



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322380-25

<b>Development</b>	Construction of 40 residential units and associated works
<b>Location</b>	Saint Ita's Road, Abbeyfeale, County Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	24/60606
<b>Applicant</b>	HRP Construction Limited
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Thomas Drummond c/o Concerned Residents Association
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	7 <sup>th</sup> August 2025
<b>Inspector</b>	Gary Farrelly

## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 1.762 hectares and is located within the town of Abbeyfeale, County Limerick. The site is located approximately 200 metres south of the town centre and is accessed off St. Ita's Road. The site is greenfield and the topography of the lands are relatively level. The boundaries of the site are defined by a drainage ditch and hedgerow to the east beyond which is a laneway and Abbeyfeale Rugby Club; a boundary wall, public path and dwellings to the north; agricultural lands to the south; and the rear boundaries of residential properties fronting St. Ita's Road to the east. The River Feale is located approximately 200 metres west of the site.

## **2.0 Proposed Development**

- 2.1. Permission is sought to construct 40 no. residential units incorporating 20 no. houses and 20 no. apartments. The units comprise of the following:
- Type C 2-bed houses measuring 82.4sqm (19 no.)
  - Type C1 2-bed house measuring 89.4sqm (1 no.)
  - Type A 1-bed ground floor duplex apartment measuring 60.3sqm (10 no.)
  - Type B 1-bed first floor duplex apartment measuring 63.6sqm (10 no.)
- 2.2. External wall finishes comprise of part neutral colour painted render with part brick finish. It is proposed to connect to the existing public wastewater and surface water network along St. Ita's Road. The application has been accompanied by a number of documents including the following:
- Report in Support of Appropriate Assessment Screening
  - Traffic and Transportation Assessment and Road Safety Audit (Stage 1 and 2)
  - Sustainability Statement and Social Infrastructure Assessment
  - Civil Engineering Report and CCTV survey

### 3.0 Planning Authority Decision

#### 3.1. Decision

The planning authority (PA) decided to grant permission, subject to 24 no. conditions, by Order dated 3<sup>rd</sup> April 2025.

#### 3.2. Planning Authority Reports

##### Planning Reports

There are a total of 2 no. area planner (AP) reports on file which assessed the development in terms of, inter alia, its principle, density, housing mix, connectivity to the town and wastewater treatment. The AP requested further information for a greater variety of unit types. After the applicant's response to the further information request, the AP noted that no revised plans for a greater variety of unit types was submitted and considered that the development lacked a sufficient mix of house sizes and types due to an overprovision of 1-bed and 2-bed units in the form of apartments and terraced units. The AP considered the mix substandard and recommended a revised dwelling mix as part of a pre-commencement condition. The AP recommended a grant of permission which was endorsed by the Senior Executive Planner (SEP).

##### Other Technical Reports (*Appendix 4 of Planner's report*)

Roads Section (*reports dated 8/8/24 and 21/3/25*) – It requested further information on a number of issues in relation to roads, servicing, public lighting, surface water and SuDS management. After submission of the further information, it had no objection to the development subject to conditions.

Ecology (*report dated 26/03/25*) – The ecologist reviewed the submitted AA screening report and considered that there was a lack of certainty of the hydrological link to the SAC and lack of detail on the impact to groundwater in terms of, inter alia, excavations required. The ecologist considered that these issues needed to be clarified prior to a grant of permission.

Archaeologist (*reports dated 02/08/24 and 25/3/25*) – This report requested the submission of an archaeological impact assessment (AIA). After submission of the AIA a number of conditions were recommended.

Fire and Building Control (*email dated 19/7/24*) – This email outlined no objection to the development in principle.

National Road Design Office (*response dated 17/7/24*) – It had no observations to make.

Housing Section (*report dated 8/7/24*) – It noted that a preliminary Part V agreement was issued to the applicant for the transfer of 8 no. units.

#### Conditions

- Condition number 7(i) requires the submission of revised drawings to provide a greater variety of unit types including consideration of 3-bed and 4-bed units.
- Condition number 21 states that there shall be no building over sewers and if found the developer is to contact Uisce Éireann for altering at the cost of the developer.
- Condition number 24(a) requires a 2 metre high block wall to be constructed along the rear and side boundaries of the units.
- Condition number 27 prohibits any development in any wayleave.

### **3.3. Prescribed Bodies**

Uisce Éireann (UÉ) – It had no objection in principle to the development. It originally requested further information for the applicant to engage with it to determine feasibility of connection to the wastewater infrastructure. After submission of the further information, it stated a connection was feasible subject to upgrades including approximately 150 metres of wastewater network upgrades to provide additional network capacity as well as upgrades to the Abbeyfeale wastewater pumping station to provide additional storage capacity for the loading from the development. UÉ required the developer to fund these upgrades which would be calculated at the connection application stage. It also outlined that it does not permit to build over its assets and requires written confirmation of feasibility of diversion prior to any works commencing.

Transport Infrastructure Ireland (TII) – It required the development to be undertaken in accordance with the recommendations of the submitted Transport (Traffic) Assessment and Road Safety Audit.

Department of Housing, Local Government and Heritage – It advised on the planting of native species, the use of bat friendly lighting, hedgerow clearing outside of the bird breeding season and the incorporation of swift nest boxes.

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

There were a number of third-party submissions made on the application which raised concerns relating to the access to wastewater infrastructure, traffic congestion, the housing types and design, environmental impact assessment (EIA), the Habitats Directive and the water framework directive (WFD).

## **4.0 Relevant Planning History**

PA ref. 21/594 / An Coimisiún Pleanála (ACP) ref. 313138 (*subject site*)

HRP Construction Limited was granted permission by ACP for the construction of 68 residential units following a third-party appeal.

## **5.0 Policy Context**

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

Volume 1 – Written Statement

Abbeyfeale is designated as a Level 3 Town within the settlement hierarchy of Table 2.7. 211 additional households are forecasted for the 2022-28 period.

Policy CS P2 Compact Growth

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

### Objective HO O1 Social Inclusion

It is an objective of the Council to ensure that new developments are socially inclusive and provide for a wide variety of housing types, sizes and tenure, in suitable locations, throughout Limerick, to cater for the demands established in the Housing Strategy and the Housing Need Demand Assessment.

### Objective HO O2 Density of Residential Developments

a) Promote, where appropriate, increased residential density in the exercise of its development management function and in accordance with Table 2.6 Density Assumptions per Settlement Hierarchy in Chapter 2: Core Strategy and the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and the accompanying Urban Design Manual, DEHLG, May 2009.

### Objective HO O3 Protection of Existing Residential Amenity

It is an objective of the Council to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable new development.

### Objective HO O5 Apartments

It is an objective of the Council to encourage an increase in the scale and extent of apartment development, particularly in proximity to core urban centres and other factors including existing public transport nodes, or locations where high frequency public transport can be provided, close to locations of employment and a range of urban amenities including parks/ waterfronts, shopping and other services.

## Chapter 11 Development Management Standards

- Section 11.2 Residential Development – Design, Principles and Standards

### *11.2.1 Design Criteria:*

The following criteria will be taken into account when assessing applications:

- Variety of house types and unit size

### *11.2.2 Design and Mix:*

- Houses should be life adaptable to accommodate changing household sizes through the family lifecycle. Suitable design and mix is required across all new residential development.
  - A detailed breakdown of the proposed unit type and size including a percentage split between 1/2/3+ bed units including site and/or floor plans that clearly identify proposed units. This should demonstrate accordance with the Housing Need Demand Assessment.
- Section 11.3 Residential Development – General Requirements
  - Section 11.4 Residential Development – Quality Standards

#### Housing Strategy and Housing Needs and Demand Assessment (Volume 6)<sup>1</sup>

The purpose of the housing strategy is to outline the existing and future housing requirements of Limerick City and County and to set out measures for the Council to plan for and address these needs. The purpose of the housing needs demand assessment (HNDA) is to, inter alia, inform policies about the proportion of social and affordable housing required, including the need for different types and sizes of provision.

#### Section 4.4.1 Household composition

<b>Table 4.29 Household size cohort for additional anticipated households in Newcastle West</b>							
<b>Year</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
<b>1-person household</b>	31	62	63	63	63	64	32
<b>2-person household</b>	34	68	68	68	68	68	34
<b>3-person household</b>	18	36	35	35	35	34	17
<b>4-person household</b>	19	38	38	38	38	38	19

<sup>1</sup> <https://www.limerick.ie/sites/default/files/media/documents/2022-07/Housing-Strategy-and-Housing-Need-Demand-Assessment.pdf> (Accessed 11th August 2025)

<b>5-person household</b>	13	26	26	26	26	25	13
<b>Total</b>	115	230	230	230	230	230	115

It is stated that household sizes do not necessarily translate directly to particular dwellings sizes/unit mixes.

### Section 5.2 Existing Requirements

<b>Table 5.1: Existing social housing support needs by no. of bedrooms (Dec 2020)</b>						
<b>Area</b>	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4-bed</b>	<b>5+ beds</b>	<b>Total</b>
<b>Newcastle West MD</b>	160	121	63	7	0	351

### Chapter 6: Policy Objectives for the Limerick Housing Strategy 2022-2028

Objective PO2: To aim for housing to be available to meet the needs of people of all needs and incomes in Limerick, with an appropriate mix of housing sizes, types, and tenures in suitable locations.

Objective PO7: To support high-quality design in new housing and promote housing that is attractive, safe, and adapted to the needs of existing and future households including future household sizes.

## **5.2. Abbeyfeale Local Area Plan 2023-2029<sup>2</sup>**

The subject site is zoned 'New Residential', 'Existing Residential' and 'Open Space and Recreation' under the Abbeyfeale Zoning Map. The objective of 'New Residential' is to provide for new residential development in tandem with the provision of social and physical infrastructure. The purpose of the zone is intended primarily for new high quality housing development and new housing developments should include a mix of housing types, sizes and tenures, to cater for all members of society.

### Section 3.4.1 Density, Housing Type and Mix

According to the Limerick Housing Delivery Action Plan 2022 – 2026, 77% of first choice demand requests for Local Authority accommodation in Abbeyfeale are for

<sup>2</sup> <https://www.limerick.ie/council/services/planning-and-placemaking/local-area-plans/abbeyfeale-local-area-plan> (Accessed 11th August 2025)



single or two bedroomed units. These are important considerations for future housing delivery in the town. A statement demonstrating an appropriate mix of units shall be submitted as a requirement of a planning application to demonstrate that consideration has been given by the developer to meeting this requirement in all residential applications.

#### Objective H O3: Density and New Residential Development

Ensure that all residential development complies with the residential density requirements set out in Table 3.4 and encourage a range of densities on all New Residential and other mixed-use lands, in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns and Villages (2009).

#### Objective SM O2 Modal Shift and Behavioural Change

a) Encourage, promote and facilitate a modal shift towards more sustainable forms of transport in Abbeyfeale, including the Limerick Greenway.

### **5.3. National Policy**

- Project Ireland 2040 – National Planning Framework (2018) and National Development Plan 2021-2030
- Water Action Plan 2024
- Climate Action Plan (CAP) 2025 / CAP 2024

Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

- Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity,

including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

#### **5.4. Regional Policy**

- Regional Spatial and Economic Strategy for the Southern Region

#### **5.5. National Guidelines**

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023)
- Planning Design Standards for Apartments Guidelines for Planning Authorities (2025) - *Circular Letter: NSP 04/2025 clarifies that the 2025 Guidelines apply to any application and subsequent appeal submitted after 9<sup>th</sup> July 2025. Therefore, the Commission should note that they do not apply in this case.*
- Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2023)
- Development Management Guidelines for Planning Authorities (2007)

#### **5.6. Natural Heritage Designations**

The subject site is not located within any designated site. The nearest designated site is the Lower River Shannon Special Area of Conservation (SAC) (Site Code 002165) which is located approximately 200 metres west of the subject site.

#### **5.7. Environmental Impact Assessment (EIA) Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of

significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an environmental impact assessment report (EIAR) is not required.

## **6.0 The Appeal**

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

A third-party appeal was lodged to the Commission on 28<sup>th</sup> April 2025 by Mr. Thomas Drummond, on behalf of the Concerned Residents Association. The grounds of appeal are summarised as follows:

- The development of apartments are not suitable in Abbeyfeale as they are not saleable. Existing apartments in the town are an eyesore and not maintained.
- Housing development in the town is skewed towards social housing and there is discrimination against those who wish to avail of private development.
- As part of a further information request it was requested that a greater variety of housing units were provided as well as a masterplan for the overall lands in the zoning, however, no greater variety or plan was received. Development of the overall site should be recognised. There is no demand for one or two bed units and given that 25% are only ground floor apartments they are not user friendly for persons with disabilities or the elderly.
- Concept sketch drawing no. 2415/110 does not appear to be included in the online planning file.
- There is concern that condition no. 7 which requires revised proposals for a greater variety of unit types and revised unit types is contrary to best practice and not open to appeal. The revised drawings will change the nature of the application and the rights of the concerned residents are compromised.
- The overall layout is out of character with nearby homes in terms of character, density and design. The local area is characterised by mixed local authority and private homes of bungalows, detached dormer and semi-detached two-storey dwellings whilst the proposed development will consist of small, high density terraced housing units.

- In 2005 permission was refused for 96 houses (Ref. 05/1736) by the council due to a material contravention of the development plan as the development was not in keeping with the established streetscape of Abbeyfeale, out of character with existing residential property in the area and would depreciate property values. Application ref. 13/717 for 45 serviced sites was refused due to it being premature pending the provision of a distributor road. There is no timeline for a permanent link to be put in place.
- There is concern regarding the sewer line for the existing houses on the western boundary of the site as it is located within the back gardens of the proposed units. A boundary wall is proposed to be constructed over the connection from the existing homes, however, condition no. 21 clearly states that there should be no building over such infrastructure and Uisce Éireann must be contacted for alteration of sewer pipes. The residents are entitled to know any changes that could affect the enjoyment of their homes and such issues should have been addressed prior to a grant of permission.
- The planning application should outline the full scope and costs of the required upgrades to the wastewater treatment plant. A letter from Uisce Éireann in July 2024 stated that whilst there was some space capacity available, there was insufficient capacity to cater for all the projected growth, however, in March 2025 it stated that a connection was feasible subject to the provision of 150 metre of network upgrades from the development connection point as well as upgrades to the Abbeyfeale wastewater pumping station.
- Local traffic congestion will increase at the St. Ita's Road/N21 junction as a result of the proposed development. The town traffic plan due to commence in January 2026 will temporarily prevent traffic from exiting St. Ita's Road at the Square which will create a hazardous traffic situation at the entrance to the proposed development, at the entrance to the Supervalu carpark and at the junction with Grove Road.
- The submitted road traffic survey is based on traffic figures in October 2021 during Covid. A new survey should be completed to ensure proper upgrades and present a truer picture of the traffic chaos in the town.

- A number of appendices are attached to the submission which includes a copy of the notice of grant, the applicant's supporting planning statement, photographs and property register details of apartments in the town, part V agreement and valuation, details of the existing sewer line, Uisce Éireann correspondence, population demographic statistics and details regarding traffic counts. A number of issues within these appendices are highlighted by the appellant.

## 6.2. Applicant Response

The applicant issued a response to the grounds of appeal which is summarised as follows:

- The principle of the development is permitted at the location. It is located within the development boundary of the settlement and is zoned residential.
- The scheme has taken account of the new 2023 Abbeyfeale Local Area Plan and the development is in accordance with proper planning and sustainable development.
- It will contribute positively to the town and the housing mix was justified at the town, however, this was changed significantly in the condition of the grant. The applicant is happy to construct the scheme as revised by the condition.
- The local authority stated that there is a strong need for 1 and 2 bed units, and these are intended to be sold to the local authority.
- The development represents an opportunity to demonstrate that infill schemes on underutilised sites are a viable and realistic way of providing multi-unit developments and helping to solve the undersupply issues in the county.
- The traffic and transport assessment was conducted to address concerns of traffic safety.
- An NIS was undertaken to address ecological and environmental concerns.  
(*This appears to be a statement in error as there is no NIS on file.*)
- The SSIA ensures adequate social and physical infrastructure are in place.

### 6.3. Planning Authority Response

The PA did not issue a response to the grounds of appeal.

## 7.0 Assessment

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

- Zoning
- Density
- Design and Layout
- Housing Mix
- Traffic Safety
- Wastewater Treatment

### Zoning

7.2. The majority of the subject site is zoned 'New Residential' under the Abbeyfeale Local Area Plan 2023-2029 (LAP) where the objective is to provide for new residential in tandem with the provision of social and physical infrastructure. A section to the west of the site is zoned 'Existing Residential' where the objective is to provide for residential development, protect and improve existing residential amenity. A section of the northern part of the site is zoned 'Open Space and Recreation' where the objective is to protect, provide for and improve open space, active and passive recreational amenities.

7.3. The Commission should note that the area zoned 'Open Space and Recreation' is proposed to be utilised as an area of public open space within the scheme. Having regard to the nature, design and layout of the scheme, I consider that the proposed development complies with the zoning objectives of the site and is, therefore, acceptable in principle.

## **Density**

- 7.4. I note the concerns of the appellant regarding the development being out of character with existing dwellings within the vicinity of the site due to its density. The Commission should note that the density of the scheme is outlined as 30.96 units per hectare. I note that Table 3.4 of the LAP outlines a minimum density of 22 units per hectare for new residential zonings. Additionally, I note that Table 3.6 of the Sustainable Residential Development and Compact Settlement Guidelines 2024 states that it is an objective of the Guidelines to apply a residential density of 25-40 units per hectare at the edge of small to medium sized towns (i.e. population of 1500-5000).
- 7.5. I note that the population of Abbeyfeale is 2,023 (Section 3.3 of LAP) and whilst the site is located approximately 200 metres from the town centre, it is located at the edge of the settlement boundary. Therefore, I consider the proposed 30.96 unit per hectare density of the scheme to be acceptable.

## **Design and Layout**

- 7.6. I also note the concerns of the appellant regarding the development being out of character with the existing house types of the area which include bungalows, dormer and semi-detached dwellings. I note that the proposed development is for two-storey terraced type units and duplex apartments.
- 7.7. I note that it is a policy of the Council under Policy CS P2 (Compact Growth) to support the compact growth of Abbeyfeale. Furthermore, objective HO O5 (Apartments) seeks to encourage apartment development in particular in close proximity to urban centres. I note that the design and layout of the scheme complies with the standards set out in Section 5.3 of the Sustainable Residential Development Compact Settlement Guidelines 2024. Therefore, having regard to the above and to the proximity of the site to the town centre, I consider the design and layout of the scheme to be acceptable and will not have a significant adverse impact on the established character of the area.

## **Housing Mix**

- 7.8. The proposed development is for the provision of 20 no. 1-bed units and 20 no. 2-bed units. The applicant stated in its further information response to the PA that it is intended that the units will be for social rental. The appellant has questioned the housing mix associated with the proposed development.

- 7.9. Whilst I acknowledge that Section 3.4.1 of the LAP recognises that 77% of first choice demand requests for local authority housing in the town are for single or two bed units, it also states that a housing mix statement is required to be submitted as part of any application. I note no such statement on file. Furthermore, it is an objective of the Council under objective HO O1 (Social Inclusion) to ensure that new developments are socially inclusive and provide for a wide variety of housing types, sizes and tenure to cater for demands established in the Housing Strategy and Housing Needs Demand Assessment.

Housing Strategy and Housing Needs Demand Assessment (HNDA)

- 7.10. The Commission should note that I have had regard to the Housing Strategy (HS) and the HNDA within Volume 6 of the LDP. Abbeyfeale is located within the Newcastle West Municipal District (MD).
- 7.11. After reviewing the data from the HS and HNDA, I note that 1-bed and 2-bed units make up the majority of existing social housing needs in the MD and the anticipated additional household size cohort (*see tables 4.29 and 5.1 on pages 7 and 8 of this report*). Therefore, I consider that there is a demand for 1-bed and 2-bed units.
- 7.12. Notwithstanding this, it should also be noted that 3-bed and 4-bed units account for approximately 20% of existing social housing needs (*Table 5.1*) and approximately 32% of the anticipated additional housing size cohort in 2025 (*Table 4.29*). Therefore, I consider that there is also a demand for such house types and it is my view that this should be reflected in the proposed scheme.
- 7.13. Having regard to this, I am not satisfied that the housing mix associated with the proposed development caters for the demands established in the HS and HNDA. Therefore, I consider that the proposed development does not follow the design criteria set out in Chapter 11 Development Management Standards of the LDP regarding variety of house types and therefore is contrary to objective HO O1 (Social Inclusion) of the LDP in this regard.

PA's Condition No. 7(i)

- 7.14. I note that the PA conditioned for revised drawings to provide a greater variety of unit types including consideration of 3-bed and 4-bed units (i.e. Condition 7(i)). It also requested this at further information stage, so it is clear that it was not satisfied with



the applicant's response. The applicant's response to the grounds of appeal states that it is satisfied to construct the scheme as revised by this condition.

I note the concerns of the appellant regarding the imposition of this condition in terms of the rights of third parties to provide comment. The Commission should note that I have had regard to Section 7.7 of the Development Management Guidelines for Planning Authorities (2007) in this regard. It is my view that such a condition will materially alter the design of the development, and therefore, I am in agreement with the appellant that public participation rights are compromised in this regard.

### Overall Conclusion

- 7.15. To conclude, it is my view that the housing mix as proposed is not appropriate due to an overprovision of 1-bed and 2-bed units. Having regard to the demands established in the HS and HNDA I consider that it has not been adequately demonstrated by the applicant to justify the omission of 3-bed and 4-bed units. I do not consider that this issue can be addressed by a pre-commencement condition for the reasons I have outlined above. Therefore, it is my recommendation to the Commission that permission should be refused in this regard.

### **Traffic Safety**

- 7.16. I acknowledge the concerns of the appellant regarding traffic congestion associated with the proposed development. I note that the applicant prepared a traffic and transportation assessment (TTA) and a Stage 1 and 2 road safety audit (RSA) as part of the application. The TTA was carried out in accordance with Transport Infrastructure Ireland (TII) Traffic and Transport Assessment Guidelines (May 2014) document<sup>3</sup> and applied the development's total trip generation to the peak morning and evening flows as a worst case scenario.
- 7.17. The TTA assessed the junction with St. Ita's Road (*i.e. entrance to the site*) and the junction of St. Ita's Road and N21 (*north of the site*). Traffic counts were taken in October 2021 and I note that the appellant has concerns with the timing of these counts due to the covid pandemic. However, the Commission should note that the TII Guidelines do not stipulate any expiry date for traffic counts. Furthermore, having reviewed the PA's planning register and having inspected the site, it should be noted

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<sup>3</sup> <https://cdn.tii.ie/publications/PE-PDV-02045-01.pdf> (Accessed 11th August 2025)

that there have been no significant changes along St. Ita's Road that would result in these counts not reflecting current conditions. It should also be noted that October 2021 did not represent a lockdown period during the pandemic. Therefore, I have no significant concerns with the use of these counts to inform the TTA. It also should be noted that the Roads Section of the PA did not raise any concerns with same.

- 7.18. The TTA found that there would be a 4% increase in the morning peak at the N21 junction as a result of the proposed development and a 3% increase in the evening peak. I note that it found that the development will have a minor impact at the development entrance and the N21 junction from a capacity point of view. The N21 junction is operating below capacity for the 2026 design year for both morning (08:00-09:00) and evening (17:00-18:00) peaks and the delay experiences at the junction are due to the volume of mainline traffic passing along the N21. It found that junction improvements at the N21 are required by 2031. It should be noted that upgrade works are proposed at this junction as part of the Abbeyfeale Traffic Management Plan.
- 7.19. Having inspected the site I observed it within walking distance of the town centre with pedestrian infrastructure in place between the site and Main Street. The proposed development will provide a number of pedestrian connections to both St. Ita's Road and St. Ita's Terrace including a pedestrian crossing opposite the vehicular entrance to the site and footpath widening. Therefore, having regard to the proximity of the site to the town centre and to the pedestrian proposals, I consider that the proposed development is not car-orientated and can encourage and facilitate a modal shift towards more sustainable forms of transport in accordance with objective SM O2 of the LAP.
- 7.20. Furthermore, the Commission should note the planning history associated with the subject site, i.e. ACP ref. 313138-22, which was a development for 68 no. residential units. The inspector concluded that this development would not lead to significant traffic congestion on the local road network. I also acknowledge the appellant's concerns regarding the traffic management plan works and the impact on traffic congestion in the area, however, I note that this would be temporary and short term in nature and when completed will assist in addressing traffic management issues within the town.

7.21. To conclude, it is my view that the proposed development is acceptable in terms of traffic safety and convenience and will not result in an unacceptable impact on traffic congestion in the area.

### **Wastewater Treatment**

7.22. The appellant has also raised concerns regarding the proposed upgrade works to the wastewater infrastructure that is required to accommodate the proposed development in terms of the absence of such information within the application.

7.23. I have reviewed the correspondence on file from Uisce Éireann (UÉ). UÉ states that a connection to the wastewater network is feasible subject to upgrades. This involves a requirement for 150 metres of infrastructure upgrades as well as an upgrade to the wastewater treatment plant (WWTP) pumping station in order to provide additional network and storage capacity. UÉ requires the applicant to fund these upgrades through a connection agreement.

7.24. I have also had regard to the 2024 Annual Environmental Report (AER)<sup>4</sup> for Abbeyfeale WWTP which indicates that a design capacity of 289 population equivalent (PE) is remaining in the WWTP.

7.25. Having regard to this and subject to a condition which requires the applicant to enter into connection agreements with UÉ, I am satisfied that the proposed development is acceptable in terms of public health.

### **Wayleave**

7.26. The Commission should note that there is an existing sewer line to the rear of proposed units nos. 27-40 and the submitted site layout plan indicates that this wayleave will be maintained. The existing sewer line serves the existing houses along St. Ita's Road. The appellant has concerns with Condition no. 21 and considers that any alteration could affect the enjoyment of their homes and such issue should have been addressed within the application.

7.27. I note the inspector's report of ref. 313138 which addressed this issue in detail. The inspector considered it a servicing issue and any amendments or diversions were considered acceptable. Regarding the impact on existing residential amenity, it was considered that as the St. Ita Road houses already rely on a connection on lands

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<sup>4</sup> [https://www.water.ie/sites/default/files/2025-07/D0115-01\\_2024\\_AER.pdf](https://www.water.ie/sites/default/files/2025-07/D0115-01_2024_AER.pdf) (Accessed 11th August 2025)

outside of their control the proposed development would not result in a significant change or impact on their amenity. Therefore, I can find no reason to depart from the inspector's conclusion in this case and consider the attachment of condition no. 21 to be reasonable.

### **Other Issues**

- 7.28. I note the comments from the appellant regarding the absence of the masterplan drawing on the online file. However, the Commission should note that a drawing entitled 'concept sketch of proposed masterplan' is on file and was received by the planning authority on 7<sup>th</sup> March 2025.

## **8.0 Appropriate Assessment (AA) Screening**

- 8.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lower River Shannon SAC, Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA, or any other European site, in view of the Conservation Objectives of those sites. Appropriate Assessment (and submission of a NIS) is not therefore required.

- 8.2. This determination is based on:

- The scale of the development on fully serviced lands within an urban area.
- The available organic capacity within the Abbeyfeale wastewater treatment plant available to cater for the population equivalent of the proposed development.
- The distance of the site to the SPA and amount of intervening lands between same.
- The scientific information provided in the Screening report.

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

## 9.0 Water Framework Directive (WFD) Screening

- 9.1. I have assessed the project and have considered the objectives set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater waterbodies either qualitatively or quantitatively. I refer the Commission to Appendix 3 of this report.
- 9.2. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its WFD objectives and consequently can be excluded from further assessment.

## 10.0 Recommendation

My recommendation to the Commission is that permission should be **Refused** for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

1. Notwithstanding Section 3.4.1 of the Abbeyfeale Local Area Plan 2023-2029, which acknowledges the high demand for one-bed and two-bed units within the town of Abbeyfeale, having regard to the Housing Strategy and Housing Needs Demand Assessment 2022-2028 (Volume 6 of Limerick Development Plan 2022-2028), which set out the existing and future housing requirements for Limerick City and County (including the municipal district of Newcastle West) and to the absence of three-bed and four-bed units as part of the proposed development, it is considered that the proposed development does not provide a sufficient variety of house types and therefore fails to comply with Objective HO O1 (Social Inclusion) of the Limerick Development Plan 2022-2028, which seeks to ensure that new developments are socially inclusive and provide for a

wide variety of housing types. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

It is considered that this cannot be addressed as a condition of a grant of permission as it would materially alter the proposed development, which is contrary to Section 7.7 of the Development Management Guidelines for Planning Authorities (2007).

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#### Declaration

*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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Gary Farrelly  
Planning Inspector

11<sup>th</sup> August 2025

## Appendix 1

### (a) Form 1: EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	322380-25			
<b>Proposed Development Summary</b>	Construction of 40 no. residential units			
<b>Development Address</b>	Abbeyfeale, County Limerick			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)			<b>Yes</b>	<b>X</b>
			<b>No</b>	<del>No further action required</del>
<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>	<b>X</b>	Part 2: 10(b)(i) Construction of more than 500 dwelling units 10(b)(iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Proceed to Q.3	
<del>No</del>			<del>No further action required</del>	
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>				
<del>Yes</del>				<del>EIA Mandatory EIAR required</del>
<b>No</b>	<b>X</b>			Proceed to Q.4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	The development is for 40 no. new dwellings on a site area of 1.76 hectares (which is not located within a business district).	Preliminary examination required (Form 2)
4. Has Schedule 7A information been submitted?			
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes		<del>Screening Determination required</del>	

### (b) Form 2 - EIA Preliminary Examination

The Board carries 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. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<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 site measures 1.76 hectares. The size of the development is not exceptional in the context of the existing environment. The proposed development will connect to the public water and wastewater mains.  There is no real likelihood of significant cumulative effects with existing and permitted projects in the area.
<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 site is located within an established residential and urban area.  The subject site is not located within any designated site and is located approximately 200 metres from the Lower River Shannon SAC. My appropriate assessment screening under Section 8/Appendix 2 of this report has determined that the proposed development would not likely result in a significant effect on any European Site.  The subject site is located outside Flood Zones A and B for coastal or fluvial flooding.



<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 type and characteristics of the proposed development which would be consistent with the existing urban environment, to its location removed from any environmentally sensitive sites and to the fact that there would be no significant cumulative considerations with regards to existing and permitted developments in the area, there is no potential for significant effects on the environment.	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	
There is no real likelihood of significant effects on the environment.	EIA is not required.	<b>X</b>
<del>There is significant and realistic doubt regarding the likelihood of significant effects on the environment</del>	<del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del>	
<del>There is a real likelihood of significant effects on the environment.</del>	<del>EIAR required.</del>	

## **Appendix 2**

### **AA Screening Determination**

<b>Screening for Appropriate Assessment</b>	
<b>Test for likely significant effects</b>	
<b>Step 1: Description of the project and local site characteristics</b>	
<i>Brief description of project</i>	The project involves the construction of 40 no. residential units. It is proposed to connect to the wastewater mains along St. Ita's Road which connects to the Abbeyfeale wastewater treatment plant (WWTP). Surface water is to be treated via SuDS, onsite soakaways and via an existing surface water mains along St. Ita's Road. This surface water mains runs north, under the N21 and outfalls into the River Feale (as observed on my site inspection).
<i>Brief description of development site characteristics and potential impact mechanisms</i>	The site is located within the urban area of Abbeyfeale. The nearest designated site is the Lower River Shannon SAC (Site Code 002165) which is located approximately 200 metres west of the site. Potential impact mechanisms is via wastewater discharge from the WWTP to the River Feale, noise and disturbance due to proximity and surface water runoff. There is a drainage ditch along the eastern boundary of the site.
<i>Screening report</i>	A Report in Support of Appropriate Assessment Screening (RAAS) was prepared and submitted with the application after a further information request from the PA. The screening report concluded that the proposed development, either alone or in-combination with other plans and/or projects, does not have the potential to significantly affect any European site, in light of their conservation objectives and that a Stage 2 AA was not deemed required.

<i>Natura Impact Statement (NIS)</i>	None
<i>Relevant submissions</i>	The grounds of appeal have raised no concerns with any potential impact of the development on European sites.

## Step 2: Identification of relevant European sites using the Source-Pathway-Receptor model

Two European sites are potentially within a zone of influence of the proposed development as detailed within Table 1 below.

*Table 1*

European Site (Code)	Qualifying Interests (QIs)	Distance from proposed development	Ecological connections	Consider further in Screening (Y/N)
Lower River Shannon SAC (002165)	21 QIs <sup>5</sup>	c. 200 metres west of the site	<ul style="list-style-type: none"> <li>Proximity</li> <li>Surface water outfall and drainage ditch</li> <li>Wastewater discharge from WWTP</li> </ul>	Yes
Stack's to Mullaghareirk Mountains, West Limerick Hills and	Hen Harrier (Circus cyaneus) [A082]	c. 2.8km north of the site	Proximity	Yes

<sup>5</sup> [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO002165.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002165.pdf) (Accessed 11<sup>th</sup> August 2025)

Mount Eagle SPA (004161)				
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**Step 3: Describe the likely significant effects of the project (if any, alone or in combination) on European sites**

Site name Qualifying Interests	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impacts	Effects
<b>Site 1: Lower River Shannon SAC (002165)</b> <ul style="list-style-type: none"> <li>Sandbanks which are slightly covered by sea water all the time [1110]</li> <li>Estuaries [1130]</li> <li>Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>Coastal lagoons [1150]</li> <li>Large shallow inlets and bays [1160]</li> <li>Reefs [1170]</li> <li>Perennial vegetation of stony banks [1220]</li> <li>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</li> <li>Salicornia and other annuals colonising mud and sand [1310]</li> <li>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</li> </ul>	<p><u>Direct:</u></p> <p>There could be potential increased noise and disturbance associated with construction works.</p> <p><u>Indirect:</u></p> <p>There is a low risk of negative Impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. I observed the drainage ditch along the eastern boundary of the site to be well vegetated on the date of my site inspection.</p> <p>There could be potential overloading of the</p>	<p><u>Surface Water</u></p> <p>I note that it is stated within the RAAS that here is low risk of surface water borne pollutants reaching the SAC due to the drainage ditch consisting of no/slow flows (2021 and 2025 surveys) and unlikely to transport high volumes of silt to the River Feale and the small scale nature of works within and adjoining the ditch. Having regard to this, to the level of dilution and filtration available and to the distance to the River Feale, I consider that there is no potential for significant effects on the SAC. During the operational phase, all surface water will</p>

<ul style="list-style-type: none"> <li>• Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</li> <li>• Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</li> <li>• <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</li> <li>• Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</li> <li>• <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</li> <li>• <i>Petromyzon marinus</i> (Sea Lamprey) [1095]</li> <li>• <i>Lampetra planeri</i> (Brook Lamprey) [1096]</li> <li>• <i>Lampetra fluviatilis</i> (River Lamprey) [1099]</li> <li>• <i>Salmo salar</i> (Salmon) [1106]</li> <li>• <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</li> <li>• <i>Lutra lutra</i> (Otter) [1355]</li> </ul> <p><b>Site 2: Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161)</b></p>	<p>Abbeyfeale wastewater treatment plant during the operational stage as a result of the additional population equivalent (PE).</p>	<p>discharge to the surface water mains via attenuation, hydrobrake and a petrol interceptor.</p> <p><u>Wastewater</u></p> <p>There is currently organic capacity within the Abbeyfeale wastewater treatment plant to accommodate the PE associated with the proposed development, as confirmed by correspondence on file from Uisce Éireann, subject to upgrades within the network/pumping station. Therefore, no significant effects on water quality are likely to occur as a result of wastewater discharges from the proposed development.</p> <p><u>Disturbance (Ex-situ effect)</u></p> <p>No otter holts were recorded during site surveys. Having regard to the site surveys, to the nature of the drainage ditch which has no potential for foraging habitat for fish or otter, the distance to the SAC, to the location within an urban setting and to the nocturnal nature of otters, no</p>
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<ul style="list-style-type: none"><li>Hen Harrier (Circus cyaneus) [A082]</li></ul>		<p>significant disturbance effects are likely.</p> <p>There are no preferred habitats within the site for Hen Harrier and no suitable breeding habitat for the species occurs within the vicinity of the site. The site is located within an urban area with significant amount of intervening lands between the site and SPA. Therefore, there is no likely significant disturbance effect.</p>
	Likelihood of significant effects from proposed development (alone) <b>No</b>	
	<b>If No, is there a likelihood of significant effects occurring in combination with other plans or projects?</b> <p>No other effects of magnitude that could add to other plans and projects.</p>	
<p>I note the correspondence on file from the PA where the ecologist recommended further information due to an inaccurate assessment of the flow rate of the drainage ditch which can vary due to weather events and lack of details regarding excavation depths, number of machines or duration of works in terms of groundwater contamination. The area planner (AP) acknowledged these concerns, however, considered that due to the planning history of the site (existing planning permission for 68 residential units) and the determination at the time that the project could proceed without adversely affecting the integrity of the SAC (<i>however, the Commission should note the test is whether there would be likely significant effects</i>) the ecologist's concerns do not fundamentally alter the assessment of the potential impacts. The AP recommended a robust CEMP as a condition.</p>		

The Commission should note having regard to my assessment above and to the planning history of the site, I am satisfied that there is no likely significant effect on the SAC in terms of deterioration of water quality. Additionally, with regards to the groundwater concerns, I consider that these can be addressed through a construction environmental management plan (CEMP) which would be standard for all construction sites. Therefore, I consider that such measures would represent best practice construction methods which are not intended to avoid or reduce effects on European sites.

**Step 4: Conclude if the proposed development could result in likely significant effects on a European site**

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on European sites. No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

### Appendix 3: WFD Impact Assessment

STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	322380-25	Townland, address	Abbeyfeale, County Limerick
Description of project		40 unit residential development with connections to Uisce Eireann Wastewater and Drinking water infrastructure.	
Brief site description, relevant to WFD Screening,		The site is located on a level site within an urban area with a drainage ditch located along the eastern boundary of the site. The site is located approximately 200 metres from the River Feale. The subsoil underlying the site is classed as shales and sandstones till (Namurian). The site is not at risk of flooding according to the OPW Flood Maps.	
Proposed surface water details		The development will connect into the existing surface water mains along St. Ita's Road via an attenuation tank, hydrobrake and petrol interceptor. SUDS measures such as swales and permeable paving are also proposed.	
Proposed water supply source & available capacity		Uisce Eireann mains water connection.	
Proposed wastewater treatment system & available capacity, other issues		Uisce Eireann Wastewater connection. Abbeyfeale wastewater treatment plant has adequate organic capacity to cater for the proposed development's PE, subject to upgrades to the network including the pumping station.	



Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	200 metres	Feale_050 (IE_SH_23F010310) <sup>6</sup>	Good	Not at risk	No pressures	Drainage ditch along eastern boundary. Observed to be well vegetated on the date of the site inspection.  Public surface water mains along St. Ita's Road outfalls to the north of the site, under the N21 and into the River Feale.  Abbeyfeale WWTP discharges to River Feale.
Groundwater Waterbody	Underlying site	Abbeyfeale (IE_SH_G_001) <sup>7</sup>	Good	Not at risk	No pressures	No – poorly draining soils offer protection to groundwaters.
Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						

<sup>6</sup> [https://www.catchments.ie/data/#/waterbody/IE\\_SH\\_23F010310?k=0vob4k](https://www.catchments.ie/data/#/waterbody/IE_SH_23F010310?k=0vob4k)

<sup>7</sup> [https://www.catchments.ie/data/#/waterbody/IE\\_SH\\_G\\_001?k=pm0izy](https://www.catchments.ie/data/#/waterbody/IE_SH_G_001?k=pm0izy) (Accessed 11<sup>th</sup> August 2025)

CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Feale_050	Existing drainage ditch	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	No	Screened out
2.	Ground	Abbeyfeale IE_SH_G-001	Pathway exists but poor drainage characteristics	spillages	As above	No	Screened out
OPERATIONAL PHASE							
3.	Surface	050	Existing surface water drainage system	Hydrocarbon spillage	Petrol interceptor, SUDs features	No	Screened out
4.	Ground	IE_SH_G-001	Pathway exists but poor drainage characteristics	Spillages	SUDs features	No	Screened out