



An
Coimisiún
Pleanála

Inspector's Report

PL-500582-LK-26

Development	Demolition of dwelling, construction of 24 apartments and associated site works.
Location	Ballycummin Road, Raheen, Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2560425
Applicant(s)	Par Development BRL LTD
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Daniel and Marie O'Sullivan
Observer(s)	None
Date of Site Inspection	09 th March 2026
Inspector	Matthew McRedmond

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	9
3.4. Third Party Observations	9
4.0 Planning History.....	10
5.0 Policy Context.....	10
5.1. National Planning Policy	10
5.6. Limerick City and County Development Plan 2022-2028.....	13
5.7. Natural Heritage Designations	15
5.8. EIA Screening	15
6.0 The Appeal	16
6.1. Grounds of Appeal	16
6.2. Applicant Response	18
6.3. Planning Authority Response.....	22
6.4. Observations.....	22
7.0 Assessment.....	22
8.0 AA Screening.....	35
9.0 Water Framework Directive	36
10.0 Recommendation	36
11.0 Reasons and Considerations.....	36

12.0 Conditions 36
Appendix 1 – Form 1: EIA Pre-Screening & Form 2: Preliminary Examination
Appendix 2: Appropriate Assessment Screening
Appendix 3: Water Framework Directive Assessment

1.0 Site Location and Description

- 1.1. The subject site is 0.27ha in area and located at Ballycummin Road, Limerick. Raheen Business Park is located to the south. The site is primarily vacant with a derelict cottage located at the road frontage.
- 1.2. Adjoining the site is a residential property to the northwest, a public gym to the southeast and industrial warehouse building to the south/southwest, which is accessed via Raheen Gardens, also to the west/southwest. The subject site is accessed via the Ballycummin Road to the northeast. The surrounding area is primarily characterized by two-storey residential to the north and east, with industrial warehouse buildings to the south and west at Raheen Business Park.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of 24no. apartments within a 4-storey building. The following key details are noted:

Site Area	0.27ha
No of units	24 no. units consisting of: 4-storey block with: <ul style="list-style-type: none">• 8no. x 1-bed apartments• 12no. x 2-bed apartments• 4no. x 3-bed apartments
Density	88units/hectare
Car Parking Provision	15 no. spaces Including 1no. accessible car parking space. Reduced to 14no. at FI stage.
Vehicular entrance	Upgrade of existing entrance from Ballycummin Road

Usable Open Space	Over 25% of total site area (as submitted, no specific quantum given in application documents)– approximately 720m ² total based on scaled drawings, with proposed play equipment in southwest corner of site (as amended at FI stage)
-------------------	---

- 2.1.1. The proposal was revised at further information stage to reduce the parking space numbers to 14 total, include revisions to the north west elevation, access junction amendments and other minor updates to the layout that included revised SuDS details, play equipment in open space area and paving revisions.

3.0 Planning Authority Decision

3.1. Decision

On the 5th December 2025, Limerick City and County Council granted planning permission for the proposed development, subject to 15no. standard planning conditions.

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 ‘Existing Residential’ zoning provision.
- Further information is required in relation to CGIs of the subject proposal to understand the scale and massing of the proposed development.
- The subject site is considered to be located within Density Zone 2 – Intermediate Urban Location as it is within 800m of University Hospital

Limerick and Raheen Business Park. Net density of 45+ units per hectare (uph) are required in these locations. The proposed density of 88uph is considered acceptable in this instance.

- Under the Compact Settlement Guidelines densities of up to 100uph are acceptable at 'accessible' suburban/urban extension locations, which are lands within 500m of planned or existing high frequency urban bus services. It is noted the site is just outside the 500m buffer for the planned 10 minute bus route as set out in BusConnects Limerick.
- Proposal is consistent with minimum floor areas in the 'Quality Housing for Sustainable Communities Guidelines'.
- In relation to the compact settlement guidelines, the 16m separation requirement is noted, however the 14m distance between the apartment block and adjoining residential is considered appropriate, given there are no windows on the existing gable facing the subject site. Obscure glazing on the upper floors of the apartment building is not considered appropriate in relation to residential amenity.
- Proposed parking of 15no. car spaces is considered acceptable given maximum standards set out in Compact Settlement Guidelines and County Development Plan.
- The proposed mix of 33% 1-bed, 50% 2-bed and 17% of 3-bed apartments is considered acceptable as per SPPR 1 of the Design Standards for New Apartments 2023.
- The overall floor area of apartments exceeds the 10% requirement at 1,731sqm, as per SPPR 3 of the 2023 Guidelines.
- 66% of apartments are dual aspect, which exceeds the 50% requirement.
- Minimum floor heights of 2.7m at ground floor and 2.4m at upper floors is complied with.
- Number of apartments to lift core is acceptable.

- Further clarification of external storage areas, private amenity space is required. No communal open space proposed but given the 25% public open space to the rear of the property, this is considered acceptable.
- Bin storage and bike parking to be relocated within footprint of building.
- Road safety Audit and Traffic impact assessment to be requested from the applicant.

3.2.2. The Planning Authority sought further information in relation to a number of items including drainage details, traffic and road safety, landscaping, elevation and window treatments, bike and bin storage and Part V details.

Further Information Response

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

- Design statement and project CGIs
- Revised northwest elevation to include high level clear glazing with opaque glazing below to prevent overlooking.
- Road Safety Audit and updated site layout drawing to include recommended road safety measures such as relocation of signposts, pedestrian routes and external lighting design.
- Relocation of bike and bin store adjacent to main stairwell.
- Amendment to numerical error in relation to private amenity space.
- Asbestos Report.
- Updated Landscape Plan.
- Civil Engineer response on Surface Water and SuDS.

Planning Authority Response

3.2.4. Design Statement and revisions to northwest elevation are considered acceptable.

3.2.5. Reduction in parking numbers appropriate given public transport planned in the area. Road Safety Audit also acceptable.

3.2.6. The Planning Authority were satisfied with the relocation of the bike/bin store, private amenity space, Part V details, revised landscape plan, broadband services and public lighting. Conditions are recommended in relation to surface water and SuDS.

3.2.7. Based on the further information submitted, the Planning Authority recommended a grant of permission, subject to conditions.

3.2.8. Other Technical Reports

- Environment and Climate Action Department (Parks) – Open Space will not be taken in charge so management company should be formed. Landscape Plan required, informal play areas and seating to be added. Add gates to make open space accessible to residents only. Revisions to bin stores, bike shelters and parking bays required. No comment received in relation to FI submission.
- Environment & Climate Action Department (Waste) – Further information in relation to Asbestos survey. Condition in relation to resource waste management plan to be added to any grant of permission. Submitted material considered acceptable and grant of permission subject to conditions is recommended.
- Fire and Emergency Services – Fire hydrant to be provided with 46m of all units. Fire Safety and Disability Access Certificates to be obtained.
- Mid West National Road Design Office – No comments on the proposal.
- Housing Department – Applicant needs to re-engage with Council to obtain Part V Preliminary letter. Preliminary agreement reached at FI stage and letter submitted.
- Roads Department – Requests further information in relation to road safety audit and implementation of any recommendations. Details of broadband services to be provided. Lighting arrangements to be submitted. Updates to surface water and suds details to be submitted. Details submitted with FI not considered appropriate. RSA not signed, surface water design not compliant with Council's requirements and finished floor levels do not adequately demonstrate compliance with flood requirements. The Council Planner noted

the signed RSA was subsequently submitted and other details could be conditioned and therefore considered roads and traffic details acceptable.

3.3. Prescribed Bodies

- 3.3.1. Transport Infrastructure Ireland (TII) – Ask that regard is had to official policy for development proposals that impact on national roads.
- 3.3.2. Uisce Eireann (UE) – 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 and can be taken as summarised in the Local Authority Planner's Report. The main issues raised can be summarised as follows:

- Insufficient site notices and locations.
- Proposal would endanger public safety by reason of traffic hazard on to a narrow road. Insufficient parking proposed – up to 40 could be needed. Footpaths too narrow in the area and no cycle lanes. Sightlines cannot be achieved as evidenced in previous applications and decisions. Parking on footpaths worsens sightlines.
- Evidence submitted of traffic trends and speeds on Ballycummin Road that provides details of high speeds, numerous HGV and engineering interventions required to enhance safety.
- Proposed density is too high. Design quality is also poor, with inappropriate materials, scale and bulk which is out of character for the area.
- Residential amenity impacts due to overlooking. 14.5m is too tall for this area.
- Insufficient traffic, daylight, bat surveys, noise survey and justification for demolition of existing dwelling provided.
- Area already quite busy for parking and traffic due to recent developments and neighbouring gym.

- Existing cottage should be retained for heritage purposes.
- Foul drainage in the area is problematic. No drainage on site and a SUDS strategy should be provided to deal with heavy rainfall events.

4.0 Planning History

- 4.1.1. **Limerick County Council Ref 05/2546 (ABP Ref. 217609.13):** Permission granted by Limerick CC for the demolition of existing structure and construction of 12no. apartments. The proposal was refused by An Bord Pleanala on appeal, on the grounds of restricted sightlines, causing traffic hazard and endangerment of public safety.
- 4.1.2. **Limerick CC Ref. 07/2153 (ABP Ref. 228173.13):** Permission granted by Limerick CC for the demolition of existing structure and construction of 12no. apartments. The proposal was refused by An Bord Pleanala on appeal, on the grounds of restricted sightlines, causing traffic hazard and sufficient legal interest in the land.
- 4.1.3. **Limerick CC Ref. 10/946 (ABP Ref. 238924):** Permission granted by Limerick County Council and upheld by An Bord Pleanala for demolition of a house and construction of a replacement dwelling.
- 4.1.4. **Limerick CC Ref. 16/7041:** Extension of time granted permission for Ref. 10/946 above. This permission was never carried out.

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 states a density range for 'Suburban/Urban Extensions in Limerick, Galway and Waterford, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations, 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. Urban Development and Building Heights, Guidelines for Planning Authorities (‘the Building Height Guidelines’) is a government policy that states building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility, subject to satisfactory compliance with quality design criteria. SPPR3 of the Guidelines, requires that the design of a building including form, massing and height, should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.

5.1.6. 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 (DEMURS), 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. Stopping distances of 49m are recommended on roads with a design speed of 50km/h with a bus route. Design speed is the maximum speed at which it is envisaged/intended that the majority of vehicles will travel under normal conditions. The DMURS Guidelines set out that in most cases the posted or intended speed limit should be aligned with the design speed.

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. **Limerick City and County Development Plan 2022-2028**

5.6.1. The Site is zoned 'Existing Residential', with the Objective: *To provide for residential development, protect and improve existing residential amenity. According to the zoning matrix set out in the Limerick Development Plan, residential development is generally permitted on such zoned lands.*

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

- Policy CS P2 - Compact Growth Policy

- CGR O3 - Urban Lands and Compact Growth

5.6.3. 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.

5.6.4. 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

5.6.5. The site is located within UCA O4 Southern Environs - Dooradoyle/Raheen/Mungret. This area covers the Southern Environs of the city and contains many modern housing developments dating in large part from the 1960s. Major housing initiatives are currently under way in the area. The area also accommodates a range of other uses including the Regional Hospital, Raheen Business Park, the Crescent Shopping Centre, educational institutions and recreational facilities.

5.6.6. 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.

5.6.7. 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.

5.7. Natural Heritage Designations

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

- Lower River Shannon SAC (site code: 2165) approximately 2.1km to the north.
- River Shannon and River Fergus Estuaries SPA (site code: 4077) approximately 2.8km to the north.

5.8. EIA Screening

5.8.1. 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 24no. 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal has been submitted against the decision of Limerick City and County Council to grant permission for the proposal. The grounds of the appeal may be summarised as follows:

Traffic Hazard

- Details of traffic survey conducted by Local Authority submitted, which shows excessive speeds on the local road (L-1405) where the proposed development will access and exit. Speed limit is 50km/h with over 85% of vehicles travelling above 70km/h.
- Vehicles accelerate away from raised tabletop/pedestrian crossing located c.167m to the south-east of the site, which was installed in 2024.
- Visibility at the proposed junction is constrained in a south-east direction, and development was previously refused at this site on the grounds of traffic hazard (PL13.228176 – 12-unit apartment scheme). Traffic has increased since this refusal.
- New access to Kingsfort and new pedestrian crossing are only changes to road layout since previous refusal. These changes will have raised traffic safety risk level.
- The DMURS document makes clear that inappropriate driver behaviour and the existing street environment must be considered. The subject proposal includes no changes to the L-1405 to provide a safe access junction.
- Environment also unsafe for cyclists and pedestrians. Footpaths are relatively narrow at 1-1.5m. Minimum 1.8m path required.

- Level of parking at 15no. spaces is too far of a shortfall from required 34 spaces in a car-dependent city such as Limerick. This will likely lead to parking on public road, at a bend in the carriageway.

Inadequate Proximity to Services and Facilities

- Site is 1.2km from nearest school, 630m from nearest shop and 145m to nearest bus stop (304 bus). UK standards set out specific distances to facilities and services and this should be referenced.
- Application relies on Compact Settlement Guidelines and reference to 'intermediate locations' within '500metres of a reasonably frequent urban bus service'. While the appellant accepts the 304 bus is a high-frequency cross-city service, long term feasibility is not guaranteed as the primary service area is Raheen Business Park and not the surrounding residential area around Ballcummin Road, which may have a static or declining population.

Impacts on Residential Amenity

- The 4-storey apartment block located 12m south east from the appellant's property will have a detrimental impact on the solar array installed on their roof in 2023. A supporting analysis showed the reduction in solar power would be approximately 30%. This is submitted as a significant adverse impact on residential amenity.

Proposal Out of Character

- Proposed 4 storey height is not appropriate in the streetscape of Ballycummin Road. Reference to 4-storey Limerick District Veterinary Centre is inappropriate, as it is in the Raheen Business Park, removed from this primarily residential area.

Procedural Issues

- Site Notice was not in place on time and application should have been re-advertised based on evidence submitted by the appellant at application stage.
- No reference to traffic survey at Ballycummin Road, which was undertaken by Council, in their final decision.

- Seriously deficient traffic-related assessment which formed part of the application, was not approved by Council Roads Department and should not have been accepted. The stage 1 RSA should not have been accepted as a credible assessment of the road and traffic situation.
- Council Planner's statement that proposal is 'considered acceptable in principle' without further information or appropriate details, is hard to reconcile given the context of the site.
- Proposal is unsuited to the site and refusal of permission is requested.

6.2. Applicant Response

- 6.2.1. The applicant provided a response to the third-party appeal that may be summarised as follows:

Traffic Hazard

- 6.2.2. Definition as 'busy local distributor road' is outdated and contradicts the speed limits defined for this residential area. Driver behaviour is an enforcement issue and is not a valid planning argument to the provision of housing in a residential area. The proposed residential access will aid with modern urban design principles to support an alteration in driver behaviour at this location and introduce a safer traffic environment.
- 6.2.3. Access to the site is via a proposed upgraded access. The previous sightline refusal was within an alternative policy context that is now obsolete and predates the DMURS Guidelines that require sightlines of 49m. The proposed access complies with modern standards. Previous standards prioritised traffic throughput, while 2026 planning requires compact growth, higher density and sustainable transit-oriented development. Applicant has legal interest in lands to provide sightlines, unlike previously refused applications.
- 6.2.4. The subject proposal and associated entrance are not designed in isolation and when taken with Council implemented measures such as the raised tabletop pedestrian crossing, will provide a traffic calmed environment that will assist in reducing speeds on this link. The submitted road safety audit confirms a safe access junction can be provided. This is supported by the Planning Authority's assessment

of the proposal, that also required a stage 2 and stage 3 RSA as a condition of planning.

- 6.2.5. The submitted RSA accounts for the high speeds recorded in the speed survey. Higher speeds are adequately mitigated in the proposed design. The proposal and entrance will serve to reduce instances of speeding, away from the pedestrian crossing, and enhance the pedestrian environment through increased walking in the area to the nearby bus stop. This has been proven in urban planning data as a key factor in improving safety.
- 6.2.6. Reduced parking numbers are based on the 'Intermediate Location' of the site, where proximity of services and transport infrastructure allows lower car dependence. By restricting parking numbers, it lowers the number of vehicle manoeuvres on to the public road. The location close to employment and existing and planned public transport, allows the low car living concept to be a reality for future residents.

Proximity to Services and Facilities

- 6.2.7. The appellant's assertion in relation to proximity to amenities and services is flawed and based on a non-statutory British standards document, that is more than 30 years old. The more appropriate standards are in the County Development Plan, Design Manual for Quality Housing and the Compact Settlement Guidelines. The site is defined as an 'Intermediate Urban Location', on foot of the proximity to the 304 bus service that operates on a 15-minute frequency. Higher densities are promoted at such locations.
- 6.2.8. While distances to school (1,200m) and shop (630m) are accepted, the proximity to a major national employment hub at Raheen Business Park must be acknowledged. This fully complies with 15-minute city and compact growth principles as people can live where they work.
- 6.2.9. The proposal will support future public transport in line with the existing policy context and the appeal claim that the 304-bus route is based on a declining or static population are at odds with the intention of the subject proposal for increased residential population.

6.2.10. In the suburban city context such as Raheen, a 630m walk to a shop, 145m walk to a bus stop, adjacent to Raheen Business Park and 1,200m walk to a primary school, are entirely reasonable and sustainable distances in an urban setting where there is no one-size-fits-all solution.

Impact on Residential Amenity

6.2.11. The submitted solar analysis provided in the appeal is vague in terms of 'some estimates' of impacts that results in a total of 30% reduction and seems to lack any specific details of parameters used.

6.2.12. The applicant undertook their own analysis that shows there is no overshadowing of the neighbouring property between 7th April and 4th September, with some minor impact shown outside this period. The results of the analysis by the applicant is that of the 97 hours and 35 minutes reviewed, 8 hours and 18 minutes of solar charging is lost due to overshadowing. This is a total of an 8.5% reduction in total available daylight hours, some distance from the 30% claimed in the appeal.

6.2.13. The majority of overshadowing would occur between 21st December and 8th February, when solar yield is inherently reduced. A Solar Shading Impact Assessment is included with the First-Party Response, which supports the applicant's analysis of the shadow impact. The proposed apartment development will result in an overall 3.4% annual shading loss to the adjoining Solar PV installation, which is not a significant overall adverse impact and is much less than the 30% claimed.

Proposal is Out of Character with Established Area

6.2.14. Proposal provides a transition between existing residential and the adjoining business park, as is supported by the zoning for the site. Proposal is a direct fulfilment of Development Plan policy for compact growth and optimise serviced land.

6.2.15. The height and density proposed are justified by the site's classification as an "Intermediate Urban Location" in the Compact Settlement Guidelines that mandate a transition to taller, higher density buildings in urban areas that are well served by public transport. The 4-storey veterinary building is a useful comparison of the transition to commercial uses in the surrounding streetscape.

6.2.16. The proposed design provides a high-quality, modern aesthetic that will enhance the variety of housing stock in the area.

Application Processing

6.2.17. Site notice removed during the process due to malicious damage or by accident. Notice was appropriately replaced as is generally the case when site notices are removed without the knowledge of the applicant. Validation ultimately lies with the Planning Authority who accepted the notices as correct and in place on site inspection. Statutory notices were therefore considered to be complied with, and it is noted the appeal party made a submission within the valid period which illustrates access to participation in the process.

6.2.18. Local Authority Planner's assessment of the proposal considered the unsolicited further information of a signed RSA to be acceptable. This is consistent with Irish Planning Law, whereby the Planner's Assessment is final.

6.2.19. In relation to the Council traffic survey, it is submitted that the strategic need for compact growth outweighed the existing issues with driver behaviour recorded in the survey. The traffic survey was public information and would have been available to the Planning Department through the assessment process. The final decision correctly prioritised national compact growth targets and the Limerick Development Plan over local observations.

Conclusion

6.2.20. The response to the issues raised in the appeal demonstrate the concerns raised are baseless and the applicant asks that the Grant of Permission by Limerick City and County Council is upheld.

6.2.21. A Shadow Cast Study for February, March, May, June, August, September, November and December is provided with the appeal response. A Solar Shading Impact Assessment is also provided that finds a reduction of 3.4% annual shading loss.

6.3. **Planning Authority Response**

- 6.3.1. The Planning Authority have indicated that their review and decision on the application remain as per the Planner's Assessment that granted permission for the proposal.

6.4. **Observations**

- 6.4.1. None.

7.0 **Assessment**

- 7.1. 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:

- Principle of Development
- Traffic Impacts
- Proximity to Local Services
- Impacts on Residential Amenity and Character of the Area
- Procedural Issues

7.2. **Principle of Development**

- 7.2.1. The appeal sets out an issue with the Council Planners assertion that the subject proposal is 'acceptable in principle' without reviewing all available information and subsequent further information that was requested.
- 7.2.2. I consider the matter of 'principle of development' to be specifically related to the zoning of the site, as is standard practice in relation to the assessment of all land use types. As the subject site is located with an area of land zoned 'Existing Residential', the proposed residential use is considered 'Generally Acceptable' as specified in the Land Use Zoning Matrix at Chapter 11 of the City and County Development Plan 2022-2028. This acceptance in principle is subject to assessment and satisfactory

consideration of all other environmental and material impacts of the subject proposal, as set out in the following sections.

7.2.3. It is clear from my attendance on site that this site is an infill site within Limerick City Suburbs, with good connections to employment locations and the City Centre via public transport, existing and planned.

7.2.4. Having regard to the location of the site within the Level 1 Settlement, the City and County Development Plan policy to support appropriate residential densities relative to proximity to the urban core and relationship to public transport, the zoning of the site as 'Existing Residential', I conclude that the proposed development is acceptable in principle.

7.3. Traffic Impacts

7.3.1. The submissions by the Roads Section of Limerick City and County Council at application stage, state that sightlines have not been demonstrated correctly and that sightlines to the nearside kerb and stopping distances, both of 49m should be achieved to address this issue. The third-party appeal references this issue and states the application should be refused permission on these grounds. The previous refusals of permission at the subject site for reasons related to inadequate sightlines were also referenced in the appeal.

7.3.2. The applicant has submitted in response that the design context has progressed from previous 90m sightline requirements, and the subject proposal will serve to provide traffic calming in the area as drivers become aware of a residential entrance.

7.3.3. The speed limit on the Ballycummin Road (L-1405), adjacent to the subject site, is 50km/h. I refer to the Design Manual for Urban Roads and Streets (DMURS), Table 4.2 which requires a minimum safe stopping distance (SSD) of 49 metres on 50km/h roads with a bus route. The 304 bus route operates on the Ballycummin Road so I consider this standard to apply at this location. I note the DMURS Guidelines proffer that design speed is the maximum speed at which it is envisaged/intended that the majority of vehicles will travel under normal conditions. In most cases the posted or intended speed limit should be aligned with the design speed, which I have considered to be 50km/h in this instance, based on the speed limit in the area.

- 7.3.4. Section 4.4.5 of DMURS, refers to visibility splays. The distance back along the minor road or direct access from which the full visibility is measured is known as the 'x' distance. The 'x' distance on the minor road for visibility measurements shall be 2.4m as a desirable minimum, which may be reduced to 2.0 metres where vehicle speeds are slow and flows on the minor arm are low. A 2.4m 'x' distance is provided in the subject proposal, which I consider appropriate.
- 7.3.5. The 'Y' distance is the distance a driver exiting from the minor road can see to the left and right along the major arm. It is normally measured from the nearside kerb or edge of the roadway where no kerb is provided. DMURS recommends that the 'Y' distance along the visibility splay should correspond to the safe stopping distance (SSD) for the design speed of the major arm, taken from Table 4.2 of the DMURS document.
- 7.3.6. The applicant has provided a drawing 'Site Layout Plan – Rev A' dated 'Oct '25' which was submitted at FI stage, that illustrates sight distance of 107.5m left (northwest) and 49m right (southeast) from 2.4m back on the proposed access/exit junction. I note this is consistent with DMURS recommendations for 49m sightlines and SSD on 50km/h roads and is measured to the nearside kerb with associated amendments to the junction layout at FI stage of the process, whereby visibility is ensured by removing any obstacles including piers/walls and landscaping.
- 7.3.7. Having visited the site and reviewed the submitted drawings I consider that adequate sightlines of 49m can be achieved due to the geometry of the road to the southeast (right) and to the northwest (left). The Council Roads Report on the FI submission, raised no issues with the information provided in relation to sightlines.
- 7.3.8. Given the relatively small number of units proposed at 24no. with a maximum of 14no. car parking spaces, 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 an urban 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.
- 7.3.9. I note the appeal referenced previous refusals of permission at the subject site. I have reviewed these decisions and note the assessment for those applications and

appeals was based on a requirement for a 90m sightline at that time. Policy context and development scenarios have evolved with contemporary evidence and research, and I am satisfied that the current requirement is for a minimum of 49m, which is achievable.

7.3.10. The proposal is subject to a road safety audit, which I note the applicant provided at FI stage and included a number of recommendations that have been incorporated into the revised site layout.

7.3.11. I note the submitted RSA recommends revisions to the road lining of the access junction, provision of pedestrian access at the site entrance to allow safe access and exit from the site, and removal of walls, piers and landscaping from the visibility triangle. I consider this to be achievable in consultation with the Local Authority Roads Department, and a suitable condition may be attached to any grant of permission to allow for the agreement of final design details.

7.3.12. I have had regard to the traffic survey submitted with the appeal. While the higher traffic speeds are noted, the Local Authority roads department have not highlighted any issues with traffic speeds at this location and therefore, the operational speed limit is taken as the relevant parameter for my assessment. Enforcement of traffic speeds does not form part of the planning process, and I am satisfied that due to the limited traffic that will use the proposed access junction, as well as the sightlines provided, traffic hazards will not unduly arise as a result of the subject proposal.

7.3.13. 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 a 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 City Suburban area.

7.3.14. Based on the submitted information, I am satisfied that an upgraded entrance for 24no. apartment units is acceptable at this location. The proposal provides for orderly urban development by linking existing pedestrian pathways adjacent to the site, providing adequate vehicular sightlines and provides for an appropriate scale of residential expansion within Limerick City. I note the existing footpaths have limited

width at some locations in proximity to the site, but given the level of pedestrian activity and generally adequate footpath widths in the area, I consider this acceptable.

- 7.3.15. In conclusion, as the proposal provides a limited access point to the local road, within the settlement boundary of the city, where adequate road safety measures are incorporated into the site layout, I therefore do not consider that a refusal of permission on the grounds of traffic safety is merited in this instance.

Parking Provision

- 7.3.16. The third-party appeal refers to concerns regarding parking. It is stated that the proposed parking is insufficient for the purposes of the proposed development, which may lead to parking on-street, in areas outside the subject site.
- 7.3.17. 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 34 spaces.
- 7.3.18. SPPR 3 of the Sustainable and Compact Settlement Guidelines refers to Car Parking In intermediate and peripheral locations. As per Table 3.8 of the Guidelines, the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling. Based on a proposed development of 24 units this would equate to 48 car parking spaces. Similar to the County Development Plan standards, this is a maximum requirement.
- 7.3.19. A total of 15no. car parking spaces were initially proposed, which was reduced to 14no. at FI stage - 11no. standard spaces with 2no. 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.
- 7.3.20. 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.

7.4. Proximity to Local Services

- 7.4.1. The third-party appeal asserts that there is limited provision of services and facilities within the wider area and that the proposal would lead to a further dependence on car-based trips to access relevant amenity locations. The 304-bus route is also questioned as a long term viable bus service.
- 7.4.2. The applicant submits that there is no one-size-fits-all standard for accessibility to services and amenities and that the appeal omits the fact the appeal site is adjacent to a major employment hub, and the proposal would support the principles of the 15-minute city and compact development.
- 7.4.3. I note generally, a wide range of services and facilities in the wider area including University Hospital to the north, a range of sports club within 1-2km of the site, similarly, I note Mungret Community College (2km), St. Nessian's Primary School(1.2km), a neighbourhood centre approximately 500m southeast of the site and other recreational facilities such as playgrounds and open spaces within proximity of the site. I also acknowledge the site is located immediately adjacent to a major employment hub, which is within walking or public transport reach from the site. Based on the number of units proposed, I am satisfied there are sufficient amenities and facilities in proximity of the subject site that can be expected in a City suburban location, with wider retail opportunities available at Crescent Shopping centre and Limerick City Centre, that are also accessible via public transport.
- 7.4.4. Increased residential density at this location will ensure the efficient and increased use of existing and planned services, including public transport, shops and social

infrastructure. NPO 7 of the NPF supports compact growth, and I consider the subject proposal to meet this objective. Such services, whether commercial or social, are dependent on a critical mass of population to remain viable and to justify the creation of additional services.

7.4.5. The applicant refers to an outdated British Standard document in relation to measurement of access to services. I consider the Compact Settlement Guidelines and the Limerick Development Plan to be a more appropriate gauge of accessibility to services. The Compact Settlement Guidelines and the CDP refer to increased densities in proximity to public transport and to hospitals and employment areas in the case of the CDP, which the subject proposal supports currently and via the future BusConnects programme.

7.4.6. In the wider environs of the site there are schools, shops, medical facilities, parks and open spaces, all of which would benefit from a development that is a comfortable walking or cycling distance from the site, or via existing and planned public transport routes. I am therefore satisfied that the area and development would be reasonably well serviced in respect of social/recreational/commercial infrastructure and that this context does not merit refusal of permission for the subject proposal.

7.5. Impact on Residential Amenity and Character of the Area

7.5.1. The third-party appeal submits that the proposal is completely out of character with the surrounding area due to building height, orientation and overlooking, and will have an unacceptable impact on the amenity of their property, which is located to the northwest. The appeal submits that the amenity impact is related to a 30% reduction in functionality of their existing PV Solar Panel array on the roof of their house.

7.5.2. The applicant submits in application documents, including at FI stage, that the surrounding context has been considered, the proposal has been designed in accordance with national and local policy guidance, and the design of the proposal is site specific responding to adjoining residential amenity requirements. I note the response to the appeal includes an assessment of shadow impact and shading of the adjoining solar array, with the applicant submitting that the impact is much less than claimed in the appeal, with a 3.4% reduction in available sunlight to the solar panels arising as a result of the subject proposal in place.

7.5.3. Residential Amenity

- 7.5.4. The existing property to the northwest is highlighted in the appeal as being particularly impacted by the proposed building height and orientation in relation to this property. The appeal further submits that 4-storey comparison with the veterinary hospital to the south is not an appropriate similarity to a residential proposal.
- 7.5.5. I have reviewed the submitted Architectural Design Statement, application drawings and photomontages submitted with the application. I also have regard to the existing built environment surrounding the subject site, noting there are primarily two storey dwellings in the surrounding area to the north, east and west, with a large light industrial and employment area located to the south. I note the applicant response to the appeal submits that the proposed 4-storey residential development provides a transition to the employment area and the 4-storey veterinary building is a part of that streetscape.
- 7.5.6. The separation distance between the proposed apartment building and the property boundary to the northwest is given as c.11m, with a further 1m separation to the existing dwelling. Notably, the proposed apartment block is located closer to the boundary with the existing gym building to the southeast.
- 7.5.7. 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.
- 7.5.8. 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.

- 7.5.9. I note the separation distances to the property to the north/northwest (as set out in the appeal) as being 12m from the subject proposal. I note there are no windows above ground level on the existing dwelling that would directly oppose the proposed apartment block. The property to the northwest is the closest dwelling to the proposed development and has one ground level window on the front corner of the dwelling. I am satisfied that through boundary treatments of a 2m high concrete wall and separation distances, no significant overlooking of the ground floor window would occur.
- 7.5.10. The applicant has proposed frosted glass at all windows to the northwest elevation of the development, with a high-level clear glass pane 1.8m above finished floor level as submitted at FI stage. Three northwest facing apartment units will be treated with vertical timber slats to the private amenity spaces and horizontal timber slats outside of northwest facing windows of habitable rooms of these units. Each of these measures are proposed to avoid any overlooking of the property to the northwest.
- 7.5.11. I consider the minimal number of windows on the southeastern gable of the property to the northwest, will remove any potential for overlooking of the dwelling. I consider the proposed frosted glazing on the 6no. northwest facing 2-bed apartment units would further mitigate any overlooking of the adjoining property. Each of these units will also have a high-level clear window that will allow sunlight and daylight to enter each apartment. Coupled with the dual aspect of each of these units, sufficient daylight and sunlight may be expected. As the relationship between the proposed apartment block and the existing dwelling will be side separation, rather than opposing rear windows, this further mitigates and allows for a reduced separation distance at this location in my opinion and is therefore acceptable at 12m.
- 7.5.12. I have also had regard to overlooking of the private amenity space of the property to the rear and I am satisfied that the proposed obscure glazing measures will be

sufficient to reduce this, without unduly compromising the residential amenity of the proposed apartments.

7.5.13. I note the submitted elevations and photomontages indicate significant screening of 3no. 1-bed apartments within the central element of the northwestern elevation. As referenced, this includes vertical and horizontal slats.

7.5.14. Section 11.4.2.3 of the CDP relates to adequate levels of natural daylight for new residential units, SPPR 3 of the Building Height Guidelines requires that at the scale of the site/building proposed developments should be carefully modulated to maximise access to natural daylight, and the Apartment Design Guidelines require that living spaces in apartments should provide for direct sunlight for some part of the day. I note the proposed northwestern facing apartments would have a favourable orientation to receive sunlight and daylight, but I find this would be negated by the proposed slats that are required to reduce overlooking and loss of privacy of the neighbouring property. While I acknowledge the attempt to reduce overlooking through the provision of screening at these units, I find that this would lead to an unacceptable omission of sunlight and daylight for these dwellings. Windows to the bedrooms and living areas of these units are already set back into the elevation of the proposed apartment block, which would reduce access to sunlight and daylight for these 1-bed units. I find this would result in a substandard level of residential amenity for these apartments, and I recommend that the horizontal slat treatment be removed outside of the windows of these 1-bed units. If the Commission is minded to grant permission, I recommend a condition is attached to remove the horizontal slats outside the 3no. 1-bed unit windows facing northwest, and to treat the windows with a similar obscure glazing as the windows of other units on this elevation to prevent overlooking, with a clear pane at 1.8m height to allow light penetration.

7.5.15. I conclude the vertical slats at the outdoor amenity space are appropriate to prevent overlooking and can be retained despite resulting in a substandard quality of private amenity space for 3no. units, that would result from the partial blocking of direct sunlight. I make this conclusion given the quality shared amenity space proposed at ground floor level to the rear of the apartment block. The retention of the vertical slats will also add to the elevation treatment and variety of visual interest on the proposed façade.

Open Space

7.5.16. Over 25% of the site is proposed as open space. Upon the recommendation of the Local Authority, this area is gated. Section 11.3.6 of the Development Plan requires 15% open space on greenfield sites. No reference is made to communal open space requirements in the Development Plan. The Apartment Guidelines 2023 require 5sqm per 1-bed apartment, 6sqm per 2-bed (3-person) apartment, 7sqm per 2-bed (4-person) apartment and 9sqm per 3-bed apartment. This equates to a total requirement of 158sqm for the subject proposal. With an approximate total of 720m² of public open space to the rear of the block, which was accepted as appropriate by the Local Authority Parks Department, I consider there to be sufficient open space proposed within the subject development to meet the needs of future residents.

Density and Character of the Area

- 7.5.17. The third-party appeal suggests that the density of the proposed development is excessive and would lead to overshadowing of the appellant's property to the northwest of the proposal.
- 7.5.18. The density of the proposed development equates to 88dph. Local planning policy as set out in the Limerick City and County Development Plan seeks to increase densities where this is appropriate. I note that Policy Objective CGR P1 Compact Growth and Revitalisation seeks to promote compact urban growth and encourage higher densities, ensuring, inter alia, a balance between the protection of existing residential amenities and the established character of the surrounding area.
- 7.5.19. The subject site is located within the Level 1 Settlement – Limerick City - which has a Net Density requirement as set out in Density Zone 2:

“A minimum net density of 45+ dwelling units per hectare are required at appropriate locations within:

800 metres of (i) the University Hospital; (ii) Raheen Business Park; (iii) National Technology Park; (iv) University of Limerick; (v) Technological University of the Shannon; (vi) Mary Immaculate College;

500m of high frequency (min. 10-minute peak hour frequency) existing or proposed urban bus services and;

400m of reasonably frequent (min. 15-minute peak hour frequency) urban bus services.”

- 7.5.20. The subject site is adjacent to Raheen Business Park and within 800m of University Hospital and is within 500m of planned Bus Connects Route 1, which is to run via Ballycummin Road adjacent to the site, and will be a 15minute service frequency. The site is also within 620m of the proposed Bus Connects Route 4, at St. Nessan’s Road, which is a 10-minute service. The 304-bus service currently operates adjacent to the site on a 10–20-minute frequency.
- 7.5.21. I note that Table 3.1 of the ‘Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities’ (2024) confirms that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations. I consider the proposed density of 88 units per hectare to be acceptable in this context.
- 7.5.22. I have had regard to the appeal submission that states the overshadowing that will result from the subject proposal will have an unacceptable impact on the functionality of their private solar array, located on the roof of the property to the northwest.
- 7.5.23. Although a level of overshadowing can be expected to occur, this must be balanced with compact growth principles, facilitation of building height and density at appropriate locations and the use of serviced land within urban locations. I note from the drawings submitted, application of the 45 degree rule, and the shadow assessment submitted by the applicant in their response to the appeal, that a level of overshadowing will occur as a result of the subject proposal. Although this will primarily result in impacts to the roof area of the neighbouring dwelling to the northwest, I am satisfied that based on the sun path around the site, adequate sunlight and daylight will reach the neighbouring dwelling from the southern to the western direction. I am conscious of the need to balance compact growth requirements with protection of residential amenity, and while the potential impact on solar panels performance is noted, sunlight and daylight is the more appropriate measure of residential amenity.
- 7.5.24. I note the applicant response that concludes there will be a 3.4% reduction in available sunlight as a result of the subject proposal. I accept that there will be some level of impact arising from the 4-storey proposal, but do not consider this impact to

be significant in relation the operation of existing solar arrays or the enjoyment of existing residential amenity.

7.5.25. The third-party appeal submits that the subject proposal is out of character for the area, given the 4-storey height, in what is primarily a two-storey residential neighbourhood.

7.5.26. I have had regard to the drawings submitted by the applicant, including the contiguous elevations and the submitted photomontages. While the 4-storey height is higher than surrounding buildings including the gym building to the south, I give significant weight to the principles of compact growth and utilisation of serviced land, as set out in national and local planning policy. As illustrated in the submitted photomontages, when viewed on the approach to the site from the southeast and northwest, I do not consider the 4-storey height to present an incongruous built form, given the transition to more industrial type buildings to the south and the setback from residential properties to the northwest. Appropriate height and densities are promoted in the Building Height Guidelines, Compact Settlement Guidelines, the National Planning Framework and in the Limerick City and County Development Plan and although the proposed apartment building does present an increased building height, the modulated elevation treatment and choice of architectural materials, will allow the proposed building to assimilate into the surrounding area and in my opinion will add to the variety and built form character of the area.

Residential Amenity and Character Conclusion

7.5.27. Having regard to the proposed layout, design and separation distances to site boundaries I consider that the proposed development does not result in an unacceptable impact on the residential amenities or character of the area. I therefore consider that the proposal accords with Policy Objective CGR P1 in terms of revitalisation and the delivery of more compact and consolidated growth, integrating land use and transport at an accessible location, with the use of higher densities and appropriate built form.

7.6. Procedural Issues

7.6.1. The appeal raised a number of issues with regard to site notices and the acceptance of the subject application by the Planning Authority. Validation of applications is not a matter for the Commission, and I do not propose to adjudicate on this issue in my

report. It is clear the appellant and third parties have had sufficient notice to participate in the consideration of the subject proposal, with the submissions and appeal noted. In relation to consideration of material in the decision on the subject proposal, I have set out my deliberations on these matters in the preceding sections.

8.0 AA Screening

- 8.1.1. I have considered the proposed development of 24no. 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 2.8km north of the site and Lower River Shannon SAC (Site Code: 002165) located 2.1km north of the site.
- 8.1.2. The proposed development comprises the construction of 24no. apartment units and all associated site works.

Screening Determination: Finding of no likely significant effects

- 8.1.3. 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.
- 8.1.4. Please refer to the attached appendices for detailed Stage 1 Appropriate Assessment.

9.0 Water Framework Directive

- 9.1.1. 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.

10.0 Recommendation

- 10.1. Based on the foregoing, I recommend the proposed development be GRANTED permission for the following reasons and considerations.

11.0 Reasons and Considerations

- 11.1.1. Having regard to the provisions of the Limerick City and County Development Plan 2022-2028, to the Level 1 settlement designation of the site that allows for appropriate residential development on a residentially zoned site, to the provisions of Objectives CGR P1 in terms of providing for consolidated growth while also adhering to Objective CGR O15 to protect residential amenity, to the nature of the proposed development and to the pattern of development in the surrounds, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity and would constitute an acceptable form of development at this location. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 9 th May 2025 and as amended by the further information submitted on the 11 th November
----	--

	<p>and 3rd of December 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interests of clarity.</p>
2.	<p>Prior to the commencement of development, revised plans shall be submitted for the written agreement of the Planning Authority to include the following:</p> <p>a) Removal of horizontal slats from upper floor 1-bed apartments on northwestern elevation.</p> <p>b) Revised windows treatment of 3no. 1-bed apartments at upper floors of northwestern elevation to include opaque glazing, with clear glass above 1.8m, to be consistent with other glazing on this elevation.</p> <p>Reason: To prevent overlooking and in the interests of residential amenity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>A detailed landscaping and planting scheme for the proposed development shall be submitted and agreed with the Planning Authority prior to the commencement of development. The scheme shall include a programme for the implementation of the scheme, a survey of all existing trees and hedgerows on the site, specifying those proposed for retention, and details of the measures to protect the retained trees during the course of the construction works. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation. Adequate drainage works to prevent flooding of these areas shall also be</p>

	<p>carried out. Any planting that is removed, damaged or dies shall be replaced in the next available planting season.</p> <p>Reason: In the interest of residential and visual amenity.</p>
5.	<p>The access from the public road and internal road and vehicular circulation serving the proposed development, including layout of the entrance to the site, turning areas within the development, parking areas, bicycle parking, electric vehicle charging, footpaths, and kerbs shall be in accordance with the detailed construction standards of the Planning Authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
6.	<p>Prior to the commencement of any construction works the developer shall locate and protect any Irish Water services within the red-line boundary of the site. There shall be no building over water mains, common pipes, or sewers, and if found the developer must contact Irish Water with a proposal for altering at the cost of the developer.</p> <p>Reason: In the interest of orderly and sustainable development</p>
7.	<p>The developer shall comply with the following Transportation requirements of the Planning Authority:</p> <p>a) A Stage 2 Road Safety Audit shall be submitted for the written agreement of the Planning Authority prior to the commencement of development in compliance with the TII Publication ‘Road Safety Audit GE-STY-1024’.</p> <p>b) Prior to the occupation of the development a Stage 3 Road Safety Audit shall be submitted for the written agreement of the Planning Authority in compliance with the TII Publication ‘Road Safety Audit GE-STY-01024’.</p> <p>c) The developer shall address all problems raised with the stage 2 and 3 Audits in full and submit revised Site Layout Plans to include the</p>

	<p>recommendations of the Audits, which must be clearly labelled, for the written agreement of the Planning Authority.</p> <p>d) Details of Audit Team</p> <p>e) The proposed residential car parking spaces shall be constructed and have appropriate ducting to be capable of accommodating future electric charging points for electrically operated vehicles.</p> <p>f) Road Markings and Signs shall be in accordance with "IS EN 1436 European Standard for Road Markings" & in accordance with the "Traffic Signs Manual". All road markings and signage shall be kept maintained by the developer.</p> <p>Reason: In the interest of traffic safety, amenity and orderly development.</p>
8.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. A management scheme providing adequate measures for the future maintenance of communal areas and car parking etc. shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
9.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>

10.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall be submitted to the Planning Authority and agreed prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
11.	<p>The developer shall enter into water supply and wastewater connection agreements with Uisce Eireann, prior to commencement of development. A Confirmation of Feasibility for connection to the Irish Water network shall be submitted to the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
12.	<p>Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted External Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.</p> <p>Such lighting shall be provided prior to the making available for occupation of any residential unit and shall include lighting of proposed pedestrian link to the southeast of the site.</p> <p>Reason: In the interests of amenity and public safety.</p>
13.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
14.	<p>The construction of the development shall be managed in accordance with a Construction Environment Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of the intended construction practice for the proposed development, including measures for the protection of existing residential development, hours of</p>

	<p>working, traffic management during the construction phase, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
15.	<p>Construction and demolition waste shall be managed in accordance with a final construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
16.	<p>Site development and building works shall be carried only out between the hours of 0700 to 1900 Mondays to Friday and between the hours of 0800 and 1400 hours on Saturday inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
17.	<p>Proposals for an estate name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the</p>

	<p>planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
18.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Coimisiún Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
19.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p>

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Matthew McRedmond
Senior Planning Inspector

10th March 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

Case Reference	PL-500582-LK-26
Proposed Development Summary	Demolition of dwelling, Construction of 24no. residential units and all associated site works.
Development Address	Ballycummin Road, Raheen, 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,	

<p>Schedule 5 or a prescribed type of proposed road 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 Schedule 7A information 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: _____

Form 2 - EIA Preliminary Examination

Case Reference	PL-500582-LK-26
Proposed Development Summary	Demolition of dwelling, Construction of 24no. residential apartments and all associated site works.
Development Address	Ballycummin Road, Raheen, 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 <ul style="list-style-type: none"> - Local ecology only on site - 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"> - Lack of significant environmental sensitivities on the site, - 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 2 – AA Screening

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	Demolition of dwelling, construction of 24no. apartments and all associated works			
Brief description of development site characteristics and potential impact mechanisms	Infill development on 0.27ha site. Site in derelict natural grass / pastoral state, existing natural boundaries, located c 2.1km 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 2.8km north of the site and Lower River Shannon SAC (Site Code: 002165) located 2.1km 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	2.8km north	No physical or hydrological pathways	Y

<p>bernicle 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 (Tringa totanus) [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> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p>	2.1km north	No physical hydrological pathways	or Y

	<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p> <p><i>Lutra lutra</i> (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 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/ agricultural 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>

		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.	
	Impacts	Effects
Site 2: Lower River Shannon SAC (002165) QI List: As Above	No direct impacts and no risk of habitat loss, fragmentation or any other direct impact. Loss of grassland/ agricultural 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.	Having regard to <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> <p>Conservation objectives would not be undermined.</p>
	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

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.

Screening Determination

Finding of no likely significant effects

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.

This determination is based on:

- 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 3 – WFD Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-500592-LK-26	Townland, address	Ballycummin Road, Raheen, Limerick
Description of project		Demolition of existing dwelling, Construction of 24no. apartments and all associated site works	
Brief site description, relevant to WFD Screening,		Site is located at Ballycummin Road, Raheen, Limerick. The site is relatively flat. Excess storm water will drain to the public network. A water quality monitoring station is located approx. 2.3km east of the site at Ballynaclogh (ID: RS24B040800) and the site is located within the Shannon Estuary South 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 that runs through the 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 Ballycummin Road. 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	300m east	BARNAKYLE_020	Moderate	At Risk	Agricultural	Potential Surface Water run off	
Groundwater Waterbody	Underlying site	Limerick City Southwest IE_SH_G_141	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	BARNAKYLE_020	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 Southwest IE_SH_G_141	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	BARNAKYLE_020	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 Southwest IE_SH_G_141	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: <ul style="list-style-type: none"> • Silt traps installed • Removal of material daily from site 	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">• 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• Staff compounds designated• Management of waste				
--	---	--	--	--	--

	Operational mitigation measures including: <ul style="list-style-type: none"> 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 36no. residential units	Standard construction mitigation methods for example, including:	Site specific mitigation methods as described.	Site specific mitigation methods as described	Yes
	<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 • 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			
--	---	--	--	--