



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320326-24

#### Development

Partial demolition of a hotel for the construction of an eight-storey mixed-use development consisting of 84 residential apartments, childcare facility and retail units and all associated site works. The development will also include upgrades and modifications to the current hotel on site. A Natura Impact Statement (NIS) has been prepared in respect of the proposed development.

#### Location

South Court, Raheen, Dooradoyle, Limerick

#### Planning Authority

Limerick City and County Council

#### Planning Authority Reg. Ref.

2360703

#### Applicant

Can2 Investments Limited

#### Type of Application

Permission

#### Planning Authority Decision

Grant permission

#### Type of Appeal

First and Third Party

**Appellants**

- (1) Angela Keogh & Others
- (2) Tom Ryan
- (3) The Grange Residents Association
- (4) Can2 Investments Limited

**Observer**

Eamonn Deegan

**Date of Site Inspection**

11<sup>th</sup> of December 2024

**Inspector**

Siobhan Carroll

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## 1.0 Site Location and Description

- 1.1. The appeal site is located at South Court, Raheen, Dooradoyle, Limerick. It lies on the south-western side of the city approximately 2km from the City Centre. The Raheen roundabout at the junction of the R526 and the R510 is situated immediately to the east of the appeal site.
- 1.2. The site has a stated area of 0.935 hectares and it comprises the northern section of the site occupied by the South Court Hotel which includes the 'Off The Bone' gastropub and 'The Curry House' restaurant. The site includes the area of surface car parking to the west of the gastropub and restaurant and also an area of parking to the south. The South Court Hotel contains a total of 152 no. bedrooms and suites and has conference facilities. It is served by surface car parking to the western side of the building with further surface car parking to the eastern side of the hotel adjacent to the boundary with the R526.
- 1.3. The existing vehicular access to the hotel is from an access road off the R510 to the north. This access road also serves housing to the west at Courtfields. The Courtfield Shopping Centre is located to the north-west of the appeal site. It contains a mix of retail and commercial premises which includes AIB, Centra, Raheen Pharmacy, hairdressers, beauty salon, gym, pizza take-away, Asian food take-away, fish and chip take-away and Betting shop.
- 1.4. The area surrounding the site is characterised by a mix of uses with primarily residential development to the north and west. The Grange and Courtfields housing areas contain two-storey detached and semi-detached properties. St. Nessan's National School is located to the north of Grange housing estate and it is accessed from the R510. The Blackthorns housing estate is situated to the north of the appeal site on the opposite side of the R510. It contains predominately two-storey semi-detached dwellings.
- 1.5. The Raheen Business Park lies to the eastern side of the R526. It contains companies including Analog Devices, Regeneron, Stryker and HSE. City Gate House is a four-storey office building which addresses the Raheen roundabout. It contains the premises of VHI and Blackrock Health. To premises of Caseys Furniture is located to the south-eastern side of the Raheen roundabout.

## 2.0 Proposed Development

### 2.1. Permission is sought for the following;

(1) The partial demolition of 1895sq.m of a building currently in use as the South Court Hotel and the construction of a 6 no. storey, 2 no. basement (a total of 8 levels) mixed use development on a 0.935ha site, which will be comprised of the following:

(a) 84 no. residential apartments comprised of:

(i) 42 no. 1 bed apartments;

(ii) 39 no. 2 bed apartments;

(iii) 3 no. 3 bed apartments.

(b) 1 no. Childcare facility (139 m<sup>2</sup>) and as well as dedicated secure open space (111.35 m<sup>2</sup>);

(c) The provision of internal residential amenity areas (330sq m) at first floor level which includes a gym and library;

(d) 2 no. retail units (Unit A: 1602 m<sup>2</sup>, Unit B: 45m<sup>2</sup>) with customer and staff carparking (2687m<sup>2</sup>);

(2) The development of a new 1 no. storey & 1 no. basement 'Hotel Link' between the South Court Hotel and the proposed mixed-use development (870sq. m.) to include hotel reception, café and seating area, commercial kitchen, staff welfare facilities and an extension to the existing 'Cream Room' Bar (107 m<sup>2</sup>);

(3) The provision of 149 no. car parking spaces (79 no. residential spaces at basement level with 70 no. customer spaces provided at lower ground floor level);

(4) The provision of bike parking for 170 no. residential and customer bicycles with additional secured staff bicycle parking facilities located at lower ground floor level;

(5) The provision of site landscaping (1343sq m) which includes communal open space and play equipment;

(6) Road upgrades to the existing site entrance and upgrades to the footpath along the R510, R526 and upgrades to the existing surface car parking on the northern portion of the subject site;

(6) Erection of signage on building façade (43.2sq m);

(7) All ancillary site development works.

A Natura Impact Statement (NIS) has been prepared in respect of the proposed development.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. The Planning Authority granted permission for the proposed development subject to 32 no. conditions.

3.1.2. The Planning Authority attached condition no. 5 to the grant of permission which omitted the fourth floor from the apartment development. This reduced the overall height of the building to six storeys and reduced the number of apartments from 104 to 84.

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

3.2.1. Planning Reports

3.2.2. Further Information was requested as follows:

1. (a) The Planning Authority has very serious concerns in relation to the impact the proposed development will have on the existing junctions in the area. The Traffic and Transport Assessment (TTA) submitted as part of the application is not satisfactory for the following reasons:

(i) Basic trips do not accurately reflect LCCC Roads Sections experience as to what is occurring on the ground at the peaks times.

(ii) The TTA does not clearly show the cumulative effect of one junction on another as it addresses each one separately.

(iii) The TTA does not clearly address the masterplan for the entire area.

(iv) The TTA states the predicted capacity for 2041 but does not appear to clarify the current junction capacity % or the opening year junction capacity %. (v) The TTA

does not take into account the LIHAF Road and the permitted applications and future applications along this road.

A revised TTA addressing the above to be submitted. The applicant is advised that the scale of the development may need to be reduced in order to meet the above requirements.

(a) The access to the permitted Primary Health Care Centre and the R526 from the R510 side of the development is considered to be over complicated. This may result in the majority of drivers exiting by way of Junction 4 only to the R510 rather than the traffic being split between the accesses (Junction 4 & 7). Please submit a Revised Site Layout Plan to show a more direct route off the proposed internal roundabout to the Primary Health Care Centre and to the access onto the Regional Road R526.

(b) Submit a Revised Site Layout Plan to show clear pedestrian routes throughout the site. This shall include how the pedestrian routes for the proposed development tie in with the pedestrian routes for the Primary Health Care Centre.

(c) Submit auto track simulation to show that HGV's can safely manoeuvre into the existing Courtfield neighbourhood centre

(d) The access to the Regional Road R526 must be opened prior to the opening of the proposed development to allow traffic to be split enter and exit the overall site. Clarification on how this is to be done to be submitted.

2. (i) The permitted Part 8 Scheme (22/8003) from Raheen Roundabout to Quinn's Cross Roundabout along the R510 is not reflected in the site layout drawings. The Part 8 Scheme runs along the North Eastern boundary of the site and consists of alterations to the footpath, a cycle lane with a pedestrian crossing point close by. There is no active travel link from the proposed upgraded junction which accesses onto the R510 into the scheme. A 3m wide dual cycle /pedestrian lane should be provided along the access road into Courtfield from the junction with R510, with appropriate markings and signage. Controlled crossing on each approach islands at the Raheen Roundabout in the interest of pedestrian safety to be provided. Please submit a Revised Site Layout Plan showing connections to the infrastructure approved as part of the Part 8 scheme (22/8003) demonstrating that there will be no impact on the ability of the Active Travel Team to successfully implement this scheme as permitted. The proposed development should also tie in with the



proposed cycling and walking infrastructure and the Part 8 scheme should be overlaid on the site layout plan.

3. The Lighting Design is not in line with Limerick City and County Councils Public Lighting Specification as the Lighting Design did not fully include the existing Limerick City and County Council road/footpaths L14416 off the R510. The applicant shall submit a revised Lighting Design in line with Limerick City and County Councils Public Lighting Specification.

4. Please submit revised Surface Water and SuDs Layout Plan for the written agreement with the Planning Authority to include the following: (i) All existing drainage within the redline boundary. (ii) Show how the existing/proposed drainage at the proposed upgrade road from the R510 to and including the internal roundabout.

5. (a) A childcare facility is proposed within the residential development scheme. Table DM 9(b) of the Limerick Development Plan requires cycle storage for one space per three staff. Submit a Revised Site Layout showing covered and secure cycle storage for staff in accordance with the minimum standards. Also, clarity in relation to the operating model of the childcare facility is required, will the facility be open to non-residents of the development? If this is the case covered, short-term storage spaces for parents that are dropping off or collecting their children should be provided located as close to the entrance of the building as possible so that it is accessible and convenient.

(b) In relation to the proposed foodstore, the area allocated in the basement to cater for retail users and staff of the foodstore shall include spaces for cargo bikes.

(c) In relation to the secure bike storage for the apartments the method as to how the spaces are secured is required. Please provide details of how the storage unit would be accessed by residents, managed and security measures including CCTV outlined.

(d) Safe Visitor bike parking close to the main entrance of both the residential component and the foodstore from the corner of the site is required, it is not necessary to cover these bike racks.

(e) The employees of the foodstore will require showers and lockers in addition to those proposed for the hotel employees to provide sustainable modes of travel to

and from work. The number of male and female showers proposed for both hotel employees and employees of the foodstore should be clearly outlined on a revised site layout.

6. In relation to the retail element please demonstrate compliance with the Limerick Development Plan and associated Retail Strategy having regard to the convenience floorspace permitted within the Limerick Shannon Metropolitan Area since the adoption of the plan. The applicant shall show compliance with 'Table 6.22: Final Future Retail Floorspace Potential (Cumulative) - Adjusted for Vacancy and Pipeline' as set out in the Retail Strategy. Additionally details of the proposed end user of the large retail unit to be submitted.

- 3.2.3. Planning Officer report dated: 9/7/24 – Following the submission of a response to the further information it was considered that the issues were satisfactorily addressed. It was concluded in the report of the Planning Officer that the proposed development, density, scale and height are deemed appropriate. It was concluded that the proposed development will not adversely affect the residential or visual amenity of nearby property and that it would visually enhance the area particularly given the strategic position at the entry point to the metropolitan area. A grant of permission was recommended.
- 3.2.4. Other Technical Reports
- 3.2.5. Roads Section – 16/11/23 – RFI required with regard to access, lighting arrangements and surface water disposal.
- 3.2.6. Roads Section – 08/07/2024 – Conditions recommended. Conditions with regard to public lighting, surface water drainage, pedestrian, cycling and car parking, CEMP and access onto the Patrickswell Road are recommended.
- 3.2.7. Transport & Strategy Section – 26/06/2024 – Conditions recommended. Conditions with regard to mobility management, cycling and car parking recommended.
- 3.2.8. Environment Section (Noise) – 14/11/23 – Conditions recommended. Environment Section – 07/11/23 - Comment noted and pre-commencement conditions shall apply.
- 3.2.9. Active Travel – 24/10/23 – RFI required with regard to bicycle parking etc.

3.2.10. Active Travel – 18/06/24 – Conditions recommended. There are no objections in principle to the proposal from an Active Travel perspective.

3.2.11. Fire Authority – 26/10/23 – No objection raised.

3.2.12. Heritage Officer – 16/11/23 – Conditions shall apply with regard to mitigation measures set out in NIS, landscaping plan etc.

3.2.13. Heritage Officer – 08/07/24 – There are no objections in principle to the proposal from the Heritage Officer's perspective. The most important aspects of the NIS and EclA documentation which would ensure no significant ecological effects with the mitigation measures which are presented and shall be conditioned.

3.2.14. Conditions

- Condition no. 4 - The developer shall pay the Planning Authority a special contribution of €100,000.00 (one hundred thousand euro) in accordance with Section 48 2 (c) of the Planning & Development Act 2000 (as amended) in respect of a zebra crossing. The contribution shall be paid prior to the commencement of development or in such a 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.

Reason: It is a requirement of the Planning and Development Act 2000 (as amended) that a condition requiring a special contribution in accordance with the Section 48 2 (c) of the Act be applied to the applied to the permission.

3.2.15. Condition no. 5 – Prior to the commencement of any development on site, the developer shall submit a revised design and layout removing the fourth floor from the building. This revision shall be submitted for written agreement of the planning authority. Reason: To protect the visual amenities of the area in the interest of proper planning and sustainable development.

3.2.16. Condition no. 7 – The access from the site onto the R526 shall be opened prior to the occupation of any part of the development to allow traffic to be split for entry and exit to the overall site. Reason: In the interest of the proper planning and sustainable development of the area, road safety and to protect the amenity of the area.

3.2.17. Condition no. 13. – Prior to the commencement of any development on site the developer shall submit the following for the written agreement of the planning

authority: (i) The construction and setting out of the central median onto the existing public road L14416 (internal access road) shall be agreed with the Planning Authority prior to works commencing on site. (ii) A Stage 2 Road Safety Audit shall be submitted for written agreement with the Planning Authority in compliance with the TII Publication 'Road Safety Audit GE-STY-01024' prior to the commencement of development. (iii) The Developer shall address all issues raised with the Audit in full, prior to any occupation of the development and submit Revised Site Layout Plans to include the recommendations of the Audits, which shall be clearly labelled for written agreement with the Planning Authority. (iv) A Stage 3 Road Safety Audit shall be completed and submitted for written agreement with the Planning Authority in compliance with TII Publication 'Road Safety Audit GE-STY-01024'. (v) Submit details of the proposed Audit Team for written agreement with the Planning Authority prior to proceeding with the Audit. (vi) Address all problems raised with the Audit in full prior to any occupation of the development and submit revised Site Layout Plans to include the recommendations of the Audits, which shall be clearly labelled for written agreement with the Planning Authority. (vii) The full details of the upgrade of the Raheen Roundabout with the inclusion of controlled crossings (Zebra Crossings) on each leg of the roundabout shall be agreed with the Planning Authority prior to the commencement of development. The final details of the design of the junction with the R510 to be agreed prior to the commencement of any development on site. (viii) All car parking spaces shall be individually marked out and all signage and road markings shall be kept maintained by the owner/operator of the site. (ix) The final design details of the central median and the signage and bollards to be used shall be agreed with the planning authority prior to the commencement of any development. (x) A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development. (xi) Construction details of the internal roundabout proposed to be increased in size shall be agreed with the Planning Authority prior to the

commencement of the development. (xii) Footpaths for the proposed development shall be in line with "TII Publications Specifications for Road Works Series 700 – Road Pavements & Specification for Road Works Series 900 Road Pavement-Bituminous. All bituminous road layers shall be machine laid. Photographic evidence & copies of docketts (which shall have the date time/location) shall be submitted to the planning authority upon completion of any phase of the development. (xiv) Prior to the opening/occupation of the development, the applicant shall outline proposals for the allocation and management of residential car parking on site. (xv) Prior to the opening/occupation of the development, a revised car parking layout shall be submitted to and agreed in writing with the planning authority. The revised layout plan shall clearly indicate designated parking spaces for car share use. Thereafter, the car share spaces shall be provided in accordance with the approved details. (xvi) All aspects of the development shall comply with the requirements set out in the attached advice note to this notification. Reason: In the interest of traffic, public safety and residential amenity.

3.2.18. Condition no. 14. Prior to the commencement of any development on site the developer shall submit the following for the written agreement of the planning authority: (i) The Lighting Design proposed for the L14416 is not in line with Limerick City and County Councils Specification and shall be revised and submitted for the written agreement with the Planning Authority prior to the commencement of the development. Warranties for this section of road shall fully comply with the specification. (ii) The construction and maintenance of the Public Lighting and its infrastructure, notification to Limerick City and County Council for inspection, Lighting Engineer inspection/certification shall be in line with Limerick City and County Council's Public Lighting Specification. (iii) The developer shall submit certification to the planning authority to confirm that the lighting has been erected as per the approved design upon completion of any phase of the development and prior to the occupation of any units within any phase of the development. Reason – In the interest of traffic safety, visual and residential amenity.

3.2.19. Condition no. 24 – (a) Swift/bat bricks shall be incorporated into the development construction. (b) A bat survey during the bat activity period (May to September) shall be carried out to confirm if any bat usage of the structure for demolition or trees for removal. No works shall commence until such time as these results have been

agreed in writing with the Planning Authority. (c) The demolition works, close to the trees that are being retained, shall be supervised by an arborist. (d) Vegetation clearance shall take place outside the bird nesting season (i.e. during the period 1<sup>st</sup> September to 1<sup>st</sup> of March). (e) The bat friendly lighting proposed in the Ecological Assessment Report submitted on file shall be put in place on site. (f) The mitigation measures mentioned in the Ecological Assessment Report shall be implemented in full. Reason – To ensure the conservation of the swifts and bats and minimise possible wildlife disturbance during the breeding season.

- 3.2.20. Condition no. 28 – Prior to commencement of development the developer shall submit a public realm plan to address the tie in with the adjoining footpaths, car parking areas and any other public realm elements outside the control of the developer. This plan shall consider security measures, lighting, surface water/biodiversity improvements to ensure a safe and inviting environment in line with the objectives outlined in the Limerick Development Plan, 2022-2028. Reason – To enhance pedestrian connectivity, public realm and urban legibility.

### **3.3. Prescribed Bodies**

- 3.3.1. Mid-West Roads – 19/10/23 – No observations made.
- 3.3.2. HSE – Environmental Health Service – 04/10/23 – Comments provided in relation to attachment of conditions.
- 3.3.3. TII – 10/10/23 – No observation made.
- 3.3.4. Irish Water – 23/10/23 – Condition recommended.

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

- 3.4.1. The Planning Authority received 15 no. submissions/observations in relation to the application. The main issues raised are similar to those set out in the third party appeals.

## **4.0 Planning History**

- 4.1.1. There is an extensive planning history detailed in the report of the Planning Officer. Relevant decided applications include;

- 4.1.2. Reg. Ref. 18/1177 – Conditional - Permission for 1. Provision of extension to the existing hotel building with single storey link building to 4 storey primary care facility of 3,353 sq. metres gross floor area, 2. Associated site works including electricity sub station, new access road from Patrickswell Road (R526) and associated landscape works to include reconfiguration of car parking area and dedication of 120 car parking spaces for Primary Care Use, 3. Change of use of existing ground floor conference centre (Part) to new use as Primary Care Centre to include a general medical practice clinic, consultation rooms, admin areas, treatment areas & pharmacy.
- 4.1.3. Reg. Ref. 01/2505 – Conditional – Permission for the construction of 30 no. additional bedrooms, 2 no. meeting rooms, 50 car parking spaces on 2 levels, additional toilet facilities, retaining wall at rear of site & vehicle exit onto N20 road.
- 4.1.4. Reg. Ref. 00/921 – Conditional – Permission for the construction of extension to dining room and extension to bar facilities.
- 4.1.5. Reg. Ref. 99/229 – Conditional – Permission for the construction of extension to existing hotel building comprising 53 no. bedrooms, conference facilities, car parking and associated services.
- 4.1.6. Reg. Ref. 98/65 – Conditional – Permission for the change of elevational treatment to include an extract fan to roof of hotel.

## **5.0 Policy Context**

### **5.1. Project Ireland 2040 - National Planning Framework**

- 5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. 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".
- 5.1.2. 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".

- 5.1.3. National Planning Objective 13 also 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”.

## **5.2. Section 28 Ministerial Guidelines**

- 5.2.1. 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 (2024)
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2023)
- Urban Development and Building Heights – Guidelines for Planning Authorities (2018)
- Retail Planning Guidelines (2012)

## **5.3. Climate Action Plan 2024**

- 5.3.1. The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland’s Climate Action Plan.
- 5.3.2. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy.



It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

#### **5.4. National Biodiversity Action Plan 2023-2030**

- 5.4.1. Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature.
- 5.4.2. The targets set out in the Plan are in the context of five objectives that lay out a clear framework for our national approach to biodiversity.
- Objective 1: Adopt a Whole of Government, Whole of Society Approach to Biodiversity.
  - Objective 2: Meet Urgent Conservation and Restoration Needs.
  - Objective 3: Secure Nature's Contribution to People.
  - Objective 4: Enhance the Evidence Base for Action on Biodiversity.
  - Objective 5: Strengthen Ireland's Contribution to International Biodiversity Initiatives.

#### **5.5. Limerick Development Plan 2022 – 2028**

- 5.5.1. Map 3: Limerick City and Suburbs (in Limerick), including Mungret and Annacotty – Zoning Map. Under the provisions of the plan the appeal site is located on lands which are zoned 'Local Centre.'
- 5.5.2. Volume 2a of the Plan which refers to Level 1 – Limerick City and Suburbs (in Limerick), Mungret and Annacotty. The subject site at South Court, Raheen, Dooradoyle, Limerick is located within the boundary of Limerick City and Suburbs, including Mungret and Annacotty.
- 5.5.3. Map 4 – refers to Limerick City and Suburbs (in Limerick), including Mungret and Annacotty – Density Map. The site at South Court, Raheen, Dooradoyle, Limerick is located within an area where there is an assumed residential density of 45+ per hectare.
- 5.5.4. Chapter 5 – refers to A Strong Economy

- 5.5.5. Objective ECON 02 – Limerick Suburbs Retail: It is an objective of the Council to ensure proposals which would undermine the vitality and viability of Limerick City Centre will not be permitted. The sequential approach to retail development set out in the Retail Planning – Guidelines for Planning Authorities, 2012 will be enforced, in the interests of supporting the City Centre at the top of the retail hierarchy. Any retail development in the District or Local Centres or Retail Warehousing zone shall comply with the Retail Strategy.
- 5.5.6. Objective ECON 05 – Local/Neighbourhood Centres: It is an objective of the Council to: (a) Only consider the enlargement of existing Local/Neighbourhood Centre retail sites where it can be demonstrated that it serves a substantial residential catchment within walking distance of the centre and has a tangible urban renewal benefit for the community. Suitable floor space areas of new convenience food stores in these locations are considered to be up to 1,800m<sup>2</sup> of net retail space. (b) Promote the development of new neighbourhood centres at Mungret, Ballysimon and Old Cork Road to serve a growing population within their catchment. (c) Require all proposed retail developments in Local/ Neighbourhood Centres to demonstrate compliance with the floor space capacity requirements set out in the Retail Strategy. A retail impact assessment shall be carried out for all developments in excess of 1,000 m<sup>2</sup>. (d) Promote improved pedestrian accessibility, permeability and safety within any proposed development works.
- 5.5.7. Building Height Strategy for Limerick City (adopted June 2022) is an accompanying strategy
- 5.5.8. Policy TB6 - Assessment of Tall Building
- 5.5.9. Limerick City and County Council will aim to protect the special character of the City Centre by applying the following provisions of this Building Height Strategy for Limerick City in the assessment of all proposals for tall buildings:
- Utilise the ‘Tall Building Classifications’ to determine the height of the building in its context;
  - Assess the proposal against the ‘Tall Building Recommendations’;
  - Apply the ‘Tall Buildings - High Level Principles’
  - Utilise the ‘Localised Assessment Tool - Tall Buildings’; and

- Apply the list of assessment criteria outlined in Policy TB 7.

#### 5.5.10. Policy TB7 - Assessment Criteria for Tall Building

Limerick City and County Council will take account of the following in assessing applications for tall buildings:

- The site context - Including inter alia topography, natural environment, landscape, height, built form, urban grain, scale, streetscape and impact on the skyline;
- Impact on significant buildings, views, landmarks and landscapes - Tall building proposals should address the potential effect on the setting of, and views to and from the following over a wide area:
  - \*Protected Structures
  - \*Architectural Conservation Areas
  - \*Sites on the Record of Monuments and Places
  - \*Public Parks and Open Spaces
  - \*The River Shannon and other water bodies
  - \* Significant views and prospects, specifically those identified on Map 6.10 of this Building Height Strategy for Limerick City;
- The architectural quality of the building - Including inter alia its form, scale, massing, facade materials, proportion, relationship to other structures and the design of the top portion in terms of its potential impact on the skyline;
- The impact on the local environment - Including inter alia overlooking, daylight and sunlight, microclimate, wind, overshadowing, glare, loss of privacy, over-bearance, and the impact on residents due to the use of the building;
- Compliance with best practice in terms of the facilitation of sustainable modes of transport and the delivery of transport orientated development - Specifically the level of public transport provision to the site, the capacity of the public transport network and the quality of links between the site and public transport;

- The impact on the surrounding context - Including inter alia localised views, the quality and scale of existing streets, spaces and adjacent buildings and the contribution to permeability at both the site level and the wider area;
- The contribution to wayfinding - This includes the building's role as a locational marker from the local, street level, to the wider City wide level;
- Sustainability and environmental performance - Including inter alia design, construction technology, materials, renewable energy initiatives, adaptability, operation and management;
- The contribution to public spaces, amenities and facilities, both internal and external - Including inter alia the provision of a mix of uses, especially at ground floor level, publicly accessible areas and spaces and the integration with and contribution to the public realm; and
- The quality of the built environment - From the perspective of those who will be using the building.

## **5.6. Natural Heritage Designations**

- 5.6.1. Lower River Shannon SAC (Site Code 002165) lies to the north, east and west of the appeal site at the closest point it is located circa 1.95km from the site.
- 5.6.2. River Shannon and River Fergus Estuaries SPA (Site Code 004077) lies to the north and west of the appeal site at the closest point it is located circa 2.4km from the site.

## **6.0 EIA Screening**

- 6.1.1. See Forms 1 and 2 in Appendices 1 and 2 attached below. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, or an EIA determination therefore is not required.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

Third party appeals have been submitted by (1) Angela Keogh & Others (2) Tom Ryan and (3) The Grange Residents Association.

#### **(1) Angela Keogh and Others**

- The third party appeal was submitted by Marston Planning Consultancy on behalf of the appellants Angela Keogh and Others. The issues raised are as follows;
- It is submitted that the proposed development will negatively impact upon the residential and visual amenity of the appellants and would result in a serious traffic hazard.
- It is submitted that the proposed development has an excessive density. The case planner stated that the proposed development has a density of 45 units per hectare. This is calculated on the application site. It is submitted that this is an incorrect calculation and interpretation of density that should exclude distributor roads, landscape buffers as well as open spaces serving a wider area.
- They submit that the density for the site once these spaces are excluded is closer to 140 units per hectare.
- The reduced density based on the development as granted by the Council at 112 unit per hectare remains excessive. The site which is located on the south-western periphery of Limerick can be defined as suburban/urban extension area under the Sustainable and Compact Settlement Guidelines where a density of 35 – 50 units per hectare should apply.
- The Guidelines recognise that higher densities can occur however this is reliant on the locations being highly accessible by public transport.
- The Planning Officer in consideration of the matter concluded that the site is within walking distance to a high frequency public transport service.

- A review of the timetable of the 301, 304, 304A, 304X and 314 indicates that services operate every half an hour during peak times which is not considered a high frequency public transport service. No public transport capacity survey was submitted with the application.
- The appellants highlighted the High Court decision by Justice Holland relating to a SHD application – ballyboden Tidy Towns Group v. An Bord Pleanala, The Minister for Housing, Local Government and Heritage Ireland and the Attorney General (2022) IEHC, 7, record no. 2020/816JR that concluded that public transport capacity is an intensely practical issue.
- It is stated in the judgement that section 3.2 of the Building Heights Guidelines sets public transport capacity as its very first criterion “The site is well served by public transport with high-capacity frequent service and good links to other modes of transport.”
- This becomes more important in relation to a high density scheme with such a high degree of one bed units that are likely to be even more relevant to public transport.
- It is stated in the judgment that capacity and frequency are distinct concepts. In order to assess public transport capacity at a bus stop serving the site it requires information not merely as to the frequency of buses but as to how full or empty the bus will probably be arriving at the bus stop already before you build the proposed development.
- It is submitted that the lack of an adequate capacity assessment fails to take any consideration of the fact that the site is at the periphery of the city and therefore only a small increase in numbers close to the site, could lead and has the potential to lead to a bus rather than still having capacity as it reaches the inner suburbs in that it is already full.
- It is submitted in this instance given the extent of local, high density development that has been granted permission a number of which have been overturned on those grounds a similar situation as discussed above arises.

- As has been concluded by the Courts, the intention to implement an improvements in bus services it is not a relevant consideration in planning terms until schemes such as Bus Connects is implemented.
- Concern is expressed that the proposed development would be car based. The car parking ratio of the development means that a significant amount of households will be reliant on public transport or cycling to get to work.
- This could equate to circa 33-35% of the households not having access to a car parking space. This would result in overspill car parking within surrounding residential areas including the adjacent Courtfields estate and particularly the adjacent cul-de-sac facing the site.
- It is submitted that the proposal has a significant under provision of car parking.
- The Planning Report accompanying the application considered that the maximum car parking for the proposed development would be 181 spaces. The further information response indicates 20 surface spaces within the red line 149 spaces with the double basement levels.
- 224 of the overall spaces are allocated to the hotel. It is unclear how the hotel will continue to utilise the spaces and no indication as to how the spaces will be managed.
- The proposed building height is considered excessive. They submit that the reduction from 7/8 storeys to 6/7 storeys and other changes to design have failed to address the negative visual impact and overbearing nature of the proposed development on the appellants.
- It is submitted that the Council have completely disregarded the impact of the proposed development on the adjacent houses within Courtfields. The nearest house in Courtfields would be only 33m away from the 8 storey development to the west.
- It is considered that the proposed heights fail to respect the scale and form of buildings and properties around the appeal site and will result in an abrupt transition in scale and a visually obtrusive development within the area that will negatively impact residential and visual amenities.

- It is considered that no attempt has been made to suitably transition the proposed development into its surrounding context. The reduction by one storey will not address this. The abrupt nature in the transition is stark. It is notable that this is compounded by the lack of any transition to the western side apart from at the very top storey.
- The appeal site is located in an area which can be described as a transitional zone in planning terms. It is recognised that the proposed development such as this should avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones.
- It is submitted that in zones abutting 'residential areas' or abutting residential development within mixed use zones particular attention must be paid to the use, scale and density of development proposals in order to protect the amenities of these residential properties.
- It is submitted that the scale and massing of the proposed development remains contrary to SPPR3 of the Building Height Guidelines. There is no built development nearby or within the local context that provides any form of justification of the scale and height of the current proposal particularly where there is no transition to reflect the surrounding environment.
- It is submitted that the applicant has failed to address the fact that the proposals are contrary to the need to support neighbourhood centres as a focal part of the community and neighbourhood they serve and to avoid excessive residential and retail development on them.
- It is submitted that there is a significant imbalance between the proposed residential component 104 apartments and retail/commercial component within the appeal site.
- The proposed ground floor uses must be considered in the context of its surrounding context.
- There are already a range of retail stores (Centra, pharmacy etc) commensurate with a neighbourhood centre function and that the area adjacent to the site has the characteristics more of containing large retailers in



the form of retail warehousing that would be more commensurate for this edge of urban site.

- It is submitted that the proposed development is contrary to the 'LC' zoning and that there is an inappropriate mix of uses being proposed with an over emphasis in the residential element.
- Should the Board decide to grant permission it is requested that all construction access be from the south-east to minimise noise impact and negative impact associated with construction traffic from the shared access with Courtfields.
- Negative impacts on residential amenity are raised in terms of potential overlooking and some overshadowing and overbearing impacts. There are several balconies facing north-west towards Courtfields which have large glazed elevations connecting to main open plan living spaces. This design materially increases the scale of the overlooking and the negative impact upon existing residents.
- It is submitted that the anchor supermarket is over scaled for this location and the 'LC' zoned land. The applicant has sought to justify the proposed supermarket based on the quantitative Retail Strategy for the Limerick MASP area.
- It is submitted that the assessment made as part of the further information made a number of unsubstantiated judgements relating to the baseline of convenience floorspace permitted in the Limerick MASP area. The Council in considering the application reached a conclusion that there was only a shortfall of 410sq m within the catchment.
- Basing on the potential of a new population growth with the catchment would appear not to be the appropriate approach to this edge of city location that fails to meet the sequential approach to retailing and must be considered as an out of centre location due to its peripheral location. It is considered that the applicant has failed to adequately consider and prove that there are no other city centre, edge of centre sites available.

- It is submitted that the proposed development would materially reduce the residential amenity and negatively impact on the appellants' property and would result in a significant reduction in the value of their property.
- The appellants request that the Board overturn the decision of the Planning Authority and refuse permission for the reasons set out in the appeal.

(2) Tom Ryan

- It is stated that the proposed development is contrary to sustainable transport principles. The proposed development is essentially a car based development. It will draw additional customers from a catchment wider than the local community.
- The proposed mixed-use development including a discount foodstore would result in an inappropriate form of development for the location due to the level of parking required.
- Concern is expressed in relation to the level of additional traffic that the proposed scheme would generate which would exacerbate traffic congestion on the R510, 526 and at the Raheen roundabout.
- The Traffic and Transportation Assessment refers to plans for future housing development in the area which will lead to additional traffic, further impacting the R526 and R510.
- There are no cycle facilities in the vicinity of the site. There is a partial cycle lane approaching the Raheen roundabout from the west in the vicinity of the site.
- The TTA noted that Limerick Train Station is an hour walk, 18 minutes cycle and is accessible by public transport. However, concern is expressed that the available bus routes are infrequent.
- There are 4 no. schools located within the vicinity of the site also the traffic generated by the Raheen Business Park combined with the proposed development would result in potentially 100 additional cars together with the proposed traffic to and from the hotel and retail units and associated deliveries would result in extremely high traffic volumes during peak times.

- The provision of a delivery access via the R526 and the R510 would increase traffic congestion in an already very congested area and would negatively impact pedestrian and cyclist safety.
- Having reviewed the Road Safety Audit it is apparent that there are many problems with the proposed development regarding road safety.
- The audit states that delivery vehicles will reverse into the delivery area from the public road. The RSA states that there are concerns that delivery vehicles will either reverse back over the roundabout from the Courtfields estate road or enter the hotel site and reverse back towards the roundabout which will impact other vehicles or pedestrians.
- The RSA note that delivery vehicles will egress the delivery bay perpendicular and in close proximity and may result in difficulty in observing vehicles approaching from the offside of the vehicle.
- The RSA stated that this may result in errant exits into the path of oncoming traffic and have recommended that the applicant review the suitability of inter-visibility at this location and revise the design to suit.
- It is submitted that the proposed development does not provide for adequate open space. Concern is expressed that the existing public open space in Courtfield would not be adequate to cater for additional children from the proposed development.
- The proposed development is 7 storeys in height which is out of character with the area. The proposal is located adjacent to Courtfield estate which contains two-storey houses.
- The proposed building would have a significant negative impact on residents of no's 48-55 Courtfield South in relation to privacy, daylight and sunlight and overshadowing. There will be a reduction of between 80% and 91% of existing annual probable sunlight hours (APSH).
- The Building Height Guidelines (2018) are noted which advises that new housing development in suburban areas should include a mix of 2,3 and 4 storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside

existing larger buildings, trees and parkland, River/sea frontage or along wider streets.

- The provision of the Retail Planning Guidelines 2012 are noted. The preferred location for new retail development is within a town centre. The proposed development is located outside of the Town Centre Boundary. It is stated in the Retail Strategy for Limerick – Shannon Metropolitan Area and Co. Limerick that Limerick City Centre has a current vacancy rate of 22%. The Strategy states that it is essential to maintain the vitality and viability of Limerick City centre by consolidating the core retail area to ensure any future retail development is directed towards this area in the first instance.
- It is stated that facilitating the reuse of vacant buildings or under-utilised sites through the City Centre and improvements in the public realm within the City Centre will help achieve a vibrant retail sector that supports investment and renewal in the core area.
- It is stated that the development of the proposed retail unit at this location is contrary to this strategy. The application for the large foodstore with off-licence represents a significant threat to the vitality and viability of the town centre.
- The construction of the proposed scheme could take up to three years. The construction would generate traffic, noise, dust and air pollution which would cause general disruption to the area. The proposal to re-route all traffic into Courtfields estate during construction would exacerbate congestion and pose a risk to residents.
- The appellant respectfully requests that the Board overturn the decision of the Planning Authority and refuse permission for the proposed development.

### (3) The Grange Residents Association

- The appellants acknowledge that there is a need for more housing in Limerick. However, they have specific concerns in relation to the proposed development.
- The existing South Court Hotel is located in a suburban area where the pattern of development is predominantly single and two-storey dwellings.

Raheen Business Park has buildings up to 4 storeys. The proposed development which is 8 storeys in height is markedly different to its development in the vicinity. It is considered more suited to a city centre location.

- Condition no. 7 of the permission refers to “access from the site onto the R526 shall be opened prior to occupation of any part of the development”. The appellants have concerns that this will be opened prior to occupation by residents. Concern is expressed in terms of traffic safety if the only entry and exit point is at the junction of the R510 and the Courtfield Road.
- The exit onto the R510 is narrow and on an include with a footpath on one side with no safe crossing for pedestrians. This is considered a dangerous vehicular access and that to add construction traffic would result in a traffic hazard.
- It is stated that if permission is granted by the Board that the access point on toe R526 must be opened for use prior to construction and for construction vehicles.
- Condition no. 8 refers to construction times permitted, 7am – 7pm Monday-Friday and 7am – 2pm Saturday, Sunday or Public Holidays. The appellants consider that the weekday start time is too early and would result in neighbouring significant noise interference for residents. Construction at weekends would result in the residents having no reprise from noise and disruption.
- The appellants welcome the addition of pedestrian crossings added by Limerick City and County Council to Raheen roundabout and one pedestrian crossing on the R510 to access the South Court area.
- There are a lot of pedestrians and cyclists using the area due to the proximity of residential areas to Raheen business park. The appellants request the addition of another pedestrian crossing on the Courtfield road between the R510 junction and Courtfield mini roundabout.
- It is submitted that the area is lacking in facilities. The population of Raheen, Dooradoyle and Mungret is circa 26,000. The area has seen considerable

population growth in recent years and is expected to increase further under the Limerick Development Plan and Project 2040. The 200 plus residents from the proposed development would add to the increase in population. It is considered that the area cannot accommodate the population increase because local schools are already at full capacity, local public recreation facilities are limited to Mungret Park and playground and library. St. Paul's GAA allow the local community to use their hall as a community centre, however the building is old and in need of significant refurbishment works. The closest swimming pool is at University of Limerick 14km away. There is no existing standalone community centre or sports centre in the area.

- They question whether the Council in granting permission did consider the need for facilities/amenities.

## **7.2. Applicant Response**

A response to the third party appeals has been submitted by MKO Planning and Environmental Consultants on behalf of the applicant Can2 Investment Limited. The issues raised are as follows:

- In relation to the height of the proposed development for clarity, they confirm that the proposed building comprises 7 storeys above ground floor with 2 no. below basement level parking.
- The ground floor contains retail units and hotel reception. First floor contains open space, creche, gym, communal library/lounge and 13 no. apartments. Second floor contains 20 apartments, Third floor contains 20 apartments, Fourth floor contains 20 apartments, Fifth floor contains 18 apartments and sixth floor contains external communal garden and 13 apartments.
- In the documentation submitted with the application the applicant demonstrated that the proposed development meets planning policy related to the heights set out in the Development Plan as well as the Section 28 Building Height and Residential Density Guidelines for Planning Authorities 2018.

- A Townscape Visual Impact Assessment prepared by Modelworks Ltd. assessed the potential impact of the proposed development in the context of the existing streetscape and visual amenity.
- A Daylight, Sunlight & Overshadowing Study has demonstrated the proposed development as a result of its height will not have an impact on existing residential amenity.
- The report of the Planning Officer noted the assessment and justification offered by the applicant in response to the further information. 'The proposed building meets several criteria including alignment with character area objectives, tall building recommendations and the Development management standards. Buildings of this nature must exhibit exceptional architectural quality and design standards. The current design is recognised for its architectural quality.'
- The Planning Authority in making its decision concluded that the proposed development will not adversely affect the residential or visual amenity of nearby properties. On the contrary, its visual impact is expected to enhance the area, particularly given its strategic position at an entry point to the metropolitan area. Therefore, the proposal aligns with the principles of proper planning and sustainable development as outlined in the relevant section 28 guidelines, the policies and objectives of the Limerick Development Plan 2022-2028, and national guidance on rebuilding Ireland.
- The Planning Authority attached a condition requiring the removal of the fourth floor based on the rationale of the interpretation by the Board's Inspector in relation to the Limerick City Building Height Strategy regarding the assessment of Development at Punches Cross. The issue arising is the interpretation of the Limerick Building Height Strategy which states – 'The term 'tall building' is a relative term for which there cannot be an exact definition. A tall building can generally be defined as a building that is significantly larger than the surrounding and established building heights in the area.'
- It is considered the proposed development comprising 7 no. storeys is a tall building within the established heights of the locality ranging from 2 no. storey

residential and local services to 4 no. storey buildings Caseys Furniture retail warehousing and Blackrock Health's Clinic Limerick.

- The Building Heights Strategy for Limerick City includes Map 5:1 Urban Structure which focuses on the city centre. In line with Specific Planning Policy Requirements (SPPR) 1 of the Building Heights Guidelines the map indicates where tall buildings will be actively pursued without a restriction on height. SPPR1 aims to ensure that the Planning Authority identifies locations where there will not a restriction on height. However, SPPR1 or the Building Heights Strategy Map does not preclude the development of tall buildings in other areas.
- Section 1.9 of the Building Height Guidelines states; 'these guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.'
- Section 2.6 of the Building Height Guidelines emphasises that overly restrictive maximum height limits can result in missed opportunities to achieve sustainable compact growth when the broader planning potential of the locations is not fully considered. In areas with existing amenities, available public transport and demand for new residential accommodation, increased building heights should be appropriately considered.
- The planning report submitted with the application states that the location of the proposed development meets these criteria and can support a high quality mixed use development. The Building Height Guidelines specify that areas suitable for tall buildings should achieve a number of specification which include: "central and/or accessible locations and also intermediate urban locations where medium density residential development in excess of 45 residential units per hectare would be appropriate.
- Other considerations are: 'Proximity to high quality public transport connectivity, particularly key public transport interchanges or nodes;- the potential contribution of locations to the development of new homes,



economic growth and regeneration in line with the compact urban growth principles as set out in the National Planning Framework & project Ireland 2040. – The ecological and environmental sensitivities of the receiving environment and the visual, functional, environmental and cumulative impacts of increased building height.’

- Where tall buildings are proposed the Building Height Strategy for Limerick City provides qualitative criteria for which proposed increased building heights should be assessed. The proposed development is of exceptional quality, situated in a suburban/urban extension along a planned high frequency transport route making it ideal for high density.
- The removal of the fourth floor results in the loss of 20 apartments reducing the overall density to 85 dwellings per hectare and limiting the total number of units to 84.
- In relation to traffic and transport the proposed development has been considered to improve the existing pedestrian and cyclist environment at the subject site. The proposed development provides a supportive environment for those travelling by foot, public transport or bicycle as well as providing access for private vehicles for both future residents or members of the public of the wider area.
- At all stages the applicant sought to address the concerns relating to traffic and transport and where possible design solutions to improve the overall pedestrian and cyclist environment in the vicinity of the proposed development.
- It is acknowledged that there are existing and ongoing concerns in the Dooradoyle/Raheen area related to traffic. It is set out in the TTA that numerous strategic infrastructure projects including LIAF Relief Road and Bus Connects and Cycle Connects will over time support the move towards sustainable active travel for residents in the area.
- Regarding public transport, while the availability of public transport is not in the control of the applicant a number of points are raised. As part of the Active Travel Scheme along the R510 upgrade works are proposed to existing bus

stops, side road junctions and new road surfacing. The works are intended to provide a higher quality active travel environment in the locality improving opportunities for cyclists and pedestrians.

- The TII Bus Connect Network for Limerick proposes new bus routes and increased bus frequencies within 1km radius of the site. The site is within a 2 minute walk to a range of existing bus services located along the R526 (St. Nessans Road). While the appellants may have concerns related to general provision of active travel and public transport infrastructure, the provision of National and Local Policy seek to move to more sustainable modes of transport improving the quality of living for existing and future residents of existing urban areas.
- The provision of car parking within the proposed development was designed in compliance with Table DM 9 of the Limerick Development Plan 2022-2028. The proposed development provides 149 no. car parking spaces within the undercroft of the proposed structure and 60 no. surface car parking spaces.
- In relation to the existing and future car parking at South Court site there are 398 no. surface spaces allocated to existing development. The primary care centre 132 no. surface spaces permitted for Primary Care Centre with 224 surface spaces allocated to the existing hotel. The South Court Mixed Use development as submitted has 77 no. surface spaces with 149 no. proposed in the undercroft. As revised at further information stage 60 no. surface car spaces and 149 no. spaces proposed in the undercroft. The total reduction in surface level car parking (all development) total reduction of 138 no. surface spaces (330 existing – 192 Primary Care and subject application. 48% reduction of surface car parking across the South Court site. Subject application – total car parking 209 no. car parking spaces – 60 no. surface 149 no. car parking in the undercroft.
- The grounds of appeal by the Grange Residents Association request an additional pedestrian crossing is provided along Courtfield Road between the R510 junction and the Courtfields mini roundabout. While the zebra crossing was not required by the Planning Authority at this location the applicant has

no objection to the inclusion of a zebra crossing at this location by way of condition.

- The appeals raised concerns relating to the compliance of the proposed development with the provisions of the Limerick Development Plan 2022 – 2028 and the Retail Planning Guidelines 2012. The proposed development has been comprehensively justified through a Retail Impact Statement prepared in accordance with the Retail Planning Guidelines & Retail Strategy for Limerick – Shannon Metropolitan Area and County Limerick 2022 – 2028. The applicant provided further information to the Planning Authority as set out in response to further information report the site is zoned Local Centre and as confirmed in the report of the Planning Officer is a suitable location for convenience retail subject to criteria set out in ECON 05 and MASP 02.
- The report of the Planning Officer following the response to the further information acknowledges compliance with the planning objectives stating:
- With regard to Objective ECON 05 & MASP02 the proposal includes for the enhancement of the existing streetscape, includes for a new plaza-style entrance, which will facilitate pedestrian access points to the primary retail unit, apartment units and the existing hotel along the south-eastern boundary of the site. This entrance plaza, serving as the main pedestrian gateway is connected via footpaths along the R510 and the R526. The plaza upgrades will improve the streetscape by providing a setback for the building and help promote an active frontage along the R526 and Raheen Roundabout. This amenity space within the development is designed with a sense of scale, incorporating raised and the landmark trees of varying heights. This approach is considered to demonstrate a tangible urban renewal benefit for the community and promote improved pedestrian accessibility, permeability and safety and therefore this aspect of the development is considered to be in line with Objective ECON 06 & MASP02.
- The proposed development will not result in a negative impact on the city centre as the primary place of retail in Limerick. It provides for the day to day convenience needs which compliment the existing services available at the Courtfield Local Centre.

- The report of the planning officer in response to the further information stated; It is also necessary to appraise the development against the requirements of Objective MASP01:Convenience Retail Floor Space set out in the Retail Strategy which states that 'It is an objective of the Council to ensure emphasis remains to attract high quality convenience retail to the City Centre. However, there is a demand for new convenience floor space within established residential areas and within neighbourhood areas with growing residential communities and regeneration sites. This shall include: City Centre; Moyross; Ballysimon and Southern Environs'. As argued by MKO in the application and the RFI response submission, the stated objective above does not specify the site location or the number of convenience stores permissible within the Southern Environs. This position is substantiated by the ABP Decision (PL91.315223) and aligns with the broader objective of accommodating population growth in the Limerick metropolitan area, which in turn will necessitate additional convenience retail floor space. It is agreed that the proposed development site serves a significant residential catchment area within walking distance of the site and also offers an urban renewal benefit for the wider community in this area therefore in line with both Objective ECON 05 and Objective MASP01:Convenience Retail Floor Space.
- The RIS and response to further information demonstrates that there is capacity in the southern environs to support additional convenience retail floorspace. The catchment area is projected to have a retail capacity of 4,561sq m up to and including 2024 and with a requirement for 9,838sq m by 2029. The report of the planning officer in response to the further information concludes: "Having reviewed the documentation submitted as part of this planning application and the further information submission I am satisfied that the proposal for convenience retail development accords with land use zoning in place for local centre and their capacity for an additional convenience floorspace up to 2028 can be accommodated in this southern environs area."
- The proposed development is in line with Local and National guidance in relation to the provision of convenience retail development.

- The appeals raised the issues of impact of noise, dust and the duration of the proposed development. The application documentation includes a noise impact assessment. The findings of the assessment were that (1) The development shall not be exposed to or give rise to noise levels in excess of Limerick City and County Councils Noise Action Plan. (2) The construction and operational phases of the proposed Development shall not result in adverse impact. (3) Road Traffic has been assessed and a Good Acoustic Design methodology applied to demonstrate that the internal noise criteria set out in BS8233:2014 will be satisfied with appropriate glazing and ventilation specification.
- The Environment Section of the Council recommended that the mitigation measures set out in the assessment are implemented during the construction of the Proposed Development.
- In relation to the hours of construction the applicant intends to fully comply with restrictions of construction as required by way of condition (condition no. 8) which are 7am to 7pm Mon-Fri and 7am to 2pm Saturday. In the interest of clarity the duration of the construction phase is approximately 18 months.
- The issue of open space was raised in the appeals. Specifically, the appeal prepared by Tom Ryan stated that the proposed development is not in compliance with Table DM 2- Open Space Hierarchy with Residential Estates of Limerick Development Plan 2022-2028. The proposed development is not a 'Residential Estate' but rather the proposal is for a mixed-use development with a residential component. The proposed development lands are not of an area to provide a local park (2ha – 20ha) or small park (0.2ha – 2ha).
- The report of the Planning Officer in relation to the quantity and qualitative assessment of the proposed development states; - 'The communal terrace, roof garden, kids play area, communal gym, communal lounge/library and childcare facility are elements that will lead to a healthy living environment within this development and are welcomed by the Planning Authority.'
- The applicant respectfully submit that the Board uphold their decision and grant permission for the proposed development.

### 7.3. First party appeal

7.3.1. A first party appeal has been submitted by Can2 Investment Limited against a condition of the permission issued by Limerick City and County Council. The issues raised are as follows;

- The first party appeal is against condition no. 4 which states;
- 4. The developer shall pay the Planning Authority a special contribution of €100,000.00 (one hundred thousand euro) in accordance with Section 48 2 (c) of the Planning & Development Act 2000 (as amended) in respect of a zebra crossing. The contribution shall be paid prior to the commencement of development or in such a 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.

Reason: It is a requirement of the Planning and Development Act 2000 (as amended) that a condition requiring a special contribution in accordance with the Section 48 2 (c) of the Act be applied to the applied to the permission.

- Condition no. 4 attached to the permission by Limerick City and County Council does not align with the circumstances set out in the Act whereby Special Development Contribution may be levied and is an unwarranted request by the Planning Authority.
- Condition no. 4 – requests a Special Development Contribution of €100,000. The condition refers to a ‘zebra crossing’.
- It is the understanding of the first party that the Special Development Contribution may relate to the pedestrian infrastructure on the R510 or the pedestrian infrastructure on the Raheen Roundabout detailed in condition no. 13 (vii) which states ‘The full details of the upgrade of the Raheen Roundabout with the inclusion of controlled crossings (Zebra Crossings) on each leg of the roundabout shall be agreed with the Planning Authority prior to the commencement of development. The final details of the design of the junction with the R510 to be agreed prior to the commencement of any development on site.’

- For clarity these crossings located around the Raheen roundabout are not proposed as part of the proposed development and were not included within the development boundary (red line). They are not critical to the delivery or operation of the proposed development.
- The crossing indicated in Drawing No. 202 were provided to the Planning Authority in response to the further information request issued by the Council on the 17<sup>th</sup> of November 2023. The further information Item 2 requested the following (i) The permitted Part 8 Scheme (22/8003) from Raheen Roundabout to Quinn's Cross Roundabout along the R510 is not reflected in the site layout drawings. The Part 8 Scheme runs along the North Eastern boundary of the site and consists of alterations to the footpath, a cycle lane with a pedestrian crossing point close by. There is no active travel link from the proposed upgraded junction which accesses onto the R510 into the scheme. A 3m wide dual cycle /pedestrian lane should be provided along the access road into Courtfield from the junction with R510, with appropriate markings and signage. Controlled crossing on each approach islands at the Raheen Roundabout in the interest of pedestrian safety to be provided. Please submit a Revised Site Layout Plan showing connections to the infrastructure approved as part of the Part 8 scheme (22/8003) demonstrating that there will be no impact on the ability of the Active Travel Team to successfully implement this scheme as permitted. The proposed development should also tie in with the proposed cycling and walking infrastructure and the Part 8 scheme should be overlaid on the site layout plan.
- It is highlighted to the Board that junction upgrades along the R510 already from part of the scheme of the active travel scheme planned by Limerick City and County Council (Part 8 Scheme 22/8003).
- The scheme identifies a crossing positioned from the footpath along the northern boundary of the site to the opposite side of the R510.
- In response to the request for Further Information the proposed Site Layout was updated to include this 4m wide zebra crossing and appropriate tie into the planned active travel infrastructure on the 510 through linking with the

upgraded pedestrian infrastructure planned as part of the Part 8 Scheme environment in the wider locality it is not considered that these crossings are vital to the operation or delivery of the Proposed Development.

- It is not inherently clear whether the Special Contribution fee set out in condition no. 4 relates to the zebra crossing included in Part 8 Scheme (22/8003) or one of the zebra crossings identified at the Raheen Roundabout, it is considered that the works are either planned by the Planning Authority or works which are not critical to the delivery of the proposed development and are those which are for the benefit of the wider locality.
- Under Section 48 2(c) of the Act, the levying of such special contributions can be attached to a grant of permission where: “A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by the scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.”
- Considering Section 48(c) of the Act it is determined that the Special Contribution fee outlined in condition no. 4 does not align with the criteria for imposing a Special Contribution under the Act. This is because the zebra crossing detailed in Drawing No. 202 do not provide specific benefits to the proposed development but rather serve the broader public interest and assist the Planning Authority in completing a planned Part 8 Active Travel Scheme or extending or extending same to the Raheen Roundabout.
- It is submitted that the Special Development Contribution fee of €100,000.00 set out in condition no. 4 is not warranted for this development and is considered to be levied in respect of upgrade works that are not directly triggered by the proposed development. On that basis the Special Development Contribution is not warranted and considered excessive.
- The first party respectfully request that the Board consider the grounds of their appeal and either amend or omit condition no. 4.



#### **7.4. Planning Authority Response**

- None received

#### **7.5. Observations**

An Observation to the appeals was submitted by Eamonn Deegan. The issues raised are as follows;

- The proposed development is out of character with the surrounding environment.
- There is no requirement for the proposed development.
- It is considered that the existing infrastructure in area cannot accommodate the proposed development.
- Concern is expressed in relation to wildlife and the visual impact of the proposed development.
- The partial demolition of the hotel would present difficulties.
- Concern is expressed in relation to the quality of building materials used and fire safety.
- The proposed demolition and construction phase will generate disturbance with dust and noise.
- Concern is expressed that the project could be commenced but not finished should economic conditions change.

#### **7.6. Further Responses**

7.6.1. A further submission was received from Anne Keogh & Others on the 27/9/24. The issues raised are as follows;

- They noted that the first party appeal relates to condition no. 4 a special contribution only and that they have not sought to address or counter condition no. 5 of the permission that omits the fourth floor from the apartment development.

- The appellants consider that this is an implicit recognition by the first party of the overdevelopment which was originally proposed.
- Condition no. 4 relates to the requirement to provide a zebra crossing. The first party argues that the crossing is not critical to the delivery or operation of the proposed development as a Part 8 Scheme. Contrary to the assertion of the first party the ability to condition infrastructure outside the application boundary on land which the Council has control is allowable and reasonable.
- The appellants submit that even allowing for the reduction in scale that has not been appealed the proposed development due to its bulk and scale would have an adverse effect on the visual and residential amenities of the area.

7.6.2. A further submission was received from Anne Keogh & Others on the 2/9/24. The issues raised are as follows;

- It is noted that there are disagreements in the appeals in terms of the overall height of the proposal as granted by the Planning Authority. The height of the development must be considered from all sides and the building appears as being 8 storeys above ground level as it faces Courtfield to the north-west.
- The first party acknowledged that the proposal amounts to a tall building they that its design and height are in accordance with the parameters set out under Policy TB7 of the Development Plan.
- The appellants submit that there is no reasonable basis that the height in conjunction with its overall mass can be considered in accordance with the ten criteria set out under that policy.
- The first party refer to a decision made on a SHD development at Punches Cross under ABP 315273 in relation to six storey student accommodation. The Board granted permission and it was quashed by order of the High Court. It is considered inappropriate to use a quashed decision to justify the height of the subject building.
- The appellants consider that the first party's interpretation of the Building Height Guidelines is flawed.

- The removal of the fourth floor does not adequately address the appellants concerns in relation to building height. They highlight that the site is not identified as being suitable for a tall building or as a gateway to the city.
- They note that the applicant has sought to remove the condition omitting the fourth floor of the development despite having not made an appeal against it.
- The appellants reiterated concerns in relation to traffic and transport, public transport and car parking as raised in their original appeal.
- They reiterated their concerns in relation to retail impact, construction and management noise impact and open space provision.

## 8.0 **Assessment**

Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issue in this appeal can be considered are as follows:

- Policy context
- Density, height and design
- Impact on residential amenity
- Traffic and parking
- Retail provision
- First party appeal against condition

### 8.1. **Policy context**

- 8.1.1. The appeal site at South Court, Raheen, Dooradoyle, Limerick, is zoned 'Local Centre' under the provisions of the Limerick Development Plan 2022-2028.
- 8.1.2. It is the objective of this zoning to protect and provide local centre facilities to serve the needs of new/existing neighbourhoods and residential areas. In relation to the purpose of the zoning it is stated in the plan that it seeks to provide a mix of

community and commercial neighbourhood facilities to primarily serve the immediate needs of the local working and residential population and complement, rather than compete with the City Centre. A mix of appropriate convenience retail, commercial, community, childcare and medical facilities, residential and recreational development of a local scale will be considered. Larger scale office and residential development will be considered in new developments where public transport is available. In relation to retail development, it is set out under this objective that the scale and type will be controlled to prevent negative impacts on the retail function of Limerick City Centre at the top of the hierarchy and that any proposal for retail development shall comply with the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick.

8.1.3. The grounds of appeal raised the matter that the proposed development is contrary to the 'LC' zoning on the basis that there is an inappropriate mix of uses being proposed with an over emphasis in the residential element. While I would note the point made in relation to the proposed development comprising primarily residential development, I would note that the scheme also includes the retail element comprising a convenience retail store of 1,60sq m and a 45sq m unit and also a childcare facility of 139sq m. The existing uses on the site are a public house and restaurant connected to the South Court Hotel. While the existing use is commercial the provision of the convenience retail store will continue a commercial use on the site. I would further highlight that the 'LC' zoned lands immediately to the north-west contains the Courtfield Shopping Centre. The centre contains a mix of retail and commercial premises which includes AIB, Centra, Raheen Pharmacy, hairdressers, beauty salon, gym, pizza take-away, Asian food take-away, fish and chip take-away and Betting shop. Therefore, I would consider that the area is well served by retail provision, services and food outlets. Having regard to those factors I would consider that it would be acceptable to permit the level of residential development as proposed within the scheme.

8.1.4. In conclusion, under the zoning objective the proposed development of a mix use scheme comprising residential, retail and creche would be generally permitted subject to all other relevant planning considerations being satisfactorily addressed including that the proposal has adequate residential amenity, adequately safeguards

the amenities of the adjoining properties, would not result in a traffic hazard and would not be likely to have a significant effect on any European Sites.

## **8.2. Density and height and design**

- 8.2.1. In relation to the Chapter 2 of the Development Plan which refers to Core Strategy, the appeal site is located within a Level 1 settlement hierarchy location within Limerick City and Suburbs (in Limerick), Mungret and Annacotty. The Development Plan includes a Settlement Capacity Audit which is set out in Volume 2 of the Plan. It is set out in the audit in relation to the location of the site that there is an assumed residential density of 45+ housing units per hectare. This is illustrated on Map 4: Limerick City and Suburbs (in Limerick), including Mungret and Annacotty Density Map.
- 8.2.2. The grounds of appeal refer to calculation of the density and state that the calculation of density should exclude distributor roads, landscaping buffers etc. The development as originally proposed comprises 104 no. apartments over a ground floor commercial unit within an eight-storey apartment building on a 0.935 hectare site. The scheme as granted by the Planning Authority was reduced from 104 no. apartments to 84 no. apartments with the removal of the fourth floor of the building as specified under condition no. 5. The gross density of the scheme as originally proposed is equivalent to 112 units per hectare. The gross density of the permitted scheme is equivalent to 89 units per hectare. As per the provisions of the Settlement Capacity Audit the location of the site is within an area where a density of 45+ housing units per hectare is applicable. Section 3.3.1 of the Sustainable Residential Development and Compact Settlement – Guidelines for Planning Authorities, 2024. refers to Cities and Metropolitan (MASP) Areas. Table 3.2 refers to density ranges for the city and suburbs area of Limerick, Galway and Waterford. In relation to Suburban/Urban Extension locations it sets out that it is a policy and objective of these Guidelines that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations in Limerick, Galway and Waterford and that densities of up to 100 dph (net) shall be open for consideration at ‘accessible’ suburban/urban extension locations. The subject site located at South Court, Raheen, Dooradoyle, Limerick would constitute a

suburban/urban extension location within the context of its location circa 2km from Limerick City Centre.

- 8.2.3. The Courtfield Local Centre is located immediately to the north-west of the site, Raheen Business Park is situated to the east of the site on the opposite side of the R526. University Hospital Limerick is located circa 700m from the site on the eastern side of the R526. The site is therefore in relatively close proximity to significant employment locations within Limerick.
- 8.2.4. In relation to public transport provision in the area, I would note a number of bus routes in the vicinity of the site. The R526 (St. Nesses's Road) is served by routes no. 301, no. 304, no. 304A and no. 314. Route no. 301 operates between Westbury a suburban area to the north-east of Limerick and Raheen Industrial Estate. Route 304 operates between University Limerick and Raheen (St. Nesses's Church). Route 304A operates between University Limerick and Raheen. Route 314 operates between Limerick city Bus Station and Ballybunion. The nearest bus stops are located on St. Nesses's Road is circa 125m from the appeal site.
- 8.2.5. The grounds of appeal refer to the matter of the capacity of the existing bus service to accommodate the further passengers which the proposed development would generate. They refer to the lack of an adequate capacity assessment. In response to the matter the first party highlighted that while the availability of public transport is not in their control that there are a number of projects and schemes which are approved or ongoing which will improve transport provision and accessibility in the area. They note that as part of the Active Travel Scheme along the R510 upgrade works are proposed to existing bus stops, side road junctions and new road surfacing. The works are intended to provide a higher quality active travel environment in the locality improving opportunities for cyclists and pedestrians.
- 8.2.6. The first party referred to the TII Bus Connect Network for Limerick which proposes new bus routes and increased bus frequencies within 1km radius of the site. In relation to this matter I would note that a new route no. 4 is intended to operate on the R526 which would serve the appeal site. The intended frequency of the service is every ten minutes, and it would operate from Raheen into the City centre and terminating at University of Limerick. As detailed in Table 3.8 of the Sustainable Residential Development and Compact Settlement – Guidelines, an accessible

location is defined as lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services. Therefore, I would determine that the site is located in an 'accessible location' based on the planned high frequency bus service.

- 8.2.7. Accordingly, having regard to the information set out above in relation to public transport provision and specifically having regard to the future plans referring to BusConnects, there are future plans for improved bus services within Limerick City which will directly benefit the subject site. Accordingly, I am satisfied that the site is well serviced by public transport and that the density of 89 units per hectare of the scheme as permitted is appropriate and in accordance with the provisions of the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024) and the Limerick Development Plan 2022-2028.

#### Building Height

- 8.2.8. The issue of the height of the proposed development is referred to in the grounds of the appeals. The proposed mixed use apartment building is 7 storeys above ground floor with 2 no. below basement level parking. The Planning Authority in the grant of permission conditioned that the fourth floor containing 20 no. apartments be omitted and therefore permission was granted for a six-storey building above basement level parking.
- 8.2.9. As part of the further information request under item 1(a) the applicant was advised that the scale of the development may need to be reduced in order to meet the requirements of the Traffic and Transport Assessment. The applicant addressed the matter of building height in their further information response.
- 8.2.10. The first party submit that the proposed development has been designed with regard to the Limerick Development Plan 2022-2028 and the associated Building Height Strategy for Limerick City and as well as the Urban Development and Building Height Guidelines for Planning Authorities (2018).
- 8.2.11. It is set out in the grounds of appeal that the proposed building height is considered excessive and that the reduction from 7/8 storeys to 6/7 storeys and other changes to design have failed to address the negative visual impact and overbearing nature of the proposed development on the appellants. It is submitted in the appeals that the scale and massing of the proposed development remains contrary to SPPR3 of

the Building Height Guidelines and that there is no built development nearby or within the local context that provides any form of justification of the scale and height of the current proposal particularly where there is no transition to reflect the surrounding environment. It was highlight in the further submission from appellants that the site is not identified as being suitable for a tall building or as a gateway to the city.

8.2.12. The Ministerial Guidelines – Urban Development and Building Height Guidelines (2018) provides specific guidance in relation to building heights. Paragraph 3.1 of the guidelines states that “There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility.”

8.2.13. Regarding the matter of building height, Ministerial policy as set out in ‘Urban Development and Building Heights’ Guidelines for Planning Authorities advises that the constant expansion of low-density suburban development around our cities and towns cannot continue. The Guidelines set out to provide the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas. Section 3.4 of the Guidelines refers to Building height in suburban/edge locations (City and Town) and it advises that for newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, should now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards).

8.2.14. The Building Height Strategy for Limerick City is an accompanying strategy of the Limerick Development Plan 2022-2028. The definition of tall buildings as detailed in the Strategy is “buildings which are substantially taller than their neighbourhoods and/or which change the skyline”. Policy TB 7 of the Strategy refers to the assessment criteria for tall buildings. It sets out that the Council will take account of the site context, impact on significant buildings, views, landmarks and landscapes, architectural quality of the building, impact on the local environment, the level of public transport provision to the site, impact on the surrounding context, contribution to wayfinding, sustainability and environmental performance, contribution to public spaces and amenities and the quality of the built environment.



- 8.2.15. The site context is that it is located to the west of the Raheen roundabout at the junction of the R526 and the R510. The established building heights in the area range from two-storey dwellings to the north and west at the Blackthorns estate and the Courfields estate and commercial premises to the north in the Courtfield Shopping Centre and three storey building located to the east of the site at Caseys Furniture retail store and four storey building located to the north-east the City Gate House office building. The site is situated approximately 2km from the city centre.
- 8.2.16. In relation to the provisions of the Building Height Strategy for Limerick City there are specific locations which are identified as suitable locations for tall buildings on Map 6.8 and Map 6.9. While I would note that the subject site at South Court, Raheen, Limerick is not a location which is identified on these maps, I would also note that it is advised on page 115 of the Strategy that outside of the City Centre building height will primarily be a tool in the delivery of density in order to achieve compact growth in line with national policy requirements and that consideration of buildings in the 'taller building' category will be considered on a case by case basis. Accordingly, I would highlight that the fact that the subject site has not been specifically identified as a suitable location for a tall building in the strategy does not preclude such a development.
- 8.2.17. The first party in their response to the further information highlighted the site context in which they noted that the proposed development is planned for the existing built-up area of Southcourt, Raheen and Dooradoyle where diverse heights are present including the 4 storey Caseys Furniture retail warehousing and 4 storey office unit at City Gate House. Both these buildings are adjacent to Raheen Roundabout on the eastern side of the road. The proximity of University Hospital Limerick located circa 890m from the subject site was noted as it contains buildings with heights ranging from approximately 3 to 7 storeys across the hospital campus. I would note that the site context specifically the proximity to the Raheen Roundabout and the location of office and commercial buildings with heights of 3/4 storeys do provide a context in which a tall building can be considered.
- 8.2.18. In relation to the height and design of the subject building, the first party in their further information response stated that the Proposed Development height and scale will gradually step down from the focal point at Raheen Roundabout moving in a southwestern direction in a sympathetic design complimenting the existing

developments and the permitted Primary Health Care Centre to the south-west. The first party in their appeal response cited Section 2.6 of the Building Height Guidelines which emphasises that overly restrictive maximum height limits can result in missed opportunities to achieve sustainable compact growth when the broader planning potential of the locations is not fully considered. Therefore, they submit that the subject site is in an area with existing amenities, available public transport and demand for new residential accommodation and that increased building heights should be appropriately considered.

- 8.2.19. In relation to the matter of the impact of the proposed development on the surrounding context and contribution to public space and amenities in the area I note the existing townscape at the Raheen roundabout is lacking in street edge. In terms of the proposed scheme, it has sought to provide for an improved streetscape with a included a new plaza style entrance, with pedestrian access for the convenience retail unit, residential units and existing hotel along the south-eastern boundary of the subject site. The entrance plaza upgrades are proposed to provide an improved streetscape. The design provides a set-back from the road for the building and provides an active frontage along the R526 and Raheen Roundabout.
- 8.2.20. The application is accompanied with a Townscape Visual Impact Assessment (TVIA), prepared by Modelworks Ltd. Having reviewed the document I am satisfied that the views presented are representative of existing and proposed development. The submitted photomontages illustrate the proposed building in the context of the other surrounding buildings. I consider that they illustrate that the building can be satisfactorily integrated into the surrounding streetscape.
- 8.2.21. The Planning Authority on foot of the submitted response to the further information in relation to the matter the proposed building height concluded that the proposed building meets several criteria including alignment with character area objectives, tall building recommendations and the Development Management Standards. They highlighted that a building of this nature must exhibit exceptional architectural quality and design standards and they concluded that the design was recognised for its architectural quality. However, as set out in the report of the Planning Officer dated 9/7/24 there were concerns regarding the location of the site outside Limerick City Centre and in a character area where there are low rise buildings with the exceptions of Casey's Furniture Store, City Gate House, South Court Hotel, Eli Lilly and

University Hospital Limerick. It was highlighted in the report of the Planning Officer that the buildings adjacent to the appeal site are the South Court Hotel which is three-storey and Casey's Furniture Store which is also three-storey. The Planning Officer noted the judicial review taken on the grant of permission for a scheme containing student accommodation at Punches Cross, Limerick (ABP 315273-22) with respect to the matter of building height. I note that decision of the Board to grant permission was quashed by the High Court. The report of the Planning Officer refers to tall buildings as being six or more storeys within the city centre and five storeys or more outside the city centre.

8.2.22. The Planning Authority considered that it was appropriate to reduce the height of the building by one-storey with the conditioning of the omission of the fourth floor on the basis that the site is located outside of the city centre and the nature of the character area in which it is located. The appeal site is located in Urban Character Area 04 – Southern Environs-Dooradoyle/Raheen/Mungret. The specific objective as set out in the Development Plan in relation to this character area is to provide for infill and brownfield development and regarding tall/higher buildings it is to direct high buildings to the areas in the City Centre that have been identified as having potential for increased building height. While I would note that the provisions of the Building Height Strategy do not preclude the siting of tall buildings outside the locations specifically identified in the strategy as suitable locations for tall buildings it is advised in the strategy that there are a limited number of areas outside of the City Centre where buildings of height may be practical, viable and/or required. Accordingly, as illustrated on Map 6.8 and 6.9 of the Strategy the locations where tall buildings are identified are primarily closer to the city centre and at gateway locations.

8.2.23. While I would note that the site at South Court, Raheen, Limerick is located to the western side of the Raheen roundabout at the junction of the R526 and R510 the location is not designated for a gateway building and therefore I would consider that the matter of building height should be primarily guided by the character area. As detailed above the area is characterised by mainly low-rise residential development with a number of three storey and four-storey buildings in the vicinity of the appeal site and Raheen roundabout.

8.2.24. Therefore, I would accept the rationale as detailed in the report of the Planning Officer that it would be appropriate having regard to the character area and context of existing surrounding building heights to reduce the height of the proposed building by one storey.

8.2.25. Accordingly, having regard to the provisions of the Ministerial Guidelines in relation to Building Heights and the provisions of the Building Height Strategy for Limerick City and details set out above, I would accept that the principle of an apartment building of six storeys over basement can be considered subject to all other relevant planning considerations being satisfactorily addressed.

#### Design

8.2.26. Having regard to the site size and context specifically the existing surrounding development it is important that the proposed apartment building will integrate with the surrounding development. Regarding the design of the building, it is of a contemporary design. It includes a flat roof and features a mix of balcony design including cantilevered balconies to the side elevations and recessed balconies and a mix of internal and semi-internal balconies which reduce the length of the elevation. The frontage of the building which addresses the R526 to the east has a length of circa 42m. The north facing elevation which addresses the R510 extends for circa 69m. The west facing elevation on the outer side of the building extends for circa 47m.

8.2.27. The external finishes proposed include a mix of light beige brick with a dark render finish to the top floors with dark brown metal and perforated metal panels to balconies. A stone effect finish is proposed to the ground level. The sixth floor as indicated on Drawing No: 218 is proposed to be marginally inset from the north-western corner of the building and also from the west facing elevation.

8.2.28. The proposed apartment building will be in a prominent location. Accordingly, it is important that it is of a high architectural design quality. I consider that it is of a relatively high quality design. I consider that there is reasonable variety to the elevational treatment of the building and the materials and colour pallet of the external finish provide a good mix of high quality finishes. The proposed finishes include brick and render with grey window and door frames, glass panels and metal cladding to selected walls and the upper sections of the building. The appeals raised

concern at the mass and scale of the proposed apartment building. In relation to this matter, I would not agree that the proposed apartment building would appear obtrusive. As I have detailed above, I would consider that the design and elevational treatment provides variety and that the extent of the elevations in terms of their length are not excessive.

- 8.2.29. Overall, in terms of the visual impact of the proposed scheme on the surrounding area I consider that the development has been designed well to integrate with the surrounding development.
- 8.2.30. The grounds of appeal refer to the matter of open space, specifically that the scheme does not provide adequate open space to serve residents. It was raised in an appeal that the proposed development is not in compliance with Table DM 2- Open Space Hierarchy with Residential Estates of Limerick Development Plan 2022-2028. In response to the matter the first party stated that the proposed development is not a 'Residential Estate' but rather the proposal is for a mixed-use development with a residential component and that the proposed development lands are not of an area to provide a local park (2ha – 20ha) or small park (0.2ha – 2ha).
- 8.2.31. The proposed development contains a communal terrace, roof garden, kids play area. The provision of site landscaping which includes communal open space has an area of 1,343sq m. In relation to open space provision Section 4.10 of the Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 refers to Communal Amenity Space, it advises that the provision and proper future maintenance of well-designed communal amenity space will contribute to meeting the amenity needs of residents. In particular, accessible, secure and usable outdoor space is a high priority for families with young children and for less mobile older people. The minimum required areas for public communal amenity space are set out in Appendix 1. For one-bedroom units require 5sq m, two-bedroom (3 person) units require 6sq m, two-bedroom (4 person) units require 7sq m and three-bedroom units require 9sq m.
- 8.2.32. The proposed development as originally proposed comprises 104 no. apartments with 51 no. one bedroom apartments, 49 no. two bedroom apartments and 4 no. three bedroom apartments. A total of 634sq m of communal open space is required. The provision of communal open space within the scheme includes, 775sq m of

communal open space at first floor level, 238sq m of communal open space at fifth floor level and 330sq m of communal open space at sixth floor level. The total area proposed is 1,343sq m which is significantly in excess of the 634sq m required. I also note that a further 1,529sq m of public open space at ground level. Having reviewed the Landscape Design Statement submitted with the application I consider the design and location of the communal open space and public open space is acceptable.

- 8.2.33. The grounds of appeal raised the matter of facilities/amenities to serve the proposed development. Section 4 of 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' refers to Communal Facilities in Apartments and states that 'Communal rooms may be provided in apartment schemes, particularly in some larger developments. For example, communal laundry facilities and for drying clothes may be provided in well-ventilated areas. Other communal facilities may include community or meeting rooms or a management/maintenance office on-site. The provision of facilities within an apartment development could also extend to childcare or gym uses that may be open to non-residents.'
- 8.2.34. In relation to this matter I would note that the proposed scheme includes communal facilities. At first floor level an internal residential amenity area of 330sq m is proposed which includes a gym and library. The proposal also includes a childcare facility. Accordingly, I consider that there is a satisfactory provision of communal facilities within the scheme.

### **8.3. Impact on Residential Amenity**

- 8.3.1. The grounds of appeals refer to impacts on residential amenity of neighbouring property in relation to overlooking, overshadowing and overbearing.
- 8.3.2. In relation to the siting of the proposed mix use and apartment building, it is located on site directly addressing the R510 to the north, the R526 to the eastern side with the Raheen roundabout situated immediately to the north-east of the site. Regarding to the context of the site there are no residential properties to the east and south. The Blackthorn housing estate is located to the north of the site on the opposite side of the R510. A separation distance of over 50m is proposed between the subject

building and the closest dwelling in Blackthorn housing estate. In relation to siting of the subject building relative to the houses in Blackthorn I would note that the proposed development would not directly address the closest houses in Blackthorn as the building is located further east. Accordingly, there is limited potential for overbearing and visual impact to those properties.

- 8.3.3. The Courtfields Housing estate is situated to the west of the site. While the closest dwelling is located circa 12m from the proposed boundary of the site the subject mix use and apartment building is setback from the western side of the site, and it is located circa 30m from the closest residential property. The properties in Courtfield within a terrace row are the closest to the site and there would be some visual impact from taller development on the site. There is an existing mature hedge which does provide screening along the existing site boundary and it is proposed to retain this which will serve to reduce potential visual and overbearing impacts.
- 8.3.4. Regarding the matter of overlooking the grounds of appeal refer to several balconies facing north-west towards Courtfields and the design of building which features large glazed elevations to apartments. In relation to the matter of overlooking I would note the provisions of the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024). SPPR2 of the guidelines refers to separation distances and sets out that it is a specific planning policy requirement of the Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. Accordingly, a separation distance of 16m is a minimum which should be provided on this basis. In the context of the proposed mix-use and apartment building the separation distance provide between the development and the dwellings to the west within Courtfields are in accordance with the provisions of the Guidelines.
- 8.3.5. In relation to the issue of potential overshadowing, A Sunlight, Daylight & Shadow Assessment has been prepared by Integrated Environmental Solutions and was submitted as part of the application. The shadow analysis illustrates different shadows being cast at key times of the year (March 21st, June 21st and December 21st) for the Existing Situation and the Proposed Scheme.

- 8.3.6. The submitted assessment considers the impacts on daylight and sunlight on the following surrounding residential properties, no's 48-55 Courtfields South and no's 18 – 21 Blackthorns. In relation to no's 48-55 Courtfields South additional shading would be visible from the proposed development on these existing residential properties in the mornings of March and June at 0800. There would be no additional overshadowing throughout the rest of the year. In relation to no's 18 – 21 Blackthorns additional shading would be visible from the proposed development on these existing residential properties on December 1200 and 1400. There would be no additional overshadowing throughout the rest of the year.
- 8.3.7. In relation to the issue of sunlight to existing amenity spaces it was found in the assessment that on March 21st the existing amenity spaces will receive similar levels of sunlight with the proposed development in place when compared to the existing situation. Therefore, there will be a negligible impact to the neighbour's amenity space sunlight with the development of the proposed site. In relation to access to sunlight for existing residential properties the assessment found that the that the proposed development will have no impact to the sunlight received to these existing neighbouring properties.
- 8.3.8. The grounds of appeal raised concerns in relation to impacts arising during the construction phase specifically that construction would generate traffic, noise, dust and air pollution which would cause general disruption to the area. In response to the matter the first party highlighted that the application includes a noise impact assessment. It was concluded in the assessment the development shall not be exposed to or give rise to noise levels in excess of Limerick City and County Councils Noise Action Plan and that the construction and operational phases of the proposed Development shall not result in adverse impact. The first party also highlighted that the Environment Section of the Council recommended that the mitigation measures set out in the assessment are implemented during the construction of the Proposed Development. The Planning Authority conditioned the hours of construction from 7am to 7pm Mon-Fri and 7am to 2pm Saturday which are the standard hours of construction. The first party confirmed that they intend to adhere to the conditioned hours of operation in relation to construction. Accordingly, I am satisfied that matters concerning noise impact and disturbance arising during construction can be addressed by conditions.



8.3.9. In conclusion, having reviewed the proposed site layout of the scheme relative to the existing surrounding properties, I consider having regard to the proposed siting of the and design of the proposed building and the relative separation distances to the existing dwellings to the north, west and south-west of the site that the proposed scheme would not result in any undue overlooking, overshadowing or overbearing impact of neighbouring residential properties.

#### **8.4. Traffic and parking**

- 8.4.1. The grounds of appeal has raised concerns in relation to the level of traffic and parking which would be generated. The third party appeals raised the matter of traffic congestion in the area specifically at the Raheen roundabout and the surrounding roads.
- 8.4.2. As part of the request for further information the applicant was required to submit a revised TTA to address a number of concerns. The Planning Authority sought that the revised TTA address the cumulative effect of one junction on another, that it address the masterplan for the area, that it clarify the existing junction capacity and also to take account of the LIHAF Road and the permitted applications and future applications along this road.
- 8.4.3. In response to this a revised TTA was prepared by CTS – Group Chartered Consulting Engineers. Capacity analysis was carried out on Junction 1: Loughmore Roundabout ,Junction 2: Raheen Roundabout, Junction 3: R526 St. Nessan’s Road/ Church Road/ Ballycummin Road Crossroads, Junction 4: R510/ Courtfields T-Junction, Junction 5: Courtfields Roundabout, Junction 6: Quin’s Cross Roundabout, Junction 7: Primary Care Centre Access T-Junction onto R526. The predicted traffic flows were added to the existing flows at the junctions as well as traffic growth figures up to a design year of 2041. The analysis provided includes the traffic generated by the proposed development assuming full occupation of the proposed development and permitted development. The analysis demonstrated that the junctions included in the assessment the Loughmore Roundabout, the Courtfileds Roundabout and the Primary Care Centre Access T-Junction will operate below desirable capacity with the completed development in 2041.

- 8.4.4. In relation to the junctions the Raheen Roundabout and the R510/ Courtfields T-Junction the analysis demonstrated that they will operate below maximum capacity but that the junctions may operate above desirable capacity with the completed development in 2041. Regarding two junctions the R526 St. Nessan's Road/ Church Road/ Ballycummin Road Crossroads and the Quin's Cross Roundabout the analysis demonstrated that they could operate above capacity. It is stipulated in the TTA that if these junctions become over-capacity in the design year it is likely they would have been over-capacity without the development and that the maximum impact of the development is only 2%. It is concluded in the TTA that the development is not likely to have a significant impact due to this low percentage and that the completion of the LIHAF Road between Mungret to the Loughmore Roundabout will offer an alternative route for traffic growth in the area and likely result in reduced traffic on the R510.
- 8.4.5. In relation to the matter of cumulative effects of one junction on another it was determined in the TTA that queuing from all junctions does not impact adjacent junctions in the survey or opening years and therefore modelling individually is acceptable.
- 8.4.6. Accordingly, having regard to the details provided in the revised TTA, it is reasonable to conclude that the level of traffic arising from the proposed development will not give rise to any significant impact upon the existing road network and junctions in the vicinity of the site. Furthermore, I note the report of the Roads Section dated 8/7/2024 which recommended a grant of permission subject to the attachment of conditions.
- 8.4.7. The matter of car parking and a potential shortfall in car parking was raised in the appeals. The first party in their appeal response provided detailed regarding the existing and future car parking at the South Court site. They confirmed that there are 398 no. surface spaces allocated to existing development at the South Court site. The Primary Care Centre granted permission under Reg. Ref 18/1177 would be served by 132 no. surface car parking space and the existing South Court Hotel would be served by 224 no. surface car parking spaces.
- 8.4.8. The subject Mixed Use development at South Court as originally proposed has 77 no. surface spaces with 149 no. proposed in the under croft. At further information stage the number of surface car parking spaces was revised to 60 no. with 149 no. spaces proposed in the under croft. The first party confirmed in their response that

the total reduction in surface car parking within the overall development would be 138 no. surface spaces based on the development of the permitted Primary Care Centre and the subject development. This would represent a 48% reduction of the existing surface car parking across the South Court site.

- 8.4.9. In relation to the proposed car parking to serve the development the report of the Planning Officer dated 16/11/23 stated that 149 no. car parking spaces are proposed which is in line with the requirements set out in Table DM 9(a) – Car and Bicycle Planning Standards Limerick City and Suburbs (in Limerick).
- 8.4.10. In relation to the revised scheme, the car parking arrangements to serve the scheme comprise a total of 77 no. surface spaces and 149 no. spaces proposed in the undercroft. Car parking standards are set out under Table DM 9(a) of the Limerick Development Plan 2022-2028, Table DM 9(a) refers to Car and Bicycle Parking Standards in Limerick City and Suburbs. The parking zones in Limerick City and Suburbs (in Limerick), Mungret and Annacotty are the same as the density zones set out in Section 2.3.5.2. As per Map 4: in Limerick City and Suburbs (in Limerick), Mungret and Annacotty – Density Map, the site at South Court, Raheen, Dooradoyle, Limerick is located in Zone 2. In Zone 2 there is a requirement for 1 car parking space for 1-2 bedroom apartments with visitor parking at a rate of 1 space per 3 units and for 3 bedroom apartments a rate of 1.5 spaces per unit is required.
- 8.4.11. The proposed development as originally proposed comprises 104 no. apartments with 51 no. one bedroom apartments, 49 no. two bedroom apartments and 4 no. three bedroom apartments with a 139sq m childcare facility and two retail units comprising Unit A -1602sq m and Unit B – 45sq m. The residential component would require 100 spaces for the 1&2 bedroom units, 6 spaces for the 3 bedroom units with 34.66 required for visitors. In relation to the creche and retail unit these would require 1 space per 60sq m for the creche which would equate to 2 car parking spaces and the convenience retail provision would require 1 car parking space per 40sq m. The subject convenience retail unit would require 40 no. car parking spaces.
- 8.4.12. Accordingly, in total as per the development plan there is a requirement for circa 182.66 no. car parking spaces to serve the proposed mixed use development. Therefore, with a total of 209 car parking spaces are proposed to serve the development the car parking provision is in accordance with the provisions of Car

parking standards are set out under Table DM 9(a) of the Limerick Development Plan 2022-2028.

- 8.4.13. The appeal of the Grange Residents Association requested the provision of an additional pedestrian crossing along Courtfield Road between the R510 junction and the Courtfields mini roundabout. The first party in response to the matter noted that while the zebra crossing was not required by the Planning Authority at this location that they have no objection to the inclusion of a zebra crossing at this location by way of condition. I consider that the provision of a further zebra crossing at this location would improve traffic and pedestrian safety. Accordingly, should the Board decide to grant permission for the proposed development I would recommend the attachment of such a condition.

## **8.5. Retail provision**

- 8.5.1. The proposed scheme included the development of 2 no. retail units comprising Unit A -1602sq m and Unit B – 45sq m located on the ground floor. The grounds of appeal raised in third party appeal refer to concerns in relation to the proposed convenience retail area on the basis that the applicant has sought to justify the proposed supermarket based on the quantitative Retail Strategy for the Limerick MASP area. It is set out in the grounds of appeal that the assessment made as part of the further information made a number of unsubstantiated judgements relating to the baseline of convenience floorspace permitted in the Limerick MASP area. The Council in considering the application reached a conclusion that there was only a shortfall of 410sq m within the catchment. It is argued in the grounds of appeal that basing on the potential of a new population growth with the catchment would appear not to be the appropriate approach to this edge of city location that fails to meet the sequential approach to retailing and must be considered as an out of centre location due to its peripheral location.
- 8.5.2. The application is accompanied by a Retail Impact Assessment (RIA) prepared by MKO Planning and Environmental Consultants. The retail catchment area for the proposed development was quantified using the CSO 2016 Small Area Population statistics where a population of 8,361 was recorded for the area surrounding the site and the Mungret area. A 2.5% per annum uplift in population was applied to level

recorded in 2016 to provide a projected catchment population of 11,911 by 2028. It was detailed in the RIA that the Limerick City and County Retail Strategy 2022-2028 indicates that the Limerick Catchment has a residual capacity for additional convenience floorspace presents in 2024 of 17,511m<sup>2</sup>, increasing to 28,622 m<sup>2</sup> by 2028, if left unaddressed. The Limerick City & County Retail Strategy 2022-2028 which refers to the Limerick MASP Catchment states the Final Future Retail Floorspace Potential when adjusted for vacancy & pipeline retail goods type floorspace the capacity for 2026 is 7,327m<sup>2</sup> and for 2028 is 9,846 m<sup>2</sup>. These figures apply to the Limerick MASP Catchment where the proposed development is located.

- 8.5.3. In relation to the available convenience retail spend in the catchment area this was estimated as €60.7 million. The retail floorspace existing and permitted within the catchment area is detailed as Aldi Store (granted permission under Ref: 21/1590 & ABP-315223-22) which is 1,315sq m with a turnover of €15.78 million, Spar - Ballycummin Road, Raheen, Limerick which is 400sq m with a turnover of €4.8 million, Centra - Raheen Gardens, Raheen, Limerick, which is 400sq m with a turnover of €4.8 million, Spar - Racefield Centre, Father Russell Rd, Raheen, Limerick which is 400sq m with a turnover of €4.8 million and Ryan's Food stores - 14 Beverly Heights, Raheen, Limerick, which is 400sq m and with a turnover of €4.8 million. The estimated convenience floorspace in the catchment area is approximately 2,915sq m, which provides an existing turnover of €34.98 million.
- 8.5.4. The subject convenience retail unit has a floor space of 1,600sq m. In relation to a capacity assessment for convenience retail spend within the catchment area the total available convenience expenditure is €60.7 million. The turnover from the existing convenience retail stores within the catchment area is €34.98 million. The proposed convenience retail store would have a turnover of €20.8 million. The residual expenditure in the catchment area with the subject convenience store provide would be €4.92 million with the residual floorspace of 410sq m within the catchment area.
- 8.5.5. As detailed in the RIA some residents of the catchment may travel outside the catchment to undertake their convenience retail shop at a location other than the proposed neighbourhood centre. Therefore, it was concluded that the data provided indicated that even if 30% of the population of the catchment chose to shop outside the catchment, there would still be sufficient spend available within the catchment to warrant the provision of the proposed convenience retail development. It was

concluded in the RIA that there is at present a shortfall in convenience retail floorspace within the identified retail catchment.

- 8.5.6. As part of the further information under item no. 6 the Planning Authority required that the applicant, in relation to the retail element demonstrate compliance with the Limerick Development Plan and associated Retail Strategy having regard to the convenience floorspace permitted within the Limerick Shannon Metropolitan Area since the adoption of the plan. The applicant was requested to show compliance with 'Table 6.22: Final Future Retail Floorspace Potential (Cumulative) - Adjusted for Vacancy and Pipeline' as set out in the Retail Strategy. The Planning Authority also required that details of the proposed end user of the large retail unit to be submitted.
- 8.5.7. In response to this MKO Planning and Environmental Consultants provided a section in the overall report on further information to be read in conjunction with the RIA submitted with the application. They confirmed that the end user of the convenience retail unit is intended to be a prominent discount retailer.
- 8.5.8. Table 6.22 from the Limerick Retail Strategy which refers to Final Future Retail Floorspace Potential sets out that from convenience goods in 2024 the floorspace capacity is 4,561sq m, for 2026 the floorspace capacity is 7,188sq m and for 2028 the floorspace capacity is 9,838sqm.
- 8.5.9. The convenience retail floorspace within the catchment has been revised to include recently consented developments within the catchment area. They are 1,315sq m permitted under Reg. Ref. 211658 at lands at New Road/Knockalisheen Road, Ballynanty More, Moyross, Limerick, 994sq m permitted under Reg. Ref. 221159 at Kilkeely Road, Kileely, Co. Limerick, 1,408sq m permitted under Reg. Ref. 22950 at Towlerton, Ballysimon, Limerick, an increase of 670sq m was permitted under Reg. Ref. 22696 & ABP 314570 at Childers Road Lidl Licenced Foodstore, Childers Road, Rossbrien Road, Limerick City, 1,315sq m permitted under Reg. Ref. 211590 & ABP 315223 at lands adjacent to Collins Bar, Dooradoyle Road, Sluggary, Limerick and 449.2sq m permitted under Reg. Ref. 22917 at townland of Clonconane between Old Cratloe Road(L3102) and Pass (Meelick) Road, Limerick.
- 8.5.10. It is detailed in the further information response that Table 6.22 from the Limerick Retail Strategy establishes that there is 9,838sq m of retail floor space available for the year 2028. The permitted (recently granted) retail floorspace up to 2024 is

6,151.2sq m and including the Proposed Development (1,600sq m), there is an estimated surplus of 2,086.80sq m for 2028. The response prepared by MKO also included pipeline growth for the Mungret Masterplan area. The estimated available expenditure in the Mungret Masterplan area in 2028 for convenience floorspace was €26,565,330 and the available retail floorspace to accommodate the additional demand was 2,213.77sq m. These figures were used to update the capacity assessment of the catchment. As detailed on Table 8 of the further information response in relation to the available convenience retail spend in the catchment area including the Mungret Masterplan area was estimated as €83.8 million with the turnover from the existing convenience retail stores within the catchment area is €34.98 million. The proposed convenience retail store would have a turnover of €19.2 million. The residual expenditure in the catchment area with the subject convenience store provide would be €29.6 million with the residual floorspace of 2,468sq m within the catchment area.

8.5.11. The grounds of appeal raised concern the assessment made as part of the further information made a number of unsubstantiated judgements relating to the baseline of convenience floorspace permitted in the Limerick MASP area. In relation to this matter I would highlight that the Council required that the applicant have regard to the convenience floorspace permitted within the Limerick Shannon Metropolitan Area since the adoption of the plan and they requested that the applicant show compliance with 'Table 6.22: Final Future Retail Floorspace Potential (Cumulative) - Adjusted for Vacancy and Pipeline' as set out in the Retail Strategy. I note the point in relation to unsubstantiated baseline of convenience floorspace permitted however the figures provided are based on the floorspace granted permission under each of the listed applications/appeals.

8.5.12. It is noted in the grounds of appeal that the Council concluded that there was a shortfall of 410sq m within the catchment. The assessment of the Planning Officer in their report on foot of the further information in relation to the capacity for convenience floorspace noted that the proposed convenience floor space of 1,600sq m is within the capacity requirements set out in the Retail Strategy which is 4,561sq m available in the MASP area up to 2024 and that the capacity is further increased to 9,838sq m of available convenience floorspace by 2028. Therefore, there is capacity in the catchment for the subject convenience floor space.

8.5.13. It was also raised in the appeals that the development would not accord with the sequential approach in terms of retail. In relation to the matter, it is stated in the RIA that the proposed development which comprises a convenient retail use part of local neighbourhood centre proposal and that the use of the site is specifically identified in the Development Plan for this purpose. It is highlighted in the RIA that the purpose of the zoning includes that the following must be adhered to, "The retail scale and type will be controlled to prevent negative impacts on the retail function of Limerick City Centre at the top of the hierarchy. A materially broader range of comparison goods than currently exists shall not be allowed in order to avoid further competition with the City Centre. Any proposal for retail development shall comply with the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick." On that basis it was put forward that a sequential test was not required. In relation to this I would also note that the report of the Planning Officer referred to a recent Board decision where permission was granted for a discount foodstore at Dooradoyle, Limerick (ABP 315223-22). The Senior Inspector in their assessment of the proposal concluded that given the neighbourhood/local centre zoning of the site, a sequential test is not required under the provisions of the Retail Planning Guidelines. They noted the provisions of Section 4.4 of the Retail Planning Guidelines (2012) which sets out that where the location of the proposed development complies with the policies and objectives of the Development Plan and/or relevant retail strategy to support the city and town centre, sequential testing is not required. I would consider the current proposal is a comparable case and therefore the same rationale in respect of the sequential testing should be used. Therefore, I would agree with the narrative put forward in the RIA in relation to the absence of a requirement to carry out sequential testing.

8.5.14. In conclusion, having regard to the submitted Retail Impact Assessment and detail provided with the response to the further information I am satisfied that the applicant has demonstrated that there is a demand for additional convenience floorspace within the catchment area in terms of the extent of retail expenditure available. Accordingly, having regard to the details set out above I would accept that the increase in convenience floor space in the catchment is justified.



## 8.6. First party appeal

8.6.1. A first party appeal has been made against condition no. 4 of the permission granted by the Planning Authority under Reg. Ref. 2360703.

8.6.2. Condition no. 4 states;

*The developer shall pay the Planning Authority a special contribution of €100,000.00 (one hundred thousand euro) in accordance with Section 48 2 (c) of the Planning & Development Act 2000 (as amended) in respect of a zebra crossing. The contribution shall be paid prior to the 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.*

*Reason: It is a requirement of the Planning & Development Act 2000 (as amended) that a condition requiring a special contribution in accordance with the Section 48 2 (c) of the Act be applied to the permission.*

8.6.3. The first party have stated that they consider that condition no. 4 attached by the Council does not align with the circumstances set out in the Act whereby a Special Development Contribution may be levied and that therefore it is unwarranted.

8.6.4. Section 48 (2)(c) of the Planning and Development Act 2000, (as amended) states;

*“A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.”*

8.6.5. The special development contribution refers to a ‘zebra crossing’. The first party state that it is their understanding that it may relate to the pedestrian infrastructure on the R510 or the pedestrian infrastructure on the Raheen Roundabout detailed in condition no. 13 (vii) which states ‘The full details of the upgrade of the Raheen Roundabout with the inclusion of controlled crossings (Zebra Crossings) on each leg of the roundabout shall be agreed with the Planning Authority prior to the commencement of development. The final details of the design of the junction with the R510 to be agreed prior to the commencement of any development on site.’

- 8.6.6. The first party highlight in their appeal that the zebra crossings located around the Raheen roundabout are not proposed as part of the proposed development and were not included within the development boundary (red line). They further state that they are not critical to the delivery or operation of the proposed development.
- 8.6.7. As part of the request for further information under item no. 2 the applicant was required to submit a Revised Site Layout Plan showing connections to the infrastructure approved as part of the Part 8 scheme (22/8003) demonstrating that there will be no impact on the ability of the Active Travel Team to successfully implement this scheme as permitted. The proposed development should also tie in with the proposed cycling and walking infrastructure and the Part 8 scheme should be overlaid on the site layout plan.
- 8.6.8. The first party highlight that junction upgrades along the R510 already from part of the scheme of the active travel scheme planned by Limerick City and County Council (Part 8 Scheme 22/8003). The scheme identifies a crossing positioned from the footpath along the northern boundary of the site to the opposite side of the R510.
- 8.6.9. The first party response to item no. 2 submitted an updated Site Layout with this 4m wide zebra crossing and appropriate tie into the planned active travel infrastructure on the R510 through linking with the upgraded pedestrian infrastructure planned as part of the Part 8 Scheme. The first party do not consider that the subject crossing are vital to the operation or delivery of the Proposed Development under appeal.
- 8.6.10. The report of the Planning dated 9/7/2024 states that a special development contribution has been recommended by the Roads Section in the report dated 8/7/2024 for €100,000.00 with regard to the construction of a zebra crossing to link the development with the Raheen Industrial Estate. The report of the Roads Section dated 8/7/2024 specifically part (h) refers to this and states that 'the full details of the upgrade of the Raheen Roundabout with the inclusion of controlled crossings (Zebra Crossings) on each leg of the roundabout shall be agreed with Limerick City and County Council's Road Section prior to the commencement of development. A special contribution of €100,000.00 should be requested with regard to Zebra Crossings.
- 8.6.11. In relation to the Limerick City and County Development Contribution Scheme 2022, having reviewed the list of other projects in Appendix B of the Scheme the subject

upgrade of the Raheen Roundabout with the inclusion of controlled crossings is not included within the list of transport, surface water and public realm projects.

Accordingly, the above upgrade works are outside the scope of the Development Contribution Scheme. The first party have argued that the zebra crossing does not provide specific benefits to the proposed development but rather serve the broader public interest. In response to this matter, I would note that while the provision of the zebra crossings at the Raheen Roundabout would serve a broader public interest it would also directly benefit the proposed development through the provision of improved pedestrian access to the site particularly from the north crossing the R510.

- 8.6.12. Accordingly, I would consider that it is appropriate in this instance to attach the condition requiring the payment of the special contribution on the basis that it is public infrastructure and facilities which will benefit the proposed development in terms of providing pedestrian crossing facilities which will benefit future residents.

## **9.0 Appropriate Assessment**

### **9.1. Appropriate Assessment – Refer to Appendix 3**

### **9.2. Appropriate Assessment Overall Conclusion**

- 9.2.1. I consider on the basis of the information on file that the applicant in this case has demonstrated in the submitted Natura Impact Statement that with the implementation of mitigation measures including robust construction management and also operational measures that are to the required standards, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code 004077) or any other such designated European site, in view of the their Conservation Objectives.

## **10.0 Recommendation**

- 10.1. I recommend a grant of permission.

## 11.0 Reasons and Considerations

- 11.1. Having regard to the zoning objective for the site as set out in the Limerick Development Plan 2022 – 2028, the National Planning Framework, 2018 – 2040, Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024), Urban Development and Building Heights, Guidelines for Planning Authorities, (2018), Sustainable Urban Housing: Design Standards for New Apartments, (2023), and the overall scale, design and height of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would achieve an acceptable standard of urban design and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area 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.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 12<sup>th</sup> day of June 2024 as 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 and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to the commencement of any development on site, the developer shall submit a revised design and layout removing the fourth floor from the building. This revision shall be submitted for written agreement of the planning authority.

**Reason:** To protect the visual amenities of the area in the interest of proper planning and sustainable development.

3. The mitigation measures and monitoring commitments identified in the Natura Impact Statement, Construction and Environmental Management Plan and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions. Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments in a single document, as identified in the submitted documents and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement

**Reason:** In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development

4. Prior to the commencement of any development of site, the applicant shall submit for the written agreement of the planning authority revised drawings showing: the provision of an additional pedestrian crossing along Courtfield Road between the R510 junction and the Courtfields mini roundabout.

**Reason:** In the interests of traffic and pedestrian safety.

5. The access from the site onto the R526 shall be opened prior to the occupation of any part of the development to allow traffic to be split for entry and exit to the overall site.

**Reason:** In the interest of the proper planning and sustainable development of the area, road safety and to protect the amenity of the area.

6. The following requirements in terms of traffic, transportation and mobility shall be incorporated into the development and where required, revised plans and particulars demonstrating compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

(a) The details and the extent of all road markings and signage requirements on surrounding roads, shall be submitted to the Planning Authority for approval prior to the commencement of development.

(b) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

- (c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings and car parking bays shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the planning authority for such road works.
- (d) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.
- (e) The materials used on roads and footpaths shall comply with the detailed standards of the planning authority for such road works.
- (f) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

- 7. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Render shall not be used as an external finish.

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

- 8. Each apartment 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. Site development and building works shall be carried out only between the hours of 0700 to 1900, Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

10. Water supply and 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 to ensure a satisfactory standard of development.

11. The applicant shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

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

12. The site shall be landscaped 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. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

**Reason:** To ensure a satisfactory completion and maintenance of the development in the interests of residential amenity and in the interests of protecting the environment.

13.

- (a) Swift/bat bricks shall be incorporated into the development construction.
- (b) A bat survey during the bat activity period (May to September) shall be carried out to confirm if any bat usage of the structure for demolition or trees for removal. No works shall commence until such time as these results have been agreed in writing with the Planning Authority.
- (c) The demolition works, close to the trees that are being retained, shall be supervised by an arborist.
- (d) Vegetation clearance shall take place outside the bird nesting season (i.e. during the period 1st September to 1st of March).

- (a) The bat friendly lighting proposed in the Ecological Assessment Report submitted on file shall be put in place on site.
- (b) The mitigation measures mentioned in the Ecological Assessment Report shall be implemented in full.

**Reason:** To ensure the conservation of the swifts and bats and minimise possible wildlife disturbance during the breeding season.

14. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** in the interests of sustainable transportation.

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

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

16. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.



17. 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.

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

18. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

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

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

20. 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

21. 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.

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

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

23. 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.

24. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

25. The developer shall pay a financial contribution of €100,000.00 (one hundred thousand euro) to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the zebra crossings at Raheen Roundabout, which benefits the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

26. 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.

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Siobhan Carroll  
Planning Inspector

13<sup>th</sup> March 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP 320326-24		
<b>Proposed Development Summary</b>	Partial demolition of a hotel for the construction of a eight-storey mixed-use development consisting of 84 residential apartments, childcare facility and retail units and all associated site works. The development will also include upgrades and modifications to the current hotel on site. A Natura Impact Statement (NIS) has been prepared in respect of the proposed development		
<b>Development Address</b>	South Court, Raheen, Dooradoyle, Limerick.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	✓	Class 10(b)(i), Schedule 5 Part 2 Class 10(b)(iv), Schedule 5 Part 2	Proceed to Q3.
<b>No</b>			Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			

Yes			EIA Mandatory EIAR required
No	✓		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
Yes	✓	EIA is mandatory for developments comprising over 500 dwelling units or urban development over 10 hectares in size or 2 hectares if the site is regarded as being within a business district. The proposal is significantly below this threshold being 84 no. residential units and the site has an area of 0.935 hectares which is sub threshold.	Preliminary examination required (Form 2)

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

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

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP- 320326-24</b>
<b>Proposed Development Summary</b>	Partial demolition of a hotel for the construction of an eight-storey mixed-use development consisting of 84 residential apartments, childcare facility and retail units and all associated site works. The development will also include upgrades and modifications to the current hotel on site. A Natura Impact Statement (NIS) has been prepared in respect of the proposed development
<b>Development Address</b>	South Court, Raheen, Dooradoyle, Limerick.
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development has a modest footprint, comes forward as a standalone project. It does require demolition works to a section of the building currently in use as the South Court Hotel. It does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to

	climate change. It presents no risks to human health.
<b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan. There are no protected species/habitats on site.
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	



<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

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

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

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

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

(only where Schedule 7A information or EIAR required)

## **Appendix 3**

### **1.1 Appropriate Assessment**

#### **Overview**

- 1.1.1 Accompanying this application is a Natura Impact Statement dated 6/9/2023 prepared by MKO Planning and Environmental Consultants.

#### **Screening**

- 1.1.2 In accordance with the obligations under the Habitats Directive and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a European site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is 'screening.'
- 1.1.3 The methodology for screening for Appropriate Assessment as set out in EU Guidance and the Department of Environment, Heritage and Local Government is:
1. Description of the plan or project and local site or plan area characteristics.
  2. Identification of relevant European site and compilation of information on their qualifying interests and conservation objectives.
  3. Assessment of likely significant effect-direct, indirect, and cumulative, undertaken on the basis of available information.
  4. Screening Statement with conclusions.

### **1.2 Project Description and Site Characteristics**

- 1.2.1 The project description is given the partial demolition of 1,895sq m of a building currently in use as the South Court Hotel and the construction of a 7 no. storey, 2 no. basement mixed use development on a 0.935ha site. Scheme comprising 104 no. residential apartments, Childcare facility, dedicated open space, internal residential amenity areas, 2 no. retail units with customer and staff carparking. A new 1 no. storey and 1 no. basement 'Hotel Link' between South Court Hotel and the proposed mixed use

development. 149 no. car parking spaces (79 no. spaces at basement level with 70 no. customer spaces provided at lower ground floor level). Bicycle parking for 170 no. residential and customer bicycles with additional secured staff bicycle parking facilities located at lower ground floor level. Site landscaping including communal open space and play equipment. Road upgrades to the existing surface car parking on the northern portion of the site. Erection of signage on building façade and all ancillary site development works.

1.2.2 It is proposed to connect to the existing mains water supply and wastewater from the scheme will discharge to the public sewer. It is proposed that surface water from the scheme will be discharge to the through Sustainable Urban Drainage Systems (SUDS) features and via an attenuation tank and hydrobrake before discharging to the existing public storm sewer. An underground attenuation tank with a volume of 130m<sup>3</sup> is proposed.

1.2.3 The screening report identified the following European sites:

- Lower River Shannon SAC (Site Code 002165) circa 1.9km (11.5km hydrological distance) from the site.
- River Shannon and River Fergus Estuaries SPA (Site Code 004077) circa 2.3km from the site.
- Tory Hill SAC (Site Code 000439) circa 9.1km from the site.
- Curraghchase Woods SAC (Site Code 000174) circa 13.6km from the site.
- Askeaton Fen Complex SAC (Site Code 002279) circa 11.9km from the site.
- Glenomra Wood SAC (Site Code 001013) circa 14.9km from the site.

**Table 1: European Sites within the Zone of Influence of the Appeal Site**

Site Name & Code	Distance	Qualifying Interests	Conservation Objectives
Lower River Shannon SAC (Site Code 002165)	1.9km	Sandbanks which are slightly covered by sea water all the time [1110]  Estuaries [1130] Mudflats and	To maintain and/or restore the favourable conservation condition of the Annex I habitats and/or the Annex

		<p>sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and</p>	<p>II species for which the SAC has been selected which are defined by lists of attributes and targets</p>
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		<p>Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera</p> <p>(Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>	
River Shannon and River Fergus Estuaries SPA (Site Code 004077)	2.3km	<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Light-bellied Brent Goose (Branta bernicle hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p>	To maintain and/or restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SPA has been selected which are defined by lists of attributes and targets

		<p>Teal (<i>Anas crecca</i>) [A052]  Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p>	
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		Wetland and Waterbirds [A999]	
Tory Hill SAC (Site Code 000439)	9.1km	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Alkaline fens [7230]</p>	To maintain and/or restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SAC has been selected which are defined by lists of attributes and targets
Curraghchase Woods SAC (Site Code 000174)	13.6km	<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Taxus baccata</i> woods of the British Isles [91J0]</p> <p><i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p>	To maintain and/or restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SAC has been selected which are defined by lists of attributes and targets
Askeaton Fen Complex SAC (Site Code 002279)	11.9km	<p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Alkaline fens [7230]</p>	To maintain the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SAC has been selected which are defined by lists of

			attributes and targets
Glenomra Wood SAC (Site Code 001013)	14.9km	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	To maintain the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Glenomra Wood SAC, which is defined by a list of attributes and targets

1.2.4 An assessment of the significance of potential impact upon the European Sites within the zone of influence of the proposed development is determined on the basis of the following indicators;

- Habitat loss or alteration;
- Habitat/species fragmentation;
- Disturbance and/or displacement of species;
- Changes in population density; and
- Changes in water quality and resources.

1.2.5 In relation to the matter of habitat loss or alteration the proposed development site is not located directly adjacent to any European sites and therefore there will be no direct loss or alteration of the habitat. Regarding the issue of habitat/species fragmentation the proposed development would not result in any direct habitat loss or fragmentation.

1.2.6 In relation to the matter of disturbance and/or displacement of species the proposed development does not have the potential to cause a disturbance and/or displacement to species of qualifying interest in the European sites identified within the zone of influence of the appeal site, apart from one species of qualifying interest.



- 1.2.7 The proposed development is not considered to have the potential to result in the reduction in the baseline population of species associated with any of the European sites identified within the zone of influence.
- 1.2.8 In relation to the matter of changes to water quality and resources there is no direct surface water connection between the appeal site and the Lower River Shannon SAC. The appeal site lies upgradient of the SAC and is partially within the same surface water and groundwater catchments. They share the groundwater catchment. A potential pathway for indirect effects was identified in the form of deterioration of water quality via percolation of polluting materials through surface water or groundwaters.
- 1.2.9 In relation to the River Shannon and River Fergus Estuaries SPA it is partially located within the same groundwater and surface water catchment as the appeal site. The SPA is located 2.4km downgradient of the appeal site. A potential pathway for indirect effects on supporting wetland habitat for the SCIs of the SPA is identified.
- 1.2.10 There is potential for the deterioration of water quality within the SPA, arising from runoff or percolation of pollutants into surface or ground water systems from the construction and operational phases of the proposed development.

### **1.3 Assessment of likely Effect**

- 1.3.1 Having regard to the 'source-pathway-receptor' model the submitted screening report identified potential effects on the Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code 004077). The aquatic habitats/species in the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA would be sensitive to any deterioration of water quality by groundwater and overland flow from the development site. In the absence of appropriate controls and mitigation measures the potential for significant adverse effects on the conservation status of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA cannot be ruled out.

### **1.4 Screening Statement Conclusions**

- 1.4.1 The screening assessment concludes that significant effects cannot be ruled out on the Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code 004077) and that a Stage 2 Appropriate Assessment is required. In conclusion having regard to the foregoing, it is reasonable to conclude that on the basis of the information

on the file, which I consider adequate in order to issue a screening determination, that significant effects cannot be ruled out and a Stage 2 Appropriate Assessment is therefore required.

## **1.5 Stage 2 – Natura Impact Statement (NIS)**

1.5.1 I propose to consider the requirements of Article 6(3) with regards to appropriate assessment of a project under Part XAB, Sections 177U and 177V of the Planning & Development Act, 2000, as amended, in this section of my report. In particular, the following matters:

- Compliance with Article 6(3) of the EU Habitats Directive.
- Screening the need for Appropriate Assessment.
- The Natura Impact Statement; and,
- An Appropriate Assessment of the implications of the proposed development on the integrity of each Natura site set out under Section 7.8.15 as detailed above.

1.5.2 On the matter of screening the need for ‘Appropriate Assessment’, this I have set out under Section 1.3.1 to Section 1.4.1 of my report above and in this case ‘Appropriate Assessment’ is required as it cannot be excluded on the basis of the information available to the Board that the proposed development individually or in-combination with other plans or projects in its vicinity would have a significant effect on the following Natura sites:

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

1.5.3 A description of the site and their Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS and summarised in tables no.1 of 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 [National Parks & Wildlife Service](#).

## **1.6 Potential for direct and indirect effects**

- 1.6.1 There would be no direct effects upon Lower River Shannon SAC (Site Code 002165), and the River Shannon and the River Fergus Estuaries SPA (Site Code 004077) as there would be no direct habitat loss or fragmentation as a result of the proposed development.
- 1.6.2 There is the potential for indirect effects on the Lower River Shannon SAC and the River Shannon and the River Fergus Estuaries SPA. The appeal site is located upgradient of the Lower River Shannon SAC and lies with the same surface water catchment (Shannon Estuary South) and groundwater catchment (Limerick City Southwest). The indirect effects would be the potential for pollution to groundwater and surface water. There is potential during the construction and operational phase of the proposed residential development that pollution of surface water from sedimentation and pollutants may result following a flood event and pollution of groundwater.

**Table 2 – AA summary matrix for Lower River Shannon SAC**

**Lower River Shannon SAC: (Site Code 002165)**

**Summary of Key issues that could give rise to adverse effects**

- Potential water pollution - Water Quality and water dependant habitats
- Potential sedimentation from surface water runoff - Water Quality and water dependant habitats

**Conservation Objectives:**

**1110 – Sandbanks which are slightly covered by sea water all the time:** To maintain the favourable conservation condition of Sandbanks which are slightly covered by sea water all the time in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

**1130 – Estuaries:** To maintain the favourable conservation condition of Estuaries which are slightly covered by sea water all the time in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

**1140 – Mudflats and sandflats not covered by seawater at low tide: –** To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

**1150 – Coastal Lagoons:** To restore the favourable conservation condition of Coastal lagoons in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

**1160 – Large shallow inlets and bays:** To maintain the favourable conservation condition of Large shallow inlets and bays in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

**1170 – Reef:** To maintain the favourable conservation condition of Reefs in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

**1220 – Perennial vegetation of stony banks:** To maintain the favourable conservation condition of Perennial vegetation of stony banks in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

**1230 – Vegetated Sea cliffs of the Atlantic and Baltic coasts:** To maintain the favourable conservation condition of Vegetated sea cliffs in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

**1310 – Salicornia and other annuals colonising mud and sand:** To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

**1330 – Atlantic salt meadows:** To restore the favourable conservation condition of Atlantic salt meadows in the Lower River Shannon SAC, which is defined by the following list of attributes and targets.

**1410 – Mediterranean salt meadows:** To restore the favourable conservation condition of Mediterranean salt meadows in the Lower River Shannon SAC, which is defined by the following list of attributes and targets.

**3260 – Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation:** To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

**6410 – Molinia meadows on calcareous, peaty or clayey-silt-laden soils:** To maintain the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt laden soils (Molinion caeruleae) in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

**91E0 – Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae):** To maintain the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt laden soils (Molinion caeruleae) in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

**1029 – Margaritifera margaritifera (Freshwater Pearl Mussel):** To restore the favourable conservation condition of Freshwater Pearl Mussel in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

**1095 – Sea Lamprey:** To restore the favourable conservation condition of Sea Lamprey in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

**1096 – Brook Lamprey:** To restore the favourable conservation condition of Brook Lamprey in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

**1099 – River Lamprey:** To maintain the favourable conservation condition of River Lamprey in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

**1106 – Atlantic Salmon:** To restore the favourable conservation condition of Salmon in the Lower River Shannon SAC, which is defined by a list of attributes and targets.

**1349 – Bottlenose Dolphin: To maintain the favourable conservation condition of Bottlenose Dolphin in the Lower River Shannon SAC, which is defined by a list of attributes and targets.**

**1355 – Otter: To restore the favourable conservation condition of Otter in the Lower River Shannon SAC, which is defined by a list of attributes and targets.**

Qualifying Interest feature	Conservation Objectives Targets and attributes	Summary of Appropriate Assessment			Can adverse effects on integrity be excluded?
		Potential adverse effects	Mitigation measures	In-combination effects	
Sandbanks which are slightly covered by sea water all the time	The distribution of sandbanks is stable, subject to natural processes. The permanent habitat area is stable or increasing, subject to natural processes and conserve subtidal sand.	None. No potential pathway	-	None	Yes
Estuaries	The permanent habitat area is stable or increasing, subject to natural processes; Conserve the following community types in a natural condition: Intertidal sand to mixed sediment with polychaetes, molluscs and crustaceans community complex; Estuarine subtidal muddy sand to mixed sediment with gammarids community complex; Subtidal sand to mixed sediment with Nucula nucleus community complex; Subtidal sand to mixed sediment with Nephtys spp. community complex; Fucoid-dominated intertidal reef community complex; Faunal turf-dominated subtidal	Potential water pollution Potential sedimentation from surface water runoff and pollution of groundwater	Mitigation measures required and detailed in full in Section 6.2.1.1 and Section 6.2.1.2 of the NIS	None	Yes

	reef community; and Anemone-dominated subtidal reef community				
Mudflats and sandflats not covered by seawater at low tide	The permanent habitat area is stable or increasing. Conserve the community types listed in a natural condition.	Potential water pollution Potential sedimentation from surface water runoff and pollution of groundwater	Mitigation measures required and detailed in full in Section 6.2.1.1 and Section 6.2.1.2 of the NIS	None	Yes
Coastal Lagoons	Area stable or increasing subject to natural processes, no decline in habitat subject to natural processes, salinity within natural range & specified water quality parameters.	Potential water pollution Potential sedimentation from surface water runoff and pollution of groundwater	Mitigation measures required and detailed in full in Section 6.2.1.1 and Section 6.2.1.2 of the NIS	None	Yes
Large shallow inlets and bays	Permanent habitat area stable or increasing, conserve listed community types in a natural condition	Potential water pollution Potential sedimentation from surface water runoff and pollution of groundwater	Mitigation measures required and detailed in full in Section 6.2.1.1 and Section 6.2.1.2 of the NIS	None	Yes
Reef	Distribution of reefs is stable, permanent habitat is stable and conserve listed community types in a natural condition	Potential water pollution Potential sedimentation from surface water runoff and pollution of groundwater	Mitigation measures required and detailed in full in Section 6.2.1.1 and Section 6.2.1.2 of the NIS	None	Yes
Perennial vegetation of stony banks	Area stable or increasing, subject to natural processes, including erosion and succession, No decline, or change in habitat distribution	None. No potential pathway	None	None	Yes
Vegetated Sea cliffs of the Atlantic and Baltic coasts	Area stable or increasing, subject to natural processes, including erosion	None. No potential pathway	None	None	Yes
Salicornia and other annuals colonising mud and sand	Area stable or increasing, subject to natural processes, including erosion and succession. No decline, or change in habitat distribution, subject to natural processes	Potential water pollution Potential sedimentation from surface water runoff and pollution of groundwater	Mitigation measures required and detailed in full in Section 6.2.1.1 and Section 6.2.1.2 of the NIS	None	Yes

Atlantic salt meadows	Area stable or increasing, subject to natural processes, including erosion and succession and no decline or change in habitat distribution	Potential water pollution Potential sedimentation from surface water runoff and pollution of groundwater	Mitigation measures required and detailed in full in Section 6.2.1.1 and Section 6.2.1.2 of the NIS	None	Yes
Mediterranean salt meadows	Area increasing, subject to natural processes, including erosion and succession & No decline, or change in habitat distribution	Potential water pollution Potential sedimentation from surface water runoff and pollution of groundwater	Mitigation measures required and detailed in full in Section 6.2.1.1 and Section 6.2.1.2 of the NIS	None	Yes
Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation	Habitat area stable or increasing, subject to natural processes; No decline in habitat distribution subject to natural Processes; Hydrological regime: river flow maintain appropriate hydrological regimes; Maintain natural tidal regime; Maintain appropriate freshwater seepage regimes; The substratum should be dominated by the particle size ranges, appropriate to the habitat sub-type (frequently sands, gravels and cobbles)	Potential water pollution Potential sedimentation from surface water runoff and pollution of groundwater	Mitigation measures required and detailed in full in Section 6.2.1.1 and Section 6.2.1.2 of the NIS	None	Yes
Molinia meadows on calcareous, peaty or clayey-silt-laden soils	Area stable or increasing, subject to natural processes and No decline, subject to natural processes	None. No pathway was identified.	None	None	Yes
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnus incanae, Salix alba)	Area stable or increasing, subject to natural processes. No decline in habitat	Potential water pollution Potential sedimentation from surface water runoff and pollution of groundwater	Mitigation measures required and detailed in full in Section 6.2.1.1 and Section 6.2.1.2 of the NIS	None	Yes
Margaritifera margaritifera (Freshwater Pearl Mussel)	Maintain at 7km. Restore to 10,000 adult mussels	None	None	None	Yes
Sea Lamprey Petromyzon marinus	Greater than 75% of main stem length of rivers	Potential water pollution Potential	Mitigation measures required and	None	Yes

	accessible from estuary; At least three age/size groups present; Juvenile density at least 1/m <sup>2</sup> ; No decline in extent and distribution of spawning beds; More than 50% of sample sites positive;	sedimentation from surface water runoff and pollution of groundwater	detailed in full in Section 6.2.1.1 and Section 6.2.1.2 of the NIS		
Brook Lamprey	Access to all water courses down to first order streams; At least three age/size groups of brook/river lamprey present; Mean catchment juvenile density of brook/river lamprey at least 2/m <sup>2</sup> ; No decline in extent and distribution of spawning beds; More than 50% of sample sites positive	Potential water pollution Potential sedimentation from surface water runoff and pollution of groundwater	Mitigation measures required and detailed in full in Section 6.2.1.1 and Section 6.2.1.2 of the NIS	None	Yes
River Lamprey	Access to all water courses down to first order streams; At least three age/size groups of river/brook lamprey present; Mean catchment juvenile density of river/brook lamprey at least 2/m <sup>2</sup> ; No decline in extent and distribution of spawning beds;	Potential water pollution  Potential sedimentation from surface water runoff and pollution of groundwater	Mitigation measures required and detailed in full in Section 6.2.1.1 and Section 6.2.1.2 of the NIS	None	Yes



	More than 50% of sample sites positive				
Atlantic Salmon	100% of river channels down to second order accessible from estuary; Conservation Limit (CL) for each system consistently exceeded; Maintain or exceed 0+ fry mean catchment-wide abundance threshold value. Currently set at 17 salmon fry/5 min sampling; No significant decline; No decline in number and distribution of spawning redds due to anthropogenic causes	Potential water pollution Potential sedimentation from surface water runoff and pollution of groundwater	Mitigation measures required and detailed in full in Section 6.2.1.1 and Section 6.2.1.2 of the NIS	None	Yes
Bottlenose Dolphin <i>Tursiops truncatus</i>	Species range within the site should not be restricted by artificial barriers to site use. Critical areas, representing habitat used preferentially by bottlenose dolphin, should be maintained in a natural condition. Human activities should occur at levels that do not adversely affect the bottlenose dolphin population at the site	Potential water pollution Potential sedimentation from surface water runoff and pollution of groundwater	Mitigation measures required and detailed in full in Section 6.2.1.1 and Section 6.2.1.2 of the NIS	None	Yes
Otter <i>Lutra lutra</i>	No significant decline in distribution; No significant decline in extent of terrestrial Habitat;	Potential water pollution Potential sedimentation from surface water runoff and pollution	Mitigation measures required and detailed in full in Section 6.2.1.1 and Section 6.2.1.2 of the NIS	None	Yes

	No significant decline extent of marine habitat; No significant decline extent of freshwater (river) habitat; No significant decline in extent of freshwater (lake/lagoon) habitat; No significant decline in couching sites and holts; No significant decline in fish biomass available; No significant increase in barriers to connectivity	of groundwater			
<b>Overall conclusion: Integrity test</b> Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.					

**Table 3 – AA summary matrix for River Shannon and River Fergus Estuaries SPA**

<p><b>River Shannon and River Fergus Estuaries SPA: (Site Code 004077)</b>  <b>Summary of Key issues that could give rise to adverse effects</b></p> <ul style="list-style-type: none"> <li>• Potential water pollution - Water Quality and water dependant habitats</li> <li>• Potential sedimentation from surface water runoff - Water Quality and water dependant habitats</li> </ul> <p><b>Conservation Objectives:</b></p> <p><b>A017 – Cormorant <i>Phalacrocorax carbo</i> : To maintain the favourable conservation condition of Cormorant in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.</b></p>
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**A038 Whooper Swan *Cygnus cygnus* – : To maintain the favourable conservation condition of Whooper Swan in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A046 – Light-bellied Brent Goose *Branta bernicla hrota*: To maintain the favourable conservation condition of Light-bellied Brent Goose in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A048 – Shelduck *Tadorna tadorna*: To maintain the favourable conservation condition of Shelduck in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A050 – Wigeon *Anas penelope*: To maintain the favourable conservation condition of Wigeon in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A052 – Teal *Anas crecca*: To maintain the favourable conservation condition of Teal in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A054 – Pintail *Anas acuta*: To maintain the favourable conservation condition of Pintail in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A056 – Shoveler *Anas clypeata*: To maintain the favourable conservation condition of Shoveler in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A062 – Scaup *Aythya marila*: To maintain the favourable conservation condition of Scaup in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A137 – Ringed Plover *Charadrius hiaticula*: To maintain the favourable conservation condition of Ringed Plover in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A140 – Golden Plover *Pluvialis apricaria*: To maintain the favourable conservation condition of Golden Plover in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A141 – Grey Plover *Pluvialis squatarola*: To maintain the favourable conservation condition of Grey Plover in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A142 – Lapwing *Vanellus vanellus*: To maintain the favourable conservation condition of Lapwing in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A143 – Knot *Calidris canutus*: To maintain the favourable conservation condition of Knot in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A149 – Dunlin *Calidris alpina*: To maintain the favourable conservation condition of Dunlin in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A156 – Black-tailed Godwit *Limosa limosa*: To maintain the favourable conservation condition of Black-tailed Godwit in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A160 – Curlew *Numenius arquata*: To maintain the favourable conservation condition of Curlew in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A162 – Redshank *Tringa totanus*: To maintain the favourable conservation condition of Redshank in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A164 – Greenshank *Tringa nebularia*: To maintain the favourable conservation condition of Greenshank in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A179 – Black-headed Gull *Chroicocephalus ridibundus*: To maintain the favourable conservation condition of Black-headed Gull in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

**A999 – Wetlands: To maintain the favourable conservation condition of wetland habitat in the River Shannon and River Fergus Estuaries SPA, which is defined by a list of attributes and targets.**

Qualifying Interest feature	Conservation Objectives Targets and attributes	Summary of Appropriate Assessment			Can adverse effects on integrity be excluded?
		Potential adverse effects	Mitigation measures	In-combination effects	
Cormorant	No significant decline in breeding population abundance; apparently occupied nests; No significant decline in productivity rate; No significant decline in Distribution: breeding colonies; No significant decline in Prey biomass Available; No significant increase Barriers to connectivity;	None. No potential pathway	-	None	Yes

	Human activities should occur at levels that do not adversely affect the breeding population; Long term population trend stable or increasing;				
Whooper Swan	Long term population trend stable or increasing; There should be no significant decrease in the range, timing or intensity of use of areas by this bird species of qualifying interest other than that occurring from natural patterns of variation	None. No potential pathway	-	None	Yes
Light-bellied Brent Goose	As detailed above	As detailed above	As detailed above	None	Yes
Shelduck	As detailed above	As detailed above	As detailed above	None	Yes
Wigeon	As detailed above	As detailed above	As detailed above	None	Yes
Teal	As detailed above	As detailed above	As detailed above	None	Yes
Pintail	As detailed above	As detailed above	As detailed above	None	Yes
Shoveler	As detailed above	As detailed above	As detailed above	None	Yes
Scaup	As detailed above	As detailed above	As detailed above	None	Yes
Ringed Plover	As detailed above	As detailed above	As detailed above	None	Yes
Golden Plover	As detailed above	As detailed above	As detailed above	None	Yes

Grey Plover	As detailed above	As detailed above	As detailed above	None	Yes
Lapwing	As detailed above	As detailed above	As detailed above	None	Yes
Knot	As detailed above	As detailed above	As detailed above	None	Yes
Dunlin	As detailed above	As detailed above	As detailed above	None	Yes
Black-tailed Godwit	As detailed above	As detailed above	As detailed above	None	Yes
Bar-tailed Godwit	As detailed above	As detailed above	As detailed above	None	Yes
Curlew	As detailed above	As detailed above	As detailed above	None	Yes
Redshank	As detailed above	As detailed above	As detailed above	None	Yes
Greenshank	As detailed above	As detailed above	As detailed above	None	Yes
Black-headed Gull	As detailed above	As detailed above	As detailed above	None	Yes
Wetlands	The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 32,261ha, other than that occurring from natural patterns of variation	Potential water pollution Potential sedimentation from surface water runoff and pollution of groundwater	Mitigation measures required and detailed in full in Section 6.2.1.1 and Section 6.2.1.2 of the NIS	None	Yes
<b>Overall conclusion: Integrity test</b> Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.					

## 1.7 Mitigation Measures

1.7.1 Various mitigation measures are proposed to be introduced to avoid, reduce or remedy the adverse effects on the integrity of the designated Sites. This includes the following during the construction phase:

- Standard best practice environmental control measures have been incorporated in the design of the development and are detailed in the construction and Environmental Management Plan (CEMP) which has been submitted as part of this planning application and included in Appendix 3. These and additional measures have been outlined in the following subsections.

- In relation to Site Set-up the following will be carried out;
- Prior to the commencement of earthworks, silt fencing will be erected around the boundary of the proposed development site. This will be embedded into the ground adjacent to the perimeter boundary. The silt fences will be left in place throughout construction until all exposed soil has revegetated.
- The appointed contractor will be fully briefed by an ecologist as to the sensitive nature of the site and the required mitigation measures.
- A site compound will be established within the site boundary. The exact location of the site compound will be established by the contractor and will be located a minimum of 50m from any watercourses or waterbodies. The compound will be used for storage of material, machinery, fuel, and workers facilities.
- All construction materials and substances will be stored in the site compound and the compound will be located a minimum of 50m from any watercourse. The proposed development site will be fenced off using heras fencing.
- Prior to the commencement of earthworks, silt fencing will be erected around the boundary of the proposed development site. This will be embedded into the ground adjacent to the perimeter boundary. The silt fences will be left in place throughout construction until all exposed soil has revegetated.
- Excavated spoil (if any) will be stockpiled and contained entirely within the confines of the site boundaries.
- During earthworks activities, the following mitigations will be adhered to:
- Excavation depths will be limited to the necessity of the proposed works.
- Material that is not re-used will be transported off site to a designated waste facility.
- Suitable stone material will be imported to the site to be used as backfill.

- Stockpiling of soil during construction, should it be required, will take place in designated areas within the site boundary away from any watercourses or waterbodies.
- A silt fence will be erected around any stockpiling of material to prevent any sediment-laden run-off occurring.
- All diesel or petrol pumps required onsite will be operated within bunded units.
- Exposed surfaces will be re-vegetated as soon as possible following construction.
- The minimum number of soil/subsoils and bedrock material will be removed from site. Soil may be reused for landscaping elsewhere on the site.
- Where possible, earthworks will not be carried out during periods of heavy rainfall.
- As construction advances there may be a requirement to collect and treat surface water within the site. This will be completed using perimeter swales at low points around the construction areas, and if required will be tankered off site for appropriate treatment.
- If ground water is encountered during excavations, waters will be pumped from excavation and discharged through a pipe with a silt bag attached on to an area of overland vegetation within the site boundary.
- Discharge to ground will be via a silt bag which will filter any remaining sediment from the pumped water;
- Daily monitoring and inspections of site drainage during construction will be completed by the appointed environmental officer;
- Good construction practices such wheel washers and dust suppression on site roads, and regular plant maintenance will ensure minimal risk. The Construction Industry Research and Information Association (CIRIA) provide guidance on the control and management of water pollution from construction sites ('Control of Water Pollution from Construction Sites, guidance for consultants and contractors', CIRIA, 2001), which provides information on these issues. This will ensure that



surface water arising during the course of construction activities will contain minimum sediment.

- In relation to refuelling, Fuel and Hazardous Materials Storage the following will be carried out;
- Storage/refuelling will be located in and carried out in a designated area of the proposed site, located a suitable distance from excavation works. Bunded tanks will be used, and these will be inspected for leaks regularly. Spill kits will be available on site and staff will be trained in their use and in spill control. All spills shall be diverted for collection.
- Fuels, lubricants and hydraulic fluids for equipment used on the site will be carefully handled to avoid spillage, properly secured against unauthorised access or vandalism, and provided with spill containment.
- Minimal refuelling or maintenance of construction vehicles or plant will take place on site. Off-site refuelling will occur at a controlled fuelling station.
- On-site refuelling will take place by direct refuelling from the delivery truck or from fuel stored within a bunded fuel tank. Mobile measures such as drip trays and fuel absorbent mats will be used during all refuelling operations.
- Vehicles will never be left unattended during refuelling. Only dedicated trained and competent personnel will carry out refuelling operations and plant refuelling procedures shall be detailed in the contractor's method statements.
- Storage bunds/trays, if required will be constructed of an impermeable membrane (HDPC Plastic) and will have the adequate capacity to contain the volume of the liquids contained therein, if a leak/spillage does occur from one of the storage vessels.
- Mitigation measures are proposed to avoid the release of cement-based material during construction including No batching of wet-cement products will occur on site. Ready-mixed supply of wet concrete products and pre-cast elements for culverts and concrete works will be used. No washing out of any plant used in concrete transport or concreting operations will be allowed on-site.

- In relation to spill control measures, in the event of minor spills and leaks from road vehicles and the onsite machinery, the following steps provide the procedure to be followed in the event of any significant spill or leak.
- Stop the source of the spill and raise the alarm to alert people working in the vicinity of any potential dangers.
- If applicable, eliminate any sources of ignition in the immediate vicinity of the incident. Contain the spill using the spill control materials, track mats or other material as required. Do not spread or flush away the spill.
- If possible, cover or bund off any vulnerable areas where appropriate such as drains or watercourses.
- If possible, clean up as much as possible using the spill control materials.
- Contain any used spill control material and dispose of used materials appropriately using a fully licensed waste contractor with the appropriate permits so that further contamination is limited.
- Notify the applicant immediately giving information on the location, type and extent of the spill so that they can take appropriate action and further investigate the incident to ensure it has been contained adequately.
- External consultants will inspect the site and ensure the necessary measures are in place to contain and clean up the spill and prevent further spillage from occurring.
- The applicant will notify the appropriate regulatory body such as Limerick City and County Council if deemed necessary.
- In relation to Waste Management all waste will be collected in skips and the site will be kept tidy and free of debris at all times. Waste oils and hydraulic fluids will be collected in leak-proof containers and removed from the site for disposal or recycling.
- All construction waste materials will be stored within the confines of the site, prior to removal from the site to a permitted waste facility.

- A self-contained port-a-loo with an integrated waste holding tank will be used at the site compounds, maintained by the providing contractor, and removed from site on completion of the construction works; No foul water will be discharged on-site during the construction.
- Good practice guidelines on the control of water pollution from construction sites developed by the Construction Industry Research and Information Association (CIRIA) in particular;
- C532 Control of water pollution from construction sites: guidance for consultants and contractors (Masters-Williams et al, 2001); and
- SP156 Control of water pollution from construction sites - guide to good practice (Murnane et al, 2002).

1.7.2 The operational phase of the proposed development will result in the production of surface water runoff from the proposed buildings and additional hardstanding areas. The development will also generate foul water on site. If not properly treated, a potential pathway for indirect effects on water quality exists from the operational phase of the proposed development.

1.7.3 Mitigation measures proposed for the operational phase includes the following:

- The SUDS proposals outlined for the site must be adhered to in full and only clean surface water from the site should be discharged to the drain within the site, at the appropriate greenfield run-off rate. Silt and oil interceptors must be incorporated to ensure clean discharge, and these must be serviced regularly.
- Green and blue roofs for mitigating the adverse effects of rainfall runoff.
- Permeable pavements on sections of hard landscaping features.
- Bioretention areas to provide additional attenuation.
- Attenuation tank to reduce peak runoff.
- The provision of a petrol interceptor

## 1.8 In combination effects

- 1.8.1 The NIS refers to in combination effects in the context of existing plans and projects. In relation to future plans and other projects a planning search was carried out for applications within the last five years and within a 0.5km radius of the proposed development.
- 1.8.2 The following were identified under Reg. Ref. 181177 permission was granted for extension to existing hotel with single storey link building to 4 storey primary care facility and change of use of existing ground floor conference centre to use as primary care centre. Under Reg. Ref. 228003 permission was granted for segregated cycle lanes and footpath upgrades along the extent of the R510 between Quinn's Cross Roundabout & Raheen Roundabout with dedicated pedestrian and cycle crossing facilities. Upgrade of the traffic signals at Mungret Gate junction to provide both a protected junction arrangement for cyclists & bus priority measures for public transport. 'Front of school' treatment as St. Nessan's National School.
- 1.8.3 Under Reg. Ref. 17493 permission was granted for construction of a 441sqm single-storey office extension to the North-East of the existing production facility and all associated external works. Under Reg. Ref. 22190 permission was granted for development of a Biopharmaceutical Manufacturing Campus with an overall floor area of 47,384 sqm. Construction of a 4-storey Biopharmaceutical Manufacturing building approx. 18,534 sqm and 33 metres high with roof-mounted plant/equipment & solar panels. A 2-storey canteen, laboratory and administration building.
- 1.8.4 Under Reg. Ref. 21294 permission was granted for construction of a single storey extension to the side of the dwelling house. Under Reg. Ref. 22341 permission was granted for the construction of 2 no. off-road parking spaces, widen existing front entrance and dish section of the existing public footpath. Under Reg. Ref. 21988 permission was granted for construction of a first floor extension over side annex to gable of existing dwelling. Under Reg. Ref. 21938 permission was granted for alterations to the Planning Permission previously granted 21/1637 for the construction of a 550sq m extension to the northwest of the existing production facility, to relocate the existing canteen facility, kitchen and storage areas and all associated external works.
- 1.8.5 Under Reg. Ref. 22803 permission was granted for the continuing regeneration and rejuvenation of Campus, and upgrade of our facilities, we, Analog Devices International are applying for a ten-year planning permission for an extension to our C1 R&D Pilot Line building to provide R&D and 1st Industrial deployment/Manufacturing use in the proposed C2 Fanfare building

at Raheen Industrial Business Park, Raheen, Co. Limerick. Under Reg. Ref. 171170 permission was granted for a for a single storey manufacturing extension sized 12,707 square meters gross and 14.4 meters high. It was concluded in the NIS that due the relatively small-scale nature of many of the above developments, the separation in distance, the absence of residual impacts identified as a result of the proposed development and the absence of any additional cumulative impact pathways identified, the above developments are do not represent any potential for in-combination impact.

1.8.6 In relation to plans it is stated in the NIS that the National Biodiversity Action Plan 2017-2021, Draft National Biodiversity Action Plan 2022-2027, Limerick Development Plan 2022-2028 and Limerick Heritage Plan 2017-2030 were reviewed and taken into consideration. The review of those plan focuses on policies and objectives that relate to European site. It was concluded in the NIS that none of the objectives reviewed had the potential to result in cumulative adverse effects on any European Site.

1.8.7 The NIS concluded that with the mitigation measures carried out and incorporated into the design of the proposed development that there would be no in-combination effects from the proposed development.

1.8.8 Therefore, following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Lower River Shannon SAC (Site Code 002165) and the and River Shannon and River Fergus Estuaries SPA (Site Code 004077) in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the proposed development and in combination with plans and projects.

## **1.9 Appropriate Assessment Conclusions**

1.9.1 I consider on the basis of the information on file that the applicant in this case has demonstrated in the submitted Natura Impact Statement that with the implementation of mitigation measures including robust construction management and also operational measures that are to the required standards, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Lower River Shannon SAC (Site Code 002165) and the River Shannon and River

Fergus Estuaries SPA (Site Code 004077) or any other such designated European site, in view of the their Conservation Objectives.

