



An
Bord
Pleanála

Inspector's Report

ABP-319721-24

Development	Construction of 167 residential units in five blocks with heights between 3 and 5 storeys, a creche, refurbishment of Ardhu House which is a protected structure and all associated site works.
Location	Ardhu House, Ennis Road, Roses Avenue and North Circular Road, Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	23/557
Applicant	Tribeca Holdings
Type of Application	Large-Scale Residential Development
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	<ul style="list-style-type: none">• Roger Long & Siobhan Long & Others• Peter Murphy• Mary Carroll• Michael Duffy & Geraldine Duffy & Others

Observers

- Limerick Chamber
- Damien & Sheila Clancy
- Limerick Twenty Thirty Strategic Development DAC
- Sean Burns
- Judy Minihan

Date of Site Inspection

13th June 2024

Inspector

Paul O'Brien

Contents

1.0 Site Location and Description.....	4
2.0 Proposed Development.....	4
3.0 Planning Authority Pre-Application Opinion	7
4.0 Planning Authority Decision	9
5.0 Planning History	13
6.0 Policy Context	13
7.0 The Appeal.....	18
8.0 Assessment.....	27
9.0 Appropriate Assessment	44
10.0 Environmental Impact Assessment	45
12.0 Recommendation.....	53
13.0 Recommended Draft Order	53
14.0 Conditions.....	58
Appendix 1 - Screening for Appropriate Assessment	69

1.0 Site Location and Description

- 1.1. The subject site, with a stated area of 2.19 hectares consists of an irregular shaped area of land located to the south west of the Ennis Road, west of Rose's Avenue and to the north of the North Circular Road, approximately 1.55 km to the west of Limerick City, and 750 m to the south east of the Jetland Shopping Centre on the western side of the River Shannon.
- 1.2. This relatively large site is dominated at present with surface car parking. The boundary to the north east and east consists of mature trees which are a distinctive feature on the streetscape here. To the south section of the site is a 7-storey block that is in residential use. To the west is Ardhu House and which has had extensions to it. This house was boarded up on the day of the site visit and the other attached structures appeared to be unused at present, though all appeared to be in good condition. As already reported, the rest of the site is dominated by car parking, yard areas and associated access roads. There are grass verges within the site that divide the lands and there are mature trees located on these verge areas. It is evident that construction works were commenced on site and never completed.
- 1.3. The Ennis Road to the front of the site is primarily developed for two-storey houses, though the character of this road changes along its length. To the west of the site is 'The Wood Field House Hotel', which is mostly two storey and has been extended over time. Rose's Avenue consists of two storey houses and 'The Elms' development to the south/ south west consist of two-storey detached houses.
- 1.4. The Ennis Road is served by Bus Éireann route 343 between Limerick, Shannon Town/ Airport and Ennis operating on an hourly off-peak frequency. The Shelbourne Road, approximately 600 m to the east, is served by Bus Éireann route 306 between Moyross and Limerick Cit Centre, again on an hourly basis.

2.0 Proposed Development

- 2.1. The proposal, as per the submitted public notices, comprises the construction of 167 residential units, private, public, and communal open space, creche, demolition of extensions to and refurbishment of a protected structure and all associated site works.

2.2. The following tables set out some key elements of the proposed development on these lands:

Site Area	2.19 hectares
Development Area	2.04 hectares
Plot Ratio	1.22
Site Coverage	25%
No. of Units	167
Apartments	165
Duplexes	2
Building Height	2 to 5 Storeys
Density – Proposal	82 units per hectare
Including Block Constructed	112 units per hectare
Open Space Provision	
Communal	0.955 hectares
Public	0.295 hectares
Car Parking –	94
Bicycle Parking –	
Total	313
Motor Bike Parking	5

Table 2: Unit Mix – Apartments & Duplex Details

Block	1	2	3	4	5	5 - Duplex	Total
Storeys	5	4 – 5	5	4 - 5	3 - 5		
1 Bed	17	12	15	26	11	1	82
2 Bed	29	13	9	18	14		83
3 Bed		1				1	2
Total	46	26	24	44	25	2	167
Other		Creche – 193 sq m					

2.3. The application provides for the replacement of unbuilt and incomplete elements of a development permitted under PA Ref. 15/645/ ABP Ref. 246960, and duration of

permission subsequently extended. The proposed development includes demolition and works to Ardhu House which is a protected structure – RPS 3281 refers. This element of the development is summarised as follows:

- Demolition of 20th century extensions to the front, side and rear of Ardhu House.
- The construction of a ground floor single-storey glazed area to provide for an accessible entrance to Ardhu House, and the construction of a ground floor single-storey glazed area to the south of the side wing.
- Ardhu house and its associated structures to be refurbished for use as ancillary residential use to include a gym, co-working space and administrative use at ground floor and lounge/ dining/ cinema and games room at first floor level.
- Works include internal alterations, works to the exterior and repairs as necessary.
- Refurbishment of the Ardhu Bar licenced premises including demolition of 20th century extensions to the rear and side. This will provide for a total floor area of 309 sq m.
- Total of 1,741 sq m of buildings to be demolished.

2.4. Alterations to/ new vehicular and pedestrian accesses as follows:

- Existing vehicular entrance onto the Ennis Road to be 5.5 m to the west. This will provide for pedestrian/ cyclist access also. Existing pedestrian access on the Ennis Road to be relocated 15 m to the east of its current location.
- Vehicular/ pedestrian/ cyclist entrance onto Rose's Avenue to be relocated 65 m to the south. Existing access onto Rose's Avenue to be retained to provide access for pedestrians and to an electricity substation.
- Access onto North Circular Road to be for pedestrians only.

2.5. As part of the permitted development under PA Ref. 15/645/ ABP Ref. 246960 – a change of use resulted in the provision of 61 apartment units in the form of:

- 20 x 1 Bed units
- 40 x 2 Bed units
- 1 x 3 Bed units

The applicant has included these units in a number of their calculations such as density, traffic calculations, and childcare provision.

- 2.6. The proposal also provides for the demolition of an existing electricity substation and the provision of a new substation. Provision of all necessary water supply/ drainage works, landscaping and all associated site works.

3.0 Planning Authority Pre-Application Opinion

- 3.1. A Section 247 pre-application consultation took place on the 9th of May 2023 and an LRD Meeting took place on the 5th of September 2023, between representatives of the applicant and the Planning Authority, Limerick City and County Council. The Planning Authority issued an opinion on the 3rd of October 2023 and was of the opinion that the documents submitted required further consideration and amendment to constitute a reasonable basis on which to make an application for permission for the proposed LRD. A list of specific information, summarised as follows, was provided:

1. Provide a Stage 1 Road Safety Audit in accordance with TII guidance.
2. Revise the footpath on the Ennis Road to ensure that adequate visibility splay is possible having regard to the location of an existing bus shelter.
3. Refer to design and building height with reference to Policy TB7 of the Building Heights Strategy of the Limerick City and County Development Plan 2022 – 2028. Consider the impact on daylight on the adjacent Woodfield House Hotel.
4. Prepare an Acoustic Design Statement with reference to road noise on residential units. Specific regard to the ability of residents to open windows and provision of outdoor amenity space.
5. AA and ECIA to be updated to include possible effects on ground and surface water.
6. Provision of Nature Based SUDS and reference to be made to the All-Ireland Pollinator Plan 2021 – 2025 and the Limerick Council Biodiversity Plan.
7. Provide for swift boxes and bat bricks.
8. Details on bicycle storage areas and pedestrian/ cycle access/ routes.
9. Part V requirements.

10. Provide for a creche that can accommodate 33 children.
- 3.2. The applicant has responded to each of these issues in the submitted Statement of Response to LRD Opinion. In summary the following points are made:
1. Road Safety Audit: Included with the application.
 2. Visibility on the Ennis Road: The entrance is to be relocated and the bus shelter can be revised to ensure that adequate visibility is provided here.
 3. a) Height: Full details are provided in the Architectural Design Statement and supported by the Landscape and Visual Appraisal included with the application.
b) Daylight impact: A 'Daylight, Sunlight and Overshadowing Report for Planning' prepared by Passive Dynamics is included with the application and is supported with an Architecture Design Statement.
 4. Acoustic Design Statement: This has been prepared and is included with the application. Suitable design and mitigation measures have been included in the application. Details are provided on noise impact on internal areas.
 5. AA & ECIA Screening: Full details are provided, and revision made to the documentation where required.
 6. a) Nature Based SUDs: This has been included in the development and full details are provided of this.
b) Pollinator Plan and Biodiversity: Full details are provided in the application.
 7. Swift and Bat Boxes: Full details are provided in the application.
 8. a) to d) Cycle and Pedestrian provision: Full details are provided in the Architecture Design Statement and other supporting documentation.
 9. Part V: Details are provided as to how the applicant will comply with their requirements on this.
 10. Childcare: A creche is to be provided and will be able to accommodate 33 children. Full details of the proposed play areas and set down/ pick up areas are also included.

4.0 Planning Authority Decision

4.1. Decision

The Planning Authority decided to grant permission subject to conditions, following the receipt of further information. Conditions are generally standard, though I note the following in summary:

13. A Grade 1 Conservation Architect to be employed to manage, monitor and implement works on site with reference to those works on the protected structure.
14. Appointment of an Invasive Species Consultant to locate and plan for the treatment/ remediation of invasive species.
15. Details on footpath works, civil works and car parking.
17. Ducting and provision for utility services and to be handed over to Limerick City and County Council upon completion.
20. Details of a Refurbishment Demolition Asbestos Survey (RDAS) to be submitted for the agreement of the Planning Authority.
22. Undertake mitigation measures in the NIS, the Hydrological and Hydrogeological Qualitative Risk Assessment and the ECIA in full.
23. Implement the mitigation measures recommended in the submitted noise report.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The Planning Report reflects the decision to grant permission for this development. The Limerick City and County Planner considered the proposal to be in accordance with the Limerick City and County Development Plan 2022 – 2028 and would not seriously injure the amenities of the area or of property in the vicinity of the proposed development.

4.2.2. Other Technical Reports

- Roads Department: Conditions recommended in the event that permission is granted.
- Active Travel: Further information requested in relation to bicycle parking. A mobility management plan to be provided by way of condition.

- Conservation Office: Conditions recommended if permission is to be granted for this development.
- Planning Environment and Place Making: Site is located within Flood Zone C, minimum site levels are well above the 0.1% AEP tidal level and ground water risk is low. No objection to this development.
- Planning Environment and Place Making: In relation to noise, the mitigation measures outlined in the noise report to be implemented in full.
- Environment and Climate Action Section:
 - Rainfall and Pollinator Plan: No objection.
 - Environmental Issues: Conditions in relation to invasive species, and asbestos and Construction Waste Management.
- Heritage Office: A number of points considered:
 - EIA Screening: Agree with the conclusion, no need to progress to full EIA. Recommended wording in relation to Bat and Swift boxes.
 - AA Screening: Query over how passage of contaminants in ground and surface water would be dealt with by CEMP.
 - NIS Screening: Insufficient mention of groundwater and effects on this. May be addressed through CEMP but this is not clear.
 - EclA: As the mitigation measures are the same as those in the NIS, any revision to one would require revisions to the NIS, EclA and EIA screenings.
- Housing Procurement Section: No objection subject to final agreement on housing transfer.
- Archaeologist: Due to the site size and the fact that a large area is undeveloped, conditions in relation to Archaeology are provided in the event that permission is granted.
- Fire and Emergency Department: No objection subject to conditions.

4.2.3. Prescribed Bodies

- Uisce Éireann: No objection to the proposed development subject to conditions.

- Transport Infrastructure Ireland (TII): No observations to make.

4.2.4. Third Party Observations

A total of 27 valid submissions opposing the development were received and the issues raised include the following summarised comments, which I have grouped under appropriate headings:

Principle of development:

- The Build to Rent (BTR) nature of the development is contrary to the Limerick City and County Development Plan 2022 – 2028. The area is not served by high capacity/ frequency public transport.
- The density of development is excessive considering the location of the site and availability of public transport.
- Housing mix is not justified in terms of the Housing Needs Assessment.
- The type/ cost of units proposed will result in an increase in car use to access places of work.

Impact on the character of the area:

- The development is out of character with the existing area.
- The type of development proposed will encourage a transient population and which in turn will change the character of the area.
- The type of unit proposed will not encourage family living in the area.
- Bulk, scale and design of development is not in keeping with the character of the area.
- Out of character with the established building line along the Ennis Road.
- Height of the proposed blocks is excessive and would have a negative impact on the visual amenity of the area.
- Block 5 in particular is too high at five storeys.
- Negative impact on a protected structure.
- Trees are to be removed and insufficient details are provided in relation to the trees to be retained on site.

Impact on Residential amenity:

- Potential for overlooking leading to a loss of privacy.
- Potential for overbearing on adjoining properties.
- Potential for loss of light and views.
- Nuisance through traffic entering the site and car parking adjacent to existing residential areas.
- Nuisance from ongoing work on site and future development.
- The public amenity provision is poor in terms of access, useability and through location on site.
- Communal open space provision is poor in terms of quality and location on site.
- Inadequate details provided in terms of apartment design.
- The daylight assessment is not cross-referenced with the apartment floor plans and is therefore difficult to assess.
- Concern about the accessibility of the proposed apartment units.
- Concern about the floor-to-floor height of the development.

Infrastructure Impacts:

- The foul drainage and water supply network in the area is not sufficient to cater for this development.

Traffic and Transport:

- Concern that the proposed development will generate additional traffic in the area. There is already congestion in this area.
- Concern about potential road safety due to visibility issues along this section of the Ennis Road.
- Lack of suitable crossing points along the Ennis Road.
- Insufficient car parking is proposed for this development.
- Insufficient EV charging provision on site.
- Potential for over spill car parking into existing residential areas.
- Public transport in the area is not sufficient for this development.

Other Issues:

- Amenities in the area are not sufficient to support this development.

- Insufficient services in the area to support this development.
- Procedural issues raised in relation to the proposed development and amendments to existing development on site.
- Non-compliance with the childcare requirements.
- No outdoor play area for the proposed creche.
- The EIA Screening is insufficient.
- Inadequate information is provided in relation to the AA Screening Report.

Letter of support for the proposed development were also provided with comments summarised as follows:

- The proposed development will provide for suitable worker housing for the area.
- The development will encourage the provision of higher density residential homes and support the development of public transport.
- The site is located within the centre of the city and is appropriate for this form of development.
- Support for the redevelopment of this site.

A number of the submissions included photographs, plans and other supporting documentation.

5.0 Planning History

PA Ref. 15/645/ ABP Ref. 246960 refers to a November 2016 decision to grant permission for the change of use from commercial to residential use, 4 No. apartments, the change of use of aparthotel from commercial to residential, providing

for 61 No. apartments, and to construct 9 No. houses, on lands that include a protected structure – Ardhu House.

The duration of permission of the above file was extended up to the 19th of November 2026 in July 2021 under **PA Ref. 21/7025**.

PA Ref. 08/770489/ ABP Ref. 212383 refers to a January 2006 decision to grant permission for a mixed-use tourism, commercial, recreational and residential development including 54 no. apartments.

The duration of permission was extended under **PA Ref. 15/7019** on the 10th of May 2015 up to the 17th of May 2020.

The applicants Planning Report and the PA report includes a detailed list of applications considered relevant to this proposed development. I have only included the most recent/ relevant to this development.

6.0 Policy Context

6.1. National Policy

6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled ‘Making Stronger Urban Places’ and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to ‘Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being’.
- National Planning Objective 11 provides that ‘In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth’.

- National Planning Objective 13 provides that “In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages’.

- National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.

- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.’

6.1.2. **Section 28 Ministerial Guidelines**

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

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DoHLGH, 2024)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, 2023).
- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).

- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Childcare Facilities Guidelines for Planning Authorities (2001).

Other Relevant Policy Documents include:

- Design Manual for Urban Roads and Streets (DMURS) 2019

6.2. Regional Policy

6.2.1. Regional Spatial and Economic Strategy (RSES) for the Southern Region

The Southern Regional Assembly Regional Spatial & Economic Strategy provides for the development of nine counties including Limerick and supports the implementation of the National Development Plan (NDP).

6.3. Local/ County Policy

6.3.1. Limerick Development Plan

6.3.2. The Limerick Development Plan 2022 - 2028 is the current statutory plan for Limerick City and includes the subject site. The Core Strategy is provided in Chapter 2, and this sets out population projections over the lifetime of the plan. Table 2.2 provides the 'Population growth Q3 2016-Q2 2028, with estimate of growth up to Q2 2022 and future growth to be facilitated by end of 2022-2028 Development Plan period'. A population growth of 30,621 is estimated in the period 2022 – 2028 for Limerick City and suburbs. Under Section 2.3.3 – 'Settlement Hierarchy' it states that '1. Limerick City and Suburbs (in Limerick), Mungret and Annacotty is designated for significant growth under the NPF and RSES;'. Table 2.6 provides 'Density Assumptions per Settlement Hierarchy' and Map 2.2 details the 'Limerick City and Suburbs (in Limerick), Mungret and Annacotty Density Zones'. The subject site is located in an area with a density of 45+ Housing Units per Hectare. As per Table 2.6 the following refers to Density Zone 2, which the subject site is located within:

'Density Zone 2: Intermediate Urban Locations/Transport Corridors:

A minimum net density of 45+ dwelling units per hectare are required at appropriate locations within:

800 metres of (i) the University Hospital; (ii) Raheen Business Park; (iii) National Technology Park; (iv) University of Limerick; (v) Technological University of the Shannon; (vi) Mary Immaculate College;

500m of high frequency (min. 10-minute peak hour frequency) existing or proposed urban bus services and;

400m of reasonably frequent (min. 15-minute peak hour frequency) urban bus services.'

Chapter 6 refers to 'Environment, Heritage, Landscape and Green Infrastructure.' Volume 3A provides the 'Record of Protected Structures Metropolitan District of Limerick' and Ardhu House is included under RPS no. 3281 and is described as a 'Detached three-bay two-storey former house, built c. 1865'.

Chapter 7 refers to 'Sustainable Mobility and Transport' and Chapter 8 'Infrastructure'. 'Sustainable Communities and Social Infrastructure is in Chapter 10 and 'Development Management Standards' are in Chapter 11. The Planning Authority reports have detailed relevant policies and objectives from the development plan.

6.3.3. The subject site is zoned 'New Residential' on 'Map 3: Limerick City and Suburbs (in Limerick), including Mungret and Annacotty - Zoning Map'. This zoning has an objective 'To provide for new residential development in tandem with the provision of social and physical infrastructure'.

Map 5: 'Limerick City and Suburbs (in Limerick), including Mungret and Annacotty - Flood Map' locates the site within Flood Zone C.

Map 6: 'Limerick City and Suburbs (in Limerick), including Mungret and Annacotty - Transport Map' includes 'Indicative Cycleways/ Walkways' along the Ennis Road to the front of the site.

6.3.4. Volume 4 - Environmental Reports include a Strategic Environmental Assessment (SEA), a Natura Impact Report and a Strategic Flood Risk Assessment (SFRA).

6.3.5. Volume 6 includes a 'Building Height Strategy for Limerick City'.

6.4. **Natural Heritage Designations**

The Fergus Estuary and Inner Shannon, North Shore, Site Code 002048, is designated a pNHA and is located approximately 380 m to the south of the subject site.

7.0 **The Appeal**

7.1. Four Third-Party appeals have been made, by Roger & Siobhan Long & Others, Peter Murphy, Mary Carroll, and Michael & Geraldine Duffy & Others. The following issues are raised in the appeals, grouped under appropriate headings:

Principle of development:

- The Limerick Development Plan estimates that the site can provide for 91 units.
- Concern about the scale and height of the proposed development.
- The proposed development will have a negative impact on Ardhu House, which is a protected structure.
- Works to this house will have a negative impact on its character.

Impact on the Character of the Area:

- The density at 112 units per hectare is far and above the recommended density of +45 units per hectare for this area. This is the density including the existing units on site; without them the density is 82 units per hectare.
- Request that Block 5 be omitted and this may address other concerns in relation to access, overall density and impact on residential amenity.
- Density is too high considering the character of the area which is mostly two-storey houses.
- The houses at Cliftonville Terrace were designed as a gateway entrance to Limerick City from the west of the city. The proposed development will significantly change the planned character of this area and will not integrate with existing development.
- The nature of the proposed development will result in a transient population in what is mostly an owner-occupied residential area.

Impact on Residential Amenity:

- Proposed car parking will directly adjoin the boundaries of the houses to the south in The Elms.
- Request that the impact on existing residential amenity from noise and vibration be fully considered.
- Request that a maximum acceptable decibel level be set and be monitored.
- Concern about the location of a bicycle store and the potential for anti-social behaviour in this area.
- Concern about the impact on residential amenity through the revised location of the access to/ from Rose's Avenue. Potential for nuisance and light spillage impacts.
- Potential for overlooking from Block 5. A separation of only 16.4 m is provided between this block and the nearest houses to the south in The Elms.
- Request that screening be provided between Block 5 and the houses to the south, though it is also considered that this may not address the issues in full.
- Concern about the quality and quantity of the proposed open space areas to be provided on site.
- Some of the units are not provided with adequate private amenity space.
- The proposed development would have a negative impact on daylight and sunlight provision to existing residential units in the area. Request that there be a reduced building height/ graded building design here.
- There is a poor mix of unit types – dominated by one- and two-bedroom units.

Traffic/ Transport Impacts:

- A number of flaws have been identified in the submitted 'Traffic and Transportation Assessment' as follows:
 - Car parking is assessed in the Limerick Development Plan by metric spaces per unit and spaces for visitors. 296 spaces are required and only 94 are proposed based on proposed transport improvements and reducing demand for car use. This is a 68% reduction in car parking provision without a strong justification for this.
 - TRICS is used to calculate traffic volumes from the site. Consideration is not given to the existing 61 units on site and their generated traffic volumes.

If included the development only meets 32% of the required car parking provision.

- The assessment should have included other junctions in the area.
- The result of this development is increased traffic in the area, and an increased demand for car parking including excess parking in adjoining residential area.
- Request that a remotely operated gate system be provided to the entrance to The Elms residential development.
- Note that the applicant considers that the proposed development will not impact on existing traffic in the area, which may be true considering that the local road network cannot cope with the volume of traffic in the area especially when sporting events are underway in the area.
- Request that the access to/ from Rose's Avenue be revised as it is difficult to use at present due to its layout.
- Concern about traffic during school times.
- No set down area is provided for taxis serving the public bar.
- The site is not in an area with a suitably high frequency of public transport.
- There should not be a reliance on future planned public transport upgrades.
- The distances from key locations provided by the applicant are not accurate.
- Concern about the use of an access from the North Circular Road, this access has not seen use in over fifty years.

Lack of Suitable Services in the Area:

- The proposed development provides for a creche that can accommodate 33 children, however no other services are to be provided and the Social Infrastructure Audit (SIA) did not assess the need for additional services for this area. This is a concern considering that the development could accommodate over 600 persons.
- General concern about the impact of the development on local services especially considering that a hotel was previously located/ permitted here.
- Capacity issues with drainage, water supply, schools, parking and parks in the area.

Other Issues:

- No phasing plan has been provided with the application.
- Procedural concerns about the validity of the application.
- Concern about the information provided in the EIA Screening Report and the AA Screening Report.
- Concern about the provision of suitable turning areas for fire appliances and the need to demonstrate compliance with the Technical Guidance Document Part B Fire 2006 of the Building Regulations.

7.2. **Observations:**

Support for the proposed development was provided by the Limerick Chamber and Limerick Twenty Thirty, with the following comments made in summary:

- Details provided on the demand for housing in Limerick City and Suburbs.
- Limerick is badly performing in terms of new home delivery.
- The number of completed and commenced house delivery is down on 2023 figures.
- The proposed development will provide for new homes suitable for the key worker cohort.
- There is a small amount of private sector activity in the city in terms of housing.
- The site is within walking distance of amenities, and public transport is available to the front of the site.
- Welcome for the reduced car parking, EV charging and bicycle parking on site.

Observations opposed to/ concerned about the development and supporting the appeals were received from Damian and Sheila Clancy, Seán Burns and Judy Minihan, and the following comments were made in summary:

- Non-completion of previous development on site.
- Uncertainty over the transfer of units required to meet the Part V obligations.
- Build to rent is contrary to the Limerick City and County Development Plan 2022 – 2028.
- Contravention of policies in relation to high frequency public transport. The nearby bus route is not a city bus service.
- There are no cycle lanes in the vicinity of the subject site.

- Over 2 km from the transport hub of Colbert Station (Bus and Train station).
- The site is not adjacent to areas of high employment intensity.
- Concerns about the proposed density of development.
- Concerns about the proposed height of development.
- Pedestrian and traffic safety.
- Insufficient car parking.
- Insufficient provision for electric vehicle charging – ducting only provided.
- Impact on Ardhu House.
- Insufficient public and private open space.
- Concern about availability of suitable infrastructure such as water/ drainage, schools and road capacity.
- Insufficient consideration given to impact on nearby schools during drop-off/ collection times and also in terms of school place capacity.
- Concern about fire safety.
- Lack of childcare provision.
- Noise pollution during the construction and operational phases of the development.
- Limerick City and County Council have failed to protect the amenity of adjoining residents.
- Not a suitable location for a development of this nature.

7.3. **Applicants' response to the appeal:**

A detailed response is provided in relation to the appeal and the response is supported with documents, plans, and other information. The following comments are noted:

- There are no grounds raised that are of a complexity that would merit the need for the holding of an oral hearing. Sufficient information is provided to enable the Board to make a decision on this proposed development.

The applicant has identified that there are seven core issues raised in the appeals and each of these are considered on their own merits.

Density:

- A significant amount of information and details are provided in the supporting documentation with the application. Details provided in response to a further information request included addressing how the development complied with the Sustainable Residential Development and Compact Settlements Guidelines, 2024. Full consultation was held with the Planning Authority during the pre-application stage.
- The development is in accordance with the zoning objective that applies here, and the site is located in a Tier 1 location with suitable services available.
- The response outlines how the development will comply with relevant policies and objectives set out in the Limerick Development Plan 2022 – 2028.
- The density of 86 or 112 units per hectare is in accordance with the minimum density of 45 + units per hectare.
- It is acknowledged that the density is higher than on adjoining sites, but this is necessary to comply with the requirements for compact growth.
- Density at present, within a 400 m radius of the site is 14.7 units per hectare and the proposed development increases this to 18.9 units per hectare.
- The development is therefore in accordance with the development plan core strategy. Table 4 demonstrates how the development complies with the Sustainable Residential Development and Compact Settlements Guidelines. The site is within a 20-minute walk of Limerick City Centre.

Car Parking:

- This is in accordance with the Limerick Development Plan and the Sustainable Residential Development and Compact Settlements Guidelines with reference to SPPR 3.
- Bicycle parking is to be provided on site with 313 spaces to be located here and other measures are outlined that are proposed to discourage car use.

Height:

- Details on building height are set out in the Design Report included with the application.

- Higher buildings are required to provide for a suitable density and quantum of development on this site.
- There is an existing 7 storey building on this site.
- Refers to Objective CGR 09 of the Limerick Development Plan 2022 – 2028 and how the development complies with it.
- Refers to the Building Height Strategy for Limerick City and in this area, Thomond Park has a landmark status which the proposed development will not impact.
- The design rationale for the development is set out and how the issue of height is addressed in this development.
- The development at 5 storeys should be considered as a 'Taller' building rather than as a tall building. The development bridges the scale between the established character of the area and the 7-storey building on site.
- Photomontages have been provided to demonstrate the visual impact of the development on the established character of the area.
- Separation distances of 22 m is in excess of the 16 m separation distances set out in the Sustainable Residential Development and Compact Settlements Guidelines.

Traffic:

- Assessments undertaken were agreed with Limerick City and County Council and full details of the assessed junctions are provided.
- Details are provided on the junctions that were assessed and also on those not included but raised in the appeals.
- A Stage 1 Road Safety Audit was undertaken, and revisions were made to the development as a result of this.

Environmental Aspects:

- Rejects the comments made that the EIA Screening Report is inadequate.
- The development is sub-threshold, and an EIA is not a mandatory requirement.
- Details are provided on the preparation of the EIA Screening Report.

- Adequate information is provided to enable An Bord Pleanála to undertake a screening assessment.

Public Open Space:

- Full details are provided on the proposed and existing open space on site. Details included on the quantity and quality of the open space.
- Details are provided on existing trees on site and why a number of these are proposed for removal.
- A Landscape and Visual Appraisal Report has been provided and included with the application and which is in accordance with best practice.
- Open space areas are acceptable in terms of overshadowing/ receipt of sunlight and comply with relevant BRE guidance.

Private Amenity Space:

- The applicant accepts that there was an annotation error on the submitted plans. It is confirmed that the apartments are provided with adequate private amenity space.
- Plans of these units are provided and confirm that there are no changes to the layout of the units.

Impact on Ardhu House:

- JCA Architects, RIAI Grade 1 Conservation Architects were engaged in the design of the proposed development, and full regard was had on the impact of the development on the protected structure.
- A Section 57 Declaration is not required for a development as part of the LRD process.
- Much of the development is on currently undeveloped lands though some late 20th century buildings will be replaced as part of this development.

Other Issues Raised:

- Room sizes have been confirmed. Revisions are proposed to Block 5, Apartment 5.01.02 Z has been amended to comply with the maximum size of 3.5 sq m for a storage room.
- Wardrobe storage is in addition to other storage within units.
- Details are provided on the provision of single aspect north easterly facing units. This is a consequence of the layout of the site and the brownfield nature of this location.
- The Housing Mix is acceptable in terms of SPPR 1 of the apartment guidelines.
- Details are provided on how the development complies with disability requirements.
- It is considered that childcare provision as proposed is adequate to serve this development and is to be provided in a safe/ convenient location with suitable set down/ pick-up areas to be provided.
- The recent history of the development of this site is provided. The change of use of an aparthotel building to residential use has been completed in accordance with the grant of permission, though this only formed part of the approved development and other elements were not completed. The applicant does not intend completing the permitted development where works have not commenced.
- The proposed development will comply with all relevant Fire Safety requirements.
- Details are provided as to how the proposed development will not impact on existing adjoining houses. Details on screening, setbacks etc. are outlined.
- Cliftonville Terrace is between 50 and 90 m from the proposed development and it is considered that the development will negatively impact on these units.
- A suitable set-down/ pick-up area is provided adjacent to the entrance to the public house.
- Adequate boundary treatments are proposed that will ensure that adjoining houses will not be adversely affected by car and other traffic generated by the proposed development.

Supporting documents are provided in terms of sunlight/ daylight assessment and universal design as well as plans indicating the correct floor plan areas. There are no revisions to the development other than the subdivision of storage areas such that they

do not exceed a floor area of 3.5 sq m. In conclusion it is requested that permission be granted for the proposed development.

7.4. Planning Authority Response

None made.

8.0 Assessment

8.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Density and Height
- Impact on the Character of the Area
- Impact on Residential Amenity
- Impact on Ardhu House
- Traffic and Car Parking
- Water Infrastructure and Flood Risk
- Other Matters
- Appropriate Assessment (AA)
- Environmental Impact Assessment (EIA)

8.2. Principle of Development

8.2.1. The Planning Authority had no issue in relation to residential development on this site, considering it to be a brownfield site that was accessible to Limerick City Centre. The appellants/ observers did not consider this to be an unsuitable site for residential development, their concerns relate more to impact on residential amenity, density, height, traffic and impact on the character of the area. The letters of support identified a need for housing in Limerick and with particular reference to the need for worker orientated units. Concern was expressed about the description of the development and the reference to previous permitted development on this site.

- 8.2.2. The site is suitably zoned for residential development I am therefore satisfied that the nature of the development is acceptable in terms of the zoning objective of the Limerick Development Plan 2022 – 2028.
- 8.2.3. In terms of the development description, I am satisfied that it is clear what is proposed on this site. The description of development in the public notices is long and this may give rise to some confusion, however by breaking it down bit by bit it is clear what is proposed. Permission was granted for the development of this site in the past and only part of this permitted scheme was commenced/ completed. The applicant now proposes a different development, but which will incorporate the elements of development that have been completed to date most notably the change of use of the large block from hotel/ short stay to residential use.
- 8.2.4. Conclusion on Principle of Development: I am satisfied that the proposed development is acceptable in terms of the residential zoning that applies to this site and the nature of development as described as described in the public notices is clear.

8.3. **Density and Height**

- 8.3.1. The issues of density and height are linked and were raised in the appeals as concerns, as the existing area is described as low density consisting mostly of two-storey family sized houses. The applicant has outlined in their appeal response how they consider the development to be acceptable, as well as in their 'Planning Report & Statement of Compliance', noting that it was revised in response to the Planning Authority further information request.
- 8.3.2. As per Table 2.6, the site is located in a 'Density Zone 2: Intermediate Urban Locations/ Transport Corridors' of the Limerick Development Plan 2022 – 2028, and which provides for a minimum net density of 45 units per hectare. The applicant has outlined in their Planning Report a range of policies and objectives that promote consolidation/ compact growth. The proposed density is 86 units per hectare and 112 units per hectare when including the existing apartment block 06 in the calculations. The applicant has also outlined how the development complies with the Sustainable Residential Development and Compact Settlements guidelines.
- 8.3.3. The site is suitably zoned for residential development and the density is clearly in excess of the 45 units per hectare for such a location. I refer to Table 2.6 of the Limerick Development Plan 2022 - 2028 and the site is approximately 720 m to the south of the Technological University of the Shannon, though is approximately a 20-minute walk/ 1.4

km distance. In terms of public transport, the existing provision in the area is poor with only an hourly service on this section of the Ennis Road, though is proposed to improve under Bus Connects with a half hourly service on the Ennis Road and four routes serving the Shelbourne Road/ Ennis Road – 600 m to the east of the site and providing up to eight service each way per hour. The site is approximately 2 km/ 25-minute walking distance from the centre of Limerick city.

- 8.3.4. Whilst public transport is not of a high quality at present, the site is within walking distance of the city centre and residents may wish to use public transport for part of their journey to/ from the city centre. The site is within 800 m distance of an identified location in Table 2.6 of the Limerick Development Plan, the Technological University of the Shannon. I note the comments made by the applicant that the existing area has a density of 14.7 units per hectare within 400 m radius of the site and the proposal will increase this to 18.9 unit per hectare. I note these comments and agree that this increase in unit numbers is appropriate to meet the demand for new homes, would increase the density of the area, albeit marginally, and would support the provision of services in the area. I am therefore satisfied that the proposed density is acceptable.
- 8.3.5. The Limerick Development Plan recognises that in order to increase density there may be a need for the development of higher buildings, and the development plan includes a Building Height Strategy for Limerick City. This is a detailed strategy and identifies particular parts of the city that may be suitable for taller/ high buildings; the subject site is not included.
- 8.3.6. There are a number of important points to note with respect to this development and its site. There is an existing seven storey building on these lands in addition to the two-storey Ardhu House and adjoining buildings. The tallest structures proposed are five storeys and these generally taper up to their highest points towards the centre of the site/ away from existing housing. The impact on existing residential units is considered further in my report.
- 8.3.7. I am satisfied that the proposed building heights are acceptable in this location. From my site visit I was satisfied that the existing structure did not dominate the area despite its height and bulk. It is accepted that the trees were in full leave on the day of the site visit and did provide for a good level of screening. The existing site does give an appearance of a semi-complete development, especially when viewed from Roses

Avenue and the North Circular Road, and I would suggest that the proposed development upon completion would present a more complete appearance, allowing for a better integration with the existing area. The proposed development has been carefully considered in terms of building lines, setbacks and positioning on site and I therefore consider that the proposed building heights are appropriate in this location.

8.3.8. Conclusion on Density and Height: I am satisfied that the proposed density and heights are acceptable in terms of the Limerick Development Plan 2022 – 2028 as well as national guidance and will provide for a development that will integrate with the existing area.

8.4. Impact on the Character of the Area

8.4.1. The Planning Authority raised no specific concerns about the layout of the development and the nature of the units proposed. The works to Ardhu House, which is a protected structure, were considered to be acceptable; I will comment further on this aspect of the development later in this report. The appeals raised concern about the impact of the development on the character of the area.

8.4.2. I have already reported on the building height and density of development. The appeals noted that the development is primarily in the form of one- and two-bedroom units whilst the area is characterised by family sized houses. I consider the unit mix to be appropriate in this location and will provide for a better housing mix in this area, within walking distance of Limerick City centre. I note the comments made in the letters of support and the demand for housing of this type in Limerick. The subject lands can be defined as a brownfield site and the scale and nature of development is appropriate for such a site, whilst ensuring that it will integrate with the existing form of housing in the area.

8.4.3. The proposed apartment blocks are to be finished in a mix of brick and render and this is appropriate having regard to the use of similar materials in the area on existing houses. Full details on landscaping and open space is provided with the application and this will provide for further information with the existing area. The existing trees to the north/ east of the site are something of a landmark feature and are to be included in the development of this site.

8.4.4. The proposed development includes the removal of an existing electricity substation to the north of the site adjacent to the Ennis Road and the provision of a new substation

to the east of the site on Roses Avenue. This is set back from the footpath edge and is less visually prominent than the existing substation; I have no objection to this element of the proposed development.

8.4.5. **Conclusion on Impact on the Character of the Area:** In general, I consider that the proposed development in terms of layout and integration with the existing area will be acceptable.

8.5. **Impact on Residential Amenity:**

8.5.1. The Planning Authority raised no issues of concern in relation to impact from the development on existing residential amenity. Concern was raised in the appeals about overlooking leading to a loss of privacy and overshadowing leading to a loss of sunlight/ daylight. Overbearing on existing properties was also raised in the appeals.

8.5.2. **Impact on existing residential amenity:** The Proposed Site Layout Plan – Revision P02 indicates the separation distances between the proposed apartment blocks and the houses on adjoining lands. Due to the size and shape of the site, separation distances vary. The protection of privacy usually applies to the area to the rear of a property, front gardens and balconies can be excluded from such considerations. Therefore, concerns about overlooking along the Ennis Road and Roses Avenue can be disregarded as the private amenity spaces of these properties are not overlooked.

8.5.3. To the south of the site is The Elms residential development and it is clearly indicated that separation distances of at least 22 m are provided between the rear of the apartment blocks and the houses on the adjoining lands. This is an acceptable separation distance. Similarly, there is a separation distance of at least 40 m between apartment block 04 on the western side of the site and the houses in Highfield to the west, and this is acceptable. SPPR1 of the Sustainable Residential Development and Compact Settlements guidelines sets out a separation distance of 16 m and clearly the proposed development exceeds this.

8.5.4. The applicant has engaged Passive Dynamics to prepare a 'Daylight, Sunlight & Overshadowing Report for Planning' in support of this development. Additional details were provided in support of the appeal response. In terms of impact on adjoining properties this considered/ reported:

- Impact of loss of daylight on neighbouring properties – A Vertical Sky Component (VSC) analysis was undertaken, and the results are provided in Appendix B of the applicant’s report. A number of the windows in the former Ardhu Hotel, now Block 06 and in apartment use, and Westfield House, a hotel, to the west would be impacted by this development to a level below the recommended VSC. These are as follows:

Building	Window	VSC Post (Pre development)	% of Existing VSC maintained
Ardhu Hotel	137	19.78 (36.91)	53.59
Ardhu Hotel	138	22.86 (38.06)	60.06
Ardhu Hotel	140	26.87 (38.58)	69.65
Ardhu Hotel	142	16.99 (33.96)	50.03
Ardhu Hotel	143	19.02 (34.76)	54.72
Ardhu Hotel	144	25.75 (35.03)	73.51
Ardhu Hotel	145	21.78 (34.76)	62.66
Woodfield House	316	14.78 (22.81)	64.80
Woodfield House	317	21.27 (29.52)	72.05
Woodfield House	318	22.3 (29.17)	76.45
Woodfield House	319	20.82 (33.3)	62.52
Woodfield House	320	21.48 (33.65)	63.83
Woodfield House	321	22.95 (34.43)	66.66
Woodfield House	322	22.17 (33.93)	65.34
Woodfield House	323	22.62 (35.31)	64.06
Woodfield House	324	22.35 (35.85)	62.34
Woodfield House	325	22.6 (35.09)	64.41
Woodfield House	326	22.44 (34.83)	64.43
Woodfield House	327	21.8 (36.23)	60.17
Woodfield House	328	21.3 (36.26)	58.74
Woodfield House	329	20.51 (36.47)	56.24
Woodfield House	330	20.03 (36.29)	55.19
Woodfield House	331	19.32 (36.57)	52.83
Woodfield House	332	24.14 (36.55)	66.05
Woodfield House	333	25.09 (36.88)	68.03
Woodfield House	334	25.81 (37.41)	68.99
Woodfield House	335	25.25 (37.53)	67.28
Woodfield House	336	23.26 (37.99)	61.23
Woodfield House	337	24.69 (37.97)	65.03
Woodfield House	338	23.14 (38.08)	60.77
Woodfield House	339	22.62 (37.9)	59.68

8.5.5. The impact on the windows of the Ardhu house are noted, however considering the window/ block layout, the overall impact on apartments within this part of the building would be minor as these units would be dual aspect. In terms of Woodfield House, I

note and agree with the comments of the Planning Authority that this is a commercial hotel and 'the occupants of these spaces are generally less sensitive to reductions in daylight levels'. From the submitted information, there is will be no adverse impact to existing houses in 'The Elms', Highfield or on Roses Avenue in terms of loss of sunlight. I am therefore satisfied that the VSC test demonstrates that the development will only impact on the existing Block 06 to a minor level and will not impact on residential properties that adjoin the site.

- Sunlight availability within existing properties - The Annual Probable Sunlight Hours is tested and a target of 25% is recommended as per BR209. No adverse impact on the houses in The Elms, Highfield, The Ennis Road or on Roses Avenue is identified. The houses in The Elms have rear windows facing north/ north west and can be excluded from assessment in any case receiving very little sun. The assessment found that windows in the Living/ Kitchen/ Dining space of apartments 111, 211, 311 and 411 did not receive the recommended level of sunlight and although they have an additional north facing window, this would not receive sunlight either. All units received adequate sunlight in winter months.
- Sunlight availability within amenity spaces – BRE recommends at least 2 hours sunlight over 50% of the amenity space on the 21st of March or should receive at least 0.8 times its former value. The report demonstrates that the amenity space of adjoining residential units is not adversely impacted by this development. This is as expected considering the layout of the development and the separation distances provided. The additional information made in the response to the appeal reported that the proposed amenity space would receive adequate sunlight, again as expected.
- Overshadowing analysis and the impact on neighbouring properties – Shadow analysis undertaken to assess this and found that there would be minor overshadowing throughout the day. The height, orientation and location of the proposed apartment blocks determines this and specifically the impact on the houses in The Elms and Highfield would be minor. The houses on the northern side of the Ennis Road and east of Roses Avenue would only be impacted to be a very minor level due to their orientation and separation distance with the subject site.

Conclusion on impact on existing residential amenity: I am therefore satisfied that the proposed development would not have a significant adverse impact on existing adjoining residential units in terms of impact on daylight and sunlight. I note the impact of the development on the existing Block 06, these units do benefit from being dual aspect and are already constrained by their positioning on site. The applicant has adequately demonstrated that the proposed development will not impact on adjoining properties in terms of overshadowing, loss of daylight and sunlight. The design and orientation of the development addresses concerns in relation to overbearing. Taller elements of Blocks 04 and 05 are located at a greater distance from existing units than the lower sections and even at that these are in excess of 22 m from the rear elevation of the adjoining houses.

- 8.5.6. **Proposed residential amenity:** The proposed development provides for apartment units primarily in the form of one- and two-bedroom units. The Planning Authority raised no issues of concern in relation to the proposed unit mix. Concern was expressed in the appeals about the proposed unit mix, type of housing and a change from the established character of the area which is primarily in the form of family type housing.
- 8.5.7. I note the comments of the appellants regarding the unit mix, however in terms of good planning and promoting of sustainable communities, the provision of one- and two-bedroom units will allow for the introduction of starter homes, allow for downsizing and will actually promote a better housing mix for the area. Efficient use of land through consolidation can be best achieved in the form of development proposed. I am satisfied that an appropriate level of development is proposed in terms of density and height and in terms of unit mix.
- 8.5.8. The applicant has reported in the appeal response that there were some errors on the annotations of the private amenity spaces to be provided and revised plans have been provided. No revisions to the amenity space layouts have been proposed and all units are provided with adequate amenity space. All apartment units are provided with adequate floor areas, including storage provision. I note that the revised floor plans submitted as part of the appeal response indicate that no storage areas is in excess of 3.5 sq m, some of the units in the application floor plans had storage of 4 sq m. This is not a significant issue, and the location/ layout of these storage spaces would not allow for their use as an additional habitable room.

8.5.9. The submitted plans/ details demonstrate that 59.3% of the units are dual aspect, floor to ceiling heights of 2.7 m are proposed on upper floors and 3 m on the ground floor and adequate provision is made for stair/ lift cores in each of the blocks. The proposed development, which is to be a Build to Rent (BTR) scheme, includes the provision of communal facilities to serve the development. These include a gym and co-working area on the ground floor of Ardhu House, and a cinema, lounge, private dining areas and games room on the first floor. Other uses in Ardhu house include reception areas, storage, and administration space. Ardhu Bar will be provided in the building to the north of Ardhu House. The central area of open space to the west of Block 01 and east of Ardhu House is to provide for communal open space; an area of 1,430 sq m is proposed and the area of space to the west of Block 04 provides for an additional 700 sq m of communal space.

8.5.10. I am satisfied that the proposed development demonstrates compliance with the relevant SPPRs of the Apartment Guidelines. The proposed development will provide for a high quality of amenity for the future residents of these units in terms of their own individual living space and in terms of communal facilities/ open space.

8.5.11. **Public Open Space:** The Planning Authority noted that the total area of public amenity space equated to 9.7% of the site area, however they considered this to be acceptable considering the amount of indoor communal facilities to be provided here. Public open space is to be provided on the eastern side of the site and a total of 2,952 sq m is proposed. This will allow for the retention of the trees on this side of the site and create an attractive landscaped area long Roses Avenue. I am satisfied that adequate quality and quantity of open space is to be provided here.

8.5.12. **Childcare and Community Space Provision:** It was raised in the appeal that insufficient childcare was to be provided as part of this development.

8.5.13. As part of this development, a creche with a stated floor area of 193 sq m is to be provided on the ground floor of Block 2 and which will be able to accommodate 33 children. Block 2 is located to the north west of the site and faces onto the Ennis Road. I consider this location to be appropriate as it would provide for activity on this section of the site. An outdoor play area is proposed to the south of Block 2 and this is acceptable. The design of the facility has been carefully considered to ensure that the use of this space does not adversely impact on residential amenity.

8.5.14. In the interest of clarity, I have summarised the requirements for childcare provision for this development, including the development under PA Ref. 15/645/ ABP Ref. 246960 as follows:

	2001 Childcare Guidelines	2020 Apartment Guidelines – without 1 bed	2023 Apartment Guidelines – without 1 bed and only 50% of 2 bed apartment units
Number of proposed Units	228	126	44
1 Facility with capacity for 20 children for every 75 units	61	34	17

8.5.15. The applicant has provided a ‘Social Infrastructure Audit’ in support of the application and Section 5.2 refers to Childcare Facilities in the area and these are located through Figure 3 and Table 9 lists them with details on capacity, with the survey indicating that these facilities are full at present. Three proposed facilities would also not provide for any additional capacity.

8.5.16. The proposed development would require a total of 34 childcare spaces (126/75,*20) in accordance with the Childcare Guidelines, or 17 in terms of the 2023 Apartment Guidelines. As the facility can provide for 33 children, I am satisfied that the proposed childcare facility is adequate to serve this development. It is likely that there will be some capacity available to serve the demands of the wider area and this is to be welcomed. I am therefore satisfied that the proposed childcare provision on site is suitable to serve the needs of the residents of this development.

8.5.17. The ‘Social Infrastructure Audit’ also provides details on primary and post primary school capacity in the area, in section 5.1. These are located in Figure 2 and details of the schools with available capacity is provided in Table 7. Primary Schools have capacity for 360 children and Secondary School available capacity is 383. This would be more than adequate to serve the needs of this site. The study area is 2 km walking distance of the site though most are far shorter distances than that. Third level details are also provided in the audit.

8.5.18. The submitted audit also provides details on healthcare, sports/ recreation, community and retail provision that is available in the area. An important factor to stress is that the site is within walking distance of Limerick City centre and the Jetland Shopping Centre further along the Ennis Road.

8.5.19. **Conclusion on Residential Amenity:** I am satisfied that the proposed development will provide for a suitably high-quality development to the western side of Limerick and will provide for extended/ improved public open space and childcare that can be used by the local community. The proposed development ensures that existing residential amenity is protected, whilst also ensuring that the proposed development provides for a high standard of residential amenity.

8.6. Impact on Ardhu House

8.6.1. The impact of the development on Ardhu House. RPS. No.3281, was not raised as an issue in any great depth in the submitted appeals but was raised in the observations. The Planning Authority noted that part of this structure was to be demolished and a section of the building was to be used as a bar, which it was mostly recently in use for. This was a non-conforming use in terms of the development plan, but the use was considered acceptable to the Planning Authority.

8.6.2. The application was accompanied with a Conservation Report & Architectural Heritage Impact Assessment, in addition to architectural drawings that clearly indicated what the impact of the development would be on Ardhu House. Elements of 20th century extensions are proposed for demolition/ removal and alterations to the interior are proposed. The conservation report outlines Objective EH O50 which refers to 'Work to Protected Structures' and Objective EH O51 – 'Energy Efficiency of Protected Structures'. Included in the conservation report is an illustrated article from the 'Dublin Builder' dated March 1865. Initially it was a house and became a hotel in the 1940s and operated as such until 2004. Extension works and revisions to the site access took place in the late 20th century.

8.6.3. Section 4.1 provides an 'Assessment of Impact Methodology' and Section 5.0 provides an 'Assessment of Significance of Existing Site' and reports on the alterations made to the site and to the house over time. Section 6.1 provides an 'Outline Conservation Method Statement for Proposed Works to Ardhu House'. Section 7.0 details the 'Physical and Visual Impacts of the Proposed Development on

the Protected Structure'. A number of 20th century extensions, considered to be of poor quality, are proposed for demolition and 'will have a major positive impact on the legibility and appearance of the original Ardhu House and adjoining original outbuildings.' Full details are provided on the works to Ardhu House. In addition, it is reported that the refurbishment and reinstatement of the entrance from the North Circular Road would have a positive impact on the character of the site. Comment is made on the overall development, which would 'has sought to create a more considered relationship between original and later buildings on the site, with proposed landscape features intended to enhance this arrangement.' This detailed report includes a photographic survey of Ardhu House and the structures to be removed. The Limerick Architectural Conservation Officer reported no objection to the development subject to conditions.

8.6.4. I note the submitted reports from the applicant and Limerick City and County Council. From the site visit it is evident that the site has been partially developed including the seven-storey apartment block and that Ardhu House is vacant and boarded up from access. Externally the house and outbuildings look to be in good condition, internal access was not possible on the day of the site visit. The proposed development will restore the house to its former design with the removal of the three-storey extension to its northern side and the removal of canopies, and annexes to the house, especially to the south and western sides. The house will be restored back into active use primarily for communal space/ uses for the residents of the completed residential scheme. This proposed use of this house is to be welcomed continuing its use for residential purposes. I am satisfied that the alterations to and refurbishment of the house will restore its appearance to that illustrated in the March 1865 edition of the 'Dublin Builder' on construction of the house.

8.6.5. Conclusion on impact on Ardhu House: I consider the proposed demolition of the 20th century elements attached to Ardhu House to be appropriate and the proposed restoration of the house will ensure its protection into the future. The removal of these structures will restore the setting/ appearance of this protected structure to closer to its original form. Detailed methodologies have been provided for these works and which will be subject to condition. I am satisfied that the works to the house and the opening of the entrance onto the North Circular Road will restore Ardhu House and the site, which originally formed its lands, to be more representative of the original design.

8.7. Traffic and Car Parking

- 8.7.1. Concern was raised in the appeals about the shortfall in car parking provision, the potential for overspill parking and the potential impact on traffic in the area. Concern was also expressed about the proposed access/ exit points and the quality of visibility on the Ennis Road and Roses Avenue. The letters supporting the development noted the reduction in car parking and considered this to be appropriate for a development of this nature and in this location on the Ennis Road, Limerick. The Planning Authority raised no issues of concern in relation to the layout, traffic and car parking.
- 8.7.2. Parking: A total of 94 car parking spaces are proposed to serve this development, 19 of which are to include electric charging points. Car parking is to be provided at surface level and will be located in areas with good passive surveillance. Section 12 – Parking of the Punch Consulting Engineers ‘Traffic and Transportation Assessment’ details the car parking provision. Table 14-1 of the Limerick Development Plan provides requirements for car parking, but this is a maximum requirement, and the applicant has chosen to provide for a lower level of car parking based on reducing car use, proposed public transport upgrades and walking/ cycling connectivity in the area.
- 8.7.3. I am satisfied that adequate car parking will be provided to serve this development. The nature of development would suggest that there would be a reduced demand on car parking. I would suggest that a condition be included to provide for dedicated car sharing/ club parking and that a scheme be included as part of this development. This would further discourage the need for individual car parking spaces.
- 8.7.4. The proposed development provides for 313 bicycle parking spaces; the Limerick Development Plan (Table 14-2) indicates that a minimum of 262 should be provided for this development. There are already 61 spaces serving the existing block 06 on site. I would suggest that a condition be included that provision be made for cargo bicycle parking on site. This would support sustainable transport for shopping etc. over shorter distances, especially considering the proximity of the site to the city centre and to the Jetland Shopping Centre approximately 750 m to the north west on the Ennis Road.
- 8.7.5. Layout: The internal road layout and access points are acceptable. I note the concerns raised in the appeals; however, an adequate buffer zone is to be provided between the proposed development and the existing adjoining houses to address

concerns regarding nuisance from car parking. The site is located in an established urban area and where there was significant non-residential activity in the past. The reuse of the access from the North Circular Road is to be welcomed as this will restore an original entrance/ exit for pedestrian use. This access was provided with a lodge in the past and appears on historical maps of the area. The provision of additional pedestrian/ cyclist access points is to be welcomed as it improves permeability to/ from and within the site.

8.7.6. Traffic: The submitted Traffic and Transportation Assessment does not give rise to any concern regarding traffic on the local road network. The proposed development will have little impact on the existing capacity of the local road network and associated junctions. The applicant reports that the traffic generated from the existing apartment Block 06 was incorporated into the traffic analysis.

8.7.7. **Conclusion on Traffic and Car Parking:** I am satisfied that the proposed road layout and access points are acceptable. In general, pedestrian and cyclist provision are good within and to/ from the subject site. Adequate car parking is available on site and the proposed bicycle parking provision will ensure that the opportunity for cycling is encouraged/ provided for.

8.8. **Water Infrastructure and Flood Risk**

8.8.1. Water supply and foul drainage: Uisce Éireann reported no objection to the proposed foul drainage and water supply systems subject to conditions requiring the developer to enter into agreements with them. I am satisfied that the development can be connected to the public foul drainage and water supply systems.

8.8.2. Surface Water Drainage: The applicant has provided full details of their proposed surface water drainage system. Details of Greenfield Runoff Calculations are provided in Appendix C of the Punch Consulting Engineers Engineering Report. The surface water drainage system has been designed to accommodate 1 in 5 years, 1 in 30 year and 1 in a 100-year rainfall events whilst including a 30% in rainfall due to climate change. The SUDs proposal includes green roofs, the use of permeable paving, bio retention/ modified planter areas, and attenuation tanks.

8.8.3. No issues of concern were raised in relation to surface drainage on this site by Limerick City and County Council.

- 8.8.4. Flood Risk: Punch Consulting Engineers have prepared a 'Site Specific Flood Risk Assessment' SSFRA for this development. This is in accordance with 'The Planning System and Flood Risk Management Guidelines, 2009' and its technical appendices. The site is located in Flood Zone C; however, the site is close to an area in Flood Zone B and the assessment has therefore undertaken due diligence in relation to potential flooding. Full details of the site location and existing surface water drainage measures are provided in the SSFRA and includes reference to available sources of information.
- 8.8.5. The report concludes that the site is within Flood Zone C for both coastal and fluvial flooding. There is a low risk of flooding, and the proposed surface water drainage measures will address any issues regarding pluvial flooding.
- 8.8.6. **Conclusion on Water Infrastructure and Flood Risk:** From the submitted information and the available information, I am satisfied that the risk of flooding on site is low and that that the proposed development will not adversely affect adjoining lands. The subject lands are located within Flood Zone C and Limerick City and County Council did not raise any issues of concern regarding flooding. The proposed development will provide for a comprehensive SUDs scheme ensuring that surface water run-off is at a greenfield rate.
- 8.9. **Other Matters**
- 8.9.1. **Archaeology:** AEGIS Archaeology Ltd were engaged by the applicant to undertake an 'Archaeological Impact Assessment'. In summary, there are no recorded monuments on site, the nearest are over 400 m away. The proposal has the potential to have an adverse impact on unrecorded subsurface remains due to the nature of the development. Proposed mitigation measures are provided in Section 6. 'Conclusions and Suggested Mitigation'.
- 8.9.2. The Limerick Archaeologist reported no objection to the development subject to conditions. These include the employment of an archaeologist during site works/ excavations etc. and notification of development in advance of works. These are standard conditions for a development of this nature.
- 8.9.3. **Conclusion on Archaeology:** I note the submitted reports and I agree with the recommendation of Limerick City and County Council. There is no indication that anything would be found on site but considering the site size and nature of

development it is appropriate that a suitable condition be included in any grant of permission.

8.9.4. **Ecological Impact Assessment:** The applicant engaged Moore Group to prepare an Ecological Impact Assessment (EclA), dated November 2023, and this was included in support of the application. No particular issues of concern were raised in the appeal about the impact of the development on ecology.

8.9.5. I am satisfied that the information provided is acceptable. This is a brownfield site with extensive hardstanding and a number of buildings on site. A number of surveys were undertaken, and I note the following:

- Mammals: No otter habitats or badger setts in the area.
- Bats: The site is not suitable for bats though 27 bat passes were recorded during the survey period; bats species were common types including pipistrelles. No bats were recorded exiting Ardhu House. Overall bat activity was low and as expected for an urban site such as this.
- Birds: Common types recorded and none of which are of conservation concern.
- Flora: As expected for a site such as this with extensive areas of hardstanding and buildings. Invasive species were identified on site including Japanese Knotweed, Three-cornered Leek, Himalayan Honeysuckle and Winter Heliotrope. A management plan was put in place and a survey undertaken in July 2023 found this plan to be working well.

8.9.6. In terms of assessment of effects, none in relation to flora and fauna by direct effects and indirect effects include potential for detrimental effects on water quality of the River Shannon through indirect pollution. Mitigation measures have been proposed to address any such issues. Suitable lighting will be provided on site that is bat friendly. No significant cumulative impacts were identified. Section 6. of the EclA provides details on the proposed 'Mitigation Measures' for the construction and operational phases of this development. The proposed landscaping plan will benefit biodiversity and includes the provision of bat boxes and swift nesting boxes.

8.9.7. I consider that the EclA demonstrates that the proposed development would not have a significant impact on flora and fauna. The appropriate landscaping of this site may have

benefits for biodiversity into the future, as would the provision of suitable bat boxes/ bat friendly lighting and swift nesting boxes.

8.9.8. **Other Issues raised in the Appeals:** A number of comments were made in relation to procedural issues and whilst I note these, sufficient information is provided to consider the nature and impact of this development on the area.

9.0 Appropriate Assessment (AA)

9.1 I have considered the proposed residential development of 167 units, childcare facility and associated site works in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report has been prepared by the Moore Group on behalf of the applicant and the objective information presented in this report informs this screening determination.

9.2 Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information,

I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Lower Shannon SAC and the River Shannon and River Fergus Estuaries SPA.

This conclusion is based on:

- Objective information presented in the Screening Report
- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the Lower Shannon SAC and the River Shannon and River Fergus Estuaries SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Lower Shannon SAC and the River Shannon and River Fergus Estuaries SPA.

Full details of the Appropriate Assessment are provided in Appendix 1 attached to this report.

10.0 Environmental Impact Assessment (EIA) Screening

- 10.1 This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 10.2 **Applicant's EIA Screening Report:** The applicant has submitted an EIA Screening Report, including Schedule 7 details, and which has been prepared by AWN Consulting dated November 2023, and I have had regard to same. Details of the applicant's project team are provided in Table 1.1 of the EIAR Screening Report. The submitted report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size at 2.19 hectares, number of residential units (167) and the fact that there is no likelihood of significant effects on the environment arising from the development, a formal EIAR is not required. Full consideration is provided of Class 15 in the submitted EIA Screening.
- 10.3 The Characteristics of the Proposed Development are provided in Section 3.0, including details of the size and design of the development, cumulation with other development, nature of demolition works, use of resources, production of waste, pollution and nuisances, risk of major accidents and/ or disasters and any risks to human health. Section 4.0 outlines the location and context of the proposed development, with section 4.3 detailing the 'Absorption Capacity of the Natural Environment'.
- 10.4 Section 5.0 details the 'Types and Characteristics of Potential Impacts' under headings as follows with potential impacts outlined:

Criteria	Construction/ Demolition Phase	Significant Effects	Operational Phase	Significant Effects
Population and Human Health	Negative, not significant and short-term – Mitigated through OCEMP	None	Negative, not significant and long-term	None
Land, Soils, Geology, Hydrogeology, Hydrology	Negative, imperceptible and short-term – Mitigated	None	Neutral, imperceptible and long-term	None

	through OCEMP			
Biodiversity	Minor adverse, slight, not significant and short-term – considered in AA/ NIS and EclA.	None	Minor adverse, slight, not significant and long-term – considered in AA/ NIS and EclA.	None
Air Quality	Not significant and short term – GHG related. Slight/ Negative, moderate/ negative and short term from construction – Mitigated through OCEMP	None	Neutral, Imperceptible and long-term.	None
Noise and Vibration	Negative, slight to moderate and short-term - Mitigated through OCEMP	None	Neutral, Imperceptible and long-term.	None
Landscape and Visual Impact	Residual impact is Short-term, moderate and neutral to negative.	None	Neutral, moderate and long-term.	None
Cultural Heritage and Archaeology	Neutral, Imperceptible and long-term.	None	Neutral, Imperceptible and long-term.	None
Traffic and Transportation	Negative, moderate and short term	None	Neutral, Imperceptible and long-term.	None
Material Assets - Utilities	Neutral, Imperceptible and long-term.	None	Neutral, Imperceptible and long-term.	None
Material Assets – Waste Management	Short-term, neutral and imperceptible	None	Neutral, Imperceptible and long-term.	None

- 10.5 Section 5.11 considers the 'Assessment of Potential for Cumulative Impacts' and any cumulative effect is short-term, not significant and will range from negative to neutral for the Construction and Demolition phase. Mitigation measures for adjacent developments are summarised. It is concluded that the construction/ demolition phase and the operational phase would not give rise to any likely significant cumulative environmental impacts which would warrant preparation of an EIAR.
- 10.6 Section 6.0 provides 'Findings and Conclusions' and no likely significant effects are foreseen as a result of this development, and there is no requirement for the preparation of an EIAR.
- 10.7 **Planning Authority Comment on the EIA Screening Report:** The Planning Authority reported no concern in relation to the submitted EIAR Screening and they agreed that there was no requirement for the preparation of a full EIAR and the development is subthreshold, is at a distance from sensitive receptors and is located in a heavily modified environment.
- 10.8 **EIA Screening Assessment:** Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:
- 500 dwellings
 - 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. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.
- 10.9 The applicant submitted an EIA Screening Statement with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the

environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application.

10.10 The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out the need for an EIAR.

10.11 I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. The impact of the development in combination with other developments in the area has also been considered and no significant effects on the environment arise.

10.12 **Appeal comments on EIA:** It was raised in the appeal that the information submitted in the EIAR Screening Report was not adequate to enable a full assessment to be undertaken. I would disagree with these comments, and I consider that sufficient information has been provided to enable an assessment of the submitted information. The site area and scale of development is subthreshold, and I am satisfied that there is no likelihood of significant effects on the environment. The submitted information is supported with an AA/ NIS, EclA, an AHIA/ Conservation Report and a Flood Risk Assessment. I note the issues raised in the appeals; however, I consider that no further environmental impact assessment is required for this development.

10.13 **Conclusion on EIAR Screening:** The application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. It is recommended

that a Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

11.0 Reasoned Conclusion on Significant Effects:

11.1 I consider that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow a reasoned conclusion to be reached on the significant effects of the proposed development on the environment, having taken into account, current knowledge and methods of assessment. I note also the contents of the 'Revised Environmental Impact Assessment Screening Report' dated February 2024, submitted in response to the Further Information Request issued by Limerick City and County Council.

11.2 I am satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. Having regard to the examination of environmental information contained above, and in particular to the EIAR, the addendum report dated February 2024, and supplementary information provided by the developer, and the submissions from the Planning Authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Population and Human Health: Impacts at construction stage include nuisance from construction such as dust/ noise/ traffic and visual impact as well as positives through the generation of employment opportunities. Operational stage impacts are likely to be positive with the provision of additional housing as well as the restoration of the protected structure. No significant negative impacts from the development and no significant residual effects are identified.
- Land, Soils, Geology, Hydrogeology and Hydrology: The impacts to be mitigated by construction management measures including control/ management of water/ surface water runoff, management of works in the vicinity of water courses, management of material removal/ delivery, control of use of fuel/ chemicals/ plant and machinery and management processes for unanticipated discharges on site. An Outline Construction Environment Management Plan (OCEMP) has been prepared to address any such concerns, with suitable mitigation measures prepared.

- Biodiversity: Impacts to be mitigated by the provision of a suitable surface water drainage network and best practice measures in accordance with the prepared OCEMP. Suitable bat friendly lighting will be provided on site and lighting will be controlled to ensure that there is no spillage onto adjoining lands. Other measures to be employed would be standard construction procedures for a development of this nature and the provision of Swift nesting boxes. Further details are provided in the NIS and EclA in relation to Biodiversity.
- Air Quality & Climate: The impacts will be mitigated by suitable measures taken on site during the construction phase of development with particular reference to construction traffic and construction material embodied carbon. These will be short term during the construction phase only. Dust during the demolition phase will be carefully controlled. The list of measures is standard for a development of this nature. No specific measures are required at operational stage of this development.
- Noise & Vibration: A list of relevant mitigation measures provided in the OCEMP, and the residual impact would be negative, slight to moderate and short-term for the duration of the demolition and construction phase. For operational phase, the impact would be neutral, imperceptible and long-term with noise/ vibration at a low level from heat pumps and also generated vehicle traffic as a result of the development.
- Landscape & Visual Impact: Site hoarding will be provided during the construction phase to restrict views of the construction site; other impacts would be mitigated through the OCEMP. Operational phase measures will rely on the design and type of materials that will be used for the proposed units and a suitable landscaping proposal is included with the application.
- Cultural Heritage – Archaeology and Architectural Heritage: The demolition/ construction phase is short term and does not give rise to impact on cultural heritage. Suitable measures are proposed in relation to archaeology, though the site is not known for archaeology and is not within an area of archaeological potential. No impacts are foreseen for the operational phase of the development.
- Traffic and Transportation: Additional traffic will be generated during the construction stage and a Traffic Management Plan will put in place. Full details of impact on the road network for the operation phase are provided in the TTA and

Outline Mobility Management Plan (OMMP) with a neutral, imperceptible and long-term impact expected.

- Waste Management: Suitable services and facilities will be provided on site during the construction phase. Public foul drainage and surface water systems will be utilised during the operational phase of the development with no issues of concern here.

The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment' (2018); 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015).

In conclusion, the submitted details have sufficiently demonstrated that the proposed development would not adversely impact on the existing environment. The proposed development is located on lands that are suitably zoned for residential development and these zoned lands have undergone Strategic Environment Assessment (SEA) as part of the preparation of the Limerick City and County Development Plan 2022 – 2028.

12.0 Recommendation

12.1 Having regard to the above assessment, I recommend that permission be Granted for the Large-Scale Residential Development (LRD) on a site at Ardhu House, Ennis Road, Roses Avenue and North Circular Road, Limerick for the conditions and reasons as follows.

13.0 Reasons and Considerations

Having regard to the provisions of the Limerick Development Plan 2022 - 2028, and the zoning for residential use, to the location of the site and to the nature, form, scale, and design of the proposed development, it is considered, that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development will also see works to a protected structure that will renovate the structure and return it to productive use from its current boarded up/ vacant status.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and would be in compliance with the statutory plans of the area.

14.0 Recommended Draft Order

14.1 Application:

For permission under the Planning and Development Act 2000 as amended, in accordance with plans and particulars, lodged with Limerick County Council on the 17th of November 2023, modified by further information received on the 29th of February 2024 and appealed to An Bord Pleanála on the 14th, 15th and 16th of May 2024.

Proposed Large Scale Residential Development:

- The provision of 167 residential units in the form of apartment and duplex units. Also includes the provision of a childcare facility, works to Ardhu House which is listed on the Record of Protected Structures (RPS no.3281) car/ bicycle parking, open space, internal road network, junctions with the public road network, and all associated site works.

- It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Apartments 2023 and a Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes, storage, and residential amenity areas.
- An Appropriate Assessment Screening Report/ Natura Impact Statement and an Environmental Impact Assessment Report have been included with the application.

Appeal:

Third Party appeal from Roger & Siobhan Long and Others, Peter Murphy, Marry Carroll and Michael and Geraldine Duffy against the decision of Limerick City and County Council who decided to grant permission for the proposed development in accordance with recommended conditions.

14.2 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.

14.3 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 observations received by it in accordance with statutory provisions.

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

- (i) the provisions and policies of the Limerick Development Plan 2022 - 2028,
- (ii) The zoning objective 'New Residential' of the Limerick Development Plan 2022 - 2028 and which seeks 'To provide for new residential development in tandem with the provision of social and physical infrastructure.'

(iii) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021, and Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

(iv) the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage, January 2024,

(v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing and Planning and Local Government, December 2023,

(vi) Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011,

(vii) the Childcare Facilities Guidelines for Planning Authorities issued in 2001,

(viii) the availability in the area of a wide range of social and both existing and planned transport infrastructure,

(ix) to the pattern of existing and permitted development in the area, and

(x) Submissions received, and

(xi) the Inspectors Report.

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and comply with the statutory plan of the area.

14.4 Appropriate Assessment (AA) – Stage 1:

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within an established town centre location and adequately serviced urban site, the Appropriate

Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than the Lower Shannon SAC and the River Shannon and River Fergus Estuaries SPA.

14.5 Appropriate Assessment - Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on the Lower Shannon SAC and the River Shannon and River Fergus Estuaries SPA in view of these sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

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

In completing the Appropriate Assessment, the Board accepted and adopted 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 site's 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 Site in view of the conservation objectives of the site. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

14.6 Environmental Impact Assessment (EIA):

The Board completed an environmental impact assessment of the proposed development, taking into account:

(a) The nature, scale and extent of the proposed development. The site is located on lands governed by zoning objective New Residential in the Limerick Development Plan 2022 – 2028,

(b) The environmental impact assessment report and associated documentation submitted in support of the planning application including the addendum report of the applicant.

(c) The submissions from the Planning Authority, and the prescribed bodies in the course of the application;

and

(d) The Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report and subject to

compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

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 residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The Board considered that the proposed development is, compliant with the Limerick City and County Development Plan 2022 - 2028, and the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and revised by further information except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and surface water management

3. The developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

4. The development shall be carried out on a phased basis, which shall be agreed in writing with the Planning Authority.

Reason: To ensure that adequate public open space, road and pedestrian/ cycle infrastructure be provided in accordance with the development of housing and in accordance with the plans of the Local Authority.

5. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the public house unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

6. The trading hours of the public house shall be submitted for the written agreement of the Planning Authority.

Reason: In the interest of clarity and residential amenity.

7. The Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report and the Natura Impact Statement submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

8. Each residential unit shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: In the interests of sustainable development and proper planning.

9. Details of the materials, colours, and textures of all the external finishes to the proposed buildings 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.

Reason: In the interest of visual amenity.

10. 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 such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

11. 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 apartment unit and demonstrate

that it is bat friendly.

Reason: In the interests of amenity and public safety, and to ensure the protection of bats.

12. The developer shall comply with the following requirements in relation to the alterations and restoration of the protected structure, Ardhu House, which shall be carried out in accordance with the document: “Architectural Heritage Protection – Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011):

(a) Details of the appointment of a Grade 1 accredited conservation architect, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.

(b) A schedule of all materials to be used in the treatment of the development including rainwater goods; masonry and renders and external and internal joinery shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

(c) Upon completion of the works, the conservation expert shall certify to the Planning Authority, that the specified works have been carried out in accordance with best conservation practice.

Reason: In order to ensure an appropriate standard of restoration works for this protected structure.

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

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.

14. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground.

Reason: In the interests of visual and residential amenity.

15. The road network serving the proposed development, including turning bays, junction with the public road, footpaths and kerbs, shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

16. Prior to the commencement of development, the developer shall submit proposals for the written agreement of the Planning Authority for the provision of a car share/ club scheme to serve this development. A minimum of three car parking spaces shall be allocated to this and the management of which may be by a third-party operator.

Reason: To reduce the need for car parking and to make efficient use of available parking.

17. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

18. A minimum of 10% of all car parking spaces serving the apartments shall 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.

Reason: To provide for and/ or future proof the development such as would facilitate the use of Electric Vehicles.

19. Prior to the commencement of development, the developer shall submit revised plans and details for the written agreement of the Planning Authority indicating the provision of facilities for the safe storage of a minimum of three cargo bicycles.

Reason: To encourage the use of sustainable forms of transport and to provide an alternative to car use.

20. The site shall be landscaped, and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

21. The proposed development shall include for the installation of Swift Bricks and Bat Boxes at appropriate locations to be agreed and approved by the Planning Authority prior to commencement of development.

Reason: to enhance the ecological value of the development.

22. Prior to the commencement of the Build-to-Rent element of the development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the Build-to-Rent units permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual Build-to-Rent residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first residential unit within the scheme.

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

23. Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation the Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

24. The communal resident facilities shall be occupied as part of the development and shall not be occupied as separate, commercial facilities. Details of the management and operation of same shall be submitted and agreed with writing with the planning authority prior to the operation of the facilities.

Reason: In the interest of residential amenity.

25. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

26. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. 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.

Reason: In the interest of sustainable waste management.

27. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) 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.

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

28. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

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

29. 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.

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

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

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

31. 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, as relevant, by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

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

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

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.

Paul O'Brien

Inspectorate

22nd July 2024

Appendix 1: Screening for Appropriate Assessment

Description of the Project:

- 14.1 I have considered the proposed Large Scale Residential Development, of 167 apartment/ duplex units, including childcare unit, car parking, open space, utility provision all associated site works, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report has been prepared by the Moore Group on behalf of the applicant and the objective information presented in that report informs this screening determination.
- 14.2 The subject site is located on lands adjoining and including Ardhu House to the south of the Ennis Road, west of Roses Avenue and north of the North Circular Road to the west of Limerick City. The site of approximately 2.19 hectares contains a mix of buildings including Ardhu House which is a protected structure (RPS no. 3281) though with extensions from the late 20th century, a large seven storey apartment block, a number of buildings that were vacant, some of which were boarded up, extensive areas of surface car parking, areas with construction materials deposited upon, landscaped areas and trees lines especially to the north and east of the site. To the west of the site is Woodfield House bar and restaurant, to the south is The Elms, a residential development of two-storey houses, and to the east and north are mostly two-storey houses.
- 14.3 The nearest European Sites are The Lower River Shannon SAC, Site Code 002165, located 0.29 km from the site and the River Shannon and River Fergus Estuaries SPA, Site Code 004077 and which is 0.58 km from the subject site.

Potential Impact Mechanisms from the Project

- 14.4 The following impact could occur because of this development:

Construction Phase:

- Potential for habitat loss of QI species through an indirect pathway by way of the surface water drainage network, including: Sea Lamprey, Brook Lamprey, River Lamprey, Atlantic Salmon, Estuaries, Mudflats/ Sandflats not covered by seawater at low tide, Bottlenose Dolphin, Otter, seabirds and waterbird and Wetlands – Effect A.

Operational Phase:

- Potential for habitat loss of QI species through an indirect pathway by way of the surface water drainage network, including: Sea Lamprey, Brook Lamprey, River Lamprey, Atlantic Salmon, Estuaries, Mudflats/ Sandflats not covered by seawater at low tide, Bottlenose Dolphin, Otter, seabirds and waterbird and Wetlands – Effect B.

Having regard to the above potential impacts, the following can be excluded at this stage.

- Uncontrolled release of sediments etc to air would not impact on designated sites due to the separation distance.
- Light, noise and vibration disturbance can be ruled out due to distance from designated sites.

No direct impacts have been identified and a total of two indirect impacts have been identified that may give rise to significant effects on the Conservation Objectives of designated sites – labelled as Effect A and B, in the absence of mitigation measures.

Likely significant effects on European Sites –

14.5 The following table identifies European Sites that may be at risk of impact due to the proposed development, full details of the qualifying features at risk are provided in the applicant’s report:

Table 1 – European Sites at risk of impacts from the proposed development			
Effect Mechanism	Impact Pathway/ Zone of Influence	European Site	Qualifying features at risk
Habitat degradation as a result of hydrological impacts.	The proposed development lies approx. 0.29 km from this European site.	Lower Shannon SAC [002165]	Sea Lamprey, Brook Lamprey, River Lamprey, Atlantic Salmon, Estuaries, Mudflats/ Sandflats not covered by seawater at low tide, Bottlenose Dolphin and Otter.
Habitat degradation as a result of hydrological impacts.	The proposed development lies approx. 0.58- km	River Shannon and River Fergus	seabirds and waterbird and Wetlands.

	from this European site.	Estuaries SPA [004077]	
--	--------------------------	-------------------------------	--

All other European sites can be excluded from further assessment due to distance, nature of development and lack of ecological connection between the designated site and the subject lands.

Likely significant effects on the European sites ‘alone’ –

14.6 This section of the assessment considers if there are significant effects alone and whether it is possible that the conservation objects might be undermined from the effects of only this project.

14.7 The following table provides the relevant information:

Table 2 – Could the project undermine the Conservation Objectives ‘alone’			
European Site and qualifying feature	Conservation Objective	Could the Conservation Objectives be undermined?	
		Effect A	Effect B
Lower Shannon SAC [002165]	To restore the favourable conservation condition of Sea Lamprey and Otter in the SAC, which are defined by a list of attributes and targets, and to maintain the favourable conservation condition of Brook Lamprey, River Lamprey, Atlantic Salmon, Estuaries, Mudflats/ Sandflats not covered by seawater at low tide, and Bottlenose Dolphin which are defined by a list of attributes and targets.	Y	Y
Reason:	Impact on water quality at construction/ operational phases may undermine the Conservation Objectives of this SAC.		
River Shannon and River Fergus Estuaries SPA [004077]	To restore the favourable conservation condition of the habitat in the SAC which is defined by a list of attributes and targets.	Y	Y
Reason:	Impact on water quality at construction/ operational phases may undermine the Conservation Objectives of this SAC.		

I conclude that the proposed development would have a likely significant effect 'alone' on QIs associated with the Lower Shannon SAC and the River Shannon and River Fergus Estuaries SPA due to water degradation, by indirect impacts.

An Appropriate Assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and other projects is not required at this time.

Appendix 2: Stage 2 – Appropriate Assessment

- 15.1 The applicant has provided a Natura Impact Statement in accordance with the requirements of the Stage 2 Appropriate Assessment process.
- 15.2 I am satisfied that the submitted NIS is in accordance with current guidance/ legislation/ best practice and the information included within the report in relation to baseline conditions and potential impacts are clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse effects of the proposed development on Lower Shannon SAC and the River Shannon and River Fergus Estuaries SPA, where it has been established that there is a possibility for significant effects on the European sites, in the absence of mitigation as a result of hydrological impacts and habitat degradation. As reported in the AA Screening, all other European designated sites can be excluded from the need for further assessment.
- 15.3 The NIS identifies and assesses possible adverse effects of the proposed development on specific Qualifying Interests and Conservation Objectives of these designated sites. A description of the Conservation Objectives of the European sites in the vicinity of the subject site, Lower Shannon SAC and the River Shannon and River Fergus Estuaries SPA, is provided in Section 3.2 of the NIS. The significant effect on European Sites is identified, in summary as follows:
- Habitat degradation due to hydrological reasons, through pollution of surface water, thereby changing water quality. Surface water on site will be collected and discharged via traditional drainage and through SUDs measures to an existing 225 mm diameter surface water pipe which in turn discharges to a 375 mm diameter sewer on the North Circular Road and which flows northwards eventually discharging to the River Shannon.
- 15.4 Section 3.6 provides details of the mitigation measures proposed for the construction and operational phases of this development. These measures are summarised as follows:

Impacts requiring mitigation	Mitigation measures:
-------------------------------------	-----------------------------

<ul style="list-style-type: none"> Habitat degradation due to hydrological reasons – Construction Phase 	<ul style="list-style-type: none"> Measures taken to ensure that exposed soil surfaces are stable so as to minimise erosion. Runoff will be prevented from entering any water courses. Standard measures will be employed during the construction phase. Measures to be undertaken during the use of concrete – washout in controlled areas – impermeable layer to be used here, and concrete waste to be disposed of in accordance with best practice. Suitable storage of fuels, chemicals and cement on site. Refuelling to be off-site where possible. Provision of Emergency Response/Contingency Plans. Daily checks to be carried out and recorded in a surface water management log.
<ul style="list-style-type: none"> Habitat degradation due to hydrological reasons – Operational Phase 	<ul style="list-style-type: none"> Surface water to be collected and discharged through on-site and public systems. The surface water system has been designed to take account of 1 – 5, 1 – 30 and 1 – 100-year rainfall events. A 30% increase in rainfall has been included in assessments and also 10% for urban creep. SUDs measures are to be provided on site. Provision of Green roofs, permeable surfaces and bio-retention/ modified planters on site. An oil interceptor will be incorporated into the surface water network. Provision of two attenuation tanks in the design of the surface water drainage system.

15.5 Consideration is given in the NIS to in-combination effects and Table 3 of the NIS provides a list of planning applications permitted in the vicinity of the subject site, with details of measures to ensure that there is no pollution of designated sites.

15.6 In conclusion, the NIS reports 'It is the conclusion of this NIS, on the basis of the best scientific knowledge available, and with the implementation of the mitigation and restriction measures set out under Section 3.6, that the possibility of any adverse effects on the integrity of the European Sites considered in this NIS (having regard to their conservation objectives), or on the integrity of any other European Sites (having regard to their conservation objectives,) arising from the proposed development, either alone or in combination with other plans or projects, can be excluded beyond reasonable scientific doubt.'

15.7 NIS Assessment:

15.8 I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

15.9 The Lower Shannon SAC and the River Shannon and River Fergus Estuaries SPA are subject to appropriate assessment. A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and have already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website.

15.10 **Aspects of the Development that could adversely affect the designated sites:** The main aspects of the development that could impact the conservation objectives of the European sites are through habitat loss by deterioration of water quality, during the construction and operational phases of the development. The subject site is within 300 m of a designated site and therefore considerations of distance and dilution effect on any pollutants entering the surface water drainage system can be ruled out.

15.11 Mitigation: A range of mitigation measures are provided in the NIS, and these are noted. These refer to the construction and operational phases of the development as provided in the applicant's report.

15.12 Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse

effects on the integrity of designated European sites based on the outlined mitigation measures. I consider that the mitigation measures are necessary having regard to the proximity of the site to the Lower Shannon SAC and the River Shannon and River Fergus Estuaries SPA. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan.

15.13 In Combination Effects: No issues of concern are raised subject to the full implementation of mitigation measures outlined in the NIS. Appropriate measures to ensure the protection of water quality have been included in the listed applications in Table 3 of the NIS.

15.14 Appropriate Assessment Conclusion:

15.15 The proposed residential development at Ardhu House, Ennis Road, Limerick has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

15.16 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Lower Shannon SAC and the River Shannon and River Fergus Estuaries SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

15.17 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Lower Shannon SAC and the River Shannon and River Fergus Estuaries SPA.

15.18 This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the Lower Shannon SAC and the River Shannon and River Fergus Estuaries SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.

- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Lower Shannon SAC and the River Shannon and River Fergus Estuaries SPA.

15.19 I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Lower Shannon SAC and the River Shannon and River Fergus Estuaries SPA.