



<b>Case Reference / Description</b>	30 no. Build to Rent apartments, 326 no. student bedspaces and associated site works. Punches Cross, Limerick.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	26 <sup>th</sup> May, 2020	<b>Start Time</b>	2.30 pm
<b>Location</b>	Via Microsoft Teams	<b>End Time</b>	3.50 pm
<b>Chairperson</b>	Tom Rabbette	<b>Senior Executive Officer</b>	Cora Cunningham

**Representing An Bord Pleanála:**

Tom Rabbette, Assistant Director of Planning
Fiona Fair, Senior Planning Inspector
Cora Cunningham, Senior Executive Officer

**Representing Prospective Applicant:**

Gary Lawlor, Lawlor Burns
Henk van der Kamp, RW Nowlan & Associates
Neil Fanning, OCA Architects
Pierce McGann, Pierce McGann & Co
Tim Paul, SLR Consulting

**Representing Planning Authority**

Stephane Duclot, A/Senior Planner
Tom O'Neill, Heritage Officer
Simon Jennings, Executive Scientist
Darragh Ryan, Assistant Planner
Donogh O'Donoghue, A/Senior Executive Planning

## **Introduction**

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant, Planning Authority (PA) via Microsoft Teams having regard to the Covid-19 virus.

The procedural matters relating to the meeting were as follows:

- The written record will be placed on the pre-application consultation file and will be made public, along with that file, should an application arise following the conclusion of this consultation process,
- ABP received a submission from the PA on 30<sup>th</sup> March, 2020 providing the records of consultations held pursuant to section 247 and its written opinion of considerations related to proper planning and sustainable development that may have a bearing on ABP's decision,
- The consultation meeting will not involve a merits-based assessment of the proposed development,
- The meeting will focus on key site-specific issues at strategic overview level, and whether the documents submitted require further consideration and/or amendment in order to constitute a reasonable basis for an application.
- Key considerations will be examined in the context of the statutory development plan for the area and section 28 Ministerial Guidelines where relevant,
- A reminder that neither the holding of a consultation or the forming of an opinion shall prejudice ABP or the PA concerned in relation to any other of their respective functions under the Planning Acts or any other enactments and cannot be relied upon in the formal planning process or in legal proceedings.

The ABP representatives acknowledged the letter dated 2<sup>nd</sup> March, 2020 formally requesting pre-application consultations with ABP. Prospective applicant advised of the need to comply with definition of SHD as set out in the Act of 2016, in relation to thresholds of development. It was also noted that the Inspector dealing with the pre-application consultation request would be different to who would deal with the application when it was submitted. Recording of the meeting is prohibited.

## **Agenda**

- 1. Response to Previous Refusal Reason**
- 2. Response to Planning Authority Report dated 30th March 2020 and Issues Raised in Appended Reports**
- 3. Treatment of Contamination / Construction Management Plan**
- 4. Noise Assessment**
- 5. Boundary Treatment & External Materials**
- 6. Any Other Matters**

## 1. Response to Previous Refusal Reason

### **ABP Comments:**

- Clarify if same application as previously submitted
- Have regard to and address previous reasons for refusal, paramount to this application
- Address groundwater, include experience where it has been used elsewhere
- Have regard to reasons for refusal, PA Opinions
- AA can only be carried out at application stage which includes, inter alia, public participation, AA is not carried out at pre-app stage

### **Prospective Applicant's Comments:**

- Proposed development identical to what was previously submitted; any change is marginal in response to issues raised in Inspector's Report on previously application
- 3 additional reports submitted – AA Screening Report and NIS, Water Environmental Risk Assessment and Ground Water Management Plan
- Technical note on water environment risk based on previous risk assessment, meeting with target levels at receptors, removal of 4 remaining tanks on site
- Ground water management plan specifically addressing how ground water management dealt with during construction, ground investigation carried out, overall management of how basement will be constructed and treatment of same if required before discharge off site, temporary sheet piling proposed around tanks during construction and treatment of any contaminated water in a localised environment
- AA carried out, screening considered and moved to stage 2, all designated sites considered, and it has been concluded that there will be no impacts on these sites
- Destination of contaminated materials has been addressed in the CEMP, end destination of soils considered, specific contractors will be used, specific controls will be used for oils etc...
- Construction waste management plan has regard to EU Laws, material will be separated, into those to be recycled and those disposed of. CWMP will address how all materials will be disposed of in any application.
- Standard of discharge and oil interceptors, detailed discussions carried out between parties involved. Oils treated on site by way of Class 1 interceptors, regard will be had to how oil interceptor is managed before release.
- Cumulative impacts will be addressed more explicitly
- Will include specific examples of where the proposed groundwater treatment plan has been used successfully in other similar sites.
- Standard technology in ground water management plan that treatment systems aim for laboratory level discharge.

### **Planning Authority's Comments:**

- NIS reference to cumulative impacts need to be more site-specific
- Have regard to ground water management plan, address destination of contaminated soil, where it will end up and how it will be treated
- Address receptors
- Address how stormwater discharge will be treated
- Address type and size of oil interceptors
- PA satisfied with documents submitted

## **2. Response to Planning Authority Report dated 30th March 2020 and Issues Raised in Appended Reports**

### **ABP Comments:**

- Prospective applicant to have regard to comments raised in previous application
- There is a lack of detail in some areas.
- PA want high quality development, this is a strategically important site
- More details required in relation to finishes on elevational drawings, CGI's show details better than elevational drawings.
- Address roads issues raised in relation to Punches Cross junction and Rosbrien Road
- Regard to be had to reports appended to PA Opinion

### **Prospective Applicant's Comments:**

- Consideration of previous application positive
- Will address points raised in Inspector's Report in relation to lack of details submitted
- Will address issue in PA Opinion in relation to demolition of existing buildings on the proposed site
- Will address the issue raised with regard to clarification of number of bedspaces
- Prospective applicant does not consider noise assessment necessary
- There is a planning gain, given the removal of tanks from the site, significant benefit for area, this is a brownfield underutilised site
- Satisfied with conditions proposed in PA Opinion, in relation to traffic.
- Fenestration and brickwork proposed will be detailed in greater detail
- PA Opinion does not raise issues in relation to Punches Cross junction and Rosbrien Road
- 2 parking spaces to be excluded on Rosbrien Road, highlighted in resubmitted documents, minor amendment.

### **Planning Authority's Comments:**

- PA satisfied with proposed development; prospective applicant should have regard to PA Opinion, conditions can be attached to a grant of permission in relation to items needing to be addressed

## **3. Treatment of Contamination / Construction Management Plan**

### **ABP Comments:**

- Construction waste has been addressed under Item 1 above.
- CWMP / CEMP to have regard to NIS
- Have regard to any asbestos issues on the proposed site

### **Prospective Applicant's Comments:**

- Mitigation measures identified and cross referenced all reports and will tie in with NIS
- Have addressed all issues with respect to water risk assessment, basement construction and site investigation in reports. All reports have been strengthened since previous application and support one another.
- All documents link with site investigation reports and should all be read in conjunction with each other

- Reports conclude that there would be no impact on SAC or watercourse from construction of the basement

**Planning Authority's Comments:**

- PA satisfied with prospective applicants' proposals

#### **4. Noise Assessment**

**ABP Comments:**

- Noise issues raised in previous application
- Have regard to the noise levels from Rossbrien Road and at junction to perspective occupiers of the development
- HSE submission on previous application raised issues in relation to their building being sensitive to noise
- This is an urban brownfield site, clarify whether anything noise sensitive in the area and potential impacts of noise during construction and operation.
- Need to have regard to anything in receiving environment on site or adjoining sites
- Need to have regard to management of proposed development, in particular the student accommodation element. Need for a management plan.

**Prospective Applicant's Comments:**

- Need to separate potential for noise impacts on proposed residential use from traffic (busy junction), and potential noise impacts on sensitive receptors in the immediate vicinity from the construction phase, and potential operational noise impacts from student accommodation
- Prospective applicant does not consider that a noise assessment is required
- Significant ambient noise to residents in proposed development
- Proposed development will be compliant with Building Regulations, NZ Regulations, will include details in application
- Acknowledge balance to be reached in relation to noise
- Good acoustic design will be used
- If mechanical ventilation used, noise impacts may arise from opening windows, regard will be had to Building Regulations and desirable internal noise levels will be achieved
- Prospective applicant acknowledges there is noise impact potential but contends that this is a high-quality development on an urban brownfield site with no unique noise-generating uses either existing or proposed
- There will be noise from demolition phase and piling required
- On street noise comes from traffic and potentially students late at night
- Will have regard to Building Regulations and British Standards
- Student accommodation to be appropriately managed

**Planning Authority's Comments:**

- PA require noise assessment in relation to road noise
- PA have carried out noise assessment along Ballincurra Road and this indicates external noise levels are above WHO recommendations
- Have regard to ProPG
- Ventilation strategy needs to be developed in relation to bedrooms

- Mechanical ventilation used
- Consider design of buildings in relation to providing good acoustics
- Consider bedrooms and study areas overlooking quieter areas
- Have regard to internal and external noise levels
- Have regard to internal noise from road
- The design of the building should not be dictated around ventilation. Best acoustic design to be had regard to at the outset of design of the building.
- Have regard to noise levels from construction vehicles on proposed site.

**Prospective Applicant's Comments:**

- A noise assessment is not necessary
- Mechanical ventilation with heat recovery standard practice with no noise impacts
- Proposal will comply with best practice, SEAO and Building Regulations
- Relocation of bed spaces internally within building would take away from overall design and impact upon density and dual aspect.
- No noise sensitive receptors in the immediate vicinity
- Details of management of proposed development including operator will be submitted with application

**5. Boundary Treatment & External Materials**

**ABP Comments:**

- Provide finer details of boundary treatment and materials proposed

**Prospective Applicant's Comments:**

- Inspector's Report in previous application referred to lack of information provided in relation to finishes, will address in application
- Will provide details and robustness of durability of materials
- Corner towers are proposed to be finished with honed limestone, two wings are to be finished with Kiln Fire brick with ground floor stone plinth, windows to be composite wood effect.
- Public realm improvements being provided at junctions of 2 roads
- Space is provided for public bike scheme
- Café/retail units proposed at street level
- Plaza area proposed where students can congregate and to transition into foyer

**6. Any other matters**

**ABP Comments:**

- Address internal waste management
- Have regard to Material Contravention of Development Plan if applicable
- Zoning is C1 Mixed Use – implication of the proposal for mainly residential.
- Acknowledged that C1 relates to the wider area which includes the local centre and Lidl, if applicable

**Prospective Applicant's Comments:**

- Ongoing discussions with PA in relation to waste management
- 2 separate enclosures in basement for waste

- Zoning objective for retail, PA have regard to retail provided south of proposed site and do not require prospective applicant to provide onsite
- PA and ABP Inspector on previous application did not consider proposed development to Materially Contravene the Development Plan
- Can provide Material Contravention Statement if required
- There is a strong need for student accommodation in this area
- Perspective development is supported by Limerick City and County Council

**Planning Authority's Comments:**

- Have regard to Chief Executive Report on previous application in relation to waste management
- PA confident there that proposed development meets the objectives of the Development Plan and does not Materially Contravene it.
- PA would not like to see any more retail on proposed site other than what is proposed.
- PA consider that redevelopment of this site is a positive outcome. Are positively disposed towards the development proposed.

**Conclusion**

The representatives of ABP emphasised the following:

- There should be no delay in making the planning application once the public notice has been published
- Sample notices, application form and procedures are available on the ABP website
- Irish Water would like prospective applicants to contact Irish Water at [cdsdesignqa@water.ie](mailto:cdsdesignqa@water.ie) **between the Pre-Application Consultation and Application stages**, to confirm details of their proposed development and their proposed design.
- The email address to which applicants should send their **applications** to Irish Water as a prescribed body is [spatialplanning@water.ie](mailto:spatialplanning@water.ie)

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Tom Rabbette  
 Assistant Director of Planning  
 June, 2020