

Inspector's Report

PL-500479-LK-25

Development	Construction of 42 dwelling and associated site works.
Location	Junction of Rhebogue road and Plassey walk, Rhebogue, Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2461173
Applicant(s)	Dermot McNamara
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Dermot McNamara
Observer(s)	Sarah & John O'Donoghue Robert McNamara Laura Clancy Noreen McNamara Cooley Sean Fitzgerald Mary Furey Bryan and Emma Clancy
Date of Site Inspection	9 th March 2026

Inspector

Matthew McRedmond

Table of Contents

1.0	Site Location and Description	4
2.0	Proposed Development.....	4
3.0	Planning Authority Decision	5
4.0	Planning History.....	12
5.0	Policy Context.....	12
6.0	EIA Screening.....	17
7.0	The Appeal	17
8.0	Assessment	21
9.0	AA Screening.....	34
10.0	Water Framework Directive.....	34
11.0	Recommendation.....	35
12.0	Reasons and Considerations	35
	Appendix 1: Form 1 EIA Pre-Screening	37
	Appendix 2: Form 2 - EIA Preliminary Examination	39
	Appendix 3: Standard AA Screening Determination	41
	Appendix 4 – WFD Assessment	48
	Appendix 5: Technical Note	56

1.0 Site Location and Description

1.1.1. The appeal site is 1.14ha in area and is located at the northeast of the junction of Rhebogue Road and Plassey Walk, Rhebogue, Limerick. The site is an irregular shape and is adjoined by residential to the north, south and southwest, on the opposite side of Plassey Walk. A warehouse building is also located on the west side of Plassey Walk, opposite the site. The north-south railway line from Limerick to Ennis and onwards to Galway, abuts the eastern boundary of the site. The site is largely overgrown with mature trees and dense vegetation on the northern, eastern and southern boundaries.

2.0 Proposed Development

2.1.1. The proposed development consists of the construction of 42no. residential units within 8no. semi-detached houses, 20no. terraced houses and 14no. Duplex units in 2no. 3 storey blocks. The following key details are noted:

Site Area	1.14ha (0.9ha net residential area)
No of units	<p>42 no. units consisting of:</p> <ul style="list-style-type: none"> • 8no. semi-detached houses (3-bed) • 20no. terraced houses (3-bed) • 14no. Duplex units (7no. 1-bed and 7no. 3-bed) <p>Reduced to 41no. units at FI stage:</p> <ul style="list-style-type: none"> • 13no. 3 bed - Terrace houses • 9no. 1 bed - Duplex Units • 5no. 2 bed - Duplex Units • 14no. 3 bed - Duplex Units
Density	<p>46.6units/hectare</p> <p>Reduced to 45.5 at FI</p>
Car Parking Provision	41 no. spaces

	Including 1no. accessible car parking space. Reduced to 39no. at FI stage.
Vehicular entrance	New entrance from Plassey Walk
Usable Open Space	Over 10.5% of total site area – approximately 950m ² total Increased to 15% or 1,350sqm at FI stage

3.0 Planning Authority Decision

3.1 Decision

- 3.1.1. Limerick City and County Council refused permission for the proposed development on the 20th November 2025 for the following, single reason:

“The proposed development, by reason of the creation of light spill into an environment and existing commuting route, used by the light sensitive Annex II species Lesser Horseshoe Bat, would result in habitat fragmentation and/or abandonment and would therefore be contrary to Objective EH O2 of the Limerick Development Plan (2022-2028) and the proper planning and sustainable development of the area.”

3.2 Planning Authority Reports

3.2.1 Planning Reports

The Local Authority Planner had regard to the locational context of the site, national and local planning policy context, the referral responses received, and any submissions made on the application. Their assessment included the following:

- The principle of the proposed development is acceptable under the ‘New Residential’ zoning in the Limerick Development Plan 2022-2028.
- The site is located in Density Zone 2: Intermediate Urban Locations/Transport Corridors, which requires a minimum net density of 45+ dwellings per hectare. The Compact Settlement Guidelines also promote a density of 35-50dph in City-

Suburban/Urban Extension locations. The proposed density of 46.6dph is based on the net residential area of 0.9ha. Further information is required in this regard.

- In terms of the Design Standards for New Apartments the proposed apartment mix of 1-bed and 3-bed units, the minimum apartment floor area requirements and dual aspect requirements have been complied with. Further details needed in relation to floor to ceiling heights.
- Storage and amenity space meets standard requirements.
- Concerns in relation to overlooking of property to the north. Further information required in relation to this matter and three storey apartment block facing Rhebogue, with potential impacts on properties to the east at this interface. Separation distances of proposed houses 5-7 and 3-4 require revision.
- Road Safety Audit (RSA) required for proposed entrance.
- General redesign required including urban edge treatment and orientation of proposed units. Central open spaces acceptable. Communal space at corner of Rhebogue Road and Plassey Walk is not considered acceptable on health and safety grounds. Revision required.
- Further information required in relation to bike storage.
- 41 car spaces proposed is considered acceptable in the recommended maximum of 65 spaces as per DP standards.
- Further details required in relation to proposed public lighting.
- Additional details required in relation to bat survey. AA screening considered acceptable.
- Taking in Charge details required from the applicant.
- Part V is considered agreed in principle.

3.2.2 The Planning Authority sought further information in relation to a number of items including proposed layout, photomontages, details on tree, floor heights, net density, services, archaeology, roads details as per the LCCC Roads Department request,

public lighting, invasive species survey, taking in charge proposals, and updated bat survey results to include a static detector.

Further Information Response

3.2.3 The applicant submitted a further information response in October 2025, which included the following:

- Revised design including 3-storey duplex facing Plassey Walk, relocation of units at Rhebogue Road further away from neighbouring properties, centralised open space, rear access to end terrace units, redesign of units to overlook open spaces and play equipment.
- Photomontage from southwest viewpoint.
- Sections to show floor to ceiling heights.
- Revised Arborist Report to show trees to be retained and removed.
- Revised site layout plan indicating the net residential area.
- Engineering response to services and drainage queries.
- Archaeological impact assessment and test trenching.
- Response to roads items including revisions to access junction.
- Confirmation there is no buildings on site for demolition and invasive species were surveyed as part of appropriate assessment screening.
- Taking in Charge drawing.
- Confirmation of bike parking and bin storage details.
- Lighting, acoustic and revised bat survey details.

Planning Authority Response

3.2.4 Revised layout including provision of strong urban edge, realignment of dwellings to avoid impacts on neighbouring properties, open spaces and separations are all considered acceptable. Playground to be agreed by way of condition. Noted revised proposals were significant and were readvertised for public observations. The Planning Authority also made the following conclusions in relation to the further information submitted by the applicant:

- Photomontage illustrates strong urban edge that is acceptable. Section drawings showing ground floor height of 2.7m is acceptable.
- Revised arboriculture report that notes 14no. trees for removal and opportunity for new high quality tree planting should be incorporated if permission is granted.
- Site Layout Plan showing subject site as net residential area (0.9ha). Public Road provides additional site area. Boundary treatments also shown on Drawing 22, which is considered acceptable.
- Revised services drawing that shows proposals entirely within public road and applicant land, and not Limerick CCC land ownership, is considered acceptable.
- Archaeological impact assessment and test trenching has been reviewed by LCCC Archaeologist and is acceptable subject to conditions.
- Stage 1 RSA was submitted. Double yellow lines in turning area are not acceptable and alternative solution to potential parking in this area should be agreed by condition, prior to commencement of development.
- Utility ducting drawing has not been submitted and will be required for written approval prior to the commencement of development.
- Lighting proposal has been reviewed, and final proposal should be submitted to the Planning Authority for approval prior to the commencement of development.
- Updated drainage and SuDs details have been submitted to the Planning Authority, including permeable paving to parking areas. Revised surface water design requires revised calculations that can be submitted by way of pre-commencement condition.
- Applicant confirmed no buildings on site, so asbestos not present and invasive species reviewed as part of ecological assessment. This is considered acceptable.
- Revised taking in charge drawings to be agreed prior to commencement. Footpaths and green areas should be maintained by management company.
- Bike storage revisions are considered acceptable.

- The submitted noise assessment that concludes the proposed development will not be exposed to noise levels above 45bD Lday, is considered acceptable.
- Updated bat survey gives a clear indication for the presence of Lesser Horseshoe Bat at the site, which are an Annex II species with Annex IV protection also. Light impact from rear windows of properties a concern. Consideration of screen planting in rear gardens and to the rear of gardens are not implementable by the applicant and are subject to change due to maintenance challenges. Pushing back houses within site would result in further changes and require complete redesign of the scheme. Implementation of mitigation measures in relation to lightspill are not considered possible. The increase in lightspill along eastern boundary of site would result in habitat fragmentation and/or abandonment of this protected species and would therefore be contrary to Objective EHO2.
- Based on the further information submitted, the Planning Authority considered that the impact on commuting routes of Lesser Horseshoe Bats is not outweighed by the requirement for housing and therefore refused permission for the proposal.

3.2.5 Other Technical Reports

- Fire and Emergency Services – No objection in principle. Fire and Disability certificates to be obtained and design to be compliant with fire and access requirements.
- Environment and Climate Action - Further information in relation to Asbestos survey. Condition in relation to site specific waste management plan to be added to any grant of permission. Submitted information, including acoustic assessment, acceptable.
- Roads Department – Further details in relation to roads, servicing, surface water/SuDs and lighting arrangement required for the site. Further information in relation to the above acceptable, subject to conditions.
- Council Archaeologist – Archaeological Impact Assessment and test trenching required as further information. The applicant submitted this information at FI

stage and it was considered acceptable by the Planning Authority subject to conditions.

- Active Travel Department – Further information required regarding bin and bike storage. The applicant provided this information at FI stage and it was considered acceptable subject to condition.
- Council Ecologist – Site must be assessed for commuting and hunting activity of bats. Survey (static detectors) of the heavily wooded/scrubbed area in the south, the central area and the linear woodland to the east of the site that forms the boundary with the rail line should be undertaken to address Objective EH-O2 of the Development Plan. FI submission noted and LHB activity in particular. Applicant should be required to outline a method by which the light spill from the housing units can be blocked from impacting the habitats adjacent to the railway line, to avoid fragmentation and habitat loss.

3.3 Prescribed Bodies

- 3.3.1 Irish Rail, Ireland West – Care must be taken in relation to works in proximity to the rail line including boundary works, any overhead works, felling of trees and agreements are required to be in place in advance in relation to any use of existing culverts on Irish Rail land, to ensure there is no increase in risk to the railway as a consequence of these works.
- 3.3.2 Uisce Eireann - No objection to the proposed development subject to standard UE conditions.

3.4 Third Party Observations

- 3.4.1 A number of submissions were made in relation to this application during the initial public submissions stage and when the significant further information was advertised. The observations can be taken as summarised in the Local Authority Planner's Report. The main issues raised are noted as follows:
- Boundary location details not accurate in relation to adjoining property. Heights and finishes to boundary treatments required. Level differences must be accounted for in the proposal and drawings submitted.
 - Existing boundary vegetation requires clear up and tidy before any further works proceed.

- Works to remove trees must be assessed for risk to adjoining properties. The arboriculture impact assessment does not include all trees on site. Accuracy of tree report questioned.
- Potential issues with overlooking to properties to the south causing loss of privacy. Proximity to adjoining properties may cause flooding.
- Bat survey is not accurate or reliable given noted weather conditions. Bat activity in the area is much greater than submitted by the applicant. Earlier omission of LHB from survey results is significant.
- AA and NIS required given potential impacts on LHB population. Derogation licence required for bat roost disturbance. Details from Limerick Bat Group identify roosts within 1km of the site and areas within 2.5km are therefore priority commuting and foraging habitat. Loss of these habitats could undermine LHB populations in the area.
- Severe traffic congestion in the area would be worsened by the proposal. 82 spaces for car parking proposed is excessive. Other submissions note 41 spaces is not sufficient. Railway bridge restricts traffic movements at Rhebogue. Access for emergency services is a concern.
- Site is prone to flooding and this should be addressed by the applicant.
- Lack of cycling infrastructure to connect the site to the wider area.
- Adequacy of water infrastructure to support the proposal should be provided.
- Proposal will have environmental impacts such as air and noise pollution, loss of green space and mental health impacts as a result of traffic congestion. Balconies will lead to noise and anti social behaviour as well as overlooking of adjoining properties. Location of playground will disrupt existing amenity in neighbouring properties.
- Limited photomontage submitted makes it difficult to assess visual impact. Proposed duplex units are out of character with the area. Elevated nature of proposed buildings could also lead to overlooking.

4.0 Planning History

4.1.1 None.

5.0 Policy Context

5.1 National Planning Policy

5.1.1 The NPF (First Revision, 2025) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. National Strategic Outcome No. 1 is 'Compact Growth'. Activating strategic areas and achieving effective density and consolidation is a top priority, rather than more sprawl of urban development.

5.1.2 The NPF contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 4 aims to deliver at least half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
- NPO 7 outlines a presumption in favour of development in existing settlements, to ensure compact growth and sequential patterns of growth.
- NPO 22 notes in urban areas that 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.
- NPO 37 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 42 targets the delivery of 50,000 homes per annum up to 2040.
- NPO 43 prioritises new homes that support sustainable development at an appropriate scale relative to location.

- NPO 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.

5.1.3 Relevant national policy also includes Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines') which recommends a density range for 'Suburban/Urban Extensions in Limerick, Galway and Waterford of 35-50dph generally, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations, which is defined as within 500m of existing or planned high frequency urban bus services.

5.1.4 SPPR 1 of the Compact Settlement Guidelines relates to Separation Distances. A separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Reduced separation distances can be provided where there are no opposing windows and where privacy measures are designed in. The Compact Settlement Guidelines supersede the Guidelines on Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual.

5.1.5 The relevant apartment standards are the Sustainable; Urban Housing Design Standards for New Apartments (Dept. of Housing, Local Government and Heritage, December 2023) ('The Apartment Guidelines') as the proposal was submitted prior to the 9th July 2025 when updated Apartment Guidelines were published. The Apartment Guidelines include objectives for high quality design, access to sunlight and daylight and protection of residential amenity.

5.2 Regional Spatial and Economic Strategy for the Southern Region

5.2.1 Within the RSES for the Southern Region Limerick City is identified as the largest urban centre in Ireland's Mid-West and the country's third largest city. The site is located within the 'Limerick-Shannon Metropolitan Area'. The RSES incorporates Metropolitan Area Strategic Plans (MASP) to ensure coordination between local authority plans. It is noted within the RSES, that the NPF supports ambitious growth

targets to enable Limerick City to grow by at least 50% to 2040 and to achieve its potential to become a city of scale.

5.3 Rebuilding Ireland – Action Plan on Housing and Homelessness 2016

- 5.3.1 This is a government initiative which identifies the critical need for accelerating housing supply.

5.4 Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013

- 5.4.1 In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

5.5 National Biodiversity Action Plan (NBAP) 2023-2030

- 5.5.1 The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.6 Climate Action Plan, 2025 [CAP25]

- 5.6.1 It is noted within CAP25 that Key targets to further reduce transport emissions include a 20% reduction in total vehicle kilometres travelled relative to business-as usual, a 50% reduction in fuel usage, and significant increases to sustainable transport trips and modal share. In relation to buildings, it is noted that operational

emissions in the built environment sector have decreased by 21% since 2018, and achievement of the first sectoral emissions ceilings is within reach. In 2025 it is proposed to transpose the Energy Performance of Buildings Directive, publish a roadmap to phase out fossil fuel boilers, and increase the numbers of building energy rating (BER) assessors, OneStop-Shops, and Sustainable Energy Communities. It is stated within the Plan that, CAP25 is to be read in conjunction with CAP24, and as such I have set out a summary of same below.

5.7 Climate Action Plan, 2024. [CAP24]

5.7.1 Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

5.8 Limerick City and County Development Plan 2022-2028

5.8.1 The 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.

5.8.2 Relevant chapters, sections, policies and objectives of the plan include:

- Policy CS P2 - Compact Growth Policy
- CGR O3 - Urban Lands and Compact Growth

5.8.3 In terms of Settlement Hierarchy, the site is located at Level 1 Limerick City and Suburbs (in Limerick), Mungret and Annacotty, as set out in Table 2.4 of the plan.

5.8.4 At this location the site is assessed under Density Zone 2: Intermediate Urban Locations/Transport Corridors: A minimum net density of 45+ dwelling units per hectare are required at sites within 800 metres of University Hospital or 500m of high frequency existing or planned urban bus services, Table 2.6 and Map 2.2 of the Development Plan refers.

Urban Character Area

5.8.5 As set out in Table 3.2 and Map 3.7 of the Development Plan, the site is located within UCA O2 Surrounding Suburban Area – Ballysimon, Singland/Garryowen, Rhebogue. This area covers the suburbs immediately adjoining the Inner-City Area to the north, south and east. It encompasses the neighbourhoods of Ballysimon, Garryowen, Singland, Rhebogue, Corbally, King’s Island, Janesboro, South Circular Road/ Ballinacurra and Southill. This area is substantially residential in character with a range of services.

5.8.6 Other relevant objectives include:

- Objective HO O5 Apartments - increase in the scale and extent of apartment development, particularly in proximity to core urban centres and other factors including existing public transport nodes, or locations where high frequency public transport can be provided, close to locations of employment and a range of urban amenities including parks/ waterfronts, shopping and other services.
- Objective CGR P1 Compact Growth and Revitalisation - It is a policy of the Council to achieve sustainable intensification and consolidation, in accordance with the Core Strategy, through an emphasis on revitalisation and the delivery of more compact and consolidated growth, integrating land use and transport, with the use of higher densities and mixed use developments.
- Objective CAF O3 Sustainable Development - To support sustainable travel, energy efficient projects, provision of green spaces and open space and sustainable residential development projects, as a means of addressing climate change.
- Objective HO O3 Protection of Existing Residential Amenity - It is an objective of the Council to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable new development
- Policy TR P11 Road Safety and Carrying Capacity of the non-national Road Network - It is a policy of the Council to safeguard the carrying capacity and safety of the non-national road network throughout Limerick.

5.8.7 Chapter 11 of the Development Plan includes Development Management Standards, with Section 11.3 referring to Residential Development and Section 11.4.1 referring specifically to Apartment Development. Relevant sections include:

- 11.3.6 – Open Space Requirements
- 11.3.11 – SuDS
- 11.4.1 – Sections on minimum floor area, dual aspect, internal storage
- 11.8.1 – Access to Roads, Traffic and Transport Assessments (TTA) and Road Safety Audits (RSA)
- 11.8.3 – Car and Bicycle Parking Standards.

5.9 Natural Heritage Designations

5.9.1 The following designated sites are located within 15km of the appeal site:

- Lower River Shannon SAC (site code: 2165) approximately 270m to the north.
- River Shannon and River Fergus Estuaries SPA (site code: 4077) approximately 680m to the west.

6.0 EIA Screening

6.1 I have had regard to the determination of the Planning Authority in relation to EIAR requirements. Having regard to the nature of the proposed development comprising the development of 41no. residential units, within an established urban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See completed Form 1 and 2 at Appendix 1.

7.0 The Appeal

7.1 Grounds of Appeal

7.1.1 A First-party appeal has been submitted against the decision of Limerick City and County Council to Refuse permission for the proposal. The grounds of the appeal are generally focused on the single reason for refusal, however additional points raised may be summarised as follows:

Suitability of Subject Site

- The appeal sets out how the subject site complies with national and regional planning policy in terms of providing compact growth within the City of Limerick and complies with relevant policies of the County Development Plan.
- The subject site is identified as a Tier 1 Residential site in the Residential Settlement Capacity Audit (SCA) that provides for a density of 45units per hectare at this location. The site is well located in an existing residential area with a wide range of existing services available in the area.

Potential for Targeted Mitigation

- Targeted mitigation can be effective in protecting the Lesser Horseshoe Bat at this location. Roosting and foraging requirements for LHB are noted.
- The appropriate Assessment, Tree Survey and Bat Surveys of the site are noted and identify presence of LHB in static detector survey, the absence of suitable roosting sites, with potential for commuting/foraging along the eastern boundary of the site.
- LHB research strongly suggests that the photophobic LHB is not crossing the subject site to commute or access foraging grounds to the north, west, or south because these lands are urbanised and publicly lit. Nor are they likely to be commuting or foraging along the roadside boundary of the site or within the open ground due to LHB echo location requirements, which leaves the railway line as the only potential commuting of foraging route within and around the site.
- Submission by Limerick Bat Group is acknowledged. The railway corridor is identified in the submission as being in use by other bat species. When taken with the targeted survey results, the railway line is identified as a possible commuting/foraging habitat and the applicant supports this finding and note it creates an opportunity for targeted mitigation measures along the eastern boundary.

Targeted Mitigation for LHB

- The appeal notes the NPWS publication ‘Species Action Plan (SAP) for the Lesser Horseshoe Bat (2022). The plan advocates an integrated approach for the conservation management of the species that includes protecting roosts, managing habitat quality and minimising light pollution.
- The appeal submits that ‘Commuting Route Buffers’ and ‘Habitat Buffers’ are key to managing habitat quality and roost protection.
- The key target for mitigation at the subject site is to avoid significant increase in artificial light intensity to minimise impacts on the light sensitive LHB. The most effective measures include reduced light levels and duration, installation of physical shielding to direct light downwards and the use of warm lights. Physical barriers such as hedgerows are also advocated.

Site Specific Measures

- Amended site layout is put forward with the appeal that provides a further setback and hedgerow planting along the railway corridor. Lighting mitigation is also proposed, with no lighting within the proposed hedgerow area that will provide a foraging habitat of highest ecological value.
- Revised lighting plan submitted that includes 2700k nominal luminaire, 1-5lux and designed light levels to the lowest practicable level in accordance with bat conservation Ireland guidance.

7.1.2 The subject site will be developed for housing within the immediate future. The revised proposal manages light spill and enhances the ecological environment to provide a commuting and foraging zone. The proposal is in support of government policy to delivery homes, and the appeal seeks a grant of permission to expedite the delivery of housing

7.1.3 The subject appeal is appended with supporting landscape plan, lighting plan, bat survey results and house type drawings that all support the details outlined above.

7.2 Planning Authority Response

7.2.1 None.

7.3 Observations

7.3.1 A number of observations were submitted in relation to the first party appeal that are generally consistent with observations at application stage. The main issues raised may be summarised as follows:

Ecological Impacts

- Impacts on Lesser Horseshoe Bats is irreversible. This site and area have been a high use habitat for a number of years.
- Proposed mitigation does not compensate for the overdevelopment of this site. Proposed lighting and removal of linear commuting features represents a breach of Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations 2011.
- No NIS submitted despite proximity to SAC and presence of Annex II species.

Boundary Issues

- No account given of ground level differences across site. Boundary type is not clear with standard and retaining walls mentioned.
- Proposed boundary treatment offers no privacy or security to adjoining properties.

Flawed Arboriculture Assessment

- Existing trees on site have not been included in the arboriculture assessment. Removal of trees will lead to loss of privacy.
- Reference to school grounds in assessment is not part of this site.
- Root spread to adjoining properties has not been addressed.

Lack of Infrastructure

- No private driveways in revised site layout submitted with appeal.
- Lack of Public Transport to support the scale of development proposed.
- Lack of on-site parking will inevitably lead to parking on adjoining streets.
- Additional traffic from the proposal will exacerbate an existing issue with traffic delays and endangerment to pedestrian safety in the area.

Revised Proposal Submitted

- Revised layout does not include internalised balconies as requested by the Planning Authority.
- 3-storey apartment blocks at Plassey Road will result in overlooking and loss of privacy to existing bungalows.
- Increase from 3 to 5no. apartment blocks is a significant intensification of the proposal.
- Location of playground gives rise to noise impact concerns.
- Proposed cul de sac could lead to anti social behaviour and loitering in this area.

Procedural Matters

- Notification of appeal did not allow sufficient time to make a detailed submission.
- A number of observations request a site visit to confirm impacts on property boundaries.

8.0 Assessment

8.1 Having examined the application details and all other documentation on file, including the grounds of appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal can be assessed under the following headings:

- Procedural Issues
- Impacts on Ecology
- Impacts on Residential Amenity
- Traffic Impacts

8.2 Procedural Issues

- 8.2.1 A number of observations to the First-Party Appeal submitted that insufficient time periods were given to prepare and submit a meaningful response to the appeal. Observations noted they were not in receipt of notification of the appeal until the 8th January, with a response due on the 13th January.
- 8.2.2 I note the appeal was received by An Coimisiun Pleanala on the 16th December 2025. Section 251 of the Planning and Development Act, 2000 (As Amended) extends time limits in relation to the planning application process over the Christmas period.
- 8.2.3 Section 251 provides that in calculating any appropriate period or other time limit referred to in the Act or in any regulations made under the Act, the period between the 24th day of December and the 1st day of January, both days inclusive, shall be disregarded.
- 8.2.4 Accordingly, all time limits specified in connection with the planning application and appeal process, are extended by 9 days.
- 8.2.5 In this regard, the public had until the 21st January 2026 to make an observation on the appeal. Observations noted they were not in receipt of notification until the 8th January, which did not allow them sufficient time to consider and prepare an appropriate response.
- 8.2.6 Although I observe the notification to interested parties did not issue for more than 3 weeks following the appeal, I am satisfied that appropriate time periods were allowed for observations to be made. I note a number of observations to the appeal were received by the Commission and coupled with the observations at application stage and significant further information stage; I am satisfied that I have a full appreciation for the issues of concern for third parties.
- 8.2.7 A number of observations also suggested a site visit to inspect individual properties. I visited the site on the 9th March, including the boundaries to surrounding properties, and based on my inspection, I have sufficient information before me to adjudicate on the appeal.
- 8.2.8 The applicant has submitted an amended site layout and landscaping plan with the First Party Appeal, in response to the 1^{no.} reason for refusal issued by the Planning Authority. The first party has not sought to defend the scheme that was refused

permission by the Planning Authority. Therefore, my assessment of the proposal, and reference to the 'proposed scheme' below, is limited to the amended scheme as put forward by the applicant in their appeal.

8.3 Impacts on Ecology

- 8.3.1 The First Party Appeal provides that appropriate bat surveys have been undertaken and ecology inputs on the application conclude that sufficient mitigation can be incorporated into the scheme to minimise impacts that will arise in relation to the Lesser Horseshoe Bat (LHB) or their foraging and commuting habitat. This is particularly emphasised by the fact that the subject site does not include any roosts or potential roosts and is supported by bat surveys for the site undertaken in August 2024 (desktop, site walk and transect and static detector surveys) and a 6 night survey period in May 2025 (transect and 2no. static detectors).
- 8.3.2 Observers to the appeal submitted particular concerns about impact on bat species and their associated habitats. There is concern expressed about the localised impact on the ecology of the area by developing this vegetated site, resulting in a loss of a range of wildlife species, notably bats, through loss of foraging ground, and in this way contravening legal requirements in relation to bat protection and the Limerick Development Plan in respect of its objectives to protect wildlife, biodiversity and the environment.
- 8.3.3 The CDP objectives provide for the protection of protected sites and species. Objective EH O2 refers to the protection of Lesser Horseshoe Bat, which states:
"It is an objective of the Council to require all developments in areas where there may be Lesser Horseshoe Bats, to submit an ecological assessment of the effects of the development on the species. The assessment shall include mitigation measures to ensure that feeding, roosting or hibernation sites for the species are maintained. The assessment shall also include measures to ensure that landscape features are retained and that the development itself will not cause a barrier or deterrent effect on the species."
- 8.3.4 An Arboricultural Impact Assessment (AIA), screening report for Appropriate Assessment and Bat Survey Report were undertaken by the applicant and submitted with the application and subsequently amended to take account of supplemental bat surveys at further information stage. As set out in these reports, they were prepared

in consultation with published guidance for such assessments in Ireland. It notably takes account of a Tree Survey Report prepared separately which highlights that there are a small number (22no.) of mature trees of good to low value within the site. It is mainly proposed that Sycamore and Ash would be removed within the site (14no. total), with some hawthorn.

- 8.3.5 A separate Bat Survey Report is also submitted that provides details in relation to the number of roosts and potential roosting sites, bat commuting patterns, and foraging habitats within the subject site and the impacts of the proposed development thereon.
- 8.3.6 Having regard to the extensive submissions in this regard, I have reviewed the Bat Survey Report, AA Screening Report and AIA submitted by the applicant, and also sought an expert opinion from the Ecologist of an Coimisiun Pleanala on the technical submissions in respect of bats. (Report attached at Appendix 5).

Impact on woodland and scrub habitat

- 8.3.7 The applicant acknowledges there will be a loss of habitat as part of site clearance, but this is submitted as an overall positive impact given the opportunities for new high quality tree planting within the site. The retention of the linear boundary features to the north and east prior to site works and supplementary planting of indigenous species to enhance these linear features is considered by the applicant to result in an overall positive impact in a local context.
- 8.3.8 Having reviewed the Tree Survey and report and the AA Screening Report, and inspected the site, there are a limited number of trees of value identified within the site with the noted species being of 'B' or 'C' class, which are good or low value quality. The remainder of the site is identified as dry meadow, hedgerow or scrub which provide a locally important habitat. I consider this to be a reasonable account of existing habitats on site and, when taken with the suburban nature of the surrounding lands, and the proposed retention and strengthening of existing linear boundary features along the eastern and northern boundary of the site, I consider it a reasonable conclusion that there will be no significant residual effects on significant woodland and scrub habitats as a result of the subject proposal.

Impact on Bats

- 8.3.9 In the submitted Bat Survey, the applicant claims there was no Lesser Horseshoe Bat roosting activity recorded within the site, nor are there suitable roosting habitats within the site. For other bats, the existing mature trees are primarily of no roosting potential with one sycamore with dense ivy and potential crack noted as having 'moderate' roosting credentials. No bats were observed emerging from the mature sycamore treeline along the roadside. Mitigation measures are proposed to reduce the impacts on roosting locations, including management of tree felling procedures and insertion of bat boxes under ecological approval and supervision, is noted on the amended landscape plan submitted with the appeal. I note the bat survey identifies the railway corridor as having higher levels of activity for bats at the subject site.
- 8.3.10 The loss of the commuting and foraging habitat at construction stage is identified by the applicant as a minor impact at local level. The loss of this commuting and foraging habitat is not considered by the applicant to be significant at any geographic scale. Nevertheless, the applicant proposes mitigation, including retention and additional planting along the northern and eastern boundaries of the site. The proposed revised design submitted with the appeal includes an additional setback of proposed dwellings from the railway corridor to allow a linear woodland to be installed. This will be unlit and be screened from the lighting at the rear of the proposed dwellings by boundary walls and screen planting. Lux levels from the rear of the properties are predicted to reach 1lux to approximately 5-6m (half way) into the rear garden areas. No significant effects on foraging and commuting are predicted by the applicant with these measures in place.
- 8.3.11 At construction stage lighting may disturb bats at a local level which, without mitigation, may have a significant negative effect at a local scale. Significant effect to hedgerow usage by Lesser Horseshoe Bat has been recorded at levels as low as 3.6 lux in other settings.
- 8.3.12 An outdoor lighting plan has been prepared and submitted with the application. The design aims to minimise light spillage and reduce potential disturbance. Such lighting features include:
- Warm light: This design uses lights with 3000K CCT and even 2700K can be installed without significant changes in the amount of light or distribution. – It

is recommended by the applicant that the street lighting is conditioned at 2,700k to reduce disturbance to wildlife generally.

- Microled light certified with no infrared or ultraviolet emissions.
- Luminarie certified with no emissions in the upper plane.
- The design shows the different dimming profiles specified to further reduce the environmental impact of the scheme: - P3 with 100% dimming - P4 with 65% dimming - P5 with 40% dimming
- Public lighting is located away from the houses that back onto the railway line with rear gardens facing the railway line. It is submitted that this will reduce the light spill from the public lighting.

8.3.13 The applicant has submitted a detailed lighting design report and drawing that has been informed by the bat survey work undertaken on site. The light spill drawing illustrates the light spill to the commuting corridor is reduced to a minimum. I would have concerns about an unlit walking path and landscaped area, to the rear of dwellings, in terms of human safety and security within the proposed development. This could be managed through on-site management of gate access and closure in hours of darkness to protect residential amenity and human safety.

8.3.14 The proposed lux levels along the biodiversity corridor will be less than 1 lux with any light spill only occurring from the rear of properties. I consider the proposed lighting layout to be acceptable, with a minimal, if any increase from existing light levels currently recorded. I note dwellings to the north of the subject site and to the east of the railway line are within 5-6m of existing railway corridor vegetation, and I am satisfied the subject proposal would not unacceptably impinge on this separation distance. Following the incorporation of the mitigation measures in the Bat Survey Report, no potential for significant residual effect on local bats is predicted by the applicant at any geographic scale.

8.3.15 I consider the impacts on bat species in totality in the following sections. I refer the Commission to the appended report from the An Coimisiun Pleanála Senior Ecologist who has reviewed the considerably detailed appellant grounds particularly in relation to bats, in addition to the application documents in relation to bat species. I note their concluding comments as follows:

- The impact assessment does not include for all species of bat recorded on site.

- The potential roost feature (PRF) that is scheduled for removal should have been reassessed in accordance with recognised guidance and a derogation license applied for if required and submitted with the First Party appeal.
- There will be a loss of scrub and mature trees on the site reducing the foraging area available for all bat species recorded at this location. The cumulative impact of the loss of bat foraging habitat is not adequately considered in the bat impact assessment.
- The potential impacts on LBH foraging and commuting has not been fully assessed and there are deficiencies in the survey coverage of the site. These unknowns also provide a challenge in the achievement of the Limerick Development Plan 2022-2028 Objective EH O2 Lesser Horseshoe Bat *'It is an objective of the Council to require all developments in areas where there may be Lesser Horseshoe Bats, to submit an ecological assessment of the effects of the development on the species. The assessment shall include mitigation measures to ensure that feeding, roosting or hibernation sites for the species are maintained. The assessment shall also include measures to ensure that landscape features are retained and that the development itself will not cause a barrier or deterrent effect on the species.'*

8.3.16 Objective EH O2 refers to the submission of an Ecological Assessment to assess the effects of the development on the species. The applicant has undertaken the focused bat survey report, coupled with an Arboricultural Assessment, AA Screening Report and a detailed lighting assessment. Adequate landscape features are retained within the site and further embellished with native planting and a linear woodland to maintain a route corridor for commuting and foraging bats. Although an indicative lighting impact drawing for the rear of dwellings was submitted with the appeal, I am not satisfied that the applicant has adequately confirmed that lighting from the rear of proposed dwellings will not cause a barrier or deterrent effect on the LHB species at this location.

8.3.17 Lack of detail in relation to lighting impacts from proposed dwellings presents a lacuna in the assessment, whereby the complete magnitude of effect has not been considered by the First Party.

- 8.3.18 In addition, I note the detail of the information submitted at initial application stage and which was supplemented at further information stage. I note the numbers of lesser horseshoe bats on site as they relate to pass overs, roosting activity and foraging. While I note the applicant has submitted there is an absence of any LHB roosts at the site, the Bat Conservation Trust (BCT) *Bat Surveys for Professional Ecologists – Good Practice Guidelines*, 4th edition includes key updates such as increased survey effort requirement for sites suitable for roosting, foraging and commuting bats, use of Night Vision Aids (NVAs) during emergence/re-entry surveys and new guides for assessing roosting habitats in trees and structures to give confidence in a negative result. The number of calls by LHB at the site across all survey nights may be considered significant, as part of the foraging habitats in the wider area. It is clear from the presented evidence that the LHB uses this site for commuting and foraging and this must be protected.
- 8.3.19 I note in the updated bat report from 2025, a further transect survey was carried out on the 20th May 2025 and included deployment of 2 no. static recorders for 6 nights in May 2025. One detector was located near the railway line at the northeastern extent of the site and the other detector at the scrub to the south east of the site, however no static detector was located in the central area or within the vegetated tree cluster at the southwestern/roadside boundary of the site.
- 8.3.20 Figure 4-4 in the 2024 and 2025 reports shows the hotspots of bat activity from the 2024 transect survey only, where results indicate that the scrub woodland along the railway line and the roadside vegetation function as foraging and commuting for common pipistrelle. The findings of the transect survey is useful to inform the locations of the static detectors, however it is not clear if this was the case as there was no further monitoring along the roadside in 2025 where bats were recorded during the transect survey.
- 8.3.21 In addition, as noted for the reporting and good practice guidelines, LHB has very directional echolocation and may require ‘micro-siting’ of microphones to capture their calls. It is not clear in the reporting if this was the approach used during the surveys.
- 8.3.22 The data from the transect survey carried out on the 20th May 2025, is presented in Table 1.1.2.1 of the submitted bat report. Three species of bats were recorded, yet

no spatial mapping was provided to indicate the occurrence or intensity of recordings, which would have been informative.

- 8.3.23 There are thousands of records for bats from the static detector surveys in 2025, yet no data is provided from the 2024 surveys. Overall, there is no analysis regarding the significance of the recordings for different species to inform the impact assessment and I find this to be unacceptable in the context of identifying potential LHB habitat and activity levels.
- 8.3.24 Therefore, I am not satisfied that the survey effort and methodology is in line with standard practice and adequate to allow for a complete assessment. The results are not provided in sufficient detail to provide a comprehensive understanding of the bat context of the site including roosting, foraging, and commuting.
- 8.3.25 The recorded bat population is considered to be of Local Importance in the case of the soprano pipistrelle and International Importance in the case of the Lesser Horseshoe Bat. While I consider the proposed biodiversity corridor may provide an adequate habitat for the recorded populations of foraging and commuting bats, particularly the lesser horseshoe bat, Objective EH O2 requires an ecological assessment which has been complied with, and the proposed linear woodland may not provide adequate mitigation to protect commuting corridors and foraging habitat that may be present within the site.
- 8.3.26 I note based on the details submitted in the AIA and revised bat report, that there will be a loss of scrub and immature woodland on the site reducing the foraging area available for all bat species at this location. The retention of the eastern and northern perimeter planting, along with additional planting and a detailed lighting plan, would ensure that some level of habitat connectivity is maintained in line with standard practices, however in the absence of a full picture of the bat populations at the site, I do not find adequate evidence to confirm bat populations will be protected.
- 8.3.27 Observers on the appeal submit details from a local bat group in relation to bat activity in this area. From the details submitted, I note the areas used by LHB are outlined in red, and this does not include the subject site, which is identified in yellow. This identifies the site as being used by other bat species, which tallies with the bat survey information submitted by the applicant, and who has also gone to additional lengths to identify the level of LHB at this location. Although the applicant has

undertaken additional surveys, I do not consider the submitted survey information and specifically details of LHB across the site have been adequately provided. The requirements of Objective EH O2 have not been met in the submitted documentation and when considered in the absence of a full static survey across the site, including details of all bat populations at the roadside boundary and at the central area of the site, I do not consider this an appropriate analysis of overall impacts.

8.3.28 On balance, I consider the details submitted do not demonstrate adherence to the current development plan aims in respect of biodiversity while accommodating housing in accordance with the Objective EH O2. I am not satisfied that the applicant has demonstrated substantial compliance with all elements of the objective regarding prevention of a barrier or deterrent effect on the Lesser Horseshoe Bat species. An adequate assessment of existing bat populations and habitat loss has not been provided, and I therefore consider the proposed development is contrary to the Limerick Development Plan in this regard. I therefore recommend refusal of permission on the basis of impact on ecology and biodiversity.

8.4 Impacts on Residential Amenity

8.4.1 The issue of impact on the residential amenities of neighbouring properties has been raised in observations to the appeal. Concern was expressed in relation to potential overbearing on properties to the south and south east of the proposed development. Reference was made to the loss of privacy and devaluation of property values due to the distance between the proposed houses in the scheme and neighbouring properties. The matter of boundary treatments and retaining wall construction was also raised in this context.

8.4.2 I have reviewed the application drawings and details submitted with the application and appeal. I also have regard to the existing built environment surrounding the subject site, noting the detached dwellings to the southeast, orientation and rear gardens to boundaries with the subject site.

8.4.3 The existing properties at Rhebogue Road, to the south and southeast adjoining the boundary of the subject site, is highlighted in the observations to the appeal as being particularly impacted by the proposed development, including as a result of the proposed boundary treatment, which they conclude has not been adequately resolved.

- 8.4.4 The separation distance between dwelling No. 25 in the subject proposal and the property boundary to the south is given as c.3.37m, with a further 49m separation to the existing dwelling at Rhebogue Road. Proposed dwelling no. 38 has a side separation distance of 11.78m to the property to the east, and is located more in line with the front garden of this property, than the dwelling itself.
- 8.4.5 The provisions of the Limerick City and County Development Plan 2022-2028 (CDP) refer to separation distances for residential development. Section 11.4.1.3 of the CDP, specifies, in general, an appropriate separation distance is required between opposing windows up to three storeys in height. However, it is advised that in certain instances, depending on design and circumstances, reduced separation distances may be acceptable, subject to the maintenance of privacy and protection of adjoining residential amenities.
- 8.4.6 The 2009 Guidelines on Sustainable Residential Development in Urban Areas have now been replaced by the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024). SPPR1 of the Compact Settlement Guidelines states that when considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. I note habitable rooms include living spaces and bedrooms.
- 8.4.7 I note the separation distances to the property to the south and southeast (as set out in the observations to the appeal) as being c.53m and 11.7m respectively from the subject proposal. I note these are a single storey dwellings/bungalows and there are therefore no windows above ground level on the existing dwelling that would directly oppose the proposed two-three storey units to the north and west.
- 8.4.8 I note the boundary treatment of a 2m concrete wall to the southern and southeastern boundary. The boundary treatment does not propose to remove existing vegetation outside the property boundaries as submitted in observations to the appeal. I am

satisfied that through boundary treatments of a 2m high concrete wall, and with additional planting proposed at site boundaries, adequate protection of existing residential amenity and privacy can be maintained. Final details of boundary treatments may be agreed with the Planning Authority if the Commission are minded to grant permission for the proposal.

- 8.4.9 I have had regard to the location of the site within a city setting and in the context of National Policy Objectives for compact growth within existing urban settlements, I consider the proposal for a 2-3 storey dwellings, at an appropriate separation distance to be appropriate in this context. I find that the proposal delivers on Objective CGR P1 of the Development Plan in terms of providing for consolidated growth while also adhering to Objective CGR O15 in relation to the protection of residential amenity.

Traffic Impacts

- 8.4.10 A number of observations to the appeal noted the potential traffic impacts of the proposal, highlighting the already congested network and the lack of parking in the proposed scheme, that could potentially overflow into adjoining streets.
- 8.4.11 Given the relatively small number of units proposed at 41no., with 39no. car parking spaces proposed, I do not consider that a significant level of vehicle movements would arise from the subject proposal that would give rise to a substantial impact on the road network. The site is within a city setting and in the context of National Policy Objectives for compact growth within existing urban settlements, I consider the low level of additional traffic to be acceptable while balancing sustainable urban growth with the operation of the road network. I further note Bus Connects Limerick Route 4 will be located within a 5-minute walk of the subject site.
- 8.4.12 Based on the foregoing, I do not consider there to be any conflicts with National or Local Planning Policy as a balance must be struck between sustainable, compact growth and new vehicular trips on the network. I have had regard to CDP Policy TR P11 and consider the subject proposal to be consistent with this policy as the road is 50km/h, where limited level of vehicular access would occur, an RSA has been undertaken by the applicant, and the proposal provides for the orderly urban development of this urban site.

- 8.4.13 The applicant has submitted that sufficient car parking is provided in line with the City and County Development Plan, which are defined as maximum standards. Table DM 9(b) of the Development Plan sets out maximum parking standards for dwellings with less than 3 bedrooms and 3-bedrooms or more. Standard requirements are 1 space per residential unit with less than 3 bedrooms and 1.5 per 3-bedroom unit, with 1 visitor space per 3 units. This is a total requirement of 65 spaces.
- 8.4.14 SPPR 3 of the Sustainable and Compact Settlement Guidelines refers to Car Parking In city centres and urban neighbourhood locations. As per the Guidelines, car parking provision should be minimised, substantially reduced or wholly eliminated at these locations. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling. Based on a proposed development of 41 units this would equate to 41 car parking spaces. Similar to the County Development Plan standards, this is a maximum requirement.
- 8.4.15 A total of 39no. car parking spaces are proposed with 7no. for e-parking and 1no. accessible parking space. Limerick City and County Council Roads Department have indicated no objection to the quantum of car parking proposed.
- 8.4.16 Having considered the submitted details, I am of the opinion that sufficient car parking is proposed in the subject development. Given national objectives to reduce private car transport and increased trips by sustainable modes, I consider that given the existing bus connections, the level of public transport proposed for the surrounding area in the future, and the Council's objective of a modal shift away from the private car to more sustainable means of mobility, the proposed number of parking spaces is considered acceptable at this location. The proposed car parking is appropriately located to allow ease of access and to be appropriately assimilated into the development site. Should the Commission decide to grant permission, I recommend the inclusion of a condition that requires submission of a mobility management plan to the Local Authority prior to occupation, that will include details of management of car parking spaces on site.

9.0 AA Screening

- 9.1.1 I have considered the proposed development of 41no. residential units and associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended (refer to Appendix 2). The closest Natura 2000 sites are the River Shannon and River Fergus Estuaries SPA (Site Code: 004077) located 620m west of the site and Lower River Shannon SAC (Site Code: 002165) located 270m north of the site.
- 9.1.2 The proposed development comprises the construction of 41no. residential units and all associated site works.
- 9.1.3 **Screening Determination: Finding of no likely significant effects**
- 9.1.4 In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site(s) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on:
- The nature and scale of the works
 - Location-distance from nearest European site and lack of direct connections between the application site and any SAC/SPA
 - Taking into account screening determination by the PA.

Please refer to the attached appendices for detailed Stage 1 Appropriate Assessment.

10.0 Water Framework Directive

- 10.1.1 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 based on the mitigation measures, drainage arrangements and

management of surface water as set out in the proposed development. Please see WFD Assessment attached at Appendix 3 of this report.

11.0 Recommendation

11.1.1 Based on the foregoing, I recommend the proposed development be REFUSED permission for the following reasons and considerations.

12.0 Reasons and Considerations

12.1 Having regard to the identified habitats within the subject site, it is considered that:

(a) the proposed development would result in the significant loss of foraging and commuting habitat of the Lesser Horseshoe bat which is an Annex II and Annex IV species of the European Union Habitats Directive of 1992; and

(b) Is contrary to Objective EH O2 of the Limerick Development Plan 2022-2028 as identified landscape features are not retained within the site and sufficient evidence has not been provided that the development itself will not cause a barrier or deterrent effect on the Lesser Horseshoe Bat species.

Notwithstanding (a) and (b) above the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that adequate information has been provided on the impact of the proposed development on the annexed habitat and the resulting implications for wildlife and flora at this location.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Matthew McRedmond
Senior Planning Inspector

31st March 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500479-LK-25
Proposed Development Summary	Construction of 41no. residential units and all associated site works.
Development Address	Junction of Rhebogue road and Plassey walk , Rhebogue , 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.	State the Class here
<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	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If <u> </u> Schedule <u> </u> 7A information <u> </u> submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10 (b) (i) and (iv)</p>
<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)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500479-LK-25
Proposed Development Summary	Construction of 41no. residential dwellings and all associated site works.
Development Address	Junction of Rhebogue road and Plassey walk , Rhebogue , Limerick.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<ul style="list-style-type: none"> - Proposed residential use is compatible with other uses in area, - Modest size and intensity of development - No significant use of natural resources or production of waste - No significant risk of pollution or nuisance - No significant risk of accidents / disasters to human health
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<ul style="list-style-type: none"> - Located within residential zoned land on a serviced urban site - Ecological assessment outlined in main body of report. Local impact only. - No significant built heritage in the area <ul style="list-style-type: none"> - No water features at the site - No designated sites at the site
Types and characteristics of potential impacts	Having regard to the following: <ul style="list-style-type: none"> - Nature and scale of the development,

<p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<ul style="list-style-type: none"> - Potential bat habitats impacted and assessed in report - Absence of significant in combination effects, <p>there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: Standard AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	Construction of 41no. dwellings and all associated works			
Brief description of development site characteristics and potential impact mechanisms	Infill development on 1.14ha site. Site in natural grass / pastoral state, existing natural boundaries, located c. 270m to European site, minimal potential impact on ground water from effluent disposal and disposal of surface water, removal of natural vegetation may disturb species, planting proposed. The River Shannon and River Fergus Estuaries SPA (Site Code: 004077) is located 620m west of the site and Lower River Shannon SAC (Site Code: 002165) located 270m north of the site.			
Screening report	No.			
Natura Impact Statement	No.			
Relevant submissions	No reference to European sites in submissions			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
Two European sites are identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that no further range of European Sites is necessary for consideration in relation to this proposed development.				
Table 1:				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
River Shannon and River Fergus Estuaries SPA (004077)	Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta	620m north	No physical or hydrological pathways	Y

<p>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> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [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>River Shannon and River Fergus Estuaries SPA National Parks & Wildlife Service</p>			
Lower Shannon (002165)	River SAC	<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <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>	270m north	No physical hydrological pathways	or Y

	<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 Callitriche-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 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>Lower River Shannon SAC National Parks & Wildlife Service</p>			
--	---	--	--	--

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Given the separation distances involved and intervening urban development to the European Sites detailed above, potential effects are not likely to occur as a result of the proposed development.

Significant effects from other pathways have been ruled out i.e., habitat loss, spread of invasive species, impacts from noise and disturbance.

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 any SPA or SAC. However, due to the application of the precautionary principle, impacts generated by the construction and operation of the proposed development require consideration.

Sources of impact and likely significant effects are detailed in the table below.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1: River Shannon and Eiver Fergus Estuaries SPA (004077)</p> <p>QI List: As above</p>	<p>No direct impacts and no risk of habitat loss, fragmentation or any other direct impact. Loss of grassland/ vegetated land. Indirect: Low risk of surface water runoff from construction reaching sensitive receptors. Operational: surface water will be attenuated by integrated SUDs system and filtration system.</p>	<p>Having regard to</p> <ul style="list-style-type: none"> - the small scale of development proposed, - lack of direct connections or pathways, - the distance to receiving features, - normal best construction practices, - disposal of uncontaminated storm water to ground, - disposal of effluent on site to public sewer system, <p>it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality or QI species of the SPA.</p> <p>No significant disturbance to birds that may occasionally use the existing vegetation on the site.</p>

		<p>Low risk to SPA related to any minor construction related emissions.</p> <p>Low risk of surface or ground water borne pollutants or sediments reaching the SPA.</p> <p>Conservation objectives would not be undermined.</p>
	<p>Likelihood of significant effects from proposed development (alone): N</p> <p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.</p>	
<p>Site 2: Lower River Shannon SAC (002165)</p> <p>QI List: As Above</p>	<p>Impacts</p> <p>No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p>Loss of grassland/ agricultural land.</p> <p>Indirect:</p> <p>Low risk of surface water runoff from construction reaching sensitive receptors.</p> <p>Operational: surface water will be attenuated by integrated SUDs system and filtration system.</p>	<p>Effects</p> <p>Having regard to</p> <ul style="list-style-type: none"> - the domestic nature and small scale of development proposed, - lack of direct connections or pathways, - the distance to receiving features, - normal best construction practices, - disposal of uncontaminated storm water to ground, - disposal of effluent on site to public sewer system, <p>it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect QIs of the SAC.</p> <p>Low risk to SAC related to any minor construction related emissions.</p> <p>Low risk of surface or ground water borne pollutants or sediments reaching the SAC.</p>

		Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of European Sites within the zone of influence. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species during construction or operation of the proposed development. No mitigation measures beyond normal standard construction mitigation and drainage works are required to come to these conclusions.</p>		
<p>Screening Determination</p> <p>Finding of no likely significant effects</p> <p>Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within the surrounding area, or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.</p> <p>This determination is based on:</p> <ul style="list-style-type: none"> • The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site • Distance from and weak indirect connections to the European sites • No ex-situ impacts 		

Appendix 4 – WFD Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-500479-LK-25	Townland, address	Junction of Plassey Walk and Rhebogue Road, Rhebogue, Limerick
Description of project		Construction of 42no. dwellings and all associated site works	
Brief site description, relevant to WFD Screening,		Site is located at the junction of Plassey Walk and Rhebogue Road, Limerick City. The site is relatively flat. Excess storm water will drain to the public network. A water quality monitoring station is located approx. 1km west of the site at Shannon (Lower) Thomond Bridge (ID: RS25S012700) and the site is located within the Lower Shannon catchment.	
Proposed surface water details		Connection to existing public network.	
Proposed water supply source & available capacity		It is proposed to connect to the existing watermain adjacent to site. Pre-connection details from Uisce Eireann were provided with the application.	
Proposed wastewater treatment system & available capacity, other issues		It is proposed to form a new connection to the public network at Hymeas Boreen/Plassey Walk. Pre-connection and capacity details from Uisce Eireann were provided with the application.	
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection			

Identified water body							
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)	
River Waterbody	620m northeast	SHANNON (LOWER)_060	Moderate	Review	None	Potential Surface Water run off	
Groundwater Waterbody	Underlying site	Limerick City East IE_SH_G_138	Good	At Risk	Agriculture	Yes, via 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							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	River	SHANNON (LOWER)_060	Yes. Via surface water	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice	Yes. Potential for spillages to surface water.	Screened in

2.	Ground	Limerick City East IE_SH_G_138	Yes, pathway exists via moderate drainage characteristics	Spillages, leakage to groundwater water table	As above	Yes – drainage characteristics warrants further assessment.	Screened in.
OPERATIONAL PHASE							
1.	River	SHANNON (LOWER)_060	Yes. Surface Water.	spillage/siltation	hydro brake, attenuation tank	Yes. Drainage characteristics and potential for pollution of surface water warrants further assessment.	Screened in
2.	Ground	Limerick City East IE_SH_G_138	Yes pathway exists via moderate drainage characteristics and high to extreme vulnerability	Spillages	As above	Yes. Drainage characteristics warrant further assessment	Screened in
DECOMMISSIONING PHASE							
1.	N/A						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives							

Surface Water					
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Construction works	Standard construction mitigation measures including for example: • Silt traps installed	Site specific mitigation methods as described.	Site specific mitigation methods as described.	Site specific mitigation methods as described.	YES

	<ul style="list-style-type: none">• Removal of material daily from site• Dust suppression during construction• Servicing of plant and machinery to avoid leakage• Management of refuelling• Covering of soil heaps during heavy rainfall• No excavation during rainfall				
--	--	--	--	--	--

	<ul style="list-style-type: none"> • Staff compounds designated • Management of waste • • • Operational mitigation measures including: • control flow prior to discharge 				
Stormwater drainage	Adequately designed SUDs features, permeable paving and attenuation	SuDS features as described	SuDS features as described	SuDS features as described	YES
Details of Mitigation Required to Comply with WFD Objectives					

Groundwater				
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
Development Activity 1: Development of 42no. residential units	Standard construction mitigation methods for example, including: <ul style="list-style-type: none"> • Silt traps installed • Removal of material daily from site • Dust suppression during construction • Servicing of plant and machinery to avoid leakage • Management of refuelling 	Site specific mitigation methods as described.	Site specific mitigation methods as described	Yes

	<ul style="list-style-type: none">• Covering of soil heaps during heavy rainfall• No excavation during rainfall• Staff compounds designated• Management of waste <p>Operational mitigation measures including:</p> <ul style="list-style-type: none">• control flow prior to discharge			
--	---	--	--	--

Appendix 5: Technical Note



An
Coimisiún
Pleanála

Technical Note:

Ecology

ACP- PL-500479-LK-25

Request from Inspector

Ecology Technical Report:

R500479_TN

Development

Residential Development on lands at in relation to construction of 42 dwellings with all associated site works at Plassey Walk, Rhebogue, Limerick

Type of Application

Appeal – Limerick City & County Council ref. 2461173

Topic

Request from Inspector:

Request for advice on Lesser Horseshoe Bat.

Ecologist

Paula Kearney

Senior Planning Inspector

Matthew McRedmond

Contents

Contents	58
1.0 Introduction	59
2.0 Potential Impacts on Bats	60
3.0 Application Documents Review.....	61
4.0 Examination and Evaluation.....	65
5.0 Conclusion	67

1.0 Introduction

1. Background

- 1.1.1. Case ACP-500479-25 relates to an appeal case (Limerick City and County Council (LCC) ref. 24/61173) for the construction of 42 dwellings and associated site works on lands at the junction of Rhebogue road and Plassey walk, Rhebogue, Limerick.
- 1.1.2. The application was refused by LCCC “...by reason of the creation of light spill into an environment and existing commuting route, used by the light sensitive Annex II species Lesser Horseshoe Bat, would result in habitat fragmentation and/or abandonment and would therefore be contrary to Objective EH O2 of the Limerick Development Plan (2022-2028) and the proper planning and sustainable development of the area”.
- 1.1.3. The application was refused permission by Limerick City and County Council under planning reference 2461173 and is now the subject of a first-party appeal. Some of the matters raised in the appeal include:
- Amendment of site layout to allow buffer to Lesser Horseshoe Bat (LHB) commuting/foraging corridor along railway line.
 - Confirmation of bat survey results.
 - Proposed mitigation measures for protection of LHB.
- 1.1.4. The Commission’s Senior Planning Inspector requested a report from ecologists, dated 20/03/2026, to review the matters raised in the first party appeal as follows:
1. Adequacy of the bat survey results in relation to representation of LHB activity in the locality of subject site.
 2. Assessment of proposed mitigation.
 3. Potential impacts on LHB activity of revised site layout, with screen planting along railway corridor at eastern boundary of site.
- 1.1.5. My assessment, as directed by the Senior Planning Inspector, is focused only on the items as requested by the Senior Planning Inspector as set out under Section 1.1.4 above, specifically relating to the impacts on LHB.

2. Scope of report

- 1.2.1. This report to the Commission includes a review of the application documentation including the Appropriate Assessment (AA) Screening Assessment, Bat Survey Report, Arboricultural Impact Assessment, Response to Further Information (RFI) documents, third party submissions, drawings and design details on file.

- 1.2.2. In my capacity of Inspectorate Ecologist, with over 25 years professional experience, I have the relevant expertise to advise on the Appropriate Assessment (AA) for the proposed the application.

2.0 Potential Impacts on Bats

1. Lesser horseshoe Bats (LHB)

- 2.1.1. All bat species in Ireland are listed on Annex IV of the Habitats Directive as species which are afforded a system of strict protection under the provisions of Articles 12, 13 and 16 of the Directive. The Habitats Directive is transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations, 2011-2021. Requirements in relation to strict protection are set out in Regulations 51 – 54.
- 2.1.2. The LHB is also listed on Annex II of the Habitats Directive, which means that it is a species whose conservation requires the designation of Special Areas of Conservation (SAC).
- 2.1.3. There are two SACs designated for LHB located within 20km of the proposed development site. Both SACs have common attributes and targets to achieve conservation objectives regarding foraging habitat, linear features (commuting routes to foraging grounds) and light pollution for areas within 2.5km of roosts (this includes areas outside of the SAC boundaries). The proposed development site is outside the core foraging ranges of the SACs.
- 2.1.4. From the National Parks and Wildlife Service (NPWS) *Using Species Distribution Models to Identify Potential New Roost Sites of the Lesser Horseshoe Bat in Ireland* (Fialas, P. & Roche N.,2025) informed by surveys conducted by the NPWS and the Vincent Wildlife Trust (VWT) roosts have been identified in Limerick City. Specific details on roost locations are not disclosed due to the sensitivity of the species. See Figure 1 and Figure 2 below of winter and summer roosts, extracted from the NPWS 2025, sites relevant to the proposed development site indicated in yellow.

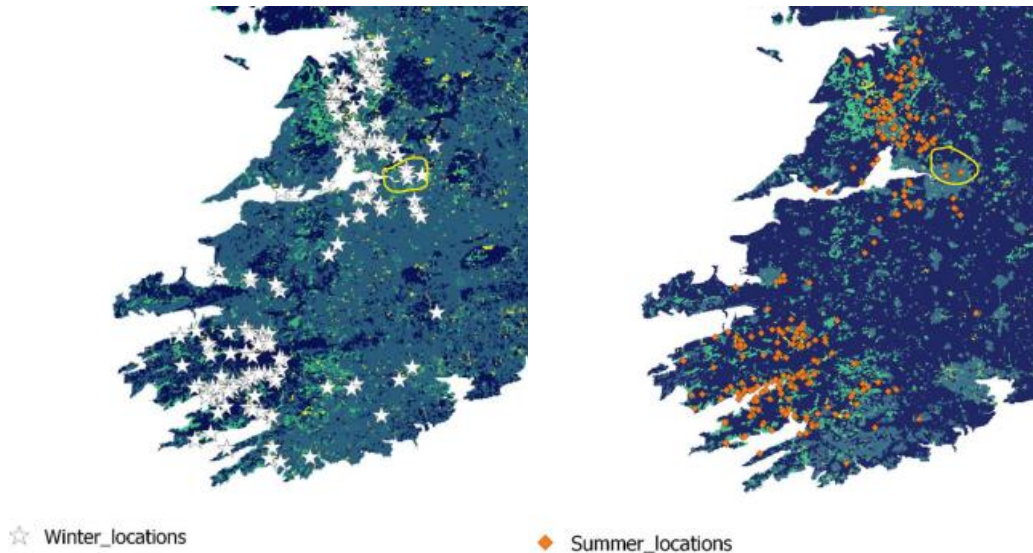


Figure 1 Winter Roosts

Figure 2 Summer Roosts

- 2.1.5. LHB is the most photophobic of all the Irish bats.¹ From the Vincent Wildlife Trust (VWT) 2020 report *Using Circuitscape to identify potential landscape corridors for the lesser horseshoe bat in Ireland*, County Limerick was noted as having the highest density of streetlights per m² within the range of LHB in the west of Ireland, which could be acting as a barrier to the movement of this photophobic species. The retention of existing linear landscape features within at least 2.5km but preferably 5km of lesser horseshoe bat roosts with 20 bats or more is essential to counteract the documented genetic differentiation that has already occurred within the species throughout its Irish distribution¹.
- 2.1.6. The network of watercourses, canals, hedgerows, treelines, stonewalls and railway corridors are key potential corridors for the species within Limerick City are vital for the conservation of LHB.

3.0 Application Documents Review

1. Methodology

- 3.1.1. The original Bat Report and updated Bat report submitted with the application and RFI were prepared by Minogue Environmental Consultants (MEC, 2024). An Ecologist with demonstrated experience and competencies from MEC undertook bat surveys and impact assessment at the proposed development site. The methodology employed is presented in Section 2.1 of the Bat report 2024 and Section 2.1 of the updated Bat Report (2025).
- 3.1.2. The habitats recorded on site by Openfield Ecological Services (2000), as part of the applicant's Appropriate Assessment (AA) Screening exercise, are discussed in Section 4.1.1, however habitat mapping is not provided in either report. Habitats

¹ NPWS & VWT (2022) Lesser Horseshoe Bat Species Action Plan 2022- 2026. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland.

are classified in accordance with A Guide to Habitats in Ireland (Fossitt, 2000) and include WD1 Deciduous woodland on the roadside boundaries on Rhebogue Road and Hymeas Lane. WL1 Hedgerow on the eastern boundary with the railway line and WL2 Treeline to the northern boundary, and WS1/WD2 Scrub/Broadleaved Woodland to the southern boundary, with GS2 Dry Meadows and grassy verges in the northern section of the site.

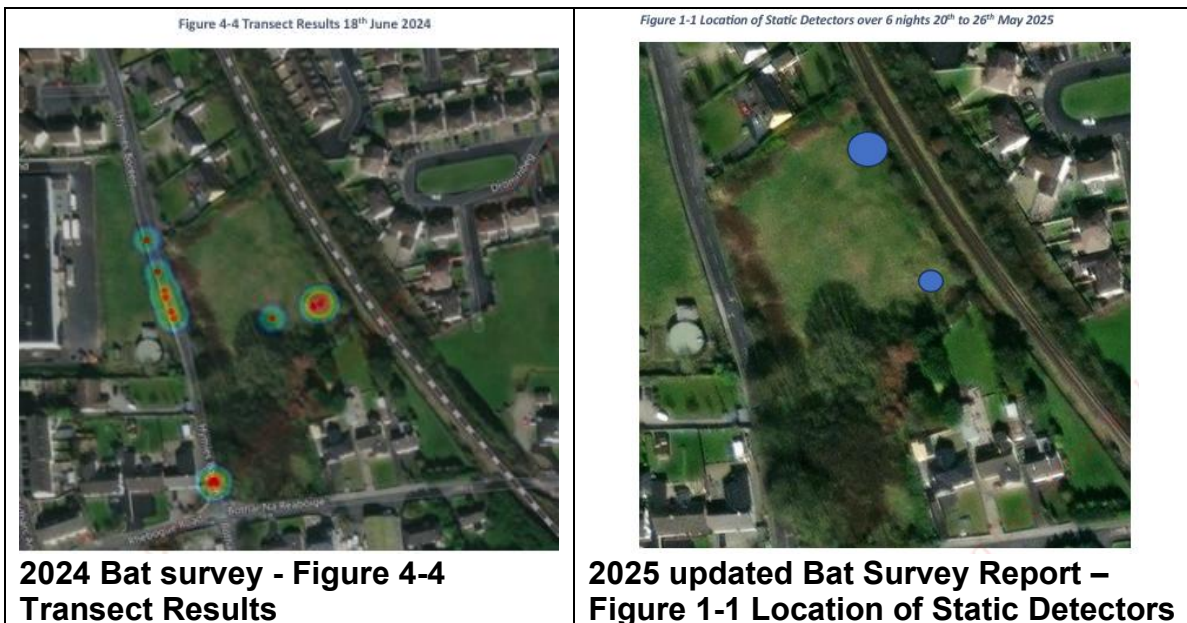
- 3.1.3. Dedicated bat surveys were undertaken at the site in 2024 to inform the impact assessment for the proposed development, which included a transect and emergence survey of hedgerows on the 9th August 2024, with a daytime tree inspection survey for Potential Roost Features (PRF) scheduled for removal on the 14th August and static detectors were deployed from the 12th -17th of June (static 1 and static 2) and 2nd July to 9th 2024 (static 3 and static 4).
- 3.1.4. In 2025, following a request for further information on bat activity at the site, the applicant in their response to FI included an updated bat report in 2025 which included a further transect survey on the 20th May 2025 and included deployment of 2 no. static recorders for 6 nights in May 2025.
- 3.1.5. The transect survey on the 9th August 2024 found very low recordings and common pipistrelle was the only species recorded during the transect survey. It is noted that there was heavy rainfall during part of the transect survey and it is acknowledged that rainfall can suppress bat activity.
- 3.1.6. The transect survey was repeated on the 18th June 2025 and results are provided in the updated Bat Report Section 1.1.2.1. They note limitations in the transect survey that LHB calls are directional, at a high frequency and subject to marked degree of attenuation that reduces potential detection during transect surveys.
- 3.1.7. No bats were observed from the emergent tree roost survey at the mature sycamore treeline along the roadside on the 4th August. The original Bat Report refers to the classification system used for PRFs is based on Collins (2016)² which includes a grading protocol for assessing structures, trees and commuting/foraging habitat for bats. The protocol is divided into four Suitability Categories: High, Moderate, Low and Negligible. Features considered to provide suitable roost sites for bats follows Andrews (2018)³. In Table 4-2 of the Bat Report, a mature sycamore (tree survey ref. 5754) is scheduled for removal as per the updated Arboricultural Impact Assessment prepared by Arbor Care (2025) and the Proposed Road Take – Tree drawing. Tree ref. 5754 is identified as having *moderate* roost potential.
- 3.1.8. Analysis of data from surveys is discussed in Section 2.2 of the 2024 report. The ecologist used Batexplorer software for analysing the data and the results are

² Collins, J. (ed) (2016) Bat Surveys for Professional Ecologists – Good Practice Guidelines (3rd edn.) The Bat Conservation Trust, London.

³ Andrews, H. (2018). Bat roosts in trees: a guide to identification and Assessment for Tree-Care and Ecology Professionals,

discussed in Section 4.1.8. From the transect surveys, the following is noted “...bat activity levels were very low with common pipistrelle the only species recorded during the transect survey, 15 recordings of common pipistrelle with highest level of activity associated with an individual bat foraging in the scrub adjacent to the railway line.” Figure 4-4 shows the hotspot of bat activity.

- 3.1.9. The LCCC FI request set out specific requirements for the bat survey to provide a “...completer and more accurate picture of the bat activity across the site and across a range of conditions” to include deployment of 3no. static detectors for 14 days during May (or June/July) in representative habitats including the heavily wooded/scrubbed area in the south, central area and linear woodland along the railway line.
- 3.1.10. The applicant in their response to FI included an updated bat report in 2025 which included a further transect survey on the 20th May 2025 and included deployment of 2 no. static recorders for 6 nights in May 2025, one at the eastern boundary near the railway line at the northeastern extent of the site and the other at the scrub to the south east of the site, see Figure 1-1 from the updated Bat Survey Report.



- 3.1.11. The applicant also completed a transect survey on the 20th May 2025, with the data presented in Table 1.1.2.1. Three species of bat recorded were recorded with common pipistrelle and Leisler’s bat being the most abundant.
- 3.1.12. The static detector survey results from the 2025 survey are provided in the updated Bat Report. Section 1.1.2.3 includes the results from the static detector deployed on the eastern boundary near the railway line. The results show overall high bat activity, with four species of bat, with common pipistrelle the most

frequently recorded, with thousands of recordings, followed by soprano pipistrelle, LHB and Leisler's bat. LHB was recorded on 4 of the 6 nights and were concentrated on 20th May over one hour with 81 calls recorded. Other recordings were less frequent.

- 3.1.13. Section 1.1.2. includes the results from the static detector deployed in the scrub habitat, to the southeast of the site. The results show overall high bat activity, with five species of bat including common pipistrelle which was the most frequently recorded, followed by soprano pipistrelle, Leisler's bat, LHB and Myotis species. LHB were recorded on 3 of the 6 nights and were concentrated on 20th May over one hour with 58 calls recorded. Other recordings were less frequent.
- 3.1.14. Bat Ecological Evaluation is provided in Section 5 of the 2024 and 2025 reports. The discussion is based on the 2024 field survey findings and focuses on common pipistrelle bats only.

2. Impact Assessment and Mitigation

- 3.2.1. The Impact Assessment is provided in Section 5.2 of the 2024 and 2025 reports.
- 3.2.2. In the absence of mitigation, the impact assessments identified a negligible impact loss of bat roosts, a minor impact at local level due to loss of foraging and commuting habitat, no significant negative effect at any geographic scale due to the loss of foraging habitat and a significant negative effect at local scale due to disturbance from illumination of commuting and foraging routes.
- 3.2.3. Mitigation measures in Section 5.4 the Bat Reports include in summary:
 - Measures specified for the felling of trees include a bat survey to be undertaken to confirm absence of roosting bat and felling to be undertaken in Autumn (October to January). A derogation license will be applied for if bats are present.
 - A lighting plan to minimise light spillage from the proposed development, including the removal of public lighting from the railway line vegetation. and along the retained linear boundary in particular.
 - The retention of the linear boundary vegetation along the railway line and additional woodland planting and retention of some mature trees as part of a landscape plan.
- 3.2.4. The Bat Reports conclude 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.

4.0 Examination and Evaluation

1. Methodology

- 4.1.1. In Table 4-2 of the Bat Report, a mature sycamore tree (survey ref. 5754) is scheduled for removal and is categorised as *moderate* in terms of suitability for roosting bats.
- 4.1.2. The Bat Report 2024 makes reference to the Bat Conservation Trust (BCT) *Bat Surveys for Professional Ecologists – Good Practice Guidelines* 3rd (Collins, 2016) and 4th Collins (2023) revisions. I note that the 4th revision, which supersedes 2016 revision includes key updates such as increased survey effort requirement for sites suitable for roosting, foraging and commuting bats, use of Night Vision Aids (NVAs) during emergence/re-entry surveys and new guides for assessing roosting habitats in trees and structures to give confidence in a negative result.
- 4.1.3. As per the Table 7.3 of the 2016 guidelines, for moderate roost suitability, recommended timings for presence/absence surveys require two separate survey visits, one dusk and one dawn re-entry during the survey period May to September. They include a caveat for trees by stating that this approach is unlikely to give confidence in a negative result. Only one dusk emergence survey was carried out on the 4th August. In addition, as per the Collins, 2023 the advice for trees categorised as moderate in terms of suitability for roosting bats, the minimum survey effort is 3 no. separate dusk emergences. The potential tree roost survey was not repeated in 2025.
- 4.1.4. In the RFI, LCCC request set out specific requirements for the bat survey to include deployment of 3no. static detectors for 14 days during May (or June/July) in representative habitats including the heavily wooded/ scrubbed area in the south, central area and linear woodland along the railway line.
- 4.1.5. In the updated bat report in 2025, a further transect survey was carried out on the 20th May 2025 and included deployment of 2 no. static recorders for 6 nights in May 2025, one at the eastern boundary near the railway line at the northeastern extent of the site and the other at the scrub to the south east of the site, however no static detector was located in the central area.
- 4.1.6. Figure 4-4 in the 2024 and 2025 reports shows the hotspot of bat activity from the 2024 transect survey only, where results indicate that the scrub woodland along the railway line and the roadside vegetation function as foraging and commuting for common pipistrelle. The findings of the transect survey is useful to inform the locations of the static detectors, however it is not clear if this was the case as there was no further monitoring along the roadside where bats were recorded during the transect survey.

- 4.1.7. In addition, as noted for the reporting and good practice guidelines, LHB has very directional echolocation and may require 'micro-siting' of microphones to capture their calls. It is not clear in the reporting if this was the approach used during the surveys.
- 4.1.8. The data from the transect survey carried out on the 20th May 2025, is presented in Table 1.1.2.1. Three species of bat were recorded, yet no spatial mapping was provided to indicate the occurrence or intensity of recordings.
- 4.1.9. There are thousands of records for bats from the static detector surveys in 2025, not data is provided from the 2024 surveys. Overall, there is no analysis regarding the significance of the recordings for different species to inform the impact assessment.
- 4.1.10. Therefore, I am not satisfied that the survey effort and methodology is in line with standard practice and adequate to allow for assessment. The results are not provided in sufficient detail to provide a comprehensive understanding of the bat context of the site including roosting, foraging, commuting etc.

2. Assessment of Impacts

- 4.2.1. Bat Ecological Evaluation is provided in Section 5 of the 2024 and 2025 reports. The discussion is based on the 2024 field survey findings and focuses on common pipistrelle bats only. The evaluation is not updated with the 2025 surveys' findings, where five species of bat were recorded including common pipistrelle, soprano pipistrelle, Leisler's bat, LHB and Myotis species.
- 4.2.2. The vegetation along the railway is proposed to be retained and it is proposed to include a wide strip of vegetation adjacent to act as a biodiversity corridor. Some mature trees are to be retained to the south, however, there is no reference the total habitat loss or disturbance at the site arising from proposed development.
- 4.2.3. Bats were recorded during the transect survey along the roadside, however no further monitoring or impact assessment due to the loss of vegetation here, is included.
- 4.2.4. Sufficient survey and assessment have not been completed for the PRF (mature sycamore tree, ref. 5754) that requires removal. All bat species are listed as Annex IV species and are strictly protected wherever they occur. It is an offence to intentionally harm a bat, disturb its roost, or damage its resting place.
- 4.2.5. In the case of a known roost, a derogation license should accompany the planning application in accordance with Regulation 54 of EC (Birds and Natural Habitats) Regulations 2011 as amended.
- 4.2.6. Therefore, I am not satisfied that the project level assessment undertaken sufficiently assessed impacts to all of the species recorded on the site, including

LHB and overall the assessment has not been undertaken in accordance with recognised guidance and legislation.

5.0 Conclusion

5.1.1. Following a review and examination of the bat reports and application documents my findings are that the information before the Commission is inadequate in a number of respects, as follows:

- The impact assessment does not include for all species of bat recorded on site.
- The PRF that is scheduled for removal should have been reassessed in accordance with recognised guidance and a Regulation 54 derogation applied for if required and submitted with the First Party appeal.
- There will be a loss of scrub and mature trees on the site reducing the foraging area available for all bat species recorded at this location. The cumulative impact of the loss of bat foraging habitat is not adequately considered in the bat impact assessment.
- The potential impacts on LBH foraging and commuting has not been fully assessed and there are deficiencies in the survey coverage of the site. These unknowns also provide a challenge in the achievement of the Limerick Development Plan 2022-2028 Objective EH O2 *Lesser Horseshoe Bat It is an objective of the Council to require all developments in areas where there may be Lesser Horseshoe Bats, to submit an ecological assessment of the effects of the development on the species. The assessment shall include mitigation measures to ensure that feeding, roosting or hibernation sites for the species are maintained. The assessment shall also include measures to ensure that landscape features are retained and that the development itself will not cause a barrier or deterrent effect on the species.*

Signed



Paula Kearney

Senior Ecologist (Inspectorate)

26/03/2026