



An  
Bord  
Pleanála

## Inspector's Report 302970-18

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<b>Development</b>	A memorial to honour Limerick City and County Fallen of World War I both civilian and military
<b>Location</b>	Peoples Park, Upper Mallow Street, Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	18/842
<b>Applicant(s)</b>	Edmund Earl of Limerick
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Edmund Earl of Limerick
<b>Observer(s)</b>	Tara Robinson Jennifer Moroney-Ward & Others
<b>Date of Site Inspection</b>	6 <sup>th</sup> February 2019
<b>Inspector</b>	Mary Kennelly

## **1.0 Site Location and Description**

- 1.1.** The site is located within the Peoples Park on the corner of Pery Square and Upper Mallow Street, in Limerick City Centre. The Peoples Park is located approx. 3 street blocks (c.180m) to the east of O'Connell Street, and is just to the west of the Train Station and Bus Station. It is located to the south of the main retail core area and there is a mix of uses in the area surrounding the park, but is mainly residential. The park is the principal park in Limerick City and was originally designed as part of the Newtown Pery area, which had envisioned a Georgian Square with a park similar to Merrion Square at Pery Square. However, only one terrace was constructed on the western side of the park. Later, the park area was extended northwards as far as Upper Mallow Street to incorporate part of the lands that had been intended for Georgian housing. It is owned by the Earl of Limerick and is under a 500year lease to the City and County Council for use as a public park. There is an existing Cenotaph Memorial monument to the victims of the First & Second World Wars which is located at Pery Square, opposite the entrance to the People's Park.
- 1.2.** The People's Park is entered from the corner of Upper Mallow Street and Pery Square via an ornate freestanding ashlar gate with wrought iron gates. This entrance is situated immediately adjacent to the Carnegie Building, (1903), which is a limestone building which houses the Limerick City Art Gallery. This building has been extended in the past and incorporates a café which overlooks the park. There are several ornamental features and a monument within the park. The central feature is the Rice Memorial, which is a sculptured statue on a tall Greek Doric column, which in turn, is placed on an octagonal base set within a grassed mound. The monument is centrally located within the park. Other features include a 19<sup>th</sup> century bandstand, an ornate drinking fountain, two gazebos, a children's play area and a memorial garden to the 'Little Angels of Limerick' (2002). The band stand and the ashlar entrance are listed on the National Inventory of Architectural Heritage.
- 1.3.** The site area is given as 0.12ha. It is located just inside the entrance and incorporates a tri-angular shaped grassed area immediately to the northwest of the children's playground. It extends along the northern boundary of the park (defined by a plinth wall and railings) for a distance of c.65m and alongside the pathway leading from the entrance alongside the Art Gallery for c.63m. The boundary with the

playground is defined by a beech hedge. The triangular area incorporates an existing pathway which runs parallel to the northern railings.

## **2.0 Proposed Development**

- 2.1.** The Earl of Limerick proposes to erect a memorial to the victims of the First World War from Limerick City and County, including civilian and military. The memorial consists of a stone cross, 4.24 metres in height, with eight stone tablets. Each of the tablets would be 2.2m in height and would contain the names of victims. In addition, it is proposed to provide 3no. stone benches (1m x 3.7m, and 0.45m in height) and associated gravel paths, which would link to the existing network of park paths. It is stated that it is intended to retain all existing trees and vegetation.
- 2.2.** The application was accompanied by a Design Statement. This sets out the background to the project including the reasoning for the choice of location at the People's Park as well as the design of the memorial. The proposed cross would be located at the eastern end of the grassed area and the proposed tablets would be arranged on either side, (four on each side) radiating outwards and set with a V-shaped gravel path. The path would generally follow the line of the existing path within the site and the line of the beech hedge. The area opposite the apex of the 'V' would accommodate the stone benches, which would also be set within a gravel path, and would face the cross.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to refuse permission for two reasons. The first related to insufficient estate or interest in the relevant land to enable the development to be carried out. The second reason was based on the creation of a precedent for similar type of development and on the impact that the development would have on the established amenity of this section of the park.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The planning report (12/10/18) noted that Limerick City and County Council is the trustee of a 500 year lease from the 29<sup>th</sup> September 1876. The Area Planner noted that the lessor does not reserve the right to himself to erect a monument in the park and in the absence of the written consent of the leaseholder (LCCC), it was considered that there was insufficient legal interest to make the planning application. Reference was made to various policies in the City Development Plan relating to public open space, parks, recreational amenities and protection of trees. Reference was also made to objections from third parties. Seven objections were received, including ones from the Observers, the main issues of which are summarised below. The Area Planner also referred to the Internal report from the Parks Dept., which is also summarised below.

It was considered that the proposal would interfere with the amenity of the park which is characterised by attractive green areas and mature trees, and includes an area with art installation cows on the site, which was considered to be a de facto extension of the play area. Concern was also raised regarding the impact on existing trees including root zoning. Regard was also had to the presence of an existing war memorial outside the park. It was considered that the proposal would be contrary to policy LBR.12 which seeks to protect and improve green areas that provide for passive and active recreational needs of the population. Refusal was recommended.

### **3.2.2. Other Technical Reports**

**Parks Department** – Refusal was recommended on the grounds that the proposed memorial would dominate the proposed site, would endanger the Copper Beech tree and Persian Ironwood, which are worthy of preservation and would detract from the existing use of the space with the cow art installations. It was stated that the two trees are the best specimen trees in the park and are to be the subject of T.P.O.s in the near future. It was stated that the park is a highly valued amenity and a place of peace and solitude dominated by trees, shrubs, flowers and green spaces and the proposed development would detract from the primary function of the park.

Reference was also made to the existing war memorial, which was estimated to be c.50m away.

### **3.3. Prescribed Bodies**

3.3.1 None.

### **3.4. Third party observations**

The observations may be summarised as follows:-

- The proposed cross is very large and is a religious type of relic from the past. The large cross is divisive and unrepresentative of our multi-cultural society. It would duplicate the existing war memorial outside the park on Pery Square. The introduction of a large war memorial would destroy the spirit and joyful character of the park, which is used daily by families and people of all ages.
- The People's Park is an unsuitable location for such a monument. The green area is actively used by the community. It is the only park in the city centre and the only green space for city centre residents with no gardens. The Park represents a public space and should be retained as an area of peace and tranquillity. The development would detract from the intended use of the park.
- The design and scale of the proposed memorial is inappropriate. The scale of the cross and tablet stones is excessive and would be overbearing and dominate the park. It fails to provide the public with cause to reflect on the killing and suffering caused by war. It does not reflect contemporary remembrance work and is not inclusive or of any artistic merit.
- The nature and scale of the memorial would set a dangerous precedent for similar development in our public open spaces, particularly in view of the large number of names to be displayed on the tablets. Where would it stop if we were to display the names of all those who died in conflicts in the past.
- There has been no public consultation with the community and the procurement process is not clear.

## **4.0 Planning History**

4.1. None

## 5.0 Policy Context

### 5.1. Limerick City Development Plan 2010-2016 (as extended)

5.1.1. The site is zoned Public Open Space, the objective for which is to retain all land dedicated to Public Open Space. The People's Park is designated as a District Open Space in the hierarchy of open spaces (LBR.14), which is described as an open space with the potential to provide a range of facilities and activities for the neighbourhood. The site is also located within ACA 1A South City Centre and Newtown Pery ACA.

5.1.2. Chapter 11 Landscape, Biodiversity and Recreation, includes a range of policies relating to the retention, protection and enhancement of public open space and the landscapes of the city. The following is a summary of the main policies that are considered relevant:

- **LBR.1** – seeks to ensure that Limerick's landscape, biodiversity and recreational facilities are preserved and enhanced.
- **LBR.2** – Preserve and enhance Limerick's landscape assets and key landscape sites, as well as views and prospects.
- **LBR.10** – Trees and woodlands – protect and maintain existing important individual and groups of trees from development risk, provide additional tree planting of native deciduous trees.....in order to benefit local biodiversity.
- **LBR.12** – to protect existing green areas and public open spaces which provide for the passive and active recreational needs of the population....
- **LBR.14** - to protect, retain and improve areas of POS for recreational and amenity purposes.
- **BHA.18** – South City Centre and Newtown Pery ACA – to protect and enhance the special heritage values, unique characteristics and distinctive features of ACA 1A....from inappropriate development affecting the external materials and features defined in the 'Statement of Character and Key Threats to Character'.

## **5.2. Natural Heritage Designations**

Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) lie approx. 400m to the west.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

This is a first-party appeal. The main points raised may be summarised as follows:

- The applicant, whose family issued a lease to the local authority in 1877, has given approval to the Council to carry out numerous projects over the years. The most recent example of this is represented by a letter from Limerick City and County Council requesting permission to erect an air quality monitor in the People's Park (beside the Art Gallery). This letter was issued one day after the notice to refuse permission was issued.
- The legal position is that the applicant is the owner of the freehold and leases it to the Council. Within the lease, there is a provision to provide a trustee to oversee the maintenance of the lease, collect annual rents and oversee that the lease is maintained and supported as per the agreement.
- The People's Park was originally designed as a memorial park and includes the Spring Rice Memorial column and the Richard Russell Triumphal Memorial Arch. The proposed memorial is therefore appropriate.
- The claim that the proposed monument would create a precedent is disputed on the grounds of the existing monuments within the park. These include the Rice monument, the Triumphal Arch, the Children's Memorial (2002), the restoration of the ornate fountain and the Denis Leonard Memorial unveiled in 2010. These examples also show that the P.A. is conversant with the terms of the lease which allow the erection of such memorials, with the agreement of the Earl of Limerick.
- The proposed memorial has been designed to complement the landscape and layout of the park and scaled down to fit sympathetically into the overall ambience. The tribute to approximately 1,350 citizens of Limerick City and

County, both civilian and military is long overdue to honour them and their families. Many of the fallen would have come from this part of Limerick and would have left for France from the railway station nearby.

- The setting requires a location away from traffic and noise that will be conducive to quiet reflection. The People's Park is the ideal location.

## 6.2. Planning Authority Response

The P.A. has not responded to the grounds of appeal.

## 6.3. Third party Observations on the grounds of appeal

Two third party observations were received from Tara Robinson and Others (5/12/18) and from Jennifer Moroney-Ward and Others (7/12/18). The following points were made:

- **Replicating an existing monument** - There is a significant war memorial outside the park, 50 metres from the site of the proposed memorial. This cross is very similar to the proposed monument and plays a strong visual role and is used as a commemorative site. The Civic Trust is planning to develop a War Museum in Limerick, and it is considered that this might be a more appropriate location for a memorial such as that proposed.
- **Appropriateness of site** - The proposed memorial is completely at odds with the spirit and function of the park. It is a place of community, joy and play where children, families and people of all ages gather to spend peaceful and happy times. It is not a suitable location for a war memorial which is associated with sadness and despair of war times. A memorial such as this should be located in a more contemplative location to provide for solemn and respectful remembrance of those who died. It would also displace the interactive public art installation, the horses, which is much-loved. The park is also reflective of the multi-cultural and multi-denominational nature of the city, where communities mix together. The monument is not inclusive or reflective of this culture.



- **Size and Scale** - The design and scale is overpowering and oppressive and would be too close to the entrance to the park and to the only city centre children's playground. It would set the tone for the park, which is currently a child friendly place. It is not sympathetic to its surroundings. The references in the grounds of appeal to other memorials in the park do not reflect the reality of the situation. These other memorials are small in scale and relatively unobtrusive, whereas the current proposal is excessive.
- **Design** – it is unacceptable as a commemorative or remembrance art work. It has little artistic merit. The large cross would loom over the viewer and dominate the small park, particularly given the low-level landscaping. The use of religious iconography is inappropriate and the proposed upright slabs with the names and the large benches would be visually disruptive.
- **Impact on health and wellbeing** – the park is of enormous importance to the people of Limerick and of the city centre area. It is a place to be close to nature and there are magnificent trees. It would be a retrograde step to introduce a large sombre grey stone monument in a green space. It is not clear how the trees would be protected.
- **Consultation** - There has been no consultation with the community and those who live near and use the park regularly.

## 7.0 Assessment

It is considered that the main issues arising from the appeal are as follows:-

- Compliance with Public Open Space Policy
- Impact on amenity value of People's Park
- Impact on visual amenity of the area
- Legal interest

### 7.1. Compliance with Public Open Space policy

- 7.1.1. The site is zoned Public Open Space, (ZO6A) the objective for which is to retain all land dedicated as P.O.S. The most relevant policies are considered to be LBR.12

and LBR.14, each of which seek to ensure the protection and retention of such public open spaces for recreational and amenity purposes, including the provision for the active and passive recreational needs of the population. In the hierarchy of open spaces set out in Chapter 11, the People's Park is designated as a District Open Space, which is defined as having the potential to provide for a range of facilities and activities for the neighbourhood. However, the park is also described in the CDP as being the only park in the City Centre. As it is close to the bus and train stations as well as to inner city offices/commercial space and housing/apartments, it has an important role as both a city centre civic/public amenity and as a neighbourhood park. It is considered that the pleasant green spaces, which are accentuated by fine tree specimens and attractive shrubbery, plants and flowers, together with a formalised playground, help the park to fulfil this role and meet these objectives.

- 7.1.2.** The proposed replacement of a simple landscaped green space in a prime location inside the entrance, which would be prominently visible from a number of key areas of the park, (such as the Art Gallery, the playground and the formalised pathways around the Rice monument), with a large imposing and formalised war memorial would significantly alter the existing character of both the green space itself and of the park. It is considered that it would fail to protect an existing greenspace for the recreational and amenity needs of the general population of the city, as it would create a very prominent new space within the park which would be dedicated to a specific cause.
- 7.1.3.** The existing green space serves both as an attractive visual relief which, as a landscaped space is also integral to the character of the park, and an area with art installations which doubles as a sitting out area. Although the proposed new space incorporates seating and does not physically exclude the general population, the nature and scale of the memorial is such that it would be likely to deter people from using it as a casual greenspace. The proposed development which would be visually imposing, would therefore create a new 'sense of place' with a specific theme, which would profoundly influence the ambience of the park just inside the entrance. It is considered, therefore, that the proposed development would contravene policy objectives LBR.12 and LBR.14, as it would no longer serve as an active and passive recreational space for the general population and it would undermine the civic and neighbourhood roles of the park.

## **7.2. Impact on the amenity value of the People's Park**

- 7.2.1.** The primary amenity value of the park is that it provides a green and tranquil oasis in the middle of the city and adjacent to the inner city working and residential population. Several elements contribute to the amenity value of the park and of the green space. It is enhanced by the soft landscaping, including the fine tree specimens, and the hard landscaping including the ornate Victorian structures/features. There is a considerable number of memorials/monuments both within and adjacent to the park, which also contribute to the amenity value, the sense of community and the cultural/historical significance of the park. The ornate triumphal arch entrance is heavily inscribed and the Rice monument, being a sculpture erected on a giant Doric column, forms a dominant and imposing feature within the park. It is considered, however, that the introduction of a further memorial of such a large, imposing scale could be viewed as over-saturation of the character of the park with memorials and monuments. This would undermine the amenity value and recreational role of the park.
- 7.2.2.** The siting of the memorial immediately inside the entrance, directly adjacent to the playground and forming the main outlook from the Art Gallery café would detract from the amenity value of the green space. The proposed development would introduce a visually prominent cross, 4.2m in height, flanked by a row of tall stone slabs (2.2m high) on either side with names engraved on them, with a seating area completing the circular nature of the space. It is considered that the spatial extent of the memorial, combined with the physical stature of the various elements, would create a very imposing feature which would reduce the amenity value of this part of the park. The P.A. Parks Dept. raised concerns about the impact on the specimen trees, (a Copper Beech and a Persian Ironwood), which are to be the subject of T.P.O.s in the near future. I would share this concern as the foundation for the structures, together with the laying of new paths and the additional footfall that would be attracted, particularly for ceremonial events, would be likely to endanger these trees. The juxtaposition of the sombre memorial with the children's playground is also of concern, as well as the displacement of the art installations, as it would further undermine the recreational amenity value of the space.

### **7.3. Impact on visual amenity of the area**

- 7.3.1.** The People's Park forms an integral part of the South City and Newtown Pery ACA, (ACA 1A), and it is, therefore an important element of the historical and cultural heritage of this part of the city. The park itself forms an important part of the historical development of the area, as it was originally intended to form a green space to serve a Georgian Square residential development, similar to Merrion Square or St. Stephen's Green. The western side of Pery Square is composed of the section of Georgian terrace and with the park, frames views of St. Michael's Church. The character of the park is strongly influenced by a number of historical and ornamental features within it, such as a 19<sup>th</sup> century band stand, an ornate drinking fountain and two gazebos. In addition, the ornate and imposing stone entrance and the equally imposing Rice monument add significantly to the historical and cultural character of the open space. The presence of the Art Gallery, which is housed in the Carnegie Building, the siting of which straddles the park boundary, is also quite strongly influential. It was noted during my site inspection that the café for the Art Gallery overlooks the green space upon which the memorial would be placed.
- 7.3.2.** Policy BAH.18 seeks to protect and enhance the special heritage values, unique characteristics and distinctive features of the ACA, which would include the features that contribute to the special character of the park and the Newtown Pery area. It should be noted that both the entrance and the bandstand are listed on the NIAH. It is considered that the introduction of a large memorial, just inside the ornate entrance of the park, which would occupy a prime location adjacent to and overlooked by the Art Gallery café, would profoundly alter the character and composition of the historically and culturally significant open space, and would interfere with the setting of the triumphal arched entrance. It would, therefore, fail to protect and enhance the special heritage value of the People's Park, which is an integral part of the ACA, and would seriously injure the visual amenities of the area.
- 7.3.3.** The Board should note, however, that this issue may constitute a new issue, in which case it may consider it necessary to circulate the parties in the event that the Board decides to rely on this issue as a reason for refusal.

#### **7.4. Legal interest and other matters**

**7.4.1.** The first reason for refusal relates to insufficient legal interest to undertake the development. The appellant has argued that it does have sufficient interest. It is considered, however, that it is a matter for the developer to ascertain that there is sufficient interest in the lands to enable the development to be implemented. Section 34(13) of the Planning and Development Act 2000, as amended, states that

“A person shall not be entitled solely by reason of a permission under this section to carry out any development”.

**7.4.2.** The appropriateness of the means of expression of the theme of the monument, such as the inclusion of religious icons, the artistic merit, the inclusiveness and nature/forcefulness of the message to be conveyed are not considered to be planning matters.

#### **7.5. Environmental Impact Assessment**

Having regard to the nature, size and location of the proposed development, 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.

#### **7.6. Appropriate Assessment**

Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) lie approx. 400m to the west. There are no known hydrological links to the protected sites. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

## 8.0 Recommendation

8.1 It is recommended that permission be **refused** for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

1. Having regard to the important role of the People's Park as a civic amenity space which provides for the recreational and amenity needs of the population of Limerick City, the proposed development, by reason of the sombre nature of the war memorial, which is dedicated to a specific cause, and its excessive scale and spatial extent, would replace a landscaped green space, including art installations adjacent to a playground, with an imposing feature which would undermine the recreational amenity value of the space and would significantly alter the character of the park and its role as a designated public open space. It is considered that the proposed memorial would also introduce a further set of monuments to a public open space which is already heavily endowed with such features, which would further detract from the recreational amenity value of the park. The proposed development would, therefore, contravene policies LBR.12 and LBR.14 of the current Limerick City and County Development Plan 2010-2016 (as extended) and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the People's Park within the South City Centre and Newtown Pery Architectural Conservation Area, which includes structures of historical and cultural interest such as the NIAH listed stone entrance gate designed in the form of an ornate triumphal arch, to the location of the proposed memorial in a prominent position immediately adjacent to the entrance gate, it is considered that the proposed development, by reason of its design, scale and siting would profoundly alter the character and composition of the historically and culturally significant open space, and would interfere with

the setting of the stone entrance. The proposed development would, therefore, contravene policy BHA.18 to protect and enhance the special heritage value of such features forming a part of the ACA, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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Mary Kennelly  
Senior Planning Inspector

21<sup>st</sup> February 2019