- **Overall Traffic Congestion** - The introduction of additional housing units will inevitably contribute to heightened traffic in the vicinity, leading to congestion and safety issues. According to the TTRSA traffic audit, the proposed increase in traffic from this development is anticipated to reach 15%, surpassing the accepted threshold of 10% and resulting in a 50% escalation. This forecasted percentage aligns with the road widening, which is yet to commence, indicating a probable significant rise in these numbers. There hasn't been a comprehensive assessment conducted to evaluate the potential impact of this project on the existing traffic conditions along Golf Links Road.

7.8. **Biodiversity, Green Space & Archaeological Conservation**

- **Stream Separating Kylemore and the LRD** - There appears to be no plan brought forward to ensure that pollution of this stream does not occur during the construction phase.
- **National Monuments** - Despite the site's proximity to a national monument and protected structure reference number LI00125 (SMR76863) no archaeological survey has been completed for the site in question.
- **Protected Bats** - As outlined by the National Heritage Council and BioDiversity Maps' the site in question has the highest habitat sustainability index for the Brown Long-eared bat, the Common pipistrelle, the Soprano pipistrelle, Leisler's Bat, Daubenton's bat, Whiskered Bat and Natter's Bat. The Development site also provides a sustainable environment for the Nathusis' Pipistelle, the Lesser Horseshoe Bats. No bat survey has been undertaken for the site.

- **Barn Owl** - A family of foxes and also a white barn owl has been observed on site. The white barn owl is listed under red conservation status with BirdWatch Ireland. Requested that a survey be carried out regarding the Barn Owl and other impacted flora and fauna prior to the granting of planning permission.
- **Other Fauna Concerns** - The loss of green space could seriously impact other species such as Bees, Butterflies, Damselflies and Dragonflies, Macro-moths, Mayflies, Stoneflies and Water beetles.
- **The Loss of Green Space** - Preserving these areas is essential for the wellbeing of flora, fauna and existing residents. These green spaces help with the valuable Carbon sequestration.
- **Sewage Impact** - Resident's in Evanwood have issues with their existing sewage system that has not yet been rectified. A proper waste and sewage exercise must be undertaken to ensure no nearby housing is impacted.

7.9. **Concerns Regarding Social Infrastructure**

- **Policing** - The whole of Castletroy, Annacotty and Monaleen is reportedly under the aegis of Castleconnell Garda Station. Understaffed Gardai and inadequate resourcing has left a vacuum where anti-social activity and dangerous assaults have filled the gap.
- **GP Services** - It is next to impossible to find a GP service in the area, particularly for new residents.
- **Education** - Similar to policing and health care, education is also under strain. Despite securing funding in 2015 and planning permission in 2022, residents have lost hope that a new primary school will be delivered for Monaleen. The existing primary school places in the area are under strain.

7.10. **Development Plan and Local Area Plan** - The Limerick Development Plan 2022 - 2028 outlines that the site in question has an estimated residential yield of 92, however, the planning application is for 122 homes 30 more homes than the development plan outlined (or 33%) bigger. The Development plan states the site is 2.638 hectares while the planning application states that the site is 3.2 hectares. The density outlined in the Development plan allows for 35 homes per hectare, however, under the planning application this would result in either 112 homes in total (using the applicants land size) or 92 homes using the local authorities land size. However, what

is proposed is 122 homes which is 38 or 46 homes per hectare depending on whose land size is used. Concern is also raised by the lack of consultation on this development, particularly given the issues outlined above.

- 7.11. **Sile O'Donovan & Others, 37 Ashfort, Golf Links Road, Castletroy, Limerick**
- 7.12. **Ashfort Entrance; Traffic Hazards** - The LRD will be using the same entrance as Ashfort estate, and a very busy crèche called Tall Trees. Over the past number of years there have been increasing traffic problems when accessing Ashfort estate. The safety of those trying to use this junction is already an issue. Photos attached. It would be dangerous to increase the traffic in this already hazardous entrance and it would put people at risk. The latest traffic survey conducted in 2021, demonstrated that road users on the Old School House Road are travelling at speeds which do not meet safety standards for the area. To add another 112 housing units to this road would only add to an already dangerous situation.
- 7.13. **Play** - The green at the front of Ashfort estate would no longer be a safe place for children to play. It would interfere with and diminish the enjoyable and everyday play of the children who live in Ashfort and it would disregard the social aspect of the children living within the estate.
- 7.14. **Road Safety and Cycle Lanes** - There are no cycle lanes along the entrance into Ashfort. There are no cycle lanes on the Golf Links Road towards the Dublin Road or towards the Tipperary Road. This, is contrary to public safety.
- 7.15. **Environmental Concerns** - The hedgerows which surround the proposed site are an important part of our Irish culture and history. They are vital for habitats and for protecting wildlife. They provide food, shelter, corridors of movement, nest and hibernation sites for many of our native animals. These long standing and beautiful hedgerows which currently outline the proposed planning site will be under threat if the LRD planning is approved.
- 7.15.1. **Special Control Areas** - The site of the proposed LRD is within metres of a protected archaeological site of a Fairy Fort and for this reason further historical and archaeological investigations into the culture and historical significance of the hedgerows and site is required before any planning permission is granted.

- 7.15.2. **Lack of Amenities/ Infrastructure** - The growth and development in the population within Castletroy is not being met by supporting amenities. Monaleen N.S., the nearest primary school to this proposed development cannot accept new pupils and has a waiting list of up to 50 children. The other two local primary schools Milford Grange NS and Gaelscoil Chaladh an Treigh are also unable to provide places to new pupils. The secondary school Castletroy College does not offer enough places to cater for the demand. Adding additional housing to this area will only add to increased pressure on schools and amenities.
- 7.16. **Loss of Light and Privacy** - The height of the buildings, in particular the blocks of apartments, will exceed that of surrounding residential estates, will affect the skyline for all, block sunlight from surrounding residents, encroach on privacy and in general be visually unappealing.
- 7.17. **Connection of Surrounding Estates and Footpaths** - The possibility of opening up an existing cul de sac within Ashfort to allow walkway access from the proposed LRD causes residents great concern. Our sense of security will be further diminished if Ashfort is more accessible to those looking for alternative access and a quick get away.
- 7.18. **Robert McNamara & Margaret McNamara, Old Golf Links Road, Kilbane, Castletroy, Limerick.**
- The appellants lands indicated are adjoining the proposed development and have been in the McNamara family ownership for over one hundred years. They have long earmarked their land for housing for their sons. If the School House Lane is designated a pedestrian/cycle lane their lands will be sterilised. The appellants require vehicular access to their lands.
- 7.19. **Jessica O'Donovan & Others, 14 Evanwood, Golf Links Road, Castletroy, Limerick**
- **Overcrowding and Strain on Infrastructure** - The current sewage system within Evanwood is already under significant pressure, grappling with pre-existing issues that have yet to be adequately addressed. The proposed development would compound the existing problems, posing significant environmental and health risks to the community. The monthly intervention of Dyno-rod Drainage Services in

Evanwood since its establishment highlights the persistent sewage challenges faced by the residents.

- **Local Residents** - The visual impact, loss of sunlight, and potential noise disturbances to existing residents should be carefully considered. The development also appears to disregard the importance of maintaining the character and scale of the existing neighbourhood, which is essential for preserving the well-being and tranquillity of the community.
- **Environmental Impact** - A thorough environmental impact assessment, considering habitat destruction, soil erosion, and disruption of local ecosystems is required. The preservation of green spaces and protection of animal habitats, especially for protected species like bats, should be prioritized.
- **Traffic Congestion** - A thorough independent analysis of the traffic implications is essential before any approval is granted. The absence of such an evaluation raises serious concerns about the potential disruption and safety hazards that may arise as a result of increased traffic flow, especially in such close proximity to a childcare facility.
- **Adjacent Road** - Significant apprehensions regarding the disruption of a vital thoroughfare within the community. A blocked or partially used walkway not only hampers pedestrian accessibility but also disrupts the overall flow of the neighbourhood. The remaining portion of the through road, if burdened with increased traffic or compromised in its usability, could lead to safety hazards and inconvenience for residents.
- **Private Property Concerns** – Concern is raised regarding the potential exacerbation of flood risks, an issue with which Evanwoods private residents have already contended with. As the land is sloped an assessment needs to be carried out to ensure water run off doesn't impact appellants property

7.20. Applicant Response

7.21. The first party response to the third-party appeals was prepared and submitted by RW Nowlan & Associates on behalf of the applicant and may be summarised as follows:

7.22. The applicant is happy to comply with the applied conditions.

- 7.23. **Possible footpath connectivity to Kylemore estate** –Three possible connection points were identified within the application documents as submitted to Limerick City & County Council to illustrate where connection may be achieved, subject to future legal agreement between the two respective landowners. It is considered that this is simple confusion and the applicant would like to be clear that they are not proposing to carry out any development works on any lands to which they do not have legal ownership or have the relevant legal agreements in place.
- 7.24. **Disruption to Access of School House Lane** - The applicant is not proposing any development on School House Lane but included details within the planning application documentation submitted to show how residents within the proposed development would utilise the laneway as pedestrian and cycling access only. The infrastructure proposed to stop car access through the laneway is outlined on drawing no. 111 (prepared by PHM Consulting Engineers). The area circled yellow includes signage clearly indicating that there is no left turn for cars at this junction and yield signage to ensure safety of cyclists and pedestrians entering the site at this location. The proposed development does not impinge on the rights of the appellant to develop their lands in future subject to planning permission.
- 7.25. **Building Height** - It has been incorrectly stated that the 7 no. apartment blocks will range in height from 23.7m to 24.2m. It is unclear where these figures were obtained as the apartments proposed within this development are all 3 no. storey with heights ranging between 9.3m and 9.6 meters.
- 7.26. **Residential Amenity** - The applicant submitted a full Daylight and Sunlight Analysis Report. All neighbouring houses within the Evanwood and Kylemore Estates were individually assessed to ensure that there is no negative impact as a result of the proposed development. Every assessed unit is compliant and will not be negatively impacted as a result of the proposed development. There will be no resulting overlooking, loss of privacy or negative daylight/sunlight impacts for existing residents as a result of the proposed development.
- 7.27. **Environmental Impact** - The applicant carried out extensive environmental assessment as part of the planning application. An AA Screening and Natura Impact Statement, An Ecological Impact Assessment, an EIA Screening Statement, a Flood Risk Assessment and a Tree Survey Report was submitted with the planning

application. The appellants raise concern in relation to the small stream on the eastern boundary of the subject site particularly during construction phase of the development. This has been extensively analysed within the submitted environmental documentation with robust mitigation measures identified in the submitted Natura Impact Assessment. The developer has accepted the archaeological investigations required to ensure the protection of archaeological heritage if found on site.

- 7.28. **Traffic Congestion and Safety** - It is considered that the applicant has undertaken robust traffic and transport assessments which have concluded that the proposed development can successfully integrate into the existing road network without exceeding road capacities as defined by TII. A Road Safety Audit was also carried out to ensure that the proposed design will result in a safe environment for all road users and pedestrians. The Roads and Traffic Section of Limerick City and County Council recommended conditions to be attached in the event of a grant of permission and were satisfied that the information presented was sufficient to ensure the orderly development in terms of impacts on the surrounding road network.
- 7.29. **Lack of Amenities/ Infrastructure** - It is considered that the local area can support the population within the proposed development. It is also considered highly likely that many residents within the proposed development would be from the local area which would not result in a net increase in the overall residential population within the area. The subject site is underused at present and has been zoned for development within the Development Plan. The proposed development consists of an additional 122 no. residential units which will boost the local economy and support local services. In total, the applicant has proposed 15.8% of the overall site area as public open space. The proposed development will result in a significant improvement and expansion of public green spaces and formal play area for children within the proposed development and also the surrounding area.
- 7.30. **Connection to Surrounding Estates and Footpaths** - As set out within the response, the submitted application documentation identified 3 no. locations where it would be feasible to connect the proposed development site to the Kylemore Estate in future subject to all necessary legal agreements being in place. It is not intended to carry out the connections within this development as clearly stated within the planning application documentation, however, it was appropriate to identify where such connection could be achieved if an agreement was reached in future.

7.31. **Sewage Impact** - A letter of consent was submitted with the planning application documentation from the landowner of the Evanwood Estate confirming that there is an agreement that the proposed development can connect into the existing services within the Evanwood Estate. Extensive Engineering investigations were carried out to ensure that it is feasible to connect the proposed development through the Evanwood Estate.

7.32. **Development Plan and Local Area Plan** - Within the Development Plan, the appropriate density for the subject site is stated as 35+ units per hectare. The application consists of 122 no. units plus the one existing unit on a site of 3.2 hectares resulting in a total density of 38.4 units per hectare. It is considered that the proposed density was extensively considered within the Limerick City and County Council Planners Report which determined that the proposed density was appropriate for the subject site.

7.33. **Planning Authority Response**

7.33.1. None

7.34. **Observations**

7.34.1. None

7.35. **Further Responses**

7.35.1. None

8.0 **Assessment**

8.1. The proposed development is for a large-scale residential development in the form of 65 no. housing units and 57 no. apartment units. The apartment units have a maximum height of 3 storeys and are positioned throughout the development. A creche which can accommodate 58 no. children is also proposed to ensure that there is adequate childcare capacity for future residents of the proposed development.

8.2. The key parameters in terms of size and design can be summarised as follows:

- Site area: circa 3.2ha.

- Overall total no. of new residential units: 122 (plus existing habitable dwelling is 123)
- Building Height: up to three storeys.
- Car Parking Spaces: 114 no. car parking spaces within the curtilage of the proposed dwelling houses and 89 no. public car parking spaces
- Bicycle Parking Spaces: 311 no. spaces

8.3. There is one existing dwelling on the subject site which is to be retained and integrated into the proposed design layout. There are also a number of small scale agriculture buildings on site which are proposed to be demolished. In total the demolition area proposed is 284.4 sq.m. The lands have been used for cattle grazing.

8.4. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Permeability & School House Lane
- Building Height
- Residential Amenity
- Environmental Impact
- Traffic Congestion & Safety
- Amenities & Social Infrastructure
- Infrastructure Capacity
- Other Issues

8.5. **Principle**

8.5.1. The site is zoned New Residential under the Limerick Development Plan 2022-2028. 'Residential' and 'Childcare Facilities' are generally permitted in this zone. The site is identified as Tier 1 (serviced) in the Settlement Capacity Audit contained in the Limerick Development Plan. I am satisfied that the proposed development accords

with the zoning objective of the site and the development of this Tier 1 infill serviced site is supported in principle.

8.5.2. With regard to density, I refer to Table 3.2 Area and Density Ranges Limerick, Galway and Waterford City and Suburb of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Table 3.2 of sets out the density ranges for the city and suburb areas of Limerick, Galway and Waterford based on three areas:

- City-Centre
- City - Urban Neighbourhood
- City - Suburban/Urban Extension

8.5.3. The subject site is considered to fall within the City Suburban/Urban Extension density range which states that *'it is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations in Limerick, Galway and Waterford, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).*

8.5.4. I note the concerns raised by the appellants with regard to the size of the appeal site and that as set out in the Development Plan. I refer the Board to the application form where it states that the area of the site is 3.2 ha. I accept the applicant's position that it would appear that the Development Plan measurement did not accurately reflect the size of the applicant's landholding which is 3.2 ha. I am satisfied that this site has a gross area of 3.2ha as documented by the applicant.

8.5.5. The Guidelines are very clear in the application of **net area** in calculating density. A **gross density** measure is best applied to estimating overall land areas required for mixed-use developments or for Local Area Plans and Planning Schemes. While a **net site density** measure is a more refined estimate and includes only those areas that will be developed for housing and directly associated uses. While the applicant has provided a stated gross area of 3.2 ha throughout the planning documents there is no readily available stated net area for the site provided. Based on a gross site area of 3.2 ha a density of 38 units / ha is proposed. A density based on net area would result in a higher density at this location.

8.5.6. Having regard to Policy and Objective 3.1 of the Guidelines where it is the *policy and objective of these Guidelines that the recommended residential density ranges set out in Section 3.3 are applied in the consideration of individual planning applications, and that these density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate* I am satisfied that the density as proposed which is in excess of 38 units / per ha to be acceptable at this location.

8.6. Permeability & School House Lane

8.6.1. I note the appellants concerns regarding any changes to the existing School House Road would impact on their intention to develop out their lands to the rear of their property on Old Golf Links Road in the future.

8.6.2. A single vehicular access is proposed from School House Road. A new road will run along the northwestern site boundary, where the existing laneway is located and will provide street frontage vehicular access to 8 no. houses. All other houses and apartments will have their vehicular access from an internal access road. The remainder of the existing laneway linking to Golf Links Road will provide pedestrian / cycle access for this development. I refer to Drg No 2206-03-02 (site layout plan) where it states that “*a portion of existing laneway [to be] reduced to walkway / cycleway*”. The existing laneway referred to is the portion of School House Lane that runs perpendicular to the site (to the west) and adjoins the appellants lands to the north. Potential cycle and pedestrian routes have also been indicated with the Kylemore Estate to the east.

8.6.3. The applicant states that they are not proposing any development on School House Lane but included details within the planning application documentation to show how residents within the proposed new development would utilise the laneway as pedestrian and cycling access only. The infrastructure proposed to “stop car access” through the laneway is outlined on Drawing No 111 and 112 (prepared by PHM Consulting Engineers). The signage proposed indicates that there is no left turn for cars at this junction exiting the new estate and yield signage to ensure safety of cyclists and pedestrians entering the site at this location.

8.6.4. In my view the changes to School House Lane from a vehicular roadway to a pedestrian / cycleway as indicated on Drg No 2206-03-02 (site layout plan) are out

with the red line boundary of the site and relate to a public roadway and is therefore a matter for the Local Authority and the appropriate mechanisms and procedures available to them to carry out such works if necessitated. In the interests of clarity it is recommended that any such works are prohibited by way of condition. With regard to the appellants proposals for the future I would note that this is a separate matter and that any future planning application will be considered on its merits and the relevant policies in place at that time.

- 8.6.5. With regard to the concerns raised in relation to three to four proposed "*possible footpath connectivity to Kylemore estate*" on drawing submitted I note that Kylemore is a privately owned and fully secured development. Within the documentation submitted as part of the LRD application to Limerick City & County Council, three potential connectivity points were identified where future connection between the proposed development and the Kylemore Estate could be achieved. The applicant submits that they were clear within the application that the paths that would connect the two landholdings would not be built out as part of the LRD development without all relevant legal agreements in place between the respective landowners. It is submitted that the presentation of potential future connection points in the application documentation was intended merely to show how this could be achieved if agreed in future and required by the Local Authority.
- 8.6.6. The appellants have made it clear that they are not currently in favour of making an agreement to facilitate the connectivity between the development lands and their lands within the Kylemore Estate. While permeability is a cornerstone of good urban design without the appropriate consent the proposal is merely aspirational. However, I agree with the applicant that should circumstances change in the future or upon completion of the proposed development construction, locations for connection have been identified.
- 8.6.7. With regard to the concerns raised in relation to the proposed connection point in to the rear garden space of an existing unit in the Kylemore Estate I am satisfied that there are no connection points indicated near the rear gardens of the dwellings in the Kylemore Estate. Three footpaths are clearly labelled as '*possible footpath connectivity to Kylemore Estate*' and are shown to link to the existing road/footpath within the Kylemore estate. There were no other potential connection points identified within the proposed development.

8.7. Building Height

- 8.7.1. The appellants raised concern in relation to the building height where it is stated that the 7 no. apartment blocks will range in height from 23.7m to 24.2m. It is unclear where these figures were obtained as the apartments proposed within this development are all 3 no storey with heights ranging between 9.3m and 9.6 meters. As such, the apartment buildings will be a very similar height to the proposed house units and the existing dwellings in the neighbouring estates and will not result in any negative impact on residential amenity of residents in the surrounding area.

8.8. Residential Amenity

- 8.8.1. The appellants have raised concern in relation to impact on their residential amenity particularly in relation to daylight and sunlight impact and privacy of their homes.
- 8.8.2. I refer to the Daylight and Sunlight Analysis Report submitted. The results of the analysis show that an overall good level of daylight and sunlight for the proposed development is achieved under relevant guidelines. The proposed development's effect on daylight reception in the neighbouring rooms and sunlight in nearby amenity areas are all compliant with relevant guidelines.
- 8.8.3. The proposed houses along the southern and southwest boundary are proposed back to back with the houses within the Evanwood Estate with minimum separation between rear windows of 22 meters. The apartment buildings proposed are generally located within the central area of the site and at a height of between 9.3m and 9.6m. The proposed distance between the apartment units and the closest existing dwellings within the Kylemore Estate is a minimum of 30 meters, and exceed the minimum distances required to be provided to protect privacy and prevent overlooking.
- 8.8.4. As a result of design measures implemented to protect residential amenity, I am satisfied that there will be no overlooking, loss of privacy or negative daylight/sunlight impacts for existing residents as a result of the proposed development.

8.9. Traffic Congestion & Safety

- 8.9.1. I note the concerns raised relating to traffic, road capacities and road safety as a result of the proposed development. As documented the site is zoned for residential

development at the density proposed within this planning application and access is provided off School House Road via an existing 6-meter, two lane road. The access road also serves the Ashfort Estate, a childcare facility and the existing dwelling on the site.

8.9.2. A Traffic and Transport Assessment (TTA) and a Road Safety Audit (RSA) was submitted as part of the planning application documentation. The TTA includes extensive traffic movement studies which confirm that the car-based movements as a result of the proposed development can be integrated into the existing road network without exceeding the network capacity. It is stated that the applicant consulted with Limerick City and County Council to determine the appropriate time and locations of the surveys to ensure a robust study was carried out. It is considered that the data captured during the survey times accurately reflects the current road conditions and that the additional road traffic as a result of the proposed development can be accommodated. A full RSA was also submitted which assessed the proposed development in terms of ensuring that it is compliant with all relevant road safety guidelines as issued by Transport Infrastructure Ireland (TII). The RSA made a number of recommended changes to the design of the proposal which were all accepted and implemented within the final design of the proposal as submitted to Limerick City and County Council.

8.9.3. The appellants also raised concern in relation to road safety due to an existing creche facility and play area at the entrance to the Ashfort Estate to the north of the subject site. I agree with the applicant that the creche facility's parking management is outside of the control of the applicant and cannot be rationalised within the scope of this planning application. With regard to the "play area" (Site Photo No 3 refers) located on the approach to the new development it is evident that this is akin to a left-over piece of open space that is poorly integrated into the existing estate and has virtually no passive surveillance with very tall rear boundary walls along its western boundary. The overall result is a poorly designed open space. Notwithstanding this I accept that it is used as a "play area" and while it would have benefitted, at a very minimum, from appropriate boundary treatment being erected at the time of the estate's construction having regard to its location it remains that there is a grass verge, footpath and timber fence between the roadway and this open space. This play area is out with the red line boundary of the site and neither the Case Planner nor the Roads Department

raised any obvious concerns with regard to the location of this “play area” in their reports. Similarly to the existing creche at Ashfort Estate the use of this opens space as a “play area” is outside of the control of the applicant and cannot be rationalised within the scope of this planning application.

- 8.9.4. It is considered that the applicant has undertaken robust traffic and transport assessments which have concluded that the proposed development can successfully integrate into the existing road network without exceeding road capacities as defined by TII. A Road Safety Audit was also carried out to ensure that the proposed design will result in a safe environment for all road users and pedestrians. The Roads Section of Limerick City and County Council recommended conditions to be attached in the event of a grant of permission and were satisfied that the information presented was sufficient to ensure the orderly development in terms of impacts on the surrounding road network.
- 8.9.5. Overall, I am satisfied that the scheme in terms of layout and design is typical of a scheme of this density and that it is not overly dominated by roads and surface level car parking to the detriment of the residential amenity of the future residents of the proposed development. I am satisfied that the road, footpath and cycle network which provides a hierarchy of streets and connectivity with adjoining lands where appropriate given the nature of the site has been proposed and is therefore acceptable. I also note the report of the Roads Department and recommended that conditions as set out in their report or similar are attached to any grant of permission.

8.10. Amenities & Social Infrastructure

- 8.10.1. The appellants raised concern in relation to existing local services to support the community such as GP services and community facilities as well as disruption to play areas for children and schools. The proposed development is a backland greenfield serviced site on lands zoned for development within the established suburban extension to Limerick City. I do not consider that the scale of the scheme proposed would of itself have such a negative impact on the existing amenities and social infrastructure that would merit refusal of this scheme.

8.11. **Infrastructure Capacity**

8.12. I note the concerns raised by the resident's in Evanwood that the existing sewage system has not yet been rectified and that a proper waste and sewage exercise must be undertaken to ensure no nearby housing is impacted.

8.13. A letter of consent was submitted with the planning application from the landowner of the Evanwood Estate confirming that there is an agreement that the proposed development can connect into the existing services within the Evanwood Estate. Extensive Engineering investigations were carried out to ensure that it is feasible to connect the proposed development through the Evanwood Estate. The analysis concluded that the proposed foul sewer system has been designed in accordance with the Uisce Eireann Code of Practice for Wastewater. Each dwelling is to be provided with an individual private foul connection to the main system with a foul water inspection chamber (FWIC) provided inside the boundary line of each dwelling. All main system sewers are located within roads or proposed open spaces. The proposed foul sewer layout is shown on Drawings 112-14-120 & 121. Longitudinal Sections are provided in Drawings 112-14-130 & 131. Calculations for the foul sewer networks are also included. The proposed network will connect via gravity to the provided connection point as shown on the survey which is located within the Evanwood Estate. The Confirmation of Feasibility received from Irish Water also confirm that the connection is feasible through the Evanwood Estate.

8.13.1. Having regard to the information available with the file it is considered that the proposed development has been designed in compliance with all relevant policies and the Uisce Eireann Code of Practice for Wastewater and will not result in any negative impact to the wider wastewater network.

8.14. **Other Issues**

8.15. **Part V** - I note the concerns raised by the appellants in relation to tenure mix and Part V. I refer to the Part V Agreement & Letter and Costings submitted with the application. To satisfy Part V obligations the applicant has specified the proposed units. Potential Part V units are distributed throughout the development layout. They comprise a total of 12 dwelling units in the form of: 5 one-bed units, 3 two-bed units and 4 three-bed units. Please refer to drawing no. 2206-03-04 for the precise location of these units.

Such Part V proposals are not usual and represent a sensible, informed approach that are in all likelihood based on the operational requirements of the Local Authority. In the interest of clarity, it is recommended that a condition be attached requiring compliance with Part V obligations and that same be agreed with the Planning Authority.

- 8.16. **Archaeology** - I refer to the internal Council Archaeological report. The applicant's site is large (3.2hs) and mostly greenfield. There is a well-preserved ringfort immediately to the south, RIMP L10050937 and further north and also to the south significant finds of prehistoric date have been recorded during previous developments. The current application contains no archaeological assessment. The position of the site in what was an important prehistoric environment containing largely cremated burials that have little or no surface register means that archaeological mitigation is required prior to the commencement of the development. Should planning permission be granted the it is recommended that an archaeological monitoring condition is attached
- 8.17. **Biodiversity** - I note the concerns raised by the appellants. I refer to the Ecological Impact Assessment Report, NIS, Tree Survey Report and CEMP submitted with the application. There will be no effect on sites designated for nature conservation as a result of the proposed works. None of the habitats on the Site are considered to comprise Annex I habitats under the Habitats Directive.
- 8.18. Unmitigated, the proposed development may result in impacts on the ecology of the site through the loss of habitats and the fauna that may use them including common frog, common lizard, invertebrates roosting bats, commuting, and foraging bats, nesting and foraging birds, and foraging mammals. The Tree Survey Report recorded 9 trees, 6 tree groups and 4 hedgerows on the site. Twelve trees on-site were identified as having low roosting potential for bats. The removal of these trees may result in direct impacts on bats if they are present at the time of felling. The site was assessed as having low foraging potential for bats. No invasive species included in regulation S.I. 477/2011 were noted on-site during the field survey. The potential spread of invasive species outside of the site is considered to be of negligible importance.

- 8.19. Appropriate mitigation and compensation measures have been outlined in Section 5.0 of the Ecological Impact Assessment Report and include:
- A pre-construction bat survey prior to the demolition of the agricultural sheds
 - Removal of mature trees on-site must undergo reasonable avoidance measures.
 - Planting of native trees will compensate, in the long-term, for the loss of trees which are potentially suitable for roosting on-site.
 - Provision of appropriate bat boxes
 - Artificial lighting and nightworks to be avoided in close proximity to good bat foraging and commuting habitats.
- 8.20. Under the current development proposals and recommended surveys, mitigation and compensation measures in place, it is assessed that the impacts on bats will not be significant.
- 8.21. There will be no cumulative effects from the project when considered in-combination with the planning applications referenced in the report.
- 8.22. Provided that the proposed works are undertaken in accordance with the proposed design and best practice that is described within this report, significant effects on ecology are not anticipated. As such, the proposed works are in line with environmental and biodiversity planning policy.
- 8.23. **Crèche** - It is noted that a childcare facility is proposed near the northern site boundary. The capacity of ca. 58 places will exceed the demand that would be generated by the proposed development. It is submitted that such excess capacity will generally be welcomed to address demand for childcare places in new residential developments in the vicinity of the site. The proposed creche is acceptable.
- 8.24. **Flooding** - I refer to the Flood Risk Assessment (Nov 2023) submitted with the application. The nearest flood event identified on Floodinfo.ie is located approximately 1km from the subject site. It is not linked to the subject site hydraulically. There is no history of flooding within the site boundaries.
- Historic OS mapping does not identify any lands within the site boundaries, as being liable to floods.
 - GSI mapping does not identify any alluvial soils within the site.

- The proposed development lands are not identified on the Arterial Drainage mapping as having benefitted by drainage works carried out historically by the OPW.
- The OPW PRFA study 2011 did not identify any pluvial or fluvial risk.
- The OPW CFRAM study 2016 identifies no fluvial risk up to the 1 in 1000-year conditions.

8.25. It is stated that anecdotal evidence suggests localised historic pluvial flooding occurs within the south-western portion of the site during extreme weather events. This can be managed with the proposed stormwater drainage design for the development.

8.26. The conveyance capacity of the adjacent land drain was assessed. The hydraulic model created confirms that the average capacity of the existing drainage ditch is sufficient to service the 1 in 100-year rainfall event, including a 20% climatic upscale, for the upstream catchment associated with the land drain.

8.27. Under the OPW Planning System and Flood Risk Management Guidelines published in November 2009, the proposed uses are considered appropriate for this zoning. I am satisfied that no issues arise with regard to flooding

8.28. **Conditions** –Condition No 6 of the notification of decision to grant permission issued by Limerick City and County Council required a number of minor amendments to the scheme to be agreed together with the phasing of public open space and agreement on matters as follows including the requirements of the OPW as documented in Section 4.3.3 above:

- a) Feature brick shall be provided in Apartment Block A, B, B1 and D, similar to Block C and the colour agreed with the Planning Authority.
- b) A materials palette for the entire development.
- c) Unit Nos. 35 and 92 to provide an active front (side box window) fronting the adjacent open space.
- d) An area of useable public open space shall be delivered in Phase 1.
- e) Details of boundary treatments for patios serving ground floor apartments.
- f) A 5 metre wide maintenance strip to be provided adjacent to the OPW channel
- g) A parking plan detailing the allocation of car spaces across the development.

- h) Screened bin stores for the proposed apartments to satisfy the three-bin system which shall be adequately ventilated.
- i) Drawings of bicycle stores for Apartment Block Types A, B & B1 and the proposed creche.

8.29. I agree with the requirements of this condition and recommended that a similar condition be attached. A separate condition requiring external materials to be agreed is recommended.

8.30. **Anti-Social Behaviour, and Privacy** – I note the concerns raised in relation to anti social behaviour. There is nothing on the appeal file to suggest that anti-social behaviour is a significant problem in the area. I am satisfied that the overall layout lends itself to increased passive surveillance and that this assists in discouraging anti-social behaviour and also assists in ensuring a safe and secure public realm. I am satisfied that it would be unlikely that the development would lead to any significant levels of anti-social behaviour.

8.31. **Development Contribution** – I refer to the Limerick City and County Council Development Contribution Scheme. The proposed scheme is not exempt from the contribution scheme. Accordingly, it is recommended that should the Board be minded to grant permission that a Section 48 Development Contribution condition is attached.

9.0 **Appropriate Assessment**

9.1. I refer to the AA Screening and Natura Impact Statement submitted with the application. The Stage 1 screening assessment concludes that “*there are two Natura 2000 sites, Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA, subject to potential LSEs arising from the proposed housing development. In the absence of a more detailed assessment or consideration of mitigation, LSEs on these sites cannot be excluded. As such, the assessment must proceed to Stage 2: Appropriate Assessment*”. A full Natura Impact Statement was therefore completed. The NIS concluded that: “*based on the best available scientific information, and provided that the works are undertaken in accordance with the proposed design and mitigation measures that are outlined in this report are properly implemented, the proposed development will not have an adverse effect on the integrity or pose a risk of likely significant effects on any European site.*”

9.2. Having reviewed the documents and submissions on file including the Natura Impact Statement I am satisfied that the information available allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

10.0 **Stage 1 Screening for Appropriate Assessment**

10.1. **Description of proposal and local site characteristics**

10.1.1. The site description and proposed development are set out in the foregoing mentioned reports and also Section 1.0 and 2.0 of this report above. Permission is sought for the construction of a Large-Scale Residential Development (LRD) consisting of the provision of 122 residential houses and apartment units and associated infrastructure on a site of 3.2ha, located at Golf Links Road, Monaleen, Co. Limerick. The site is situated approximately 4.5 km south-east of Limerick City Centre and on the northern side of the M7 motorway. The site is located within a built-up, residential area. The site is an agricultural field which appears to be actively used for livestock grazing. There is also an unoccupied dwellinghouse located to the north-west of the site and with associated amenity grassland that is to be retained. The Site is bounded by a mixture of hedgerow and treelines containing both native and non-native species, and a stream with walls from adjacent housing forming the south-west boundary.

10.2. **Description of the Baseline Ecological Environment / Local Site Characteristics**

10.2.1. **Habitats & Species** - No Annex I habitats were identified on-site during the field survey. There are no records of Annex I habitats located within 2km of the Site. No notable Annex species were identified on-site during the field survey. Black-headed gull, Eurasian curlew, and northern lapwing have been recorded within the 2km NBDC grid squares surrounding the Site. These species are listed as SCIs for the River Shannon and River Fergus Estuaries SPA. Common kingfisher, pine marten, and freshwater white-clawed crayfish have also been recorded within the 2km grid squares. These species are protected under the EU Habitats and Birds Directives. However, these species are not listed as QIs for the Lower River Shannon SAC or the River Shannon and River Fergus Estuaries SPA. Therefore, they can be excluded from further assessment in this report.

10.2.2. **Environmental Connections** - The stream located along the eastern site boundary is not included on the EPA waterways map. Therefore, it may join the Groody River south of the site, which would result in a direct, downstream surface water connection between the site and the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. The downstream distance between the site and these Natura 2000 sites is approximately 3.8km and 11.3km respectively.

10.2.3. **Ecological Connections** - There is potential for the mobile species listed as QIs for the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA to migrate upstream towards the site.

10.2.4. To summarise no habitats listed under Annex I of the EU habitats Directive were identified within the site boundary. No botanical species protected under the Flora (protection) Order (1999, as amended 2015), listed in the EU Habitats Directive (92/43/EEC), or listed in the Irish Red Data Books were recorded on the site and no suitable habitat occurs within the site. All species recorded are common in the Irish landscape. All habitats within the proposed development area are modified and they do not provide significant potential supporting habitat for populations of QI/ SCI species within nearby European Sites.

10.3. **Identification of Relevant European Sites**

10.3.1. The site is out with any designated site and does not border any Natura site. The European Sites considered to be within the likely Zone of Impact are as follows:

- Lower River Shannon SAC (002165)
- Gleonmra Wood SAC (001013)
- Clare Glen SAC (000930)
- Tory Hill SAC (000439)
- River Shannon and River Fergus Estuaries SPA (004077)
- Slievefelim to Silvermines Mountains SPA (004165)

10.4. **Potential Impact Factors**

10.4.1. The proposed construction of the residential development has the potential to result in the following impacts:

- Habitat loss;

- Release of suspended solids and/or other pollution into the watercourse which flows along the eastern boundary of the site;
- Disturbance due to machinery usage and presence of construction workers;
- Dust emissions during the construction phase;
- Noise and vibration during the construction phase;
- Vehicle emissions due to increased traffic both during and after construction;
- Increased recreational pressure after construction
- Cumulative impacts with other proposed/existing plans and developments

10.4.2. The habitats and species listed as features of interest of any European sites in proximity to the project must therefore be assessed for effects from the above potential impacts from the proposed development project. These effects are considered further below.

10.4.3. In relation to the following European Sites

- Gleonmra Wood SAC (001013)
- Clare Glen SAC (000930)
- Tory Hill SAC (000439)
- Slievefelim to Silvermines Mountains SPA (004165)

there will be no effects as the proposed development is located entirely outside these designated sites. Hydrologically these sites are not linked to the proposed development and will not be affected by emissions or drainage effects from the construction or operation of the proposed development. The Site is considered to be sufficiently distant from the SAC to exclude the possibility of LSE from disturbance due to machinery and construction workers, dust emissions, noise and vibration, vehicle emissions and increased recreational pressure. There is no potential for direct or indirect effects. No complete impact source-pathway-receptor chain was identified during the Screening Assessment. Significant effects on these European Site resulting from the proposed development can be excluded and they are therefore 'screened out'.

10.4.4. In relation to the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) there is no potential for direct effects. A potential for significant effect was identified in the form of deterioration of water quality during

construction and operation of the proposed development and also the potential for mobile species listed as QIs for the River Shannon and River Fergus Estuaries SPA (004077) to migrate upstream upwards towards the site.

10.5. Screening Conclusion

10.5.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded, taking precautionary approach, that the project individually (or in combination with other plans or projects) could have a significant direct effect on

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

in view of the sites' conservation objectives in the absence of mitigation. Appropriate Assessment is therefore required.

11.0 Stage 2 Appropriate Assessment

11.1. Lower River Shannon SAC & River Shannon and River Fergus Estuaries SPA

11.1.1. The nearest Natura site is the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA. These designated sites are buffered from the site by urban infrastructure. The Conservation Objectives, QIs and Source-Pathway-Receptor links for these sites are as follows:

Special Areas of Conservation (SAC)	
<p>Lower River Shannon SAC</p> <p>Site Code 002165</p> <p>Distance – 2.4 km north straight-line and 3.7km downstream.</p>	<p>Conservation Objectives To maintain the favourable conservation condition of the Qis / SCIs within Lower River Shannon SAC. Specific conservation objectives are provided for each qualifying interest seeking the restoration of favourable conservation condition of the identified QI.</p> <p>Qualifying Interests <u>Habitats</u> 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</p>

	<p>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 Mediterranean salt meadows Water courses of plain to montane levels with the Ranunculum fluitans and Callitriche-Batrachion vegetation Molinia meadows on calcareous, peaty or clayey-silt laden soils Alluvial forests with Alnus glutinosa and Fraxinus excelsior</p> <p><u>Species</u> Freshwater Pearl Mussel Sea Lamprey Brook Lamprey River Lamprey Salmon Common Bottlenose Dolphin Otter</p> <p>Connections (Source-Pathway-Receptor) There is no potential for direct habitat loss within the SAC. The Site is considered to be sufficiently distant from the SAC to exclude the possibility of Likely Significant Effect (LSE) from dust emissions, disturbance due to machinery and construction workers, noise and vibration, increased vehicle emissions or increased recreational pressure on the Site. The stream located along the eastern Site boundary may join the Groody River south of the site, resulting in a direct, downstream surface water connection between the site and the SAC. This results in a potential pathway for LSE on the aquatic habitats and species listed as QIs for the SAC.</p>
Special Protection Area (SPA)	
<p>River Shannon and River Fergus Estuaries SPA</p> <p>Site Code – 004077</p> <p>Distance – 5 km west straight-line and 11.3km downstream distance.</p>	<p>Conservation Objectives To maintain the favourable conservation condition of the Qis / SCIs within River Shannon and River Fergus Estuaries SPA. Specific conservation objectives are provided for each qualifying interest seeking the restoration of favourable conservation condition of the identified QI.</p> <p>Qualifying Interests Cormorant Whooper Swan Light-bellied Brent Goose Shelduck] Wigeon Teal Pintail] Shoveler</p>

	<p>Scaup] Ringed Plover Golden Plover Grey Plover Lapwing Knot Dunlin Black-tailed Godwit Bar-tailed Godwit Curlew Redshank Greenshank Black-headed Gull Wetland and Waterbirds</p> <p>Connections (Source-Pathway-Receptor) There is no potential for direct habitat loss within the SPA. However Golden plover, lapwing, curlew, and black-headed gull may use farmland for foraging during winter. This is a potential pathway for impacts on these species due to habitat loss. Further the stream located along the eastern Site boundary may join the Groody River south of the Site, resulting in a direct, downstream surface water connection between the Site and the SPA. This results in a potential pathway for LSE on the species listed as QIs for the SPA. The Site is considered to be sufficiently distant from the SPA to exclude the possibility of LSE from disturbance due to machinery and construction workers, dust emissions, noise and vibration, vehicle emissions and increased recreational pressure.</p>
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11.2. Likely Significant Effects

11.2.1. Two potential source-receptor-pathway links were identified for the European sites above.

- 1) **River Shannon and River Fergus Estuaries SPA** – The River Shannon and River Fergus Estuaries SPA is an internationally important site that supports an assemblage of over 20,000 wintering waterbirds. It holds internationally important populations of four species, i.e. Light-bellied Brent Goose, Dunlin, Black-tailed Godwit and Redshank. The golden plover, lapwing, curlew, and black-headed gull may use farmland for foraging during winter months. This is identified as a potential pathway or link for LSE on the River Shannon and River Fergus Estuaries SPA. Golden plover has not been recorded on-site or in the vicinity of the Site, potentially since 1984, according to the NBDC records. Black-headed gull,

lapwing, and curlew have been recently (within the last 3 years) recorded within the 2km grid squares surrounding the Site. These species typically prefer a short grass sward for foraging, such as those found in arable fields. Although the improved grassland on-site appears to be grazed, the grass sward was moderately tall, approximately 20-30cm in height. The area of recolonising bare ground on-site is small and would be of limited to negligible use to these species. Therefore, the site would be of limited use to these species for foraging and LSE can be excluded for this pathway for the project alone.

2) **River Shannon and River Fergus Estuaries SPA & Lower River Shannon SAC**

- The potential release of suspended solids and/or other pollution into the stream on the eastern site boundary is considered a potential pathway for LSE on the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. Unmitigated, the project may result in the introduction of pollutants into the stream which subsequently may enter the Natura 2000 sites above. Therefore, LSE cannot be excluded for the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA for the project alone and unmitigated. It is noted that the Cloon freshwater pearl mussel catchment is not connected to the site by a downstream surface water connection from the site to the catchment. Therefore, there is no potential for direct impacts of water quality on freshwater pearl mussel. However, it cannot be ruled out that there may be potential impacts on the host fish of freshwater pearl mussel downstream of the site.

11.2.2. As set out above, detailed site-specific conservation objectives have been published for these sites, with the overall objective being to maintain or restore the favourable conservation condition of the Annex I habitats(s) and/or the Annex II species for which the SAC is selected and to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for which the SPA is selected. Therefore, in the absence of mitigation there is potential for pollution of surface waters in the River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC as a result of pollution arising from construction and operational activities.

11.3. **Mitigation Measures and Assessment**

11.4. The pathways that would allow potentially adverse impacts to occur via deterioration in water quality was considered in the design of the proposed development. Best

practice environmental control measures have been incorporated in the design of the development and are described in the Outline Construction Phase Control of the NIS and these include:

- 11.5. **Site Preparation Works** - Initially the site will be securely fenced, and a construction compound will be established. Topsoil will be stripped back and either stockpiled on site for pending re-use where feasible in landscaped areas or removed off site to a permitted or licensed facility as part of a recovery operation. This will be done in accordance with all relevant statutory requirements. Site stripping will be kept to a minimum in line with the phasing plan. A project programme will be developed for each phase of the project.
- 11.6. **Site Construction Compound** - The site compound will be serviced with electrical power, water supply and toilet facilities. If water is not sourced from the local network, then water will be delivered to the site by bowser and sewerage/effluent will be stored in designated tanks and removed from site periodically by a licensed waste transport haulier to a Local Authority treatment plant for treatment. Any fuels will be stored in self-bunded tanks. The compound may be situated in an area of future landscaping within the proposed development so as not to interfere with the areas where housing/roads are to be constructed.
- 11.7. **Foul Sewer** - As part of the new development a new foul water drainage system will be constructed within the estate roads or areas proposed for Taking in Charge. All foul water will discharge to the existing gravity network located within the adjacent Evanwood Estate.
- 11.8. **Storm Sewer** - All surface waters from the development will be conveyed via the existing gravity collection network and discharged to the public storm sewer at a controlled rate which will assimilate the predevelopment run-off rate in accordance with the current principals of stormwater management. All surface waters are to be treated for the removal of contaminates such as floating debris, suspended solids and hydrocarbons prior to eventual discharge. Further detailed explanation of the system is contained within the Services Report.
- 11.9. **Water Main** - A mains water connection will be made to the construction compound. This existing watermain is in the charge of Irish Water.

Proposed Noise Control Measures - Hours will be limited during which noisy site activities are permitted, channels of communication will be established between the Contractor/Developer, Local Authority and residents, a site Representative will be appointed responsible for matters relating to noise, typical levels of noise will be monitored during critical periods and at sensitive locations and noisy plant will be sited as far away from sensitive properties as permitted by site constraints.

11.10. **Dust Generating Activities** - Construction activities are likely to generate some dust emissions, particularly during the site clearance and excavation stages. Avoidance, remedial or reductive measures will be implemented as part of the dust minimisation plan. During very dry periods when dust generation is likely, construction areas will be sprayed with water. Surrounding roads used by trucks to access to and egress from the site will be cleaned regularly using an approved mechanical road sweeper. Site roads will be cleaned on a daily basis, or more regularly, as required. Daily visual inspections will be carried out at locations around the site boundary as required.

11.11. **Stream (Potential Impacts on Soils, Groundwater and Surface Water)** - There is an open drain water course within the boundary of the site which discharges into third party lands to the east. This open drain eventually discharges to the Groody River, a tributary of the River Shannon. During the construction phase, control measures will be put in place to mitigate against surface water contamination, nuisance and protect the environment. Measures, as recommended in the documented guidance, that will be implemented to minimise the risk of spills and contamination of soils and waters include:

- Fuel storage facilities will be designed in accordance with guidelines produced by CIRIA and will be fully bunded.
- All vehicles and plant will be regularly inspected for fuel, oil and hydraulic fluid leaks. Suitable equipment to deal with spills will be maintained on site.
- Where possible, soil excavation will be completed during dry periods and undertaken with excavators and dump trucks. Topsoil and subsoil will not be mixed together.
- Ensuring that all areas where liquids are stored or cleaning is carried out are in a designated impermeable area that is isolated from the surrounding area, e.g. by a roll-over bund, raised kerb, ramps or stepped access.

- Use collection systems to prevent any contaminated drainage entering surface water drains, watercourses or groundwater, or draining onto the land.
- Minimise the use of cleaning chemicals.
- Use trigger-operated spray guns, with automatic water-supply cut-off.
- Use settlement lagoons or suitable absorbent material such as flocculent to remove suspended solids such as mud and silt.
- Ensure that all staff are trained and follow vehicle cleaning procedures. Post details of the procedures in the work area for easy reference.

11.12. **Invasive Species Management** - A site survey will be undertaken by a suitably qualified Ecologist prior to commencement for the presence of alien invasive species. In the event that invasive species are present or accidentally imported procedures will be adopted that include the provision of a risk assessment and method statement by the Contractor prior to commencing works, a designated wash-down area will be created, stockpile areas will be chosen to minimise movement of contaminated soil, contaminated areas which will not be excavated will be protected by a root barrier membrane and a suitably qualified ecologist will be on site to monitor and oversee the implementation of invasive species management plans. Plant and equipment which is operated within an area for the management of materials in contaminated areas will be decontaminated prior to relocating to a different works area.

12.0 **Assessment of Residual Adverse Effects**

12.1. The design of the scheme has been developed with an overall objective of avoiding adverse effects on these ecologically sensitive sites. Mitigation measures will be implemented (as described) reducing the risk of negatively affecting water quality in the receiving surface water environment and habitat integrity thus ensuring that the receiving environment is protected, and the conservation objectives of the identified Natura sites are not negatively affected by the proposed development.

12.2. There will be no changes to habitat area or distribution, hydrological regime, water quality, vegetation structure or composition or physical structure of these sites as a result of the proposed development. Further there will be no changes to supporting habitat extent/quality or distribution of species within these sites. There are therefore, no residual direct or indirect impacts associated with the proposed development that

could adversely affect the integrity of these sites. The proposed project will not prevent the QIs / SQIs of European Sites from achieving / maintaining favourable conservation status in the future as defined in Article 1 of the EU Habitats Directive.

13.0 In-Combination / Cumulative Effects

13.1. I refer to Section 3.5.2 of the of the NIS. The proposed development was considered in combination with other developments and activities in the area that could result in cumulative impacts on European Sites together with the Limerick City & County Development Plan 2022 – 2028. Taking into consideration the reported residual impacts from other plans and projects in the area and the predicted impacts with the current proposal, no residual cumulative impacts have been identified with regard to any European Site.

14.0 Concluding Statement

14.1. I am satisfied that a full examination of the potential impacts has been analysed and evaluated using the best scientific knowledge. The potential for significant effects on the following sites was identified:

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

14.2. Where the potential for any adverse effect on any European Site has been identified, the pathway by which any such effect may occur has been robustly blocked through the use of avoidance, appropriate design and mitigation measures as set out within the NIS. The measures ensure that the construction and operation of the proposed development does not adversely affect the integrity of European sites.

14.3. I am satisfied based on the information available that if the key design features and mitigation measures are undertaken, maintained and monitored as detailed in the NIS and outline CEMP that any adverse effects on the integrity of the identified sites will be avoided.

14.4. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not

adversely affect the integrity of the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) or any other European site, in view of the sites' Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

15.0 Recommendation

15.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason and considerations and subject to the conditions outlined below.

16.0 Reasons and Considerations

16.1. Having regard to the following:

- a) the location of the site in the established metropolitan area of Limerick-Shannon Metropolitan Area Strategic Plan (MASP).
- b) the policies and objectives of the Limerick Development Plan 2022-2028
- c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- d) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018)
- f) the Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- g) the Design Manual for Urban Roads and Streets (DMURS) (2013)
- h) the Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- i) the nature, scale and design of the proposed development,
- j) the availability in the area of a wide range of social, community, transport and water services infrastructure,

- k) the pattern of existing and permitted development in the area,
- l) the planning history within the area,
- m) the submissions and observations received

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this accessible '*City Suburban / Urban Extension*' location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

17.0 Recommended Draft Order

Appeal by Ryno Developments Ltd, 214 Kylemore, School House Road, Castletroy, Limerick, Dr Arash Joorabchi & Others, 278 Kylemore, School House Road, Castletroy, Limerick, Sile O'Donovan & Others, 37 Ashfort, Golf Links Road, Castletroy, Limerick and Robert McNamara & Margaret McNamara, Old Golf Links Road, Kilbane, Castletroy, Limerick against the decision made on 19th day of January 2024 by Limerick City & County Council to grant permission to Philip Collins, 112 Barnsbury road, London, N10ES, UK, subject to 25 no conditions.

Proposed Development:

The development will consist of the provision of a total of 122 no. residential units. Particulars of the development comprise as follows:

- Demolition of existing agriculture buildings on site with a total gross floor area of 284.4m².
- 65 no. housing units comprising a variety of forms to include detached, semi-detached and terraced houses, all two storey in height. The mix of proposed houses include 6 no. four bedroom units and 59 no. three bedroom units to provide a total of 6,280.8m² gross floor area;
- 57 no. apartment units across 7 no. 3 storey blocks throughout the development. The apartment units provide a mix of one, two and three bedroom

units, comprising 29 no. one bedroom units, 26 no. two bedroom units, and 2 no. three bedroom units to provide a total of 4,929.1m² gross floor area.

The proposed development also includes:

- A childcare facility measuring 352.2m², providing 58 childcare places, located at the northern most edge of the development.
- The provision of 114 no. car parking spaces within the curtilage of the proposed dwelling houses and 89 no. public car parking spaces and 311 no. bicycle parking spaces.
- The provision of 1 no. ESB sub-station, ancillary services and infrastructure works including foul and surface water drainage, blue roofs, landscaped public open spaces (approximately .5 ha or 15.9% of the overall site area), landscaping, lighting, internal roads, cycle paths, footpaths.

In total, the proposed development would provide a total residential gross floor area of 11,749.9m². A Natura Impact Statement has been prepared in respect of the proposed development.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered:

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) the location of the site in the established metropolitan area of Limerick-Shannon Metropolitan Area Strategic Plan (MASP).
- b) the policies and objectives of the Limerick Development Plan 2022-2028

- c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- d) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018)
- f) the Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- g) the Design Manual for Urban Roads and Streets (DMURS) (2013)
- h) the Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- i) the nature, scale and design of the proposed development,
- j) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- k) the pattern of existing and permitted development in the area,
- l) the planning history within the area,
- m) the submissions and observations received.

In coming to its decision, the Board had particular regard to the following:

- (a) the location of the site in the established suburban area of Limerick,
- (b) the policies and objectives of the Limerick Development Plan 2022-2028
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness (2016)

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this accessible '*City Suburban / Urban Extension*' location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment (AA):

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that European Sites Lower River Shannon SAC (002165) and River

Shannon and River Fergus Estuaries SPA (004077) were the only European Sites in respect of which the proposed development has the potential to have significant effects.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment.

The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077), in view of the sites' conservation objectives.

The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

Environmental Impact Assessment (EIA):

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands governed by “New Residential” zoning under the Limerick Development Plan 2022-2028 and the results of the strategic environmental assessment of the Limerick Development Plan 2022-2028 undertaken in accordance with the SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to wider area of the site,
- The availability of mains water and wastewater services to serve the proposed development,
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Management Plan.

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

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

17.1. Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted the 17th day of November 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to commencement of development, revised plans shall be submitted to, and agreed in writing with, the planning authority in respect of the following:</p> <ul style="list-style-type: none">a) Unit Nos. 35 and 92 to provide an active front (side box window) fronting the adjacent open space.b) An area of useable public open space shall be delivered in Phase 1.c) Details of boundary treatments for patios serving ground floor apartments.d) A 5-metre-wide maintenance strip to be provided adjacent to the OPW channele) A parking plan detailing the allocation of car spaces across the development.f) Screened bin stores for the proposed apartments to satisfy the three-bin system which shall be adequately ventilated.n) Drawings of bicycle stores for Apartment Block Types A, B & B1 and the proposed creche. <p>Reason: In the interest of visual and residential amenity and orderly development.</p>
3.	<p>No walls, fences or other boundary treatment including hedges/trees shall be constructed or created around the front gardens of the proposed dwellings. The front gardens of the estate shall be kept as Open Plan. Class</p>

	<p>5 of Schedule 2, Part 1 of the Planning & Development Regulations 2001 (as amended) and any statutory provision replacing or amending them shall not apply.</p> <p>Reason - To ensure that the proposed scheme remains open plan in nature/appearance, in the interest of urban design and visual amenity.</p>
4.	<p>The Developer is required to phase the development as follows unless otherwise agreed in writing with the Planning Authority:</p> <p>a) The apartment blocks within the overall scheme shall be constructed prior to any houses,</p> <p>b) The crèche facility shall be constructed prior to the occupation of any residential unit on site.</p> <p>c) The public open space and associated play equipment including lighting shall be completed in full and all public areas landscaped as submitted and available for use prior to the occupation of any residential unit on site.</p> <p>Reason: To ensure orderly development and a proper standard of construction and ensure residential facilities are in place prior to occupation</p>
5.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>a) Tree protection shall be carried out in accordance with the requirements of BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction.</p> <p>b) The approved landscaping scheme shall be undertaken in the first planting season following the occupation or substantial completion of the development or each phase of the development as agreed, whichever is the sooner. The planting shall thereafter be maintained and any plants that die, become diseased or are removed within 3 years shall be replaced within the following planting season by plants of a similar size</p>

	<p>and species, unless the Planning Authority gives its written consent to any variation.</p> <p>c) The designated public open space areas, when developed in accordance with the agreed details, shall be made available for continuous use and enjoyment of the public.</p> <p>Reason: To ensure the provision of amenity afforded by appropriate landscaping design, and site treatment, and to ensure the sustainability of the approved landscape design through its successful establishment and long-term maintenance.</p>
7.	<p>a) Any required hedgerow, tree, or scrub removal or cutting to facilitate the proposed development shall not take place during the bird breeding season which is between 1st of March and 31st of August.</p> <p>b) All environmental, construction and ecological mitigation measures identified in the submitted Natura Impact Statement, Ecological Impact Assessment, Landscape Design Statement and CEMP, shall be implemented in full by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order.</p> <p>c) The developer shall retain the services of a recognised and suitably qualified ecologist to oversee the construction of the subject development and advice on the specified measures as set out in the application. The developer shall confirm the name of the ecologist prior to commencement of subject development for the written agreement of the Planning Authority.</p> <p>d) The developer shall provide bat boxes as required ensuring that bat roosting nests are provided along tree lines around the subject site so as to prevent loss or reduction of existing habitats for commuting bats.</p> <p>Reason: In the interests of clarity and nature conservation and to avoid any potential harmful effects to the Natura Network and to ensure environmental sustainability of the subject site</p>

8.	<p>The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements,. In particular:</p> <p>a) No road works shall take place outside the red line boundary of the site without the expressed written agreement of the Planning Authority. Proposals to change School House Lane from a vehicular roadway to a pedestrian / cycleway as indicated on Drg No 2206-03-02 (site layout plan) shall be omitted.</p> <p>b) The roads and traffic arrangements serving the site (including sightlines, footpath connections and signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.</p> <p>(i) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths, corner radii and pedestrian crossings.</p> <p>(ii) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works</p> <p>(iii) A Mobility Management Plan shall be prepared and submitted to the planning authority for approval prior to the commencement of development.</p> <p>(iv) The developer shall carry out a Stage 2 Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audits, at the developer's expense.</p> <p>c) Within six months of substantial completion of the development a Stage 3 Quality Audit (including Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), of the constructed development shall be submitted to the planning authority for approval.</p>
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	<p>d) A detailed Construction Traffic Management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interests of pedestrian, cyclist, and traffic safety.</p>
9.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
10.	<p>Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas</p>
11.	<p>The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health</p>
12.	<p>Drainage arrangements, including the attenuation and 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 to the planning authority for written agreement a Stage 2 – Detailed Design Stage Stormwater Audit. Upon completion of the</p>

	<p>development, a Stage 3 Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interests of public health and surface water management</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenity of property in the vicinity.</p>
14.	<p>Prior to commencement of development the developer shall submit and obtain the written agreement of the planning authority, a plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and for the ongoing operation of these facilities.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
15.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p>

	<p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended</p>
16.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
17.	<p>A minimum of 10% of all car parking spaces serving the apartments should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
18.	<p>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 occupation of the development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
19.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to</p>

	<p>commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
20.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> 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;

	<ul style="list-style-type: none"> i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; j) 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; k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority. <p>Reason: In the interest of amenities, public health and safety.</p>
21.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <ul style="list-style-type: none"> a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. <p>The assessment shall address the following issues:</p> <ul style="list-style-type: none"> (i) the nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material. <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p>

	<p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
22.	<p>Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority, such agreement must specify the number and location of each housing unit, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential 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.</p> <p>Reason: To restrict new housing to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
23.	<p>Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion 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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
24.	<p>The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by</p>

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

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

Mary Crowley
Senior Planning Inspector
3rd May 2024

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

An Bord Pleanála Case Reference	ABP 319009-24			
Proposed Development Summary	Development of 122 residential house and apartment units on a site of 3.2ha and all associated site works.			
Development Address	Golf Links Road, Newtown, Monaleen, 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	Due to the nature, size and location of the development, there is no real likelihood of significant effects on the environment, therefore EIAR is not required	No EIAR or Preliminary Examination required

Yes	✓	Class 10(b)(i): threshold of 500 dwellings Class 10(b)(iv): threshold of 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.		Proceed to Q.4
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4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes	✓	Screening Determination required

Inspector: _____

Date: _____

Appendix 2 - EIA Screening Determination:

A. CASE DETAILS		
An Bord Pleanála Case Reference	319009-24	
Development Summary	Development of 122 residential house and apartment units on a site of 3.2ha and all associated site works.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	Due to the nature, size and location of the development, there is no real likelihood of significant effects on the environment, therefore EIAR is not required.
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening and NIS
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Ecological Impact Assessment has been submitted.
B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain

	(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	The area is predominately characterised by two-storey houses. The development of residential units is in keeping with the predominately residential nature of the area.	No.
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	The proposed development is located on a greenfield site within the development boundary of Limerick.	No.
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.	No.
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a	No.

	Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.	No.
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul	No.

	services within the site. No significant emissions during operation are anticipated.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.	No.
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.	No.
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no	No.

	Seveso / COMAH sites in the vicinity of this location.	
1.10 Will the project affect the social environment (population, employment)	The development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the suburban location of the site and surrounding pattern of land uses, which are primarily characterised by residential development.	No.
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	This is a greenfield development located in an established urban area.	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	No European sites located on or adjacent to the site. An Appropriate Assessment Screening and NIS accompanied the application which concluded the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any designated European sites.	No.
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example:	The submitted EclA, AA Screening and NIS identified the potential for significant effects	No.

<p>for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>on the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077). Appropriate Assessment has demonstrated that where potential adverse effects were identified to QIs, key design features and detailed mitigation measures have been prescribed to remove risks to the integrity of the European sites.</p>	
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>The position of the site in what was an important prehistoric environment containing largely cremated burials that have little or no surface register means that archaeological mitigation is required prior to the commencement of the development. As a result this is not regarded as significant</p>	<p>No.</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>There are no such features that arise in this urban location.</p>	<p>No.</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>There is an open drain water course within the boundary of the site which discharges into third party lands to the east. During the construction phase, control measures will</p>	<p>No.</p>

	<p>be put in place to mitigate against surface water contamination. The construction management of the site will take account of the recommendations of the CIRIA guidance to minimise as far as possible the risk of soil, groundwater and surface water contamination. The Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters from Inland Fisheries Ireland 2016 will also be followed. As a result of these design measures, the proposed development will not have any effects on water.</p>	
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>Site is located in a built-up urban location where such impacts are not foreseen.</p>	<p>No.</p>
<p>2.7 Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>The site is served by a urban street network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.</p>	<p>No.</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	<p>There are no sensitive land uses adjacent to the subject site.</p>	<p>No.</p>
<p>3. Any other factors that should be considered which could lead to environmental impacts</p>		

3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	No.
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No trans-boundary effects arise as a result of the proposed development.	No.
3.3 Are there any other relevant considerations?	No.	No.

C. CONCLUSION

No real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	Not
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- c) The location of the site on lands governed by “New Residential” zoning under the Limerick Development Plan 2022-2028 and the results of the strategic environmental assessment of the Limerick Development Plan 2022-2028 undertaken in accordance with the SEA Directive (2001/42/EC),
- d) The existing use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services to serve the proposed development,
- g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Outline Construction Management Plan

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

Inspector _____

Date _____