



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320057-24

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<b>Development</b>	Construction of six bedroom children's respite home facility and all associated site works.
<b>Location</b>	Woodstown & Garraun, Annacotty, Co. Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	2460335
<b>Applicant(s)</b>	Avista CLG
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Avista CLG
<b>Observer(s)</b>	Joseph Ryan
<b>Date of Site Inspection</b>	23 <sup>rd</sup> of September 2024.
<b>Inspector</b>	Oluwatosin Kehinde

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## 1.0 Site Location and Description

- 1.1. The appeal site is located approximately 600 meters outside Limerick City and Suburbs Development Boundary. The site is triangular in nature with R506 regional road to the southwest and L50608 (L5152) to the northwest.
- 1.2. The site is west of the M7 dual carriageway Motor Way. The site is greenfield in nature and there a number of rural dwelling units in the immediate vicinity to the north and east of the site.
- 1.3. The site is immediately east of St Vincents Disability and Support organisation Services site severed by R506 Barringtonsbridge Road. The St Vincents site is approximately 53 ha in size located in Lisnagry on the eastern edge if Annacotty Village.

## 2.0 Proposed Development

- 2.1. It is proposed to construct six children's respite home facility and all associated site works

## 3.0 Planning Authority Decision

### 3.1. Decision

Planning permission was refused by the Planning Authority (PA) by reason of location, wastewater treatment provision and within the constraints area of the Limerick Northern Distributor Road.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The decision to refuse permission by the PA was informed by the Planning Officer's (PO) report dated 4<sup>th</sup> June 2024. The report assessed the rationale for the location of the proposed development having regards to public services and facilities and concluded that the development was not acceptable in principle.

- The report also assessed the partial location of the development in the constraints corridor of the Limerick Northern Distributor Road (LNDR) and proposed wastewater system.
- The PO considered that the development will not exercise a significant effect on the conservation status of any SAC and SPA and therefore an Appropriate Assessment is not necessary.
- The preliminary EIA examination of the development by the PO concluded that the development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001 (as amended) and as such a screening determination was not required.
- The Planning Officer (PO) concluded that the development would constitute an unacceptable haphazard development and recommended that permission be refused.

### 3.2.2. Other Technical Reports

- Roads Section – report dated 04<sup>th</sup> June 2024 recommended approval subject to conditions.
- Transport Strategy – Report dated 2<sup>nd</sup> May 2024 stated no objections subject to the footprint of the development falling outside the LNDR corridor
- Mid West National Roads Design – Report dated 30<sup>th</sup> May 2024 offered no observations to the proposed development.
- Environment and Climate Action – Report dated 04<sup>th</sup> of June 2024 recommended no objections subject to conditions
- Fire Service – Correspondence dated 1<sup>st</sup> May 2024 submitted no objections to the proposed development.

### 3.2.3. Refusal Reasons

The PA refused the proposed development for the following reasons:

- The site of the proposed development is located within the area of strong urban influence as defined in the Limerick Development Plan 2022-2028. It is considered that the proposed development does not come within the scope of the housing need criteria as set out in the Development Plan and the proposal

would conflict with the provisions of the Limerick Development Plan to provide healthcare facilities on appropriately zoned land where infrastructure can be provided.

- The proposed development, by reason of its location and proposed wastewater treatment provision would constitute a haphazard development, set an undesirable precedent for similar such developments and would be at variance with the general character of the area. The proposal if permitted would be contrary to the proper planning and sustainable development of the area.
- The proposed development is partially located within the constraints area of the Limerick Northern Distributor Road. Having regards to Objective TR O36 Limerick Northern Distributor Road of the Limerick County Development Plan 2022-2028, the proposed development is premature pending the determination of the route selection for the Limerick Northern Distributor Road. Accordingly, the proposed development is contrary to the proper planning and sustainable development of the area.

### **3.3. Prescribed Bodies**

- Transport Infrastructure Ireland (TII) – Report dated 30<sup>th</sup> April 2024 offered no observations to the proposed development.
- Uisce Eireann – Report dated 11<sup>th</sup> May 2024 stated no objections subject to conditions

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

Third party observations were received by the PA and can be summarised as follows:

- Welcome for the development and support for a purpose designed respite facility
- Opportunity to extend public sewer connections to all existing houses along the L5152 Cu de Sac

- Property ownership and car parking
- Flooding and drainage issues

## 4.0 Planning History

No planning history on the site.

## 5.0 Policy Context

### 5.1. Development Plan

The Limerick Development Plan 2022-2028 is the statutory plan for the area. The site is located outside the settlement boundary of Limerick City and Suburbs and within the area Under Strong Urban Influence.

Section 10.3.2 of the Limerick Development Plan relates to council's support to the government's commitment to rural and community development in improving health and wellbeing and access to services.

Policy SCSI P4 states

It is a policy of the Council to support the objectives contained in *Our Future: Rural Development Policy 2021-2025* in enhancing public services for rural communities.

Section 10.7 of the Limerick Development Plan relates to health and Respite Care and it is the Objective (SCSI O15) under the plan to:

- a) Support and facilitate development and expansion of health service infrastructure by the Health Service Executive, other statutory and voluntary agencies and private healthcare providers in the provision of healthcare facilities at appropriate locations - including the system of hospital care and the provision of community-based primary care facilities, mental health and wellbeing facilities.
- b) Encourage the integration of appropriate healthcare facilities within new and existing communities

Section 11.5.3 of the Limerick Development Plan provides development standards for Health Care Facilities in the city and county.

## Objective TR O36 – Limerick Northern Distributor Road

It is an objective of the Council to:

- a) Support the development of the Limerick Northern Distributor Road, which will connect the Coonagh to Knockalisheen Road Scheme to the existing R445 (old N7) and adjoining road network to the east of Limerick City, which will incorporate Smarter Travel measures, in accordance with all environmental and planning assessments.
- b) Ensure the LNDR will be subject to the Spatial Planning and National Roads Guidelines and its implementation will not support any significant development along the route, subject to any strategic and/or national considerations.

## Objective HO O20

It is an objective of the Council to consider a single dwelling for the permanent occupation of an applicant in the area under Strong Urban Influence, subject to demonstrating compliance with ONE of the criteria below:

1. Persons with a demonstrable economic need to live in the particular local rural area; Persons who have never owned a house in the rural area and are employed in rural-based activity such as farming/bloodstock, horticulture or other rural-based activity, in the area in which they wish to build, or whose employment is intrinsically linked to the rural area in which they wish to build, or other persons who by the nature of their work have a functional need to reside permanently in the rural area close to their place of work (within 10km). (Minimum farm size shall be 12 hectares for farming or bloodstock). The applicant must demonstrate that they have been actively engaged in farming/bloodstock/horticulture or other rural activity, at the proposed location for a continuous period of not less than 5 years, prior to making the application. In the event of newly acquired land, to demonstrate that the proposed activity would be of a viable commercial scale, a detailed 5-year business plan will be required.
2. Persons with a demonstrable social need to live in a particular local rural area; Persons who have never owned a house in the rural area and who wish to build their first home on a site that is within 10km of where they have lived for

a substantial period of their lives in the local rural area (Minimum 10 years). The local rural area is defined as the area outside all settlements identified in Levels 1 – 4 of the Settlement Hierarchy. Excluding Level 4 settlements, where there is no capacity in the treatment plant.

3. Persons with a demonstrable local exceptional need to live in a particular local rural area, examples include:
  - a. Returning emigrants who have never owned a house in the rural area, in which they lived for a substantial period of their lives (Minimum 10 years), then moved away or abroad and who now wish to return to reside in the local rural area (within 10km of where they lived for a substantial period of their lives). The local rural area is defined as the area outside all settlements identified in Levels 1 – 4 of the Settlement Hierarchy. Excluding Level 4 settlements, where there is no capacity in the treatment plant.
  - b. A person who has lived a substantial period of their lives in the local rural area, (at least 10 years), that previously owned a home and is no longer in possession of that home, due to the home having been disposed of following legal separation/ divorce/repossession and can demonstrate a social or economic need for a new home in the rural area.

## 5.2. **Natural Heritage Designations**

The Lower River Shannon SAC (site code 002165) is located approximately 400 metres west of the appeal site.

## 5.3. **EIA Screening**

- 5.3.1. Having regard to the nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.



## 6.0 The Appeal

### 6.1. Grounds of Appeal

- It is submitted that the proposed development is not for residential dwelling use but for Health and Respite Care medical related use and therefore, the proposal does not come within the scope of housing need.
- Opinion is taken that Objective HO O20 has no relevance to the proposed development
- Presents that Objective SCSi O15 supports the proposed development and considers the site to be appropriate.
- It is considered that the proposal does not give rise to precedence and that the development be considered on its merits.
- The proposed development is not at variance with the character of the area and the development can be served by a private foul sewer located within the neighbouring St Vincent Campus.
- Uisce Eireann has not raised any issue with the proposed foul drainage connection arrangements.
- The site is partially located within the constraints area of the Limerick Northern Distributor Road (LNDR) and it is submitted that the proposed development does not present any restrictions to this road objective.
- It is stated that the Limerick Shannon Metropolitan Area Transport Strategy 2040 (LSMATS) has been published after the Limerick Development Plan and the LNDR has been excluded from being part of the LSMATS.
- The PA prematurely rejected the proposed development and it is opined that the proposal is in accordance with the proper planning and sustainable development of the area.

## 6.2. Observations

- The observation disputes the interpretation of the Exempt Development requirements presented by the appellant under the First Party Appeal.
- It is stated that the development includes the construction of a soak pit and drainage channel which would create risk of potential injury to pedestrians and motorists from road flooding.

## 7.0 Assessment

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

- Principle of Development and Development Plan Compliance
- Location and Design
- Infrastructure
- Limerick Northern Distributor Road (LNDR)

7.2. Principle of Development and Development Plan Compliance

7.2.1. The applicable development plan for the proposed development is the Limerick Development Plan 2022-2028 and the site is located in the rural area of Woodstown. The site is unzoned and just outside the city boundary of Limerick City and Suburbs. While the development plan does not contain specific guidance for unzoned lands, section 10.7 of the Limerick Development Plan relates to health and respite care. It is the objective (SCSI O15) under the plan to support and facilitate development and expansion of health service infrastructure in the county. The plan also encourages the integration of appropriate healthcare facilities within new and existing communities.

7.2.2. I also note that under Section 11.5.3 of the development plan, applications for health care facilities are to be considered on their own merit. I consider the proposed development to be associated with the existing St Vincents Centre. St Vincents is an organisation that provides disability and support services within a 53ha site. The

proposed development will therefore provide a respite home for children with additional social and health needs. The proposal involves providing temporary relief in a residential setting for children and the proposed respite building will be designed to integrate with the existing community. In the PO report dated 4<sup>th</sup> of June 2024, I note the Planner's assessment of the development as a stand-alone facility.

7.2.3. However, I consider that while the R506 Regional Road separates the site from the existing St Vincents centre, the proposed facility is an extension of the health care services provided by St Vincents. Accordingly, the proposal will be assessed as such. I am of the opinion that the separation from the main centre is a key design criteria for the respite facility to provide a 'home from home' environment for the children who will benefit the facility. Therefore, having regards to provisions of the Limerick Development Plan, I am satisfied that the proposed development is acceptable in principle.

7.2.4. The site is located within the area of strong urban influence and The PO report concluded that the proposed facility did not come within the scope of the housing need criteria and as such conflicted with the development plan to provide healthcare facilities on zoned lands. I agree that the proposed development does not come within the scope of housing need and I consider that the housing need criteria as set out in the plan is purely for the benefit of single rural dwellings. I consider that the proposed development is a healthcare support service and that, Objective HO O20 does not apply in this instance. Accordingly, the proposal will be considered on its own merits and as an extension to the existing St Vincents Centre.

### 7.3. Location and Design

7.3.1. The proposed respite facility is located in Woodstown near Garraunykkee and the site is 0.85ha in area. The site is within a cluster of residential dwellings with St Vincents Centre Complex situated west of the site. The proposed facility is a single storey building. The development has a gross floor area of 376sqm and the proposed building is articulated in a "U" block design consisting of six bedrooms, sensory room, clinical room and other associated spaces. The building has a maximum height of c. 6.6m at ridge level and encloses a playground area.

7.3.2. I consider the form of the proposed building to be modest in nature and sympathetic to the existing properties in the area. The proposed external finishes of the building

is characterised by mainly timber-effect cladding and stone wall. Having regards to the design, scale and setting of the proposed respite facility, I consider that the development will not impact on the character of the area.

- 7.3.3. The site is within the same landholding as St Vincent's Centre and there is an existing wastewater and water supply network within proximity of the site. I consider that the location of proposed facility is appropriate having regards to the existing community, the St Vincent's Centre and the available infrastructure within the area.

#### 7.4. Infrastructure

- 7.4.1. The proposed development will be accessed through an existing local road L5152. This local road will be accessed via a regional road R506. I am satisfied that the existing road network can accommodate the facility. The Roads Section of the PA, in their report dated 4<sup>th</sup> of June 2024 stated approval subject to conditions.

- 7.4.2. The proposed building will connect to an existing private waste water network within St Vincents Centre. There is also an existing watermain network adjacent to the site along L5152 and connection for the development will be made at the entrance area of the site. Surface water from the development will be managed by Sustainable Drainage System measures in rain gardens. I note the observation from Uisce Eireann regarding connection agreement(s) and adhering to their code of practice. I also note that Uisce Eireann had no objection to the development.

- 7.4.3. I am satisfied that the proposed development can be appropriately served by the existing infrastructure within the area.

#### 7.5. Limerick Northern Distributor Road (LNDR)

- 7.5.1. It is the policy of Limerick City and County Council to deliver the Limerick Northern Distributor Road (LNDR) and the site is partially located within the constraints area of the LNDR. The main respite building will be located outside of the constraints area, however the carparking, landscaping, rain gardens and footpath are within the constraints area.

- 7.5.2. I note Objective TR O36 of the Limerick Development Plan precludes any significant development being supported along the LNDR route. I refer to the PA refusal reason three and note that there were no objections from the transport section of the council in relation to the development. While it is acknowledged that the development partially

overlaps into the LNDR constraints area, I am satisfied that the works therein can be reconfigured outside the constraints area. I consider the development works within the constraints area not to be significant and can be relocated elsewhere on the site. Therefore, the car parking, drainage and other ancillary site works within the constraints area should be located outside the LNDR constraints area. This can be addressed by way of condition.

## 8.0 AA Screening

8.1. Having regard to the nature and scale of the proposed development, the receiving environment, the separation distances, and the absence of any pathway to European sites, it can be concluded that the development, alone or in-combination with other plans or projects, would not give rise to any significant effects on any European site. As such, there is no requirement for a Natura Impact Statement in this case.

## 9.0 Recommendation

I recommend that permission be granted, subject to conditions, for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

10.1.1. Having regard to the nature and scale of the proposed development, its association with St Vincents Centre and the existing community, it is considered that the proposal would be in accordance with the Limerick Development Plan 2022-2028, and subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	The development shall be carried out in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions
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	<p>require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Revised drawings shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development for the following:</p> <p>(a) Associated car parking, drainage and other ancillary site works located within the LNDR Constraints area shall be relocated outside of the constraints area.</p> <p>Reason: In the interests of clarity.</p>
3.	<p>Details of the materials, boundary treatments, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development</p>
4.	<p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of sustainable transport and safety.</p>
5.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network. Adhere to any other specific requirements.</p>

	Reason: In the interest of public health and to ensure adequate water/wastewater facilities.
6.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) located outside buildings or not attached to buildings shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>
8.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads, including responsibility and repair for any damage to the public road to the satisfaction of the planning authority, during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
9.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>(a) The proposed SuDS measures shall be implemented in full. A final SuDS design and maintenance plan shall be submitted for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>

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

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Oluwatosin Kehinde  
 Planning Inspector

22<sup>nd</sup> October 2024



## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	320057-24		
<b>Proposed Development Summary</b>	A 6-bedroom respite home care development		
<b>Development Address</b>	Woodstown, Co. Limerick		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>	X		No EIAR or Preliminary Examination required
<b>Yes</b>			Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector: Oluwatosin Kehinde      Date: 22/10/2024**