



An
Coimisiún
Pleanála

Inspector's Report ACP-322851-25

Development	Large-Scale Residential development providing 139 residential units along with the provision of a creche and all associated site development works.
Location	Lands at Rathmale, Mungret, Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2461282
Applicant(s)	Tergnum Properties Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party.
Appellant(s)	Irish Cement Limited.
Observer(s)	None.
Date of Site Inspection	21 July 2025.
Inspector	Stephen Rhys Thomas.

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Opinion	8
4.0 Planning Authority Decision	9
4.2. Planning Authority Reports	9
4.5. Prescribed Bodies	12
4.6. Third Party Observations	12
5.0 Planning History.....	13
6.0 Policy Context.....	14
6.1. Development Plan.....	14
6.2. National Policy	16
6.3. Natural Heritage Designations	20
7.0 EIA Screening.....	21
8.0 The Appeal	23
8.1. Grounds of Appeal	23
8.2. Applicant Response	24
8.3. Planning Authority Response.....	24
8.4. Observations.....	24
9.0 Assessment.....	26
10.0 Appropriate Assessment	61
11.0 Water Framework Directive (WFD).....	62
12.0 Recommendation	63
13.0 Reasons and Considerations.....	63

14.0	Conditions	68
15.0	Appendix 1 - AA Screening Determination	80
16.0	Appendix 2 - AA Determination	90
17.0	Appendix 3 - EIA Pre-Screening	108
18.0	Appendix 4 - EIA Screening Determination	111
19.0	Appendix 5 - Water Framework Directive (WFD) Screening	131

1.0 Site Location and Description

- 1.1. The appeal site is located 5 km to the south west of Limerick City and just west of Mungret Village. The site fronts onto the N69, a busy road with no footpaths, in the immediate vicinity of the site. The eastern portion of the site aligns with a minor cul-de-sac road to the east. The site shares boundaries with agricultural land to the north and the large gardens of detached houses to the west and north. At the eastern end of the site is a commercial premises (bar restaurant) and associated car park.
- 1.2. The site is level, mainly in grass with some copses of trees and bound by a mature hedge, with a low stone bank in places. The area is agricultural in character with a large number of one off houses set in large gardens. Further to the north of the site is a large and operational quarry and cement works. To the south and east are the residential and commercial areas of Mungret Village and its associated sporting and community facilities. Of note is a large schools campus (Gaelscoil An Ráithín, Limerick City East Educate Together, and Scoil Phobail Mhungairit) set around a public park, 800 metres to the south west of the site and served by new roads with extensive bus lane, cycle and pedestrian facilities.

2.0 Proposed Development

- 2.1. The proposed development on a site of 3.93 hectares is for 139 residential units comprising:
 - 79 - 2 storey residential dwellings
 - 60 apartments/duplex units. Apartment blocks 1 and 2 range from three storey to four storeys in height and incorporate bicycle storage and bin storage at ground level within the building. The duplex units range from two storey, to three storeys in height.
 - Creche, two storeys, flat roofed building.
 - Car parking at surface level, in-curtilage parking and on-street parking, plus EV charging points
 - Bicycle and bin storage facilities at surface level throughout the site

- Open space areas, residential communal open space areas to include formal play areas along with all hard and soft landscape works for private gardens and amenity spaces along with public lighting, planting and boundary treatments
- Entrance and associated upgrade works from the N69 road in the vicinity of the public house.
- ESB substation.

2.2. Documentation included with the planning application included:

- Planning Statement
- Statement of Response
- Statement of Housing Mix
- Building Lifecycle Report
- Schools and Childcare Capacity Assessment
- EIA Screening
- Operational Waste Management Plan
- Resource Waste Management Plan
- Outline Construction Management Plan
- Part V Proposals
- DMURS Audit
- Design Statement
- Daylight and Sunlight Assessment
- Housing Quality Assessment
- Traffic and Transport Assessment
- Road Safety Audit
- Mobility Management Plan
- Street Lighting Proposals

- Appropriate Assessment Screening
- Natura Impact Statement
- Ecological Impact Assessment
- Archaeological Impact Assessment
- Bat Impact Assessment
- Noise Impact Assessment
- Water Framework Directive Screening Assessment
- Hydrological & Hydrogeological Qualitative Risk Assessment

2.3. Further Information received by the planning authority on the 1st and 11th of April 2025, no change to layout or quantum of development but included the followed updated documents:

- Public Notices.
- Updated AA Screening and NIS
- Updated Noise Impact Assessment
- Updated CEMP
- Updated Outline Construction Management Plan
- Information concerning the creche, Drawing sheet 132 Creche Bike Store & Shelter
- Information concerning water services
- Drawing sheet 101a Site Layout Plan, no change to layout or quantum of development.

2.4. Key Statistics

Site Area	3.93 ha
Residential Density	35.3 dph
Building Height	2 – 4 storeys
Residential Floor Area	13,969 sqm

Commercial Facilities Floor Area	Creche 712 sqm
Open Space	0.79 ha communal open space
Parking	317 bicycle spaces (7 for creche) 265 car spaces (including 18 creche spaces)
1 Bed Units Apartments	10 (7%)
2 Bed Units Apartments	45 (32%)
3 Bed Units 60 Houses and 5 Apartments	65 (47%)
4 Bed Units Houses	19 (14%)
Total units	139

3.0 Planning Authority Opinion

3.1. An LRD meeting was convened on the 15th July 2024 and subsequently the planning authority issued an LRD Opinion dated 23rd August 2024, in which it was considered that further consideration and amendment to constitute a reasonable basis on which to make an application for permission for the proposed LRD, the following items were required:

1. Site Access and Junction Design:
2. Parking and Cycle Facilities:
3. Childcare Facility Design:
4. Environmental and Sustainability Measures:
5. Overlooking
6. Development Density and Compliance:
7. Environmental and Construction Management:
8. EV Charging Infrastructure:

9. Boundary Treatments:

10. Mobility Management:

11. Cross sections:

3.2. In addition, the planning authority and the applicant convened a meeting under section 247 of the Planning Act for the proposed Large-scale Residential Development on the 12th May 2024.

3.3. Further to the meeting the planning authority issued a record of the meeting, dated 27th June 2024, setting out relevant comments with regard to:

Traffic/roads – tie in with the N69 Part 8 Project and parking requirements for the overall scheme.

Water – public connections to be addressed in an application.

Archaeological Assessment required.

Landscape and biodiversity plans required.

Noise – issues to do with a continuous 1.8 metre high wall and visual impact.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. The planning authority issued a notification to grant permission dated 26th May 2025, the order was subject to 26 conditions.

4.2. Planning Authority Reports

4.2.1. Planning Reports

First Report

- Proposal is acceptable in principle and in line with the zoning objectives and zoning matrix of the Limerick Development Plan.
- Density of 35 dwellings per hectare proposed, located in Density Zone 3 – Suburban Edge - A minimum net density of 35+ dwelling units per hectare is required.

- 2-4 storey buildings are acceptable at this location, design and layout/open space also acceptable.
- Housing mix acceptable, apartment design and house design acceptable.
- Some concerns in relation to the impact on the adjacent single storey dwelling along the western boundary regardless of the 18m separation distance and RFI shall be sought to relocate this element (units 29-44) somewhere else within the scheme.
- Bike and car parking acceptable. Further information required with respect to crèche facility and parking.
- Access and traffic arrangements acceptable subject to conditions.
- Water services acceptable.
- Flood risk, Part V, crèche (clarification on outdoor space), lighting, archaeology, invasive species, phasing and environmental considerations, all acceptable.

In accordance with the recommendation of the Planner, further information sought.

Second Report

All issues addressed adequately, grant permission.

4.3. Other Technical Reports

- Roads (15/02/2025) – no objections.
- Environment – further information required. No objections after further information received.
- Ecologist (18/02/2025) - further information required. No objections after further information received.
- Fire - no objections. No objections after further information received.
- Active Travel - no objections. No objections after further information received.
- Housing (15/01/2025) - no objections.
- Digital Services - no objections.

4.4. Conditions

4.4.1. In addition to contribution/bond, standard and technical conditions, conditions particular to the site are as follows:

7. The development shall be carried out on a phased basis as set out in the phasing plan as submitted on the 19th December 2024. Each phase shall be completed including all services and public open space within 3 months of work commencing on a subsequent phase.

Reason - To provide for the orderly development of the site

10. The recommendation for façade treatment within the Noise Impact Assessment as submitted on the 1st April 2025 shall be implemented in full during the construction of the development to provide an appropriate internal sound environment, meeting target requirements in BS 8233:2014 Guidance on sound insulation and noise reduction.

Reason – in the interest of residential amenity

12. Prior to the commencement of development, the developer shall submit details of the silt fencing proposed for the written agreement of the Planning Authority. The approved details shall be implemented in full.

Reason - In the interest of nature conservation.

25 (a) The junction and shared use facility on the N69 National Road, the construction and reinstatement of the N69 carriageway, kerbing, footpath and drainage shall be undertaken in accordance with TII Publication CC-PAV-04007, “Requirements for the Reinstatement of Openings on National Roads May 2019”.

(b) For the introduction of the signalised junction and right turn lane on the N69 National Road, the applicant shall submit a Design Report for the written agreement of the Planning Authority in accordance with TII Publication GE-TBU-01043, “Requirements for Design Reports on National Roads April 2021”.

(c) The pavement design for the proposed upgrade works on the N69 National Road shall be submitted for the written agreement of the Planning Authority, in accordance

with TII Publication AM-PAV-06049, "Pavement Asset Repair and Renewal – Scheme Approval Procedures March 2020".

(d) The surface water drainage along the N69 carriageway shall consist of a combined kerb and drainage system, with continuous carrier pipe located in the adjacent verge, to enable future maintenance on the system from the national road. Should works commence prior to the adjacent N69 Mungret to Bolands Cross Safety Improvement Scheme (Part 8 Planning granted), the developer shall consult with the Planning Authority to agree the phasing of works and the finalised design solutions where the development overlaps with the safety improvement scheme.

Reason – in the interest of traffic and public safety.

- 4.4.2. Section 9.4 of the Inspector's Report deals with conditions as they relate to the appeal and to be taken into consideration by the Commission should a decision to grant permission issue.

4.5. **Prescribed Bodies**

Uisce Éireann – Further information required with respect to an existing watermain on site, report dated 31/01/2025.

Diversion of 75mm water main, can be accommodated, report dated 09/04/2025.

Mid West National Road Design Office - no objections, technical requirements recommended.

TII – no objections, technical requirements recommended.

An Taisce - no objections, some climate action suggestions and biodiversity requirements recommended.

HSE – further information requested with respect to the creche facility.

4.6. **Third Party Observations**

- 4.6.1. A number of third party observations on the initial planning application, issues included:

- Failure to take into account the industrial process to the north of the site.
- Density too high, out of character with the area.

- Reduction of car parking at the pub not welcome.
- Buffer areas should be provided.
- Not enough infrastructure in the village for this kind of development.
- Loss of privacy.
- Property devaluation.
- Construction phase nuisance.
- Negative impacts to the environment.
- Traffic issues and car parking problems. TIA does not take into account full pattern of traffic in the area. Lack of footpaths and public transport.
- When built houses should be first be occupied by individuals.

5.0 Planning History

5.1. Site

None

5.2. Nearby Sites

23/8004 - Part 8 – Permission granted for 550m of revised road layout on the N69 and 90m of realigned side road L1403

(a) The installation of 3m and 4m wide raised shared use active travel facilities between Boland's Cross and Mungret Cross,

(b) A section of 2m wide footway east of Mungret Cross,

(c) Modification of traffic layout in the vicinity of Mungret Cross,

(d) The installation of signal-controlled pedestrian crossings, (e) The installation of kerbing and hardscaping,

(f) Relocation of services,

(g) Traffic signs and road markings,

(h) Pavement resurfacing,

(i) Surface water drainage,

(j) Accommodation works and associated site works.

Decision date 18/09/2023. The proposed development incorporates the permitted design of the Part 8 project. Drawings submitted show the Part 8 project across the site frontage to the N69, junction and pedestrian improvements in the vicinity of the public house at the eastern end of the site.

6.0 Policy Context

6.1. Development Plan

6.1.1. Limerick Development Plan, 2022-2028

Site is zoned New Residential, with the Objective: To provide for new residential development in tandem with the provision of social and physical infrastructure.

According to the zoning matrix set out in the Limerick Development Plan, residential development is generally permitted on such zoned lands.

Relevant chapters, sections, policies and objectives include:

Policy CS P2 Compact Growth

Policy CGR P1 Compact Growth and Revitalisation

Objective CGR O3 Urban Lands and Compact Growth

Chapter 2 Core Strategy

In terms of Settlement Hierarchy, the site is located at Level 1 Limerick City and Suburbs (in Limerick), Mungret and Annacotty, table 2.4 refers. AT this location the site is assed under Density Zone 3: Suburban Edge: A minimum net density of 35+ dwelling units per hectare are required at sites in suburban development areas that do not meet proximity or accessibility criteria of the Intermediate Urban Locations, table 2.6 refers.

Urban Character Area

The site is located within UCA O4 Southern Environs - Dooradoyle/Raheen/Mungret

This area covers the Southern Environs of the city and contains many modern housing developments dating in large part from the 1960s. Major housing initiatives

are currently under way in the area. The area also accommodates a range of other uses including the Regional Hospital, Raheen Business Park, the Crescent Shopping Centre, educational institutions and recreational facilities. Specific objectives include:

- a) Infill and brownfield development patterns to be favoured.
- b) Building Height Strategy to inform design of higher buildings and to direct high buildings to the areas in the City Centre that have been identified as having potential for increased building height, subject to comprehensive case by case assessment at planning application stage.
- c) Special Control Area in Mungret College Area to be retained, together with protected views.
- d) The Framework for Mungret to guide development in this location.
- e) Existing green spaces to be retained.

The site is not located within the Mungret Opportunity Area as delineated at Map 3.8 Mungret Framework Plan of the development plan.

Other relevant objectives include:

Objective TR O39 National Roads

Objective HO O5 Apartments

Objective CGR O9 Building Heights

Objective SCSI O14 Childcare Facilities

Section 11.5.1 Childcare Facilities

Objective CAF O3 Sustainable Development

Objective CAF O4 Climate Proofing

Objective CAF O6 Energy Efficiency in New Developments

Objective CAF O7 Near Zero Energy Buildings

Objective CAF O11 Nature Based Solutions

Objective TR O23 Mobility Management

Building Heights Strategy, Limerick Development Plan, 2022-2028 - The character area in question is the Southern Environs. Map 6.2 Views and Prospects highlights an of Mungret that is subject to views and prospects, the site is not located in either viewshed.

Policy TB7 Assessment Criteria for Tall Building

Limerick Shannon Metropolitan Area Transport Strategy (LSMATS)

Objective ECON O39 Mineral Extraction and Environmental Impacts

Objective EH O22 Commercial and Industrial Noise

Objective TR O53 Noise and Transportation It is an objective of the Council to identify appropriate mitigation measures to reduce noise levels from traffic where they are potentially harmful, in accordance with Limerick's Noise Action Plan.

Objective TR O54 Noise Sensitive Development It is an objective of the Council to require noise sensitive developments in close proximity to heavily trafficked roads to be designed and constructed to minimise noise disturbance, follow a good acoustic design process and clearly demonstrate that significant adverse noise impacts will be avoided in accordance with Professional Practice Guidance on Planning and Noise (2017) and based on the guidance and recommendations of the World Health Organisation.

Section 11.3.12 Noise - Internal noise level guidelines, as outlined in BS 8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings, can be achieved with adequate building ventilation and thermal comfort, in all living areas (e.g. living rooms, bedrooms) with openable windows.

6.2. National Policy

6.2.1. National Planning Framework First Revision – April 2025

Table 2.1 | The NPF at a Glance: Targeted Pattern of Growth, 2022 to 2040

2. Building Stronger Regions: Accessible Centres of Scale - Limerick City and Suburbs: 44,000 people (at least 150,000 in total)

NPO 8 - Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.

Key future growth enablers for Limerick include:

- Progressing the sustainable development of new brownfield and greenfield areas for housing and the development of supporting public transport and infrastructure, such as at Mungret;

National Policy Objective 12 Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 22 In urban areas, planning and related standards, including in particular building 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.

National Policy Objective 43 Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 45 Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

6.2.2. Climate Action Plan 2025

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.

It is noted that the Commission performs its functions in relation to decision making, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans

and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

TR/25/8 - Renew the approach to Shared Mobility, including public bikes schemes in Limerick, Cork, Waterford and Galway.

6.2.3. **National Biodiversity Action Plan (NBPA) 2023-2030**

The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”. This National Biodiversity Action Plan 2023- 2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- 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

6.2.4. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities (2024).

Table 3.2 - Area and Density Ranges Limerick, Galway and Waterford City and Suburbs

City - Suburban/Urban Extension Suburban areas are the low density car orientated residential areas constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations in Limerick, Galway and Waterford, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8). Section 5.3.7

Daylight "In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development. Poor performance may arise due to design constraints associated with the site or location and there is a need to balance that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution".

Sustainable Urban Housing: Design Standards for New Apartments Guidelines (July 2023)

The overall purpose of these Guidelines is to strike an effective regulatory balance in setting out planning guidance to achieve both high quality apartment development and a significantly increased overall level of apartment output. They apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease.

Design Standards for Apartments, Guidelines for Planning Authorities 2025

The Guidelines set out policy and guidance in relation to the planning and development of apartments in all housing or mixed -use developments which include apartments that may be available for sale, whether for owner occupation or for individual lease, or for rental purposes. Guidance is also set out regarding purpose built student accommodation.

Circular letter NSP 04/2025 states that:

“The revocation of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’, 2023 (and all preceding updates) does not apply to current appeals or planning applications, i.e. that were subject to consideration within the planning system on or before the 8th of July 2025. These will be considered and decided in accordance with the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’, 2023, or as set out below, where applicable.”

The 2025 guidelines outlined above are not relevant to the subject appeal.

6.2.5. Other National Guidance

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

The manual seeks to address street design within urban areas by setting out an integrated design approach. It is an aim of the manual to put well designed streets at the heart of sustainable communities. Street design must be influenced by the type of place in which the street is located and balance the needs of all users.

Cycle Design Manual - August-September 2023

6.2.6. Regional Guidance

Regional Spatial and Economic Strategy for the Southern Region 2020-2032

Section 3.2 Guiding Principles - Accelerate housing delivery – Activate strategic residential development areas such as Mungret and support the steady supply of sites to accelerate housing supply, supported by better services and public transport.

Table 2 Mungret

6.3. Natural Heritage Designations

Lower River Shannon SAC (site code: 2165) approximately 1.7km to the north.

River Shannon and River Fergus Estuaries SPA (site code: 4077) approximately 1.7km to the north.

Proposed Natural Heritage Areas: Inner Shannon Estuary - South Shore approximately 1km to the north east.

Proposed Natural Heritage Areas: Loughmore Common Turlough approximately 1.2 km to the south east.

7.0 EIA Screening

7.1. Introduction

- 7.1.1. The applicant prepared a document entitled 'Environmental Impact Assessment (EIA) Screening Statement', prepared by a technical team of suitably qualified and competent persons. The report states that the criteria as set out in Schedule 7 of the Regulations have been assessed, it is based on relevant information received and as set out in Schedule 7A. The EIA Screening report concludes that the proposed development will not be likely to have significant effects on the environment. The planning authority carried out an EIA Screening Determination and concluded that an Environmental Impact Assessment Report (EIAR) is not required.

7.2. Assessment

- 7.2.1. Detailed assessment is set out at Appendices 3 and 4 of this report.

7.3. Conclusion

- 7.3.1. Having regard to:
1. the criteria set out in Schedule 7, in particular
 - a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.
 - b) The location of the site on zoned lands (New Residential), and other relevant policies and objectives in the Limerick Development Plan 2022-2028, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
 - c) The nature of the site and its location in an urban neighbourhood area which is served by public services and infrastructure.
 - d) The pattern of existing and permitted development in the area.
 - e) The planning history at the site and within the wider area.
 - f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.

- g) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage, and Local Government (2003).
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- i) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- j) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the

- Building Lifecycle Report
- Schools and Childcare Capacity Assessment
- EIA Screening
- Operational Waste Management Plan
- Resource Waste Management Plan
- Outline Construction Management Plan
- DMURS Audit
- Design Statement
- Daylight and Sunlight Assessment
- Housing Quality Assessment
- Traffic and Transport Assessment
- Road Safety Audit
- Mobility Management Plan
- Street Lighting Proposals
- Appropriate Assessment Screening
- Natura Impact Statement

- Ecological Impact Assessment
- Archaeological Impact Assessment
- Bat Impact Assessment
- Noise Impact Assessment
- Water Framework Directive Screening Assessment
- Hydrological & Hydrogeological Qualitative Risk Assessment

k) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of any designated archaeological protection zone

2. the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

The development is not likely to have an effect on the environment and the preparation of an EIAR is not required.

7.3.2. The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

8.0 The Appeal

8.1. Grounds of Appeal

8.1.1. A third party appellant raises issues similar to those throughout the planning process and are reiterated and reinforced, summarised as follows:

- The cement plant is 300 metres north east of the site and the limestone quarry is 200 metres north of the site. The industrial nature of the overall site has not been taken into account with reference to noise impacts. Documentation submitted with the application considers road noise from the N69 and has not considered the operational noise from the quarry and cement operations to the north at all. An updated Noise Impact Assessment should be submitted to address concerns and suggest mitigation measures if

necessary. The proposed development if permitted could hinder future plans to extend quarry and cement work operations.

- It is noted that the PA considered only a portion of the overall quarry operations (ABP-248285) and this does not fully account for all activity and generation of noise.
- It is requested that an updated NIA is prepared that takes into account the quarry operations to the north and include mitigation measures as necessary, if permission is to be granted.

8.2. Applicant Response

- A planning history is presented with regards to Irish Cement operations, with specific reference to issues around noise. It is noted that operations at the quarry and cement works are monitored and operate under noise emission limits.
- The lands in question are zoned for residential development and there are other residences that are closer in proximity to the existing quarry.
- Reference is made to the Noise Assessment submitted with the application that recognised that the dominant noise is traffic related from the N69. Given that the existing quarry operates under noise emission limitations and is monitored, any noise impact to future residents will be mitigated. The existing quarry operates within the parameters of its current EPA Licence.
- Comments with regard to the PA report are noted.
- Future development of the quarry lands are subject to the necessary consents, and the proposed development will not impact such expansion.

8.3. Planning Authority Response

None.

8.4. Observations

None.

9.0 Assessment

9.1. Introduction

9.1.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive matters arise. The planning authority raised no issues with regard to any aspect of the proposed development in terms of traffic/transport, layout, density, urban design, landscaping, house or apartment design that couldn't be addressed by condition. No significant issues were raised about the impact of the proposal on the existing residential amenities of neighbouring development. The applicant has prepared a large amount of documentation that explains how the development meets the relevant standards to do with housing and apartment development, and I am satisfied that there is no further examination required or warranted in this instance.

9.1.2. This is an appeal that concerns housing and a creche in the western suburbs of Limerick city. The planning authority issued a notification to grant permission, and the appellant has raised an issue about the current operations of the quarry and cement works in the context of new housing at this location. Having examined the application details and all other documentation on file, including all of the report/s of the local authority, observer's submissions, having inspected the site, and having regard to the relevant policies and guidance, I consider that the substantive issues in this appeal to be considered can be grouped as follows:

- Noise
- Other Matters
- Conditions

9.2. Noise

9.2.1. The proposed development of a housing scheme and creche is to be located on lands zoned New Residential in the current development plan. Both residential and childcare facilities are acceptable land uses within the zoning objective and there is no barrier in principle to the development as proposed. The proposed scheme has been designed to fit around permitted road improvements that provide cycle and pedestrian facilities and thus provide a logical and planned extension to the built up area of Mungret Village, west of Limerick City.

- 9.2.2. A long standing, large and operational quarry and cement works are located on lands to the north of the appeal site. The owner is concerned that permission for the development without a complete assessment of noise impacts that emanate from their enterprise on future occupants could constrain their current operations. In addition, future expansion of the quarry and cement works operations could be at risk if opposition were to be mobilised by future residents. A fuller noise assessment is called for and any mitigation measures that transpire should be implemented if the development progresses to construction. The applicant disagrees and is satisfied that their Noise Impact Assessment correctly focused on the ambient transport noise impact, given the proximity of the N69. The planning authority had no significant concerns with regard to the adverse impact of noise on residential amenities at this site and a notification to grant permission issued subject to condition 10 that refers to the implementation of façade treatments.
- 9.2.3. The appellant is concerned that the current and future operations at their site could be limited if adequate measures to limit the impact of noise from the quarry and cement works are not investigated and deployed. I have visited the appeal site, walked its perimeter, and noted its position relative to the appellant's industrial site to the north. The appeal site is positioned to the south of the quarry lands and a significant buffer of tree planting, other houses and agricultural land separate the site from the quarry. The tall production structures associated with the cement works and located close to the eastern portion of same, are visible from the subject site. On the afternoon of my site visit, during a weekday in the summer, I did not hear any noise associated with the quarry site. On the other hand, road noise is noticeable, but only along its length relative to the site frontage with the N69. The noise environment along this portion of the site will change once permitted improvements to the road are implemented and vehicle speeds are naturally slowed in this urbanised area. My experiences on and around the site are not comprehensive and only allow a snapshot of the current noise environment in the area, however, industrial noise associated with the quarry and cement works did not register with me. In that context I rely on the documentation submitted with the application and appeal, as well as the grounds of appeal submitted by the appellant, in order to provide a fuller understanding of the noise environment of the site and surrounds.

- 9.2.4. Applicant's Assessments – The applicant submitted an Assessment of Ambient Transport Noise Impact prepared by Dalton Acoustics Limited. The acoustic report concentrates on the noise impact from the N69 and provides advice on the urban design, layout and boundary noise attenuation measures to be incorporated into the current planning application. The report explains that a baseline noise survey was undertaken to determine the existing ambient noise environment at the site and a calibrated noise contour map was developed to assess the effects of traffic noise. The baseline surveys undertaken identified road traffic as the key noise source and this formed the basis for the approach to the assessment of noise impacts in the application documentation. The applicant's report was carried out in accordance with the recommendations set out in the Limerick County Council Third Noise Action Plan 2019 – 2023 and the Noise Action Plan 2024-2028 – Limerick Agglomeration. The Professional Guidance on Planning & Noise (ProPG) 2017 was also utilised in order to follow best practice guidance and a systematic risk based two stage approach, in the evaluation of noise exposure on such sites for residential development. The report concludes that a satisfactory noise environment will result, in accordance with the ProPG: Planning & Noise guidance document, and residential amenities will not be adversely impacted by traffic noise.
- 9.2.5. In detail the acoustic report, positioned two measurement locations roughly 30 metres back from the edge of the N69, NML1 and NML2 refer and are shown at figure 2A and 2B. The survey results are set out at section 3.4 of the acoustic report and the noise risk conclusion varies from a medium to low noise risk. The medium risk is naturally presented at the frontage of proposed dwellings to the N69. Given the noise environment assessed, the ProPG guidance recommends that the site should be considered as presenting a low to medium noise risk. Section 4.1 of the acoustic report sets out how the design and layout of the scheme was devised around minimising noise impact, figures 6 and 7 illustrate the noise contours modelled. At section 4.2 of the acoustic report, it is set out that internal noise measures are managed, it should be noted that high-performance acoustic glazing specification were used in the modelling exercise and that such measures should be implemented in to façade design. Section 4.3 assesses amenity space, and no specific measures are outlined. Section 4.4 assess other factors, such as national

guidelines. The acoustic report does not identify noise impacts that emanate from quarry or industrial activities at the appellant's site to the north.

9.2.6. The planning authority sought further information on the topic of potential noise impact and the N69, with specific reference to modelling and clarity about the measures proposed, item 1 of the further information request refers. The applicant prepared a response in the form of an updated acoustic report and appendix C refers. Points to note include:

- The existing noise model within the main body of the report retains the same layout proposed with a 400mm wall to the front of the development as suggested. A higher wall at the southern boundary is not proposed.
- A calculation typo contained within the report stating resultant noise parameters for daytime and night-time, was corrected and the report amended.
- New calculations for future growth were produced and expected traffic noise 2dB lower in 15 Years Time (no electric vehicles were included in the calculation).
- Figure 1 of the acoustic report does not propose or indicate a wall of 1.5 metres high. The proposed wall height is 400mm as stated within the report and this is not included in the noise modelling for the site as it will have no tangible positive result on the traffic noise levels at the noise sensitive locations (NSLs). The calculations for noise levels at the NSLs does not rely on any acoustic mitigation provided by the 400mm high wall.

9.2.7. The applicant's response to further information concludes that the attenuated speed for traffic traversing the frontage of the proposed site reduced from 80KM/Hr to 60KM/Hr and that this should reduce the overall traffic noise at the proposed NSLs by circa 3dB(A). However, the 15 year projection for the revised speed limit suggests this figure will be 1dB(A) higher based on a 22% increase in traffic (not considering for electric vehicles). The supporting calculation for indoor noise levels based on measurements obtained on site, suggest that good quality internal levels for daytime and night-time will be achieved. Measured levels based on a reduced traffic speed and a 15 year traffic flow calculation, suggest as per Calculation 1 and Calculation 2 that noise levels within the nearest NSLs will be 2dB(A) lower than originally

projected at the design stage of the development. Put another way, the applicant considers that design or mitigation changes are not necessary in light of those already proposed. The planning authority accepted this additional information and permission was granted.

- 9.2.8. I can see that the applicant has carried out an acoustic report in accordance with development plan requirements and best practice guidelines. Specifically, I note that Objective TR O53 and Objective TR O54 have been complied with by the applicant in the preparation of their acoustic report and that the report has informed the design and layout of the residential scheme. I note that the baseline surveys undertaken indicate that the dominant and only source of noise that could impact residential amenity identified by the applicant is from the road noise associated with the N69 and that design and mitigation measures have been informed by the acoustic report, this is satisfactory. I can see that there is no reference in the reports prepared by the applicant at the planning application stage to noise associated with the nearby quarry and cement works. This would be expected and aligns with the strategic noise maps illustrated in figures 4.2 and 4.5 of the Agglomeration of Limerick Noise Action Plan 2024-2028.
- 9.2.9. Appellant's Perspective – the appellant maintains the view that the applicant should have considered the existing quarry and cement works in their assessments with regard to noise and the potential for adverse residential amenity impacts. The primary concern for the appellant is that current and planned operations could be curtailed by future residents opposed to expansion. The appellant is critical of the applicant's documentation and seeks the preparation of new reports and implementation of any measures as necessary.
- 9.2.10. In response the applicant states that quarry and cement works noise was not identified as a significant factor for consideration at this site. This is related to the distance from the existing operations and the intervening terrain. The applicant notes that there are other houses closer to the quarry and that the appeal site is zoned for housing. The applicant notes that current operations at the quarry and cement works are controlled by an EPA Industrial Emissions Licence, limits are set at 55db (daytime), 50db (evening) and 45db (nighttime). The applicant notes that the operator of the quarry and cement works is working within the noise parameters set by the EPA licence (2024). With regard to future expansion, the applicant notes a

planning application and appeal (ABP- PL 91.248285 refers) and accompanying EIS, where noise was considered and assessed by the planning authority and the Board. The same would be the case for any further expansion of operations on the site.

9.2.11. I appreciate the concerns raised by the appellant with reference to the fullness of the applicant's documentation and lack of any reference to the existing and operational quarry and cement works close by. However, based on the survey data provided, observations on-site and the data set out in the Noise Action Plan for Limerick, I am satisfied that in this instance the most relevant source of noise is the current N69 road. This will change once permitted improvements are made, the road becomes more urbanised and traffic speeds reduce, the applicant and planning authority have considered this too. The fact that operational noise emissions from the quarry and cement works have not been considered by the applicant's acoustic report is testament to the EPA licensing regime and the good practices carried out at the site by the current operator. Though my site visit was brief in terms of the applicant's survey period (Acoustic Report baseline survey - between 14:44 hours on 26th October 2023 and 13:16 hours on 28th October 2023), I did not notice any significant noise from the quarry and cement works. In addition, the applicant's acoustic report did not consider quarry and cement works noise as a factor, and that assumption was grounded on the baseline noise environment at the site.

9.2.12. In terms of the future for the quarry and cement works should housing occupy this site, I do not have the same concerns as the appellant. Any future physical expansion of the quarry would be subject to the planning consent process and any environmental considerations that may be warranted will have to be assessed. In a similar way, any future intensification of quarry or cement works operations would fall to be assessed as required. Irrespective of any local engagement should an application be lodged by the quarry operator down the line, the appeal lands are zoned for residential purposes.

9.2.13. Given the foregoing, I am satisfied that the applicant has appropriately assessed the current and future noise environment and impact for residents and that the dominant noise impact arises from the N69 road. It is not necessary for the applicant to carry out further assessments. This is because noise levels tested on site all point to the N69 as the dominant noise source and not the nearby quarry and cement works that currently operate within the limits set by the EPA licensing environment with regard

to industrial emissions, and hence do not figure in the applicant's acoustic assessment. The applicant has proposed measures to ensure that adverse noise impacts from the N69 will not affect future residents and this includes specific glazing, and façade treatment recommended by the acoustic report. I am satisfied that no further measures are necessary or warranted at this residentially zoned and urban extension site where the immediate environs are characterised by low density housing and an existing quarry and cement works at a distance and operating within its permitted and licenced limits.

9.3. Other Matters

9.3.1. Water Services – I note that Uisce Éireann confirm the feasibility of connection to the existing foul sewer and water network (Reference No. CDS24004611). In addition, I note that the Report of the Roads Section of the Council deem the development to be acceptable from a surface water management perspective, conditions are recommended.

9.3.2. Climate Action – An Taisce raised some general points about climate action, and detailed biodiversity suggestions for the development as a whole. From an examination of the applicant's planning application documentation, I can see that the following documents all refer in some way to environmental responsibility, sustainability and climate change:

- Planning Statement
- Statement of Response
- Building Lifecycle Report
- EIA Screening
- Operational Waste Management Plan
- Resource Waste Management Plan
- Outline Construction Management Plan
- Design Statement
- Daylight and Sunlight Assessment
- Traffic and Transport Assessment

- Mobility Management Plan
- Street Lighting Proposals
- Ecological Impact Assessment

9.3.3. All of these documents have in some form or other taken climate change factors into account and examined how the best sustainability choices can be made in the design, execution and ongoing operation of the development. At a very high level, the site is located on lands zoned for residential uses, infrastructurally serviced and close to all the associated services and facilities of Mungret Village and Limerick city beyond. The housing scheme will use the most appropriate technologies in the construction and operation of the development including SuDS measures. I am satisfied that the proposed development broadly meets sustainability and climate action objectives, and no shortcomings are evident.

9.3.4. With regard to biodiversity, I note the Ecological Impact Assessment prepared by the applicant, it concludes that if all mitigation measures are fully implemented no negative effects to biodiversity are predicted to arise. In addition, I note that the Bat Report states that subject to the full and strict implementation of the mitigation measures including post works monitoring of light levels and checks to ensure the additional woodland planting is established successfully, no long term adverse impacts are identified on local populations of the bat species recorded. I am satisfied that implementation of all measures recommended in the applicant's documentation, including the updated Outline Construction Management Plan will ensure that the biodiversity matters raised by observers have been taken into account and no further examination is necessary.

9.4. **Conditions**

9.4.1. The planning authority issued a notification to grant permission subject to 26 conditions. Most of the conditions are standard, technical or contribution/bond conditions that would be attached to any large scale residential/commercial scheme in Limerick. I note the conditions recommended by the HSE, Mid-West National Road Design Office and TII, and these have been incorporated by the planning authority. With specific reference to the frontage of the site to the N69 and permitted improvements along this stretch of road, I am satisfied that condition 10 as worded by the planning authority is satisfactory to enable the development to progress in

tandem with the Part 8 permission, PA ref: 238004 granted September 2023 refers. In the interests of completeness and clarity, I list out all 26 conditions recommended by the planning authority and provide an examination of the content and applicability to the documentation as received by the Commission.

9.4.2. Condition 1 as worded by the planning authority is as follows:

1. The development shall be carried out in accordance with the plans and particulars lodged with the application on the 19th day of December, 2024, as amended by the further plans and particulars submitted on the 1st day of April, 2025, and the 11th day of April, 2025, except as may otherwise be required in order to comply with the following conditions.

Reason - In order to clarify the development to which this permission applies.

9.4.3. This is a standard condition that is attached to any notification to grant permission, subject to the material received by the planning authority. I note that two further information submissions were received by the planning authority as follows: on the 1st day of April, 2025, and the 11th day of April, 2025. No new information was submitted as part of the appeal, it is the convention of the Commission to use the following wording:

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 received by the planning authority on the 1st day of April, 2025, and the 11th day of April, 2025, 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.

9.4.4. I recommend that this condition is placed first in the order of conditions should the Commission be minded to grant permission.

9.4.5. The planning authority included a contribution and a bond condition, numbers 2 and 3 of the notification to grant permission. It is the convention of the Commission to

place such conditions at the end of any relevant Order, I recommend that this is case in this instance. The wording used by the planning authority is as follows:

2. The developer shall pay to Limerick City & County Council a financial contribution of €295,620.00 (two hundred and ninety five thousand, six hundred and twenty euro) 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 & Development Act 2000 (as amended). 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 contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

- 9.4.6. I recommend the use of standard Commission condition for unspecified values as follows:

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 Coimisiún 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.

9.4.7. The wording used by the planning authority is as follows:

3. Prior to the commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the Planning Authority of roads, footpaths, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the Planning Authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The amount of this security shall be €625,500.00 (six hundred and twenty-five thousand and five hundred euro) and the type of security shall be agreed with the Planning Authority prior to the commencement of development.

Reason – To secure the satisfactory completion of the services required in connection with the proposed development.

9.4.8. I recommend the use of standard Commission condition for unspecified values as follows:

Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

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

9.4.9. The planning authority attached a condition with reference to social and affordable housing. The applicant prepared documentation with reference Part V, this was

acceptable to the planning authority and recommend the attachment of a condition that requires compliance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended.

4. Prior to the commencement of development, the applicant or any 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 permission, 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.

9.4.10. I recommend the use of the standard Commission condition for social and affordable housing requirements as follows:

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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún 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 for the area.

- 9.4.11. The planning authority attached a standard condition to do with the Planning Authority's Taking in Charge Protocol 2024, as follows:

5. The development hereby permitted shall be carried out and completed to the construction standards set out in the Planning Authority's Taking in Charge Protocol 2024. Prior to commencement of development, the developer shall agree in writing with the planning authority, the procedures for inspection and monitoring of the entire development by the authority to ensure compliance with these standards and shall thereafter comply with the agreed procedures during the construction of the overall development. Following completion, the development shall be maintained by the developer in compliance with these standards until taken in charge by the Planning Authority.

Reason - In order to ensure the satisfactory completion of the development

- 9.4.12. This condition is standard practice and ensures the satisfactory completion of the development, I recommend the attachment of the standard Commission condition as follows:

The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

- 9.4.13. Condition 6 of the notification to grant permission refers to institutional investors and the provision of housing to purchase for individuals, as follows:

6. Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an

agreement with the planning authority, such agreement must specify the number and location of each house unit, pursuant to Section 47 of the Planning and Development Act, 2000 (as amended) that restricts all houses permitted, to first occupation by individual purchasers for example those not being a corporate entity, and or by those eligible for occupation of social and or affordable housing, including cost rental housing.

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

9.4.14. In addition, the proposed development comprises a combination of apartment units, duplex units and houses. The use of such a condition is standard practice and I recommend the attachment of the standard Commission condition as follows:

- (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class

or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

9.4.15. Condition 7 of the notification to grant permission refers to the construction phasing of the development, as follows:

7. The development shall be carried out on a phased basis as set out in the phasing plan as submitted on the 19th December 2024. Each phase shall be completed including all services and public open space within 3 months of work commencing on a subsequent phase.

Reason - To provide for the orderly development of the site.

9.4.16. I note that the applicant submitted a phasing layout, sheet number 202 refers. I recommend the attachment of a condition to ensure that the phasing plan advanced or an alternative to be agreed is implemented and as completed be submitted (note section 9.4.39 of my report) as follows:

(a) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

(b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

(c) As constructed drawings for the development shall be submitted upon completion of any phase. The drawings shall be in hardcopy and digitally and the format shall be compatible with Limerick City and County Council's GIS system.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

9.4.17. Condition 8 of the notification to grant permission refers to the house numbering scheme and name of the estate. This is a standard condition to control the name of the development, as follows:

8. Proposals for an estate/street 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 estate and street signs, and house 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 place names for new residential areas.

9.4.18. This is a standard condition, I recommend a reworded version in accordance with the Commission's standard condition as follows:

Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/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.

9.4.19. Condition 9 of the notification to grant permission refers to open space. This is a standard condition used in housing schemes, worded as follows:

9. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the requirements of the Planning Authority. This work shall be completed before any of the dwellings are made available for occupation.

Reason - In order to ensure the satisfactory development of the public open space areas and their continued use for this purpose.

9.4.20. As this is a standard condition, I recommend a reworded version in accordance with the Commission's standard condition as follows:

The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled or contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed with the planning authority and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

- 9.4.21. Condition 10 of the notification to grant permission refers to noise considerations and is related to further information submitted by the applicant. The appeal revolves around the matter of noise and this has been examined at length at section 9.2 of my report. The planning authority's condition is worded as follows:

10. The recommendation for façade treatment within the Noise Impact Assessment as submitted on the 1st April 2025 shall be implemented in full during the construction of the development to provide an appropriate internal sound environment, meeting target requirements in BS 8233:2014 Guidance on sound insulation and noise reduction.

Reason – in the interest of residential amenity.

- 9.4.22. The planning authority's condition references target requirements in terms of BS 8233:2014 Guidance on sound insulation and noise reduction, and this is set out at Section 11.3.12 of the current Development Plan. I see no reason to amend this condition as it relates to noise and current best practice.

- 9.4.23. Condition 11 of the notification to grant permission refers to mitigation measures as they relate to the NIS submitted with the application. The planning authority's condition is worded as follows:

11. All mitigation measures outlined in the Natura Impact Statements submitted with the application shall be implemented in full for the lifetime of the development.

Reason - In the interest of nature conservation.

9.4.24. The applicant submitted an NIS and I have already assessed that element of proposal in terms of designated sites. The attachment of such a condition is required and I recommend the following:

The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

9.4.25. Condition 12 of the notification to grant permission refers to details of silt fencing with reference to nature conservation. The planning authority's condition is worded as follows:

12. Prior to the commencement of development, the developer shall submit details of the silt fencing proposed for the written agreement of the Planning Authority. The approved details shall be implemented in full.

Reason - In the interest of nature conservation.

9.4.26. The reason for the attachment of this condition is because the Council Ecologist reviewed the response to further information submitted by the applicant and stated that the silt fencing would need to be agreed prior to construction. I am satisfied that this matter can be incorporated within any matters to be agreed as part of the Construction Management Plan. In addition, I note that the mitigation measures as they have been set out Step 4 of the updated NIS (March 2025) that states run-off from the construction site will not be permitted to enter public sewers unless it has first passed through a suitably-sized silt trap or other attenuation measure. I am satisfied that measures to attenuate errant silt has been considered as part of the NIS and the inclusion of more detailed aspects of any silt fencing can be agreed with the planning authority as required and will not affect the outcome of the NIS. I recommend that condition 12 as worded by the planning authority form part of any condition with reference to a Construction Management Plan.

9.4.27. Condition 13 refers to ecology and requires specific actions to be carried out, as follows:

13. Ecology (a) A suitably qualified ecologist shall be appointed by the developer to oversee the site set-up and construction of the proposed development and the ecologist shall be present on site during construction

works. Prior to commencement of development, the name and contact details of said person shall be submitted to the planning authority. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the planning authority to be kept on record.

(b) All mitigation techniques contained in the bat report dated Oct 2024 shall be implemented in full including post works monitoring of light levels and checks to ensure the additional woodland planting is established successfully, by a suitable qualified ecologist. A report on the same shall be provided to the local authority prior to the occupation of the development.

(c) All mitigation techniques and enhancement techniques contained in the Ecological Impact Statement, dated Nov 2024, shall be implemented in full.

(d) Prior to the commencement of development details of swift bricks, bat boxes and other bird boxes shall be submitted for the written agreement of the Planning Authority.

(e) All vegetation clearance shall take place outside of the bird nesting season.

(f) Only Irish species of Irish provenance shall be used in landscaping. Where ornamental species must be used, no species that can self-seed or spread into the wider environment shall be used.

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

9.4.28. The applicant prepared an Ecological Impact Assessment and Bat Report, it is concluded that the site is not particularly unusual or requires any specific measures to be implemented for the protection of the environment. I am satisfied that a general condition to do with standard construction practices and the protection of the ecology of the site is warranted and worded as follows:

(a) All mitigation techniques contained in the Ecological Impact Assessment and Bat Report shall be implemented in full including post works monitoring of light levels and checks to ensure the additional woodland planting is established successfully, by a suitable qualified ecologist. A report on the same shall be provided to the local authority prior to the occupation of the development.

(b) All vegetation clearance shall take place outside of the bird nesting season.

(c) Only Irish species of Irish provenance shall be used in landscaping. Where ornamental species must be used, no species that can self-seed or spread into the wider environment shall be used.

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

9.4.29. Condition 14 refers to invasive species, this is not an issue that was highlighted in the applicant's documentation as an issue to consider further, the planning authority's condition is as follows:

14. The developer shall appoint an Invasive Species Consultant to carry out an invasive species assessment of the site and submit to the planning authority for approval prior to construction. A full remediation proposal shall be included in the report if applicable.

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

9.4.30. Section 3.2. of the EclA states that there are no plant species growing on the site which are listed as alien invasive under Schedule 3 of SI No. 477 of 2011. However, it is standard practice in the construction phase of any urban development that the control of invasive species forms part of the construction management plan. I recommend that the matter is addressed in any condition with reference to the construction management plan.

9.4.31. Condition 15 of the notification to grant permission refers as follows:

15. Prior to commencement of development, the developer or appointed contractor shall submit to the Planning Authority for agreement in writing, a site-specific waste management plan for the recovery/disposal of all wastes that will arise from the site clearance, demolition, refurbishment and/or construction related activities of this development. The waste management plan shall include: a) A list of proposed authorised waste collection permit holders to be employed. b) A list of the proposed waste facility permitted sites at which the wastes may be recovered or disposed of. c) Estimates of the proposed tonnages of construction and demolition (C&D) wastes by type e.g. soil and stone, rubble, wood, metal and plastic.

Reason - In the interest of sustainable waste management.

9.4.32. This is standard practice in relation to large construction projects and is covered in the Commission's standard condition with reference to a Waste Management Plan, the following is recommended:

Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

9.4.33. In addition, the operational waste management of the site is addressed by the standard Commission condition regarding same, should be attached as follows:

(a) A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities within each house plot]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.

And

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

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

9.4.34. Condition 16 refers to the naming and numbering of the estate as well as detailed planning authority technical requirements for roads (condition 25 also outlines road requirements), condition 16 is worded as follows:

16. (a) The developer shall include the following drawings and supporting information for the written agreement of the Planning Authority prior to the commencement of the development:

- Show house numbering signage, including their locations, design (ornate) and mounting proposals.*
- A revised car parking layout shall be submitted to clearly indicate designated parking spaces within the site for car share use.*

(b) the developer shall submit details of the corduroy tactile paving at the footpath edges

(c) The developer shall include a spare bank of ducts to be handed over to Limerick City and County Council upon taking in charge of any phase of the development to TII standards.

(d) Prior to commencement of development a Stage 2 Road Safety Audit in compliance with the TII Publication 'Road Safety Audit GE-STY-01024', shall be submitted for the written agreement of the Planning Authority. Any problems raised within the Stage 2 RSA shall be addressed in full on a revised Site Layout Plan.

(e) Following completion of construction, a Stage 3 Road Safety Audit in compliance with the TII Publication 'Road Safety Audit GE-STY-01024' shall be submitted for the written agreement with the Planning Authority'. Any problems raised within the Stage 3 RSA shall be addressed in full on a revised Site Layout Plan.

(f) The material, colours and signage that will be used as part of the proposed 'Shared Surfaces' shall comply with "DMURS" and give clear guidance to road users that they are entering a 'Shared Surface'.

(g) Junction radii shall comply with "DMURS".

(h) Prior to the commencement of development, the developer shall agree the details regarding the traffic signal equipment, infrastructure, phasing and installation with the Planning Authority.

(i) The shared cycle track and pedestrian route along the N69 shall be raised with a suitable kerb edge of 125mm to give protection to both cyclist and pedestrians. Appropriate start and end signage and corduroy tactile paving is required. This shall be to the same standard that TII will be providing to the west of this path.

(j) A minimum of 10% of all other car parking spaces on the site 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. The details of proposals relating to the installation of electric vehicle ducting and charging stations/points shall also be provided. The public EV chargers / charging spaces shall be provided in accordance with the Department of Transport Guidelines - Draft Universal Design Guidelines for Electric Vehicle Charging Infrastructure. The parking layout drawings shall be updated having regard to the minimum EV parking bay dimensions and submitted for the written agreement of the Planning Authority.

(k) A minimum of 2 car parking spaces shall be provided for disabled drivers or disabled passengers, as close as possible to the entrances to the crèche and public house/restaurant. Each such space shall have a minimum area of 3m wide by 5m deep and shall be substantially level. Each such parking space shall be clearly marked "Disabled Drivers or Passengers" with the International Symbol of Access for the Disabled. A drawing shall also be submitted for the written agreement of the Planning Authority showing the accessible routes from the parking spaces to the crèche / restaurant.

(l) Footpaths for the proposed development shall be in line with "TII Specification for Road Works Series 1100 – Kerbs, Footways and Paved Areas.

(m) Driveways shall have a minimum width of 3m for a single vehicle and a minimum length of 6m. The maximum gradient shall be 10%. A kerb upstand of 25mm shall be provided at entrances.

(n) Kerbing Details shall comply with the standards in TII CC-SCD-01101 Traffic Management Guidelines from the Department of Transport

(o) The tie in of the development road to the N69 shall be agreed with the Planning Authority prior to the commencement of construction works.

(p) The road construction shall be in accordance with "TII Publications Specification for Road Works Series 700 – Road Pavements & Specification for Road Works Series 900 Road Pavement-Bituminous.

(q) The proposed traffic calming for the development shall consist of internal table top ramps, which are flat top ramps (raised platforms), and shall be designed/constructed in accordance with diagram 6.34 of the "Traffic Management Guidelines" from the Department of Transport.

(r) Road Markings shall be in accordance with "IS EN 1436 European Standard for Road Markings" & in accordance with the "Traffic Signs Manual".

Reason – in the interest of vehicular and pedestrian safety.

9.4.35. I am satisfied that the standard and technical details that are required by the planning authority as well specific design issues and future improvements, can be addressed by the following standard Commission conditions with the additions recommend below:

(a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

(c) Prior to commencement of development a Stage 2 Road Safety Audit in compliance with the TII Publication 'Road Safety Audit GE-STY-01024', shall be

submitted for the written agreement of the Planning Authority and any outstanding matters addressed as agreed with the planning authority.

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

Prior to the opening/occupation of the development, a Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents/occupants/staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

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

(b) Parking spaces shall be reserved for persons with physical disabilities which shall not be less than the dimensions set out in the document Building for Everyone: A Universal Design Approach; (The Centre for Excellence in Universal Design (CEUD)).

(c) Prior to the occupation of the development a Car Park Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent reservation of the designated residential parking spaces and shall indicate how these and other space within the development shall be assigned, segregated by use and how the car park areas shall be continually managed.

(d) Safe and secure bicycle parking spaces and charging points shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of

these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units, the childcare facility and existing public house.

All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

9.4.36. Condition 17 refers to the childcare facility as follows

17. Prior to the commencement of development, the developer shall submit details for the written agreement of the Planning Authority, of the childcare management and operational model to include days and hours of operation, staff and children. Furthermore, the developer shall submit revised floor plan drawings of the Creche building confirming compliance with the General Standards as set out in Appendix 1 of the Section 28 Childcare Facilities – Guidelines for Planning Authorities (2001).

Reason – in the interest of Residential Amenity.

9.4.37. The condition calls for further details to be agreed. The applicant prepared a Schools and Childcare Capacity Assessment. I note that the applicant has proposed a childcare facility that comprises a creche of 712 sqm and sized to accommodate up to 100 children and will be provided as part of the first phase of development. The applicant also states that being a full day care facility, the crèche provision is consistent with both the 2001 Guidelines and Tusla standards set out in the 'Quality and Regulatory Framework' document for child care services. In addition, according to the applicant, the creche is designed according to relevant Guidelines which include 'Universal Design Guidelines for Early Learning and Childcare Settings

(2019). I am satisfied that further engagement with the planning authority is not required, the following conditions are recommended:

The proposed childcare facility shall not operate outside the period of 0800 to 1900 hours Monday to Friday inclusive except public holidays, and shall not operate on Saturdays, Sundays or public holidays.

Reason: In the interest of residential amenity.

The number of children to be accommodated within the premises shall not exceed 100 at any time on any day.

Reason: To limit the development in the interest of residential amenity

- 9.4.38. Condition 18 refers to service cables, it is a standard condition and should be attached with regard to any housing scheme of scale. The planning authority's condition is worded as follows:

18. All service cables associated with the proposed development including electrical, communal television, telephone and street lighting cables shall be laid underground within the site. Ducting shall be provided by the developer 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.

- 9.4.39. There are no significant overhead cables in the vicinity that require diversion, the following condition should be attached:

All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

- 9.4.40. Condition 19 refers to public lighting as follows:

19. The developer shall submit a revised public lighting scheme fully in line with Limerick City and County Council's Public Lighting Specification (2022) for the written agreement with the Planning Authority prior to the commencement of

the development. 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 road safety, visual amenity and the protection of the amenities of property in the vicinity.

9.4.41. I note the applicant's Street Lighting Report and in accordance with the Commission's standard condition with reference to public lighting, the following is recommended:

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 any trees to be retained. 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.

9.4.42. Condition 20 refers to the technical drainage standards required by the planning authority, as follows:

20. (a) All surface water infrastructure shall comply with the specifications and requirements of Limerick City & County Council

(b) A bonded Chartered Engineer shall be responsible for certifying all works in relation to the Surface Water Disposal System, which shall be submitted to the Planning Authority prior to the making final connection to the existing surface water system. A bonded Chartered Engineer shall be responsible for certifying the final connection to the existing surface water system prior to the completion and occupation of the development (or any phase of the development).

(c) All surface water run-off from the development shall be disposed of appropriately. No such surface water shall be allowed discharge onto adjoining properties or onto the public road.

(d) All surface water run-off from the public road which flows into the site shall continue to be accommodated within the site unless alternative arrangements

acceptable to Limerick City & County Council are carried out. Full details of any such alternative arrangements shall be submitted to the Planning Authority and agreed prior to commencement of development.

Reason- In the interest of public health and to prevent flooding in the interest of traffic safety and amenity.

- 9.4.43. There are no unusual aspects to the proposed surface water management strategy for the site, in this regard I note that applicant's Engineering Services Report and the report of the planning authority, I am satisfied that the standard Commission condition with regard to surface water management is acceptable as follows:

Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

- 9.4.44. Condition 21 refers to record keeping and the as completed drawings of the development, worded as follows:

21. As constructed drawings for the development shall be submitted upon completion of any phase. The drawings shall be in hardcopy and digitally and the format shall be compatible with Limerick City and County Council's GIS system.

Reason – in the interest of orderly development

- 9.4.45. I am satisfied that this condition can be attached with reference to the phasing of development as follows:

(a) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

(b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

(c) As constructed drawings for the development shall be submitted upon completion of any phase. The drawings shall be in hardcopy and digitally and the format shall be compatible with Limerick City and County Council's GIS system.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

9.4.46. Conditions 22, 23 and 24 refer to the construction phase of the development as follows:

22. During construction of the proposed development, the following shall apply-

- No work shall take place on site outside the hours of 7.00 a.m. to 7.00 p.m. Monday to Friday and 8.00 a.m. to 2.00 p.m. Saturday, or on Sundays or public holidays, unless otherwise agreed in writing by the Planning Authority.*
- No surface water run-off shall be discharged onto public roads, foul sewers or adjacent property.*
- Adequate car parking facilities shall be provided on site for all workers and visitors.*
- Deliveries shall be off peak.*

Reason – To protect the residential amenities of the area in the interest of proper planning and sustainable development.

23. The wheels and underside of all construction traffic leaving the site shall be cleaned, as required, to prevent soiling of public roads. A wheel washing facility, including water jets or other approved cleansing method shall be provided close to the site exit. In the event that any public roads become soiled by construction traffic from the site, these roads shall be cleaned immediately.

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

24. Prior to the commencement of development, a Construction Management and Delivery Plan for the construction of the development shall be submitted

and agreed in writing with the Planning Authority, which shall include noise, dust, vibration, wheel washing facilities and site-specific traffic management plans (plans shall also be in drawing format).

Reason- In the interests of public safety and residential amenity

9.4.47. I am satisfied that that all of these matters in conditions 22, 23 and 24, can be addressed within the Commission's standard conditions with regard to the construction phase of any urban housing development as follows:

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

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties at during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. Proposals shall include adequate and appropriate silt fencing.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;
- (o) Measures to ensure the control of invasive species spread to and from the site.

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

Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

- 9.4.48. Condition 25 refers to specific measures to ensure a proper tie in and coordination with the permitted N69 Mungret to Bolands Cross Safety Improvement Scheme (Part 8) and is similar to condition 16 of the planning authority's notification to grant permission, condition 25 is worded as follows:

25 (a) The junction and shared use facility on the N69 National Road, the construction and reinstatement of the N69 carriageway, kerbing, footpath and drainage shall be undertaken in accordance with TII Publication CC-PAV-04007, "Requirements for the Reinstatement of Openings on National Roads May 2019".

(b) For the introduction of the signalised junction and right turn lane on the N69 National Road, the applicant shall submit a Design Report for the written agreement of the Planning Authority in accordance with TII Publication GE-TBU-01043, "Requirements for Design Reports on National Roads April 2021".

(c) The pavement design for the proposed upgrade works on the N69 National Road shall be submitted for the written agreement of the Planning Authority, in accordance with TII Publication AM-PAV-06049, "Pavement Asset Repair and Renewal – Scheme Approval Procedures March 2020".

(d) The surface water drainage along the N69 carriageway shall consist of a combined kerb and drainage system, with continuous carrier pipe located in the adjacent verge, to enable future maintenance on the system from the national road. Should works commence prior to the adjacent N69 Mungret to Bolands Cross Safety Improvement Scheme (Part 8 Planning granted), the developer shall consult with the Planning Authority to agree the phasing of works and the finalised design solutions where the development overlaps with the safety improvement scheme.

Reason – In the interest of traffic and public safety.

9.4.49. The applicant provided layout drawings that incorporate the approved road improvement scheme along the road frontage and in the general vicinity. I am satisfied that an appropriately worded condition should be attached as follows:

(a) Prior to commencement of development, any land required by the planning authority for road improvement on the southern and eastern boundary of the site as indicated in the lodged documentation and detailed as part of the N69 Mungret to Bolands Cross Safety Improvement Scheme shall be reserved free from development and shall be marked out on site in consultation with the planning authority.

(b) Should works commence prior to the adjacent N69 Mungret to Bolands Cross Safety Improvement Scheme, the developer shall consult with the Planning Authority to agree the phasing of works and the finalised design solutions where the development overlaps with the safety improvement scheme.

(c) The junction and shared use facility on the N69 National Road, the construction and reinstatement of the N69 carriageway, kerbing, footpath and drainage shall be undertaken in accordance with the requirements of the planning authority for such works.

(d) For the introduction of the signalised junction and right turn lane on the N69 National Road, the applicant shall submit a Design Report for the written agreement of the Planning Authority in accordance with requirements of the planning authority for such works.

Reason: In the interest of traffic safety and to prevent the development of this area prior to its use for future and permitted road improvements.

9.4.50. Condition 26 refers to the potential for archaeological remains across a large site, worded as follows:

26. Archaeology (a) Prior to the commencement of any site operations (including hydrological and geotechnical investigations) the developer shall notify the Planning Authority in writing.

(b) The developer shall employ a suitably qualified archaeologist who shall apply for a licence to monitor all site investigations, excavation works, and all ground disturbance associated with the development.

(c) The developer shall submit the name of the suitably qualified archaeologist to the Planning Authority four weeks in advance of the commencement of any site works (including site investigations) accompanied by a site-specific letter from the archaeologist certifying that they have applied for a licence.

(d) The developer shall submit on completion of the ground works a report detailing the results of the licensed archaeological monitoring works to the Department of Housing, Local Government & Heritage and the Planning Authority. The report shall contain a drawing showing the exact extent of the area that was archaeologically monitored certified by the archaeologist. Excavators shall include a catalogue of excavated features with 12 figure ITM coordinates for the centre point of each feature. In the event that the development is phased, interim reports shall be submitted at each stage showing the area monitored and giving preliminary results.

(e) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The Development Applications Unit, National Monuments Service, Department of Housing, Local Government & Heritage and the Planning Authority Archaeologist shall be informed

immediately. The developer shall be prepared to be advised by the National Monuments Service, Department of Housing, Local Government & Heritage and the Planning Authority with regard to any necessary mitigating action.

(f) Should an archaeological excavation be required then the following shall apply: the developer shall provide satisfactory arrangements for the recording and excavation of any archaeological material that may be considered appropriate to excavate and shall undertake to complete all post excavation analysis up to and including final report stage. Excavators should include a catalogue of excavated features with 12 figure ITM coordinates for the centre point of each feature. Within twelve months of the completion of the excavation a final report (in the format recommended in the Guidelines for Authors of Reports on Archaeological Excavations 2006 National Monuments Service) shall be submitted to the Planning Authority.

Reason - In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

9.4.51. I am satisfied that a large site should be subject to archaeological appraisal and I note that the applicant submitted an Archaeological Impact Assessment in which it is stated that there were no visible archaeological features on the ground. The archaeological record including available aerial photographic coverage does not include any known archaeological sites. Test excavation did not uncover any previously unknown archaeological sites. The applicant notes that the planning requirements of Limerick City and County Council may require further archaeological intervention such as archaeological monitoring. There is no submission from the DAU with respect to archaeology on this file. I am satisfied that a standard Commission condition with regard to archaeological monitoring during construction is appropriate in this instance:

If, during the course of site works any archaeological material is discovered, the City/County Archaeologist/Planning Authority shall be notified immediately. The developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

- 9.4.52. All of the conditions advanced by the planning authority are reasonable and I have no cause either to significantly amend, omit or add conditions in this instance. I have decided to condense or combine conditions and the preceding sections of my report explain why. My schedule of conditions is set out at section 14.0 of my report and are worded to take account of current conventions exercised by the Commission.

10.0 Appropriate Assessment

10.1. Screening Determination - Finding of likely significant effects

- 10.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Lower River Shannon SAC (site code: 2165) and River Shannon and River Fergus Estuaries SPA (site code: 4077) in view of the conservation objectives of a number of qualifying interest features of those sites.
- 10.1.2. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required. Appendix 1 of the Inspector's Report refers.

10.2. Natura Impact Statement (NIS)

- 10.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Shannon SAC (site code: 2165) and River Shannon and River Fergus Estuaries SPA (site code: 4077) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.
- 10.2.2. Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Lower River Shannon SAC (site code: 2165) and River Shannon and River Fergus Estuaries SPA (site code: 4077) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

10.2.3. My conclusion is based on the following:

- Consideration of the submitted AA Screening Report and NIS, and other support documentation.
- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed within the NIS including supervision and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.

10.2.4. The proposed development will not affect the attainment of conservation objectives for the Lower River Shannon SAC (site code: 2165) and River Shannon and River Fergus Estuaries SPA (site code: 4077), Appendix 2 of the Inspector's Report refers.

11.0 Water Framework Directive (WFD)

11.1. The subject site is located at Lands at Rathmale, Mungret, Limerick., relevant nearby waterbodies include: BARNAKYLE_020 and Limerick City Southwest (groundwater).

11.2. The proposed development comprises houses, apartments and a creche. Section 2.0 of the Inspector's Report refers. No water deterioration concerns were raised in the planning appeal. I note the comprehensive and technical report prepared by the applicant entitled, Water Framework Directive (WFD) Screening Assessment. The Commission should note the content and findings of that report, it includes the conclusion that no further assessment of WFD is recommended given that no significant deterioration or change in water body status is expected based on the current understanding of the proposed development during construction and operation, section 7.0 of the applicant's report refers.

11.3. I have assessed the housing project and have considered the objectives as 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 water bodies either qualitatively or quantitatively.

11.4. The reason for this conclusion is as follows:

- The nature of the works that include SuDS measures and landscaping
- Lack of any direct hydrological connections
- The serviced nature of the lands

11.5. Conclusion - I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment, appendix 5 of the Inspector's Report refers.

12.0 Recommendation

12.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

13.0 Reasons and Considerations

Conclusions on Proper Planning and Sustainable Development:

Having regard to:

(i) the site's location on lands with the zoning objective New Residential and other policy and objective provisions in the Limerick Development Plan 2022 – 2028 in respect of residential development,

(ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Limerick Development Plan 2022 – 2028 and appendices contained therein,

(iii) the Sustainable Residential development and Compact Settlements: Guidelines for Planning Authorities (2024) and the Sustainable Urban Housing - Design Standards for New Apartments (2023),

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

(v) to the submissions and observations received,

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

Appropriate Assessment (AA)-Stage 1

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within an established low density suburban location and adequately serviced site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than the Lower River Shannon SAC (site code: 2165) and River Shannon and River Fergus Estuaries SPA (site code: 4077), which are the European Sites for which likelihood of significant effects could not be ruled out.

Appropriate Assessment-Stage 2

The Commission considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on the Lower River Shannon SAC (site code: 2165) and River Shannon and River Fergus Estuaries SPA (site code: 4077), in view of the site's Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete

assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

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

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

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of the conservation objectives of the site. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment (EIA):

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

Having regard to:

1. the criteria set out in Schedule 7, in particular

- a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.
- b) The location of the site on zoned lands (New Residential), and other relevant policies and objectives in the Limerick Development Plan 2022-2028, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
- c) The nature of the site and its location in an urban neighbourhood area which is served by public services and infrastructure.
- d) The pattern of existing and permitted development in the area.
- e) The planning history at the site and within the wider area.
- f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- g) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage, and Local Government (2003).
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- i) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- j) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the following documentation:
- Building Lifecycle Report
 - Schools and Childcare Capacity Assessment
 - EIA Screening
 - Operational Waste Management Plan

- Resource Waste Management Plan
- Outline Construction Management Plan
- DMURS Audit
- Design Statement
- Daylight and Sunlight Assessment
- Housing Quality Assessment
- Traffic and Transport Assessment
- Road Safety Audit
- Mobility Management Plan
- Street Lighting Proposals
- Appropriate Assessment Screening
- Natura Impact Statement
- Ecological Impact Assessment
- Archaeological Impact Assessment
- Bat Impact Assessment
- Noise Impact Assessment
- Water Framework Directive Screening Assessment
- Hydrological & Hydrogeological Qualitative Risk Assessment

k) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of any designated archaeological protection zone

2. the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been perceived as significant effects on the environment.

The development is not likely to have an effect on the environment and the preparation of an EIAR is not required.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

14.0 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 received by the planning authority on the 1st day of April, 2025, and the 11th day of April, 2025, 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. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the

planning authority or any other prospective party to the agreement, to An Coimisiún 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 for the area.

4. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

5. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and

marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

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

6. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

(b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

(c) As constructed drawings for the development shall be submitted upon completion of any phase. The drawings shall be in hardcopy and digitally and the format shall be compatible with Limerick City and County Council's GIS system.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

7. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/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.

8. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled or contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed with the planning authority and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

9. The recommendation for façade treatment within the Noise Impact Assessment as submitted on the 1st April 2025 shall be implemented in full during the construction of the development to provide an appropriate internal sound environment, meeting target requirements in BS 8233:2014 Guidance on sound insulation and noise reduction.

Reason – in the interest of residential amenity.

10. (a) All mitigation techniques contained in the Ecological Impact Assessment and Bat Report shall be implemented in full including post works monitoring of light levels and checks to ensure the additional woodland planting is established successfully, by a suitable qualified ecologist. A report on the same shall be provided to the local authority prior to the occupation of the development.

(b) All vegetation clearance shall take place outside of the bird nesting season.

(c) Only Irish species of Irish provenance shall be used in landscaping. Where ornamental species must be used, no species that can self-seed or spread into the wider environment shall be used.

Reason: In the interest of protecting the environment.

11. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including

demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

12. (a) A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities within each house plot]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.

And

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

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

13. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be

submitted to, and agreed in writing with the planning authority prior to the commencement of development.

(c) Prior to commencement of development a Stage 2 Road Safety Audit in compliance with the TII Publication 'Road Safety Audit GE-STY-01024', shall be submitted for the written agreement of the Planning Authority and any outstanding matters addressed as agreed with the planning authority.

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

14. Prior to the opening/occupation of the development, a Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents/occupants/staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

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

(b) Parking spaces shall be reserved for persons with physical disabilities which shall not be less than the dimensions set out in the document Building for Everyone: A Universal Design Approach; (The Centre for Excellence in Universal Design (CEUD)).

(c) Prior to the occupation of the development a Car Park Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent reservation of the designated residential parking spaces and shall indicate how these and other space within the development shall be assigned, segregated by use and how the car park areas shall be continually managed.

(d) Safe and secure bicycle parking spaces and charging points shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units, the childcare facility and existing public house.

16. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

17. (a) The proposed childcare facility shall not operate outside the period of 0800 to 1900 hours Monday to Friday inclusive except public holidays, and shall not operate on Saturdays, Sundays or public holidays.

(b) The number of children to be accommodated within the premises shall not exceed 100 at any time on any day.

Reason: To limit the development in the interest of residential amenity

18. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

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 any trees to be retained. 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. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

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

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties at during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. Proposals shall include adequate and appropriate silt fencing.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;
- (o) Measures to ensure the control of invasive species spread to and from the site.

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

22. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

23. (a) Prior to commencement of development, any land required by the planning authority for road improvement on the southern and eastern boundary of the site as indicated in the lodged documentation and detailed as part of the N69 Mungret to Bolands Cross Safety Improvement Scheme shall be reserved free from development and shall be marked out on site in consultation with the planning authority.

(b) Should works commence prior to the adjacent N69 Mungret to Bolands Cross Safety Improvement Scheme, the developer shall consult with the Planning Authority to agree the phasing of works and the finalised design solutions where the development overlaps with the safety improvement scheme.

(c) The junction and shared use facility on the N69 National Road, the construction and reinstatement of the N69 carriageway, kerbing, footpath and drainage shall be undertaken in accordance with the requirements of the planning authority for such works.

(d) For the introduction of the signalised junction and right turn lane on the N69 National Road, the applicant shall submit a Design Report for the written agreement of the Planning Authority in accordance with requirements of the planning authority for such works.

Reason: In the interest of traffic safety and to prevent the development of this area prior to its use for future and permitted road improvements.

24. If, during the course of site works any archaeological material is discovered, the City/County Archaeologist/Planning Authority shall be notified immediately. The developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

25. 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 Coimisiún 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.

26. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

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

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.

Stephen Rhys Thomas
Senior Planning Inspector

27 August 2025

15.0 Appendix 1 - AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics Case file: ABP-322851-25				
Brief description of project	139 dwelling units and a creche.			
Brief description of development site characteristics and potential impact mechanisms	A detailed description of the development location is provided at section 1.0 of the Inspector's Report. Potential impact mechanisms include: construction phase activities.			
Screening report	Yes			
Natura Impact Statement	Yes			
Relevant submissions	Some general comments about biodiversity and invasive species – An Taisce.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model <p>Two European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that the applicant states that there are no direct or indirect, terrestrial or hydrological pathways to any other Natura 2000 sites.</p>				
European Site (code)	Qualifying interests (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Lower River Shannon SAC (site	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130]	1.7 km	The development site is not within or directly	Y

code: 2165)	<p>Mudflats and 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 (Glauco-Puccinellietalia 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 Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion</p>		<p>adjacent to any Natura 2000 site.</p> <p>At its nearest point the Mouth of the Shannon lies approximately 1.7km to the north. At this point the estuary lies within the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA.</p> <p>To the west, the freshwater portion of the Barnakyle River is not within any Natura 2000 site however where it joins the transitional waters of the River Maigue (which includes a small section of the River Barnakyle) it is within the SAC. The transitional waters of the River</p>	
----------------	--	--	---	--

	<p>incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (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> <p>https://www.npws.ie/protected-sites/sac/002165</p> <p>S.I. No. 328 of 2023</p>		<p>Maigue also fall within the SPA, but there is no direct pathway identified.</p>	
<p>River Shannon and River Fergus Estuaries SPA (site code: 4077)</p>	<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Scaup (Aythya marila) [A062]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p>	1.7 km	<p>The development site is not within or directly adjacent to any Natura 2000 site. At its nearest point the Mouth of the Shannon lies approximately 1.7km to the north. At this point the estuary lies</p>	Y

<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> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Shoveler (<i>Spatula clypeata</i>) [A857]</p> <p>Wetland and Waterbirds [A999]</p> <p>https://www.npws.ie/protected-sites/spa/004077</p> <p>S.I. No. 329 of 2019</p>	<p>within the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. To the west, the freshwater portion of the Barnakyle River is not within any Natura 2000 site however where it joins the transitional waters of the River Mague (which includes a small section of the River Barnakyle) it is within the SAC. The transitional waters of the River Mague also fall within the SPA, but there is no direct pathway identified.</p>
---	---

Though bats are not a QI, it is noted that a dedicated bat survey was carried out by Minogue Environmental Consulting Ltd during the optimal flight period. This found no evidence for roosting on the site and concludes: Based on the 2024 desktop research, emergent survey of 24 August 2024, and two transect surveys over August and September 2024, the project site supports three species of [foraging/commuting] bats that are most active along the northern boundary associated with woodland habitat and lower light levels. No bats were observed or recording using the shed outside the site boundary but adjacent to same nor the hedgerow that is more fragmented along the N69.

A breeding bird survey was undertaken in June 2024. This attempted to identify all individual birds which were nesting or demonstrating nesting behaviour (singing/holding territory, carrying food/nesting material). Hedgerow vegetation is suitable for common garden and countryside species. Though not QIs associated with the site, the following birds were noted from the site and are assumed to be breeding on or adjacent to the development site: Wren Troglodytes troglodytes and Stonechat Saxicola torquata.

The survey in February 2023 took place during the optimal season for surveying wintering birds. The following birds were noted from the site at this time: Great Tit Parus major, Jackdaw Corvus monedula and Mistle Thrush Turdus viscivorus. No wetland, wading or wintering species which are qualifying interests of the River Shannon & River Fergus Estuaries SPA were recorded and habitat on the development site is not suitable for these species.

There are no water courses on, or directly adjacent to, the development site, no drainage ditches, bodies of standing water or habitats which could be described as wetlands.

Based on survey findings, and the habitat composition, the site does not provide significant ex-situ supporting habitat for QIs associated with any SPA. No SCI bird species associated with any SPA was recorded within the footprint of the proposed works within the site. This suggests these SCI bird species are not dependant on these habitats. The site does not provide significant suitable supporting habitat for any SCI bird species associated with any Special Protection Areas.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The proposed development will not result in any direct effects on either the SAC or SPA. Sources of impact and likely significant effects are detailed in the Table below.

Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Lower River Shannon SAC (site code: 2165)	<p>Construction phase, that may include:</p> <p>Vegetation clearance</p> <p>Demolition</p> <p>Surface water runoff from soil</p> <p>excavation/infill/landscaping (including borrow pits)</p> <p>Dust, noise, vibration</p> <p>Lighting disturbance</p> <p>Impact on groundwater/dewatering</p> <p>Storage of excavated/construction materials</p> <p>Access to site</p> <p>Pests</p>	<p>Ex-situ effects The construction zone is too far from either the SAC or SPA to result in disturbance effects during either the construction or operation phases (e.g. through noise, human activity or artificial lighting). Habitats on the development site are not suitable for wetland/wading/wintering birds which are listed as qualifying interests of the River Shannon and River Fergus Estuaries SPA, no QIs identified on the site. These are typically wetland habitats or, in some instances, amenity grasslands in urban areas (such as Dublin) which are close to wetland habitats. In this case, no such habitat is available. No ex-situ effects can arise.</p> <p>- Pollution There is no natural, surface pathway from the development site</p>

		<p>to the River Maigue and its estuary. Water quality in the Maigue Estuary (which is 'moderate' status) is not known to be affecting any of the conservation objectives for the SAC/SPA. The waters in this vicinity are intertidal in nature and so there is no link to water quality conservation objectives of species in the freshwater portion of that river or the Lower River Shannon SAC. There are no water quality conservation objectives for species or habitats in the marine, intertidal zone, including for bird populations in the SPA.</p> <ul style="list-style-type: none"> - Pollution from wastewater during operation The proposed new homes will increase the quantity of wastewater to be generated however there is sufficient capacity in the Bunlicky wastewater treatment plant and there is no evidence that negative effects to water quality are arising from this discharge.
--	--	--

		<ul style="list-style-type: none"> - Pollution from surface water during operation. The homes are designed with Sustainable Drainage Systems (SUDS) and so no changes to the quantity or quality or run-off is predicted. Surface water will be separate from the foul sewer and so will minimise pressure on the Bunlicky plant. These are standard measures and are not mitigation in an AA context. - Pollution during construction Pollutants arising from surface water run-off typically comprise of sediment and small quantities of hydrocarbon residues. During construction projects this can also include cement and other substances which are toxic to aquatic life. In this case the risk of pollution from this source is very low as site clearance works are so far (890m) from the nearest water course. <p>According to the applicant's AA Screening Report, while the risk of</p>
--	--	---

		any measurable pollution effects to the Maigue Estuary are very low, taking a precautionary approach, it can be concluded that significant effects to the Lower River Shannon SAC and the River Shannon & River Fergus Estuaries SPA cannot be ruled out.
	Impacts	Effects
River Shannon and River Fergus Estuaries SPA (site code: 4077)	As above for SAC	As above for SAC
	Likelihood of significant effects from proposed development (alone): Yes	

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

The primary consideration in terms of source-receptor-pathways for indirect impacts relates to surface water and potential indirect impacts on hydrologically linked habitats and aquatic species. The potential for impact is considered whereby the Development could result in a significant detrimental change in surface water quality either alone or in combination with other projects or plans as a result of indirect pollution of surface water during construction. The effect would have to be considered in terms of changes in water quality which would affect the habitats or species for which the Lower River Shannon SAC (site code: 2165) and River Shannon and River Fergus Estuaries SPA (site code: 4077) are designated.

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the Lower River Shannon SAC (site code: 2165) and River Shannon and River Fergus Estuaries SPA (site code: 4077).

I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

Screening Determination

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Lower River Shannon SAC (site code: 2165) and River Shannon and River Fergus Estuaries SPA (site code: 4077) in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

16.0 Appendix 2 - AA Determination

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination at appendix 1 of my report, the following is an appropriate assessment of the implications of the proposed development of a housing development in view of the relevant conservation objectives of the Lower River Shannon SAC (site code: 2165) and River Shannon and River Fergus Estuaries SPA (site code: 4077), based on the scientific information provided by the applicant.

The information relied upon includes the following:

- EIA Screening
- Operational Waste Management Plan
- Resource Waste Management Plan
- Outline Construction Management Plan (updated March 2025)
- Design Statement
- Street Lighting Proposals
- Appropriate Assessment Screening (updated March 2025), to take account of updated mitigation measures in the OCMP and to correct a typo regarding habitat classification code.
- Natura Impact Statement (updated March 2025), to take account of updated mitigation measures in the OCMP and to correct a typo regarding habitat classification code.
- Ecological Impact Assessment (updated March 2025), to take account of updated mitigation measures in the OCMP and to correct a typo regarding habitat classification code.

- Bat Impact Assessment
- Noise Impact Assessment
- Water Framework Directive Screening Assessment
- Hydrological & Hydrogeological Qualitative Risk Assessment

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

None relevant to the appeal.

A very broad reference to the environment in one observation with regard to the initial planning application.

An Taisce made some broad biodiversity and invasive species recommendations.

Lower River Shannon SAC (site code: 2165):

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Deterioration to water quality via overland flow and the percolation to groundwater of polluting materials during the construction and operational phases of the development.

Step 2 and 3 of the NIS, (list below in the order presented by the NIS)

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)	
			NIS Section 4	
1029 Freshwater Pearl Mussel <i>Margaritifera margaritifera</i>	To restore the favourable conservation condition of Freshwater Pearl Mussel in	It is noted that the Mague Estuary is home to Otter, Atlantic Salmon and Lampreys however Freshwater Pearl Mussels are not present downstream of the subject lands. Other habitats and species	None necessary.	

	the Lower River Shannon SAC, which is defined by a list of attributes and targets.	are coastal/intertidal in nature and are connected to the project via hydrological pathways, however no water quality objectives are set for any of these features of interest. There is no pathway from this development site to features of interest in freshwater.		
1095 Sea Lamprey <i>Petromyzon marinus</i>	To restore the favourable conservation condition of Sea Lamprey in the Lower River Shannon SAC, which is defined by the a list of attributes and targets.	<p>None, but is noted that the NIS states: maintain river accessibility (no artificial barriers); healthy population structure; healthy density of juveniles; no decline in extent or distribution of spawning beds; >50% of sampling sites positive.</p> <p>Indirect hydrological pathways exist to the Mague Estuary, via surface water sewers and the Barnakyle River. The conservation objective set for mudflats, estuaries, large shallow inlets and bays and Salicornia mudflats in this SAC is to maintain the invertebrate communities as described in detail in the conservation objectives. Given the potential effects to water quality during construction (particularly sediment and other construction pollution), significant effects to these qualifying interests cannot</p>	<p>Measures are set out in detail at step 4 of the NIS, but include:</p> <p>1. Pollution prevention during construction</p> <p>Updated Outline Construction Management Plan highlights water pollution as a result of construction activities usually occurs as a result of the release of silt / sediment or spillage of hazardous</p>	

		<p>be ruled out. Any impact to invertebrate communities could have knock-on impacts to bird populations which depend upon them for food. This may affect the integrity of the SAC and SPA.</p> <p>Sediment is acknowledged as among the most important pollutants in river ecosystems while toxic substances can directly affect aquatic life. Because sediment and construction pollution can impact upon the invertebrate communities in tidal sediments, the integrity of the SAC and SPA could be compromised.</p>	<p>substances. To prevent such impacts control measures will be implemented from the commencement of site activities and will be required for the duration of the construction. Procedures for surface water control (often referred to as erosion and sediment control) to minimise release of sediment to waterways will be established at Construction Stage via a Site Specific Construction Management Plan, as is typical for such development.</p> <p>Pages 12-18 of</p>	
--	--	--	---	--

			the NIS highlight in detail various measures common to any construction site.	
1096 Brook Lamprey <i>Lampetra planeri</i>	To maintain the favourable conservation condition of Brook Lamprey in the Lower River Shannon SAC, which is defined by a list of attributes and targets:	As above for Sea Lamprey	As above	
1099 River Lamprey <i>Lampetra fluviatilis</i>	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:	As above for Sea and Brook Lamprey	As above.	
1106 Atlantic Salmon <i>Salmo salar</i> (only in fresh water)	To restore the favourable conservation	Maintain river accessibility (no artificial barriers); size of stock measures as 'conservation limit'	As above.	

	condition of Salmon in the Lower River Shannon SAC, which is defined by a list of attributes and targets:	consistently exceeded; maintain abundance of salmon fry; no significant decline in out-migrating smolt abundance; no decline in the number of spawning beds (redds); water quality at least Q4 at all sites.		
1355 Otter <i>Lutra lutra</i>	To restore the favourable conservation condition of Otter in the Lower River Shannon SAC, which is defined by a list of attributes and targets:	No significant decline in distribution; no significant decline in terrestrial/estuarine/freshwater/lake habitat; no significant decline in couching sites or holts; no decline in available fish biomass;	As above	
1130 Estuaries	To maintain the favourable conservation condition of Estuaries in the Lower River Shannon SAC, which is defined by a list of attributes and targets:	Permanent habitat area stable or increasing (estimated at 24,273 hectares); 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 <i>Nucula nucleus</i> community complex; Subtidal sand to mixed sediment	As above	

		with <i>Nephtys</i> spp. community complex; Fucoid-dominated intertidal reef community complex; Faunal turf-dominated subtidal reef community; and <i>Anemone</i> -dominated subtidal reef community.		
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:	Permanent habitat area stable or increasing (estimated at 8,808 hectares); Conserve the following community types in a natural condition: Intertidal sand with <i>Scolecopsis squamata</i> and <i>Pontocrates</i> spp. community; and Intertidal sand to mixed sediment with polychaetes, molluscs and crustaceans community complex	As above	
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 the a	The permanent habitat area and distribution of the habitat are stable or increasing; Conserve the following community types in a natural condition: Intertidal sand with <i>Scolecopsis squamata</i> and <i>Pontocrates</i> spp. community; Intertidal sand to mixed sediment with polychaetes, molluscs and crustaceans community complex; Subtidal sand to mixed sediment	As above.	

	of attributes and targets:	with <i>Nucula nucleus</i> community complex; Subtidal sand to mixed sediment with <i>Nephtys</i> spp. community complex; Fucoid-dominated intertidal reef community complex; Mixed subtidal reef community complex; Faunal turf- dominated subtidal reef community; Anemone-dominated subtidal reef community; and <i>Laminaria</i> -dominated community complex.		
1170 Reefs	To maintain the favourable conservation condition of Reefs in the Lower River Shannon SAC, which is defined by a list of attributes and targets:	The permanent habitat area and distribution of the habitat are stable or increasing; the biological composition is conserved.	As above.	
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	Habitat areas stable or increasing subject to natural variation; no decline in habitat distribution; maintain physical and vegetation structure without any physical obstructions, maintain vegetation structure and composition subject to natural variations.	As above.	

	by a list of attributes and targets:			
1310 Salicornia and other annuals colonizing 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:	Maintain habitat area and distribution including physical structure (sediment supply, creeks and pans, flooding regime). Maintain vegetation structure as measured by vegetation height, vegetation cover, typical species and sub-communities. Absences of the invasive <i>Spartina anglica</i> .	As above.	
1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)	To restore the favourable conservation condition of Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) in the Lower River Shannon SAC, which is defined by the following list of attributes and targets:	Maintain habitat area and distribution including physical structure (sediment supply, creeks and pans, flooding regime). Maintain vegetation structure as measured by vegetation height, vegetation cover, typical species and subcommunities. Absences of the invasive <i>Spartina anglica</i> .	As above.	

1410 Mediterranean salt meadows (Juncetalia maritimi)	To restore the favourable conservation condition of Mediterranean salt meadows (Juncetalia maritimi) in the Lower River Shannon SAC, which is defined by a list of attributes and targets:	As above	As above.	
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.				
Assessment of issues that could give rise to adverse effects view of conservation objectives (i) Water quality degradation <p>The primary consideration in terms of source-receptor-pathways for indirect impacts relates to surface water and potential indirect impacts on hydrologically linked habitats and aquatic species.</p> <p>The likelihood of impacts on hydrologically connected European sites is low and will be avoided by best practice construction management.</p> <p>However, In the absence of mitigation, a potential pathway for indirect effects on the QI species/habitats listed above, in the form of deterioration of water quality arising from the percolation of polluting materials into ground waters bodies and through overland flow from the site during construction activities associated with the Proposed Development was identified.</p> <p>The construction phase will involve excavations and earth moving which create the potential for pollution in various forms, i.e. the generation of suspended solids and the</p>				

potential for spillage of fuels associated with the refuelling of excavation machinery. There is a risk of the percolation of pollutants to ground water during the above activities. As such, the construction phase of the Proposed Development may result in pollution via groundwater entering SAC and SPA.

Mitigation measures and conditions

Construction Phase Control Measures

- Construction Compound and Storage Areas
- Oil and Fuel Storage and Environmental Response Procedures
- Fuels and Oils Management
- Spill Control and Response
- Soil and Groundwater – minimise cut and fill
- Surface Water & Ground Water – note FRA and SuDS measures.
- Procedures for surface water control (often referred to as erosion and sediment control) to minimise release of sediment to waterways will be established at Construction Stage via a Site Specific Construction Management Plan, as is typical for such development.

Operational Phase

The operational phase will result in the production of foul sewage and surface-water runoff which, if not adequately treated, has potential to result in indirect effects on surface and groundwater quality and, therefore, potential adverse effects on the above screened-in European Sites.

Measures include -

Surface Water Drainage - The surface water drainage system has been designed to cater for all surface water run-off from the development and includes infiltration trees, swales and attenuation tanks. The proposed drainage system will join the existing storm water drainage network. The proposed development storm network will discharge from the site at a controlled rate ($Q_{bar} = 13.0$ l/s) via a 300mm diameter storm sewer pipe exiting the eastern boundary of the site. The pipe will connect to the existing LC&CC storm network (450mm dia PCC pipe) via a proposed storm water manhole (MHSA_OUT) located on the existing laneway downstream

<p>from existing storm manhole MH-S35. Refer to Pierce McGann & Co. drawing no 22.109- CIV-004 for storm connection to LC&CC existing storm network.</p> <p>Wastewater Drainage -</p> <p>It is proposed that foul water from the proposed development shall discharge by gravity via a 225mm dia foul sewer pipe exiting the eastern boundary of the site. The pipe will connect to the existing Uisce Éireann foul network (225mm dia pipe) via an existing foul manhole (MH-F34) located on the existing laneway adjacent to the eastern site boundary. Refer to Pierce McGann & Co. drawing no 22.109-CIV-004 for foul connection to Uisce Éireann existing foul network. It is noted that a self-cleansing velocity of 0.75 m/s will be achieved within the foul network design when flowing full as per Uisce Éireann requirements.</p> <p>A feasibility to connect application (Customer Reference No. CDS24004611) was issued to Uisce Éireann in May 2024 and a response was received in October 2024 stating confirmation of feasibility to connect to the existing foul sewer network. Refer to Appendix A.3 of the Engineering Services Report for Uisce Éireann feasibility to connect letter.</p> <p>I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.</p>	
<p>In-combination effects</p> <p>I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated Sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.</p>	
<p>Findings and conclusions</p> <p>The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Lower River Shannon SAC (site code: 2165). No direct impacts are</p>	

predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment Conservation objectives of the Lower River Shannon SAC (site code: 2165). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

River Shannon and River Fergus Estuaries SPA (site code: 4077):

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Deterioration to water quality via the percolation of polluting materials through the bedrock underlying the site during construction and operational phases.

Section 3 and 4 NIS

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
			NIS Step 4
<p>All Bird species as listed below:</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p>	<p>To maintain the favourable conservation condition of the following:</p> <ul style="list-style-type: none"> • Cormorant • Whooper Swan 	<p>Hydrological pathways exist to the Mague Estuary, via surface water sewers and the Barnakyle River. The conservation objective set for mudflats, estuaries, large shallow inlets and bays and <i>Salicornia</i> mudflats in this</p>	<p>Site Specific Construction Management Plan.</p> <p>Measures are set out in detail at step 4 of the NIS, but include:</p>

<p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</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> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p>	<ul style="list-style-type: none"> • Light-bellied Brent Goose • Shelduck • Teal • Pintail • Scaup • Ringed Plover • Golden Plover • Grey Plover • Lapwing • Knot • Dunlin • Black-tailed Godwit • Bar-tailed Godwit • Curlew • Redshank • Greenshank • Black-headed Gull • Wigeon • Shoveler <p>in the River Shannon and River Fergus Estuaries SPA, which is defined by</p>	<p>SAC is to maintain the invertebrate communities as described in detail in the conservation objectives. Given the potential effects to water quality during construction (particularly sediment and other construction pollution), significant effects to these qualifying interests cannot be ruled out. Any impact to invertebrate communities could have knock-on impacts to bird populations which depend upon them for food. This may affect the integrity of the SAC and SPA.</p> <p>Long term population trend stable or increasing; there should be no significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation.</p>	<p>1. Pollution prevention during construction</p> <p>Updated Outline Construction Management Plan highlights water pollution as a result of construction activities usually occurs as a result of the release of silt / sediment or spillage of hazardous substances. To prevent such impacts control measures will be implemented from the commencement of site activities and will be required for the duration of the construction. Procedures for</p>	
---	--	---	--	--

Shoveler (Spatula clypeata) [A857] Wetland and Waterbirds [A999]	a list of attributes and targets:		surface water control (often referred to as erosion and sediment control) to minimise release of sediment to waterways will be established at Construction Stage via a Site Specific Construction Management Plan, as is typical for such development. Pages 12-18 of the NIS highlight in detail various measures common to any construction site.	
A999 Wetlands	To maintain the favourable conservation condition of the wetland habitat in the River Shannon and River Fergus Estuaries SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. This is defined by a attribute and target list:	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		

<p>The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.</p>	
<p>Assessment of issues that could give rise to adverse effects view of conservation objectives</p> <p>(i) Water quality degradation</p> <p>As per for the SAC.</p> <p>Mitigation measures and conditions</p> <p>As per for the SAC.</p> <p>I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning condition 2 of the Inspector's Report.</p>	
<p>In-combination effects</p> <p>I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated Sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.</p>	
<p>Findings and conclusions</p> <p>The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the River Shannon and River Fergus Estuaries SPA (site code: 4077). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects</p>	

have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment Conservation objectives of the River Shannon and River Fergus Estuaries SPA (site code: 4077). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Shannon SAC (site code: 2165) and River Shannon and River Fergus Estuaries SPA (site code: 4077) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Lower River Shannon SAC (site code: 2165) and River Shannon and River Fergus Estuaries SPA (site code: 4077) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Consideration of the submitted AA Screening Report and NIS, and other support documentation.
- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed within the NIS including supervision and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.

Conclusion:

The proposed development will not affect the attainment of conservation objectives for the Lower River Shannon SAC (site code: 2165) and River Shannon and River Fergus Estuaries SPA (site code: 4077).

17.0 Appendix 3 - EIA Pre-Screening

Case Reference	ACP-322851-25
Proposed Development Summary	139 dwelling units and a creche, on a site of 3.93 hectares.
Development Address	Rathmale, Mungret, Limerick.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	

<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR	Planning and Development Regulations 2001 (as amended) - Part 2 of Schedule 5 sets out the following: 10. Infrastructure projects – (b) (i) Construction of more than 500 dwelling units; (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

<p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>elsewhere; (In this paragraph, 'business district' means a district within a city or town in which the predominant land use is retail or commercial use).'</p> <p>15. Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>
---	--

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

18.0 Appendix 4 - EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ACP-322851-25	
Development Summary	139 dwelling units and a creche, on a site of 3.93 hectares.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Y	Section 3 of the PA report includes a preliminary EIA examination and EIA Screening Determination, no EIAR required.
2. Has Schedule 7A information been submitted?	Y	Report entitled: Environmental Impact Assessment Screening Statement October 2024.
3. Has an AA screening report or NIS been submitted?	Y	AA screening report and NIS both submitted.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES	N	None.

has the EPA commented on the need for an EIAR?		
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Y	<p>In accordance with European and National legislation, Limerick City and County Council carried out a Strategic Environmental Assessment (SEA), an Appropriate Assessment (AA) and Strategic Flood Risk Assessment (SFRA), which have informed the preparation of the Limerick Development Plan 2022-2028. In detail:</p> <p>Strategic Environmental Assessment (SEA) of the Plan is required in accordance with the SEA Directive (DIR 2001/42/EC). SEA is a formal, systematic evaluation of the likely significant environmental effects of implementing a plan, policy or programme. The SEA process seeks to 'provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation of plans and programmes with a view to promoting sustainable development'. SEA has been carried out to inform the likely environmental impacts of implementing the policies and objectives and integrating relevant environmental considerations into the Plan. Both the Appropriate Assessment and Strategic Flood Risk Assessment have informed preparation of the SEA. The SEA Environmental Report (SEA ER) and SEA Statement accompany the Plan. This report sets out the likely environmental consequences of decisions regarding the location and type of developments within the plan</p>

		<p>area, mitigation measures to offset potential adverse effects of the plan and monitoring proposals. Mitigation measures recommended in the SEA ER have been incorporated into the Plan.</p> <p>Appropriate Assessment The Habitats Directive provides legal protection for habitats and species of European importance, through the establishment and conservation of an EUwide network of Natura 2000 sites. These are candidate Special Areas of Conservation (cSAC), designated under the Habitats Directive and Special Protection Areas (SPAs), designated under the Conservation of Wild Birds Directive (2009/147/EC). Appropriate Assessment (AA) is required in accordance with Article 6(3) and 6(4) of the EU Habitats Directive (DIR 92/43/EEC). AA is a focused and detailed impact assessment of the implications of the plan or project, alone and in combination with other plans and projects, on the integrity of a Natura 2000 site in view of its conservation objectives. Article 6(3) establishes the requirement for Appropriate Assessment (AA) of plans and projects likely to affect Natura 2000 sites. A Natura Impact Report has been prepared for and accompanies the Plan. The mitigation measures identified in the Stage 2 Appropriate Assessment (Natura Impact Report) have been incorporated into the Plan.</p> <p>Strategic Flood Risk Assessment - A Strategic Flood Risk Assessment (SFRA) is required in accordance with The Planning System and Flood Risk Management – Guidelines for Planning Authorities as amended by Circular</p>
--	--	---

		<p>PL2/2014. The primary purpose of the SFRA is to determine flood risk within a particular geographical area and to support planning decisions in relation to land use during development of the plan. The SFRA has been integrated into the SEA and accompanies the Plan.</p>
--	--	---

B. EXAMINATION	Yes/ No/ Uncertain	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</p>			
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The development comprises the construction of residential units on residentially zoned lands. The nature and scale of the proposed</p>	<p>No</p>

		development reflects the surrounding pattern of existing and emerging development.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposal will develop an existing site currently occupied by agricultural land, within the existing built up area. The proposed development is not considered to be out of character with the existing and emerging pattern of development in the wider area. The development works will only affect the site, topsoil will be stripped back and no basements are proposed. A Draft Construction Environmental Management Plan (CEMP) has been submitted which includes a Construction Waste Management Plan. An NIS was submitted. Mitigation measures are proposed to protect watercourses and the environment in general.	No
1.3 Will construction or operation of the project use natural resources such as land,	Yes	Construction materials will be typical of an urban environment. The loss of natural	No

soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?		resources or local biodiversity as a result of the development of the site are not regarded as significant.	
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuel and other substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and the implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other substances and will give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and	No

		temporary in nature and the implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature and their impacts will be suitably mitigated by the operation of a Construction	No

		Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the operation of a Construction Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts anticipated.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk having regard to the nature and scale of the proposed development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no SEVESO/COMAH sites in the vicinity of this location. The site is located in Flood Zone C.	No

1.10 Will the project affect the social environment (population, employment)	Yes	The redevelopment of the site will increase the local population. This is not regarded as significant given the suburban location of the site and the surrounding pattern of land use.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	The proposed development relates to a site in an existing suburban environment. Permitted developments, such as local road improvements, within the vicinity of the site have been subject to separate assessments. No significant cumulative impacts are anticipated.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve 	Yes	The proposed development is c. 1.7km from the Lower River Shannon SAC (Site Code: 002165) and c. 1.7km from the River Shannon and River Fergus Estuaries SPA (Site Code: 004077). A Natura Impact Statement (NIS) prepared by Openfield Ecological Services has been submitted. The	No

<ul style="list-style-type: none"> - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 		<p>NIS concluded that, based on the best available scientific information, and provided that the works are undertaken in accordance with the proposed design and mitigation measures are properly implemented, the proposed development will not have an adverse effect on the integrity or pose a risk of likely significant effects on any European site.</p> <p>Following implementation of the appropriate mitigation measures as outlined in the Natura Impact Statement which accompanies this application, it is considered that the development as proposed should not result in a significant effect on the integrity of the qualifying interests of any European Site.</p> <p>Any potential for adverse impacts to the SAC have been addressed at section 10 of the Inspector's Report and appendices 1 and 2.</p>	
---	--	--	--

		<p>The applicant prepared an EcIA report, no adverse impacts are anticipated with respect to the Loughmore Common Turlough proposed Natural Heritage Area pNHA, as there is no pathway.</p> <p>Accordingly, I do not consider the project likely to result in a significant effect on the environment in terms of ecological designations or biodiversity.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No	<p>An Ecological Impact Assessment and Natura Impact Statement were submitted with the application. A landscape plan and biodiversity plan have been developed for the proposed development. Mitigation measures and biodiversity measures are proposed to ensure no adverse effects on the ecology of the site or nearby Natura 2000 sites.</p> <p>No designated species use the site and no impacts on such species are anticipated. In</p>	No

		<p>response to further information request an updated habitat classification was prepared and overall conclusions within the EclA do not differ.</p> <p>According to the bat report, it is predicted that the loss of foraging habitat associated with the proposed development site will not affect the conservation status of the local bat populations and will not result in a likely significant negative effect, at any geographic scale. There are no roosts or potential roosts within the proposed development site and therefore there will be no loss of roosts. This is identified as an imperceptible impact at no level. Ruth Minogue MCIEEM Bat Licence Der -Bat 23-96, Der Bat 24-01.</p> <p>During construction, measures are proposed and during the operational phase a lighting plan has been devised.</p>	
--	--	--	--

<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>There are no landscape designations or protected scenic views at the subject site.</p> <p>There are no protected structures within or adjoining the site, and the site is not included within an architectural conservation area.</p> <p>The applicant submitted an Archaeological Impact Assessment in which it is stated that there were no visible archaeological features on the ground. The archaeological record including available aerial photographic coverage does not include any known archaeological sites. Test excavation did not uncover any previously unknown archaeological sites. There is no submission from the DAU with respect to archaeology on this file.</p> <p>Due to the size of the site, there is moderate potential for the continued survival of archaeological material and features within the site. Further archaeological assessment, and as necessary, preservation by record and/ or in-situ, during construction could be considered.</p>	<p>No</p>
---	------------------	--	------------------

2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	The site is at the edge of the established suburban area.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	There are no direct connections to watercourses in the area. The development will implement SuDS measures to control surface water run-off. The site is located on Flood Zone C and the site is not at risk of flooding.	No.
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No such risks identified.	No
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is served by a local urban road network and positioned on the N69. No significant contribution to traffic congestion is anticipated.	No

<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>No</p>	<p>There are no such adjoining land uses.</p>	<p>No</p>
<p>3. Any other factors that should be considered which could lead to environmental impacts</p>			
<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>No</p>	<p>Other projects have been identified as part of the planning history in section 5.0 of this report (i.e., relevant if granted permission). These developments are of a nature and scale that have been determined to not have likely significant effects on the environment.</p> <p>No developments have been identified in the vicinity that could give rise to significant cumulative environmental effects.</p> <p>Road improvements to the N69 along the frontage of the site are noted and have been subject to environmental assessments as necessary.</p>	<p>No</p>

3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise.	No
3.3 Are there any other relevant considerations?	No	None	No

C. CONCLUSION

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

D. MAIN REASONS AND CONSIDERATIONS

EG - EIAR not Required

Having regard to: -

1. the criteria set out in Schedule 7, in particular

a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.

b) The location of the site on zoned lands (New Residential), and other relevant policies and objectives in the Limerick Development Plan 2022-2028, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).

- c) The nature of the site and its location in an urban neighbourhood area which is served by public services and infrastructure.
- d) The pattern of existing and permitted development in the area.
- e) The planning history at the site and within the wider area.
- f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- g) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage, and Local Government (2003).
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- i) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- j) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the
 - Building Lifecycle Report
 - Schools and Childcare Capacity Assessment
 - EIA Screening
 - Operational Waste Management Plan
 - Resource Waste Management Plan
 - Outline Construction Management Plan

- DMURS Audit
- Design Statement
- Daylight and Sunlight Assessment
- Housing Quality Assessment
- Traffic and Transport Assessment
- Road Safety Audit
- Mobility Management Plan
- Street Lighting Proposals
- Appropriate Assessment Screening
- Natura Impact Statement
- Ecological Impact Assessment
- Archaeological Impact Assessment
- Bat Impact Assessment
- Noise Impact Assessment
- Water Framework Directive Screening Assessment
- Hydrological & Hydrogeological Qualitative Risk Assessment

k) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of any designated archaeological protection zone

2. the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

The development is not likely to have an effect on the environment and the preparation of an EIAR is not required.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

19.0 Appendix 5 - Water Framework Directive (WFD) Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-322851-25	Townland, address	Lands at Rathmale, Mungret, Limerick.
Description of project		139 dwellings and a creche.	
Brief site description, relevant to WFD Screening,		A full description of the development site can be found at section 1.0 of my report. In summary, the site comprises agricultural land, with some mature hedgerows. No watercourse on or near the site.	
Proposed surface water details		<p>With regard to the applicant's Water Framework Directive (WFD) Screening Assessment, the following is noted:</p> <p>A surface water drainage strategy has been developed by Pierce McGann & Co Consulting Engineers. Surface water runoff from the development will be attenuated to replicate the greenfield runoff rates (Qbar) in accordance with the Department of Environment and Local Government's guidance document "Recommendations for Site Development Works for Housing Areas", with</p>	

	<p>guidance taken from the “Greater Dublin Strategic Drainage Study” (GDSDS) and the Limerick City & County Development Plan.</p> <p>Surface water discharge points during the construction phase are to be agreed with Limerick County Council Environment Section prior to commencing works on site. It will not be permitted to discharge into any newly constructed storm water systems or watercourse without the grant of a discharge licence from Limerick County Council and adherence to the conditions of this licence and agreeing same with the Site Manager and Local Authority Area Engineer.</p> <p>There may also be localised pumping of surface run-off from the excavations during and after heavy rainfall events to ensure that the excavation is kept relatively dry. Stormwater shall be treated prior to discharge to the existing public sewer network.</p> <p>The CEMP for this site will ensure rainfall and all stormwater at the construction site will be managed and controlled for the duration of the construction works. The discharge of this treated water will occur to the storm water network and eventually to the Shannon Estuary. Surface water runoff from the works area will be managed and directed back into the existing drainage network, with silt fencing will be installed to prevent overland runoff from the exposed works area entering any watercourses or drainage ditches aligning the road.. The exact location of the silt fencing will be agreed on site with the Project Ecologist prior to the works commencing.</p>
--	---

	<p>A surface water drainage strategy has been developed by Pierce McGann & Co Consulting Engineers. Surface water runoff from the development will be attenuated to replicate the greenfield runoff rates (Qbar) in accordance with the Department of Environment and Local Government's guidance document "Recommendations for Site Development Works for Housing Areas", with guidance taken from the "Greater Dublin Strategic Drainage Study" (GDSDS) and the Limerick City & County Development Plan.</p>
<p>Proposed water supply source & available capacity</p>	<p>According to the applicant's engineering services report, it is noted that: Based on existing record drawings, surveys, and site visits it was established that an existing 150mm dia uPVC Uisce Éireann pipe passes the site along the existing N69 roadway laneway adjacent to the southern boundary of the site. It is proposed that a connection to this existing watermain at the planned development entrance is proposed to service the site. An existing 75mm dia watermain along the northern boundary of the site will be diverted through the site and upgraded to a 100mm PE watermain all as per drawings 22.109-CIV005 & 22.109-CIV-006. The design approach taken is for the entire development in its fully developed state. All water supply network systems have been sized in accordance with same.</p> <p>A feasibility to connect application (Customer Reference No. CDS24004611) was issued to Uisce Éireann in May 2024 and a response was received in</p>

	October 2024 stating confirmation of feasibility to connect to the existing water supply network.
Proposed wastewater treatment system & available capacity, other issues	<p>It is proposed that foul water from the proposed development shall discharge by gravity via a 225mm dia foul sewer pipe exiting the eastern boundary of the site. The pipe will connect to the existing Uisce Éireann foul network (225mm dia pipe) via an existing foul manhole (MHF34) located on the existing laneway adjacent to the eastern site boundary. Refer to Pierce McGann & Co. drawing no 22.109-CIV-004 for foul connection to Uisce Éireann existing foul network. It is noted that a self-cleansing velocity of 0.75 m/s will be achieved within the foul network design when flowing full as per Uisce Éireann requirements.</p> <p>Uisce Éireann Consultation A feasibility to connect application (Customer Reference No. CDS24004611) was issued to Uisce Éireann in May 2024 and a response was received in October 2024 stating confirmation of feasibility to connect to the existing foul sewer network.</p>
Others?	None.
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 ¹	0.9 km	BARNAKYLE_020	SW 2016-2021 Moderate	At risk	Urban	Surface run-off
Groundwater ²	0m	Limerick City Southwest	GW 2016-2021 Good	At risk	Urban	Infiltration to groundwater
Step 4: 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.						
CONSTRUCTION PHASE						

¹ https://www.catchments.ie/data/#/waterbody/IE_SH_24B050300?_k=ymq2dt

² https://www.catchments.ie/data/#/waterbody/IE_SH_G_141?_k=kc00q4

No.	Component	Water body 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	BARNAK YLE_020	Direct/Indirect pathway to hydrological environment via potential direct discharge to the local drainage network (out of an abundance of caution scenario) or	Siltation, pH (concrete), hydrocarbon spillages.	Standard construction practice, submission of a CEMP, section 8 refers and includes: <ul style="list-style-type: none"> • management of soils, • re-fuelling of machinery and chemical handling, 	No.	Screened out.

			stormwater drainage.		<ul style="list-style-type: none"> control of water during the construction phase treatment of discharge water where required. 		
2.	Ground	Limerick City Southwest	There would be a potential pathway to the underlying aquifer through the bedrock via vertical migration which following the proposed rock breaking and excavation of bedrock will be unprotected by any underlying overburden subsoil	Hydrocarbon spillages.	As Above	No.	Screened out.

			<p>protection from any localised diesel/ fuel oil spills during either construction or operational phases. The site is underlain by a 'Locally Important Aquifer'. This aquifer is characterised by discrete local fracturing with little connectivity rather than large, connected fractures which are more indicative of Regional Aquifers. As such, flow paths are generally local.</p>				
--	--	--	--	--	--	--	--

			Low fracture connectivity within the limestone will limit any potential for offsite migration.				
OPERATIONAL PHASE							
1.	Surface	BARNAK YLE_020	Existing municipal drainage system.	Hydrocarbon spillages.	Once complete, the development will provide a dedicated storm water drainage system will be provided to pick up surface water run-off from roofs, carparks and other hardstand areas. Surface water runoff from roads and footpaths throughout the site will be collected by a combination of channel drains and precast concrete gullies with	No.	Screened out.

					<p>lockable cast iron grating and frame connected to a piped system.</p> <p>Prior to discharge to the existing network all surface water will pass through a Class 1 petrol interceptor.</p> <p>SuDS measures such as tree pits, permeable paving and swales will be strategically located throughout the development to aid in the storm water management of the site. These measures will assist in preserving the current greenfield runoff on the site.</p>		
--	--	--	--	--	---	--	--

					The infiltration rates for the proposed soakaway elements have been estimated based on conservative infiltration rates for the area. On site infiltration tests will be conducted prior to the detailed design stage and carried out in accordance with the requirements set out in BRE Digest 365:2016.		
2.	Ground	Limerick City Southwest	Existing municipal drainage system.	Hydrocarbon spillages.	As Above	No.	Screened out.
DECOMMISSIONING PHASE							
	The applicant states that it is not intended that the Proposed Development will be removed, as permanent planning permission is being sought for this development. Therefore, it is intended that the Proposed Development will be retained as permanent and will not be decommissioned.						

