



Case Reference / Description	Demolition of existing warehouse building on site, a ten-year permission for a mixed-use development of 18 no. houses, 363 no. Build to Rent apartments, 189 no. student bed spaces, childcare facility and associated site works. Canal Bank, Pa Healy Road, Park Road, Co. Limerick.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	9 th December 2020	Start Time	14:10 p.m.
Location	Via Microsoft Teams	End Time	15:15 p.m.
Chairperson	Rachel Kenny	Executive Officer	Ciaran Hand

Representing An Bord Pleanála:

Rachel Kenny, Director of Planning
Fiona Fair, Senior Planning Inspector
Ciaran Hand, Executive Officer

Representing Prospective Applicant:

Henk van der Kamp - RW Nowlan & Associates
Gary Lawlor - Client Representative
Neil Fanning - OCA Architects
Liam Gleeson - Gleeson McSweeney Architects
Philip O'Regan - PHM Engineering
Tim Paul - SLR Consulting

Representing Planning Authority

Donogh O' Donoghue, Assistant Senior Executive Planner
Rosie O' Donnell, Area Planner

Introduction

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant, Planning Authority (PA) and introductions were made. 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 11th September 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 17th August 2020 formally requesting pre-application consultations with ABP. The 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 on foot of ABP-306541-20**
- 2. Ecology, Biodiversity and Tree Survey**
- 3. Residential Amenity – (existing and proposed) Aspect of Units, Communal Facilities, Day Light & Sun Light Analysis.**
- 4. Transportation, Permeability, Access, Carparking**
- 5. Site Services**
- 6. Any Other Matters**

1. Response to Previous Refusal Reason on foot of ABP-306541-20

• **ABP Comments:**

- This proposed development is a repeat application of a development for which planning permission was previously refused, in May 2020, (ABP-306541-20) due to deficiencies in the submitted Natura Impact Statement.
- Clarification that there have been no significant design alterations to the proposed development compared to the previous application.
- Clarification on how the reason to refuse permission in the case of ABP-306541-20 has been overcome.
- Demonstrate the effectiveness of mitigation measures being undertaken
- There is a need to provide a survey of bat activity / roosts / foraging on the site.
- Assessment of the impacts of the proposed development on Bats.
- Explain the type and method of bat survey being undertaken and justify reference to UK Guidelines and clarify that Irish standards and guidelines have been considered and adhered to.
- Consideration with respect to site specific cumulative impacts on otter, floating river vegetation, birds and bats. Clarity of mitigation proposed, if any, in the Ecological Impact Assessment Report and NIS and clear consistency between the Ecological Impact Assessment Report and the NIS.

• **Prospective Applicant's Comments:**

- This application is almost an identical application to the previous application 306541-20. Some minor alterations in terms of residential support facilities.
- Cognisance is had to the reason for refusal on foot of 306541 – 20 and it will be fully resolved in any application submitted.
- A baseline ecology report incl. baseline surveys has been prepared.
- A tree survey has been prepared for the site and will be submitted with any application
- The Ecological Impact Statement Report states that there is no record of floating river vegetation on this site. This will be made clearer in submitted reports.
- Further survey of bats will be carried out and included in any application.

• **Planning Authority's Comments:**

- No comments

2. Ecology, Biodiversity and Tree Survey

• **ABP Comments:**

- Clarity is required in respect of site specific cumulative impacts on otter, floating river vegetation and bats.
- Further justification of the baseline surveys in the NIS and in the Ecological Impact Assessment Report, in particular with respect to bats.
- All potential impacts to be identified and how then will be addressed / mitigation proposed.

• **Prospective Applicant's Comments:**

- A site-specific ecological survey has been undertaken
- There are no habitats present on the site.
- There are no real obvious connections to Conservation Objectives of any Natura site.
- Habitat mapping has been undertaken and an otter survey completed.
- The site is not important for Otter and is of low ecological value in terms of habitats and birds.
- It is considered Stage II Assessment is required, given mitigation measures necessary.

- A comprehensive Construction Management plan and due diligence report has been carried out and will be submitted.
- A survey of bats will be undertaken.

- **Planning Authority's Comments:**

- No further comments.
- Applicant to have regard to the points raised in the CEO's report submitted to the Board.

3. Residential Amenity – (existing and proposed) Aspect of Units, Communal Facilities, Day Light & Sun Light Analysis.

- **ABP Comments:**

- Internal daylight sunlight analysis report / assessment required
- There is a need for a written synopsis to accompany the overshadowing analysis
- Have regard to SPPR7
- Detail communal and laundry areas
- Clarify what building height is being proposed, the number of houses and the car parking figures.
- All discrepancies and inaccuracies in the submitted documentation needs to be resolved.

- **Prospective Applicant's Comments:**

- In relation to amenities a separate laundry and gym is now being provided. The level of residential services and amenities has been improved from the previous application.
- Spaces will be defined and set out in the documentation and plans. In the previous application the thinking was that the management company would set out the non-residential uses.
- Height is a maximum of 10 storeys
- The proposed development is a mix of private, student and rental accommodation
- It is the most viable optional economically. Proposal allows development of this underutilised brownfield site in a positive and economically viable manner.
- The development has cognisance to its proximity to the Opera site and the city centre. Type of accommodation proposed reflects location and viability.
- A case will be made for the proposed Mix
- A case will be made for the type of accommodation proposed at this location specifically BTR apartments.
- Albeit the proposed development includes BTR apartments all standards set out in the apartment guidelines are met and exceeded with respect to communal open space, room sizes, dual aspect, balconies, with the exception of car parking standards.

- **Planning Authority's Comments:**

- Justify why a build to rent is suitable at this location
- Ensure that the standards are being met
- Examine if more 3-bed apartments can be included
- The proposed development is close to the city centre, on its edge.
- There is a Gael Scoil going in close by and lots of amenities and services in the area. Good location for private apartment / residential living.

4. Transportation, Permeability, Access, Carparking

- **ABP Comments:**

- Outline proposed links / connections to existing pedestrian and cycle infrastructure, in particular, along the canal tow path.
- Outline gated / controlled access and justify

- Justify why no pedestrian / cycle access is being proposed in the north east corner of the site onto the canal

- **Prospective Applicant's Comments:**

- Gated access is due to the appropriate assessment issues, protecting otter habitat i.e. minimising human activity on the towpath at night-time
- Additional access from the site to the north east onto the canal is not desirable
- The aim is to create strong busy routes, with a thoroughfare, overlooking and links to the parks.
- The area to the north east of the site comprises of communal open space / Class 2 and therefore an additional public access onto the canal at this point is undesirable.
- A strong cross route through the site will be provided and well detailed
- The towpath will link into the development via subservient routes. Strive to achieve a balanced approach and not to over dominate the tow path.
- Open space is parallel to the towpath and will be gated / controlled at night-time with the exception of the main east west route connection, it will remain open.
- The two parks to the west and east will be managed and closed at night
- The objectives set out in the Development Plan for Park Road have been taken into account in this proposal.
- The applicant / developer is happy to liaise with the planning authority's roads department to resolve any issues prior to lodging an application.

- **Planning Authority's Comments:**

- Satisfied with connectivity to the towpath
- Roads will become busier due to the one-way system on the bridge being replaced with a two-way system
- Park road currently has no bicycle lanes
- They may need to be provision made for a set-back for the cycle way
- Further consultation needs to take place with roads / transportation department of LC and CC
- Cognisance needs to be taken of Limerick city centre traffic study

5. Site Services

- **ABP Comments:**

- Clarification that all issues raised in the operations and maintenance services and physical development department with respect to storm water drainage network have been resolved.
- Flood Risk Assessment
- FFL's of buildings
- A hydraulic analysis of the proposed storm water drainage network is required
- A portion of Block A lies within Flood Zone A
- Blocks 1, 2, 3 lie partially within Flood Zone B
- Blocks Flood risk. FFL Block 1 to be a minimum of 5.75m AOD

- **Prospective Applicant's Comments:**

- Buildings FFL's are above flood level
- Building 1 / Student accommodation and the café and retail units at Pa Healy road have been brought to a level below the recommended 5.75m AOD FFL for universal access and accessibility purposes. This will be looked at again in conjunction with the planning authority and its operations and maintenance services and physical development department. The matter will be satisfactorily bottomed out prior to any application.
- Flood zones A and B are marginally in the southern corner

- **Planning Authority's Comments:**

- The ground floor level of block one shows a level of 5.25 metres
- This needs to have a level of 5.75 metres

6. Any other matters

- **ABP Comments with regard to application:**

- Justify why a 10-year permission is being sought
- A detailed phasing plan for construction of the development is required.
- Each court judgement for SHD puts a greater emphasis on level of details required in a SHD application.
- All inconsistencies need to be resolved prior to an application being submitted
- Applications need to be to a high standard and not rely upon discretion.

- **Prospective Applicant's Comments:**

- The applicant proposes to apply again for a 10 year planning permission. Given the scale of the development proposed and its location on the edge of Limerick City Centre.
- A detailed justification of the need for a 10 year planning permission and a strong phasing plan for roll out and completion of the proposed development in a timely fashion will be made at application stage.

- **Planning Authority's Comments:**

- The phasing plan needs to be strong and have cognisance to any possible slowdown in the market. Completion of the development to a satisfactory standard is of utmost importance. An unfinished development would be highly undesirable.

- **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 **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

Rachel Kenny
Director of Planning
December, 2020