



An
Bord
Pleanála

Inspector's Report ABP 304028-19

Development

Redevelopment of the Opera site for mixed use development including offices, retail and non retail services, cafes/restaurants, licenced premises, apart-hotel, civic/cultural uses, residential, refurbishment of protected structures and open space.

Location

Site bounded by Michael Street, Rutland Street, Patrick Street and Bank Place, Limerick.

Applicant

Limerick City and County Council

Type of Application

Local Authority Project
Section 175 Planning and
Development Act 2000, as amended.

Observers

1. Bon Secure Hospital Limerick
2. Brown Thomas
3. Cait Ni Cheallachain
4. Connolly Menswear & Others

5. Elizabeth Hatz
6. Euro Car Parks
7. Gerard Carty
8. Hugh Murray
9. Hunt Café and Catering Company
10. IDA Ireland
11. International Rugby Experience
12. Jan Frohburg
13. Limerick Chamber
14. Limerick Chapter of Irish Georgian Society
15. Labour Party Limerick City Constituency
16. Limerick Civic Trust
17. Mary Immaculate College
18. Matthew Stephens Jewellers
19. Office of Public Works
20. Peter Carroll
21. Shannon Foynes Port Company
22. Shannon Group
23. Tara Robinson
24. Tesco Ireland Ltd.
25. The Hunt Museum
26. Tiernan Properties Holdings
27. UL Hospital Group
28. University of Limerick

Prescribed Bodies

1. An Taisce, Limerick Association
2. Department of Culture, Heritage

and the Gaeltacht

3. Geological Survey of Ireland
4. HSE West
5. Inland Fisheries Ireland
6. Irish Water
7. National Transport Authority
8. Transport Infrastructure Ireland

Oral Hearing

26th and 27th November, 2019

Dates of Site Inspection

29th October and 25th November, 2019

Inspector

Pauline Fitzpatrick

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1.0 Site Location and Description

- 1.1. The site, which has a stated area of 2.35 hectares, comprises almost an entire urban block located at the northern end of Limerick City centre. It is to the south of the River Abbey in proximity to its confluence with the River Shannon. The site is largely in public ownership. 4 no. buildings at the north-western corner at Bank Place and Rutland Street do not form part of the site.
- 1.2. The site is bounded by Rutland Street and Patrick Street to the west, Ellen Street to the south, Michael Street to the east and Bank Place to the north. Its perimeter comprises of largely intact Georgian terraces to Ellen Street, Patrick Street and Rutland Street. The buildings are predominately 3 to 5 storeys in height with the Granary building on Michael Street being 4 storeys. There are 2 no. buildings which are protected structures, namely the former Town Hall on Rutland Street and the Granary on Michael Street. The Bruce House Doorway at 6/7 Rutland Street is also listed for protection. There are a further 5 buildings on the National Inventory of Architectural Heritage.
- 1.3. The Cahill May Roberts Building fronting onto Bank Place is a 1960s building, with existing and unused warehousing/workspace buildings in the centre of the site (Bogue's Yard and Watch House Lane). Access to the centre of the site is by means of laneways, namely Glover's Lane between the former Town Hall and No.1 Patrick Street and a carriage arch at No.7 Ellen Street. Access is also available from Bank Place. There is a surface car park in the south-eastern corner of the site.
- 1.4. The majority of the buildings are currently vacant with some small retail and non-retail uses remaining at ground level in the Georgian structures. The Granary building is occupied by a restaurant and bar/nightclub at lower ground floor level with offices uses accommodated on upper levels whilst Limerick City Library is located in a 3 storey modern extension to the rear. The building at No. 7 and 8 Patrick Street is in use as offices.
- 1.5. The vicinity of the site is characterised by a varied mix and intensity of uses. Mixed use and retail predominate to the south and west with office and cultural use to the north-west and north-east and a mix of office and residential along Michael Street to the east. Surrounding streets are predominately 4 storeys of varying architectural designs and character. Of note the Hunt Museum (former Custom House) is 2 to 3

storeys with Sarsfield House constructed in the 1970s 7 storeys in height. On Michael Street offices and residential buildings are up to 4 storeys. To the north east Charlotte's Quay comprises predominantly of 4-6 storey buildings.

- 1.6. The R445 which bounds the site to the north extends eastwards out of the city connecting to the Parkway Shopping Centre and the University of Limerick campus. The R445 also bounds the site to the west (Rutland Street and Patrick Street) and extends to the main retail area of the city centre on O'Connell Street. One way traffic is facilitated along same with traffic travelling in a southerly direction.

2.0 Proposed Development

- 2.1. The proposal entails both demolition, adaptive reuse and new build to provide for a mixed use scheme of primarily office uses, supported by a range of retail/non-retail services, café/restaurant, licenced premises, apart-hotel, civic/cultural use, residential and open space.

It comprises:

- 2.2. **Demolition** of the following:

- Nos. 6 & 7 Rutland Street
- Nos. 6 & 7/8 Patrick Street and 3 Ellen Street
- Former Cahill May Roberts office building on Bank Place
- Warehousing/industrial buildings at Bogues Yard and Watch House Lane in the centre of the site.
- Modern additions/extensions to the rear of the Granary Building and to the rear of heritage structures fronting onto Rutland Street, Patrick Street and Ellen Street.
- Surface car park at Ellen Street
- Structure adjoining to the south of the former Town Hall

2.3. Proposed Development

The internal gross floor area of the proposed mixed use development exclusive of basement is stated to be 45,170 sq.m. The overall proposed gross floor area is 53,531 sq.m.

For the ease of reference the site is divided into 7 parcels.

2.3.1. **Parcel 1 – Corner of Michael Street and Ellen Street**

Replacement of an existing surface car park with a 4 to 6 storey building comprising of retail and restaurant/café/bar at ground floor level with office use on the upper levels. The building has a stated gross floor area of 14,098 sq.m.

The upper two floor levels are to be set back allowing for roof terraces.

2.3.2. **Parcel 2A – Corner of Patrick Street and Ellen Street**

Demolition of existing office building. Construct 5 storey apart-hotel with café/bar/restaurant at ground floor level. Nos. 4-6 Ellen Street are to be refurbished and modified with retail at ground and basement level. The upper levels will comprise apart-hotel units linked by a bridge access from the new apart-hotel building. The overall apart-hotel will have a stated area of c.5,151 sq.m. with 57 units (6 of which are located in 4 & 5 Ellen Street). The main hotel access will be located at the corner of Patrick Street and Ellen Street.

This parcel also provides for the refurbishment and adaptive reuse of Nos. 7-8 Ellen Street and Nos. 1-5 Patrick Street to provide for retail use at ground and basement levels and 13 no. residential units over in the following format.

- 6 no. 1 bed apartments
- 4 no. 2 bed apartments and townhouse
- 1 no. 3 bed townhouse
- 2 no. 4 bed townhouses

2.3.3. **Parcel 2B**

No. 9 Ellen Street (Quinn's Pub) to be refurbished with bar/restaurant/café uses on all levels with a gross floor area of 1260 sq.m. The internal courtyard is to be

retained and a new glazed circulation link proposed to meet building control requirements.

2.3.4. **Parcel 3A4**

Renovation and adaptation of the former Town Hall which is a protected structure and Nos. 8 & 9 Rutland Street, demolition of building extensions to the rear and replacement with a full height glazed atrium to the new plaza. Nos. 6 & 7 Rutland Street are to be demolished and replaced stepping up to 4 and 5 no. floors to the rear.

The Town Hall as refurbished and extended is to house the City and County Library with a stated floor area of 4,147 sq.m with provision for a cafe in the basement with a floor area of 250 sq.m.

The new build structure will provide commercial office floor space over 4 and 5 storeys with a stated floor area of 2,581 sq.m.

The Bruce House Doorway at 6/7 Rutland Street (protected structure) to be relocated to the internal gable of No. 8 Rutland Street within the new library building atrium.

2.3.5. **Parcel 3B**

Refurbishment and adaptive reuse of Nos 4-5 Rutland Street to provide for retail use at ground and basement level with residential use on upper levels providing for 3 no. 2 bed apartments. Private open space is proposed to be provided in new balconies to the rear or ground/podium level private gardens as appropriate.

2.3.6. **Parcel 5**

Demolition of existing office building and construction of a new landmark building principally 14 storeys in height with a 15 storey element providing for enclosed plant. The stated floor area is 12,331 sq.m. The building will be 66.1 metres high (71.5 m OD).

2.3.7. **Parcel 6**

Retention of existing 4 storey Granary Building which is a protected structure to be retained in office use (c.2135 sq.m.) and restaurant/licenced premises (580 sq.m.).

The proposal includes the demolition of the existing modern library extension to the rear and introduction of circulation cores.

2.3.8. **Open Spaces**

- New public square/plaza in the centre of the site (c.4013 sq.m.)
- North-south public space to the rear of the Granary Building (c. 778 sq.m.)
- Enhanced public space at Bank Place (c. 1775 sq.m.).

Pedestrian links via the open spaces are proposed from Bank Place, the widening of Glover's Lane from Patrick Street, use of the archway in Ellen Street and a new access from Michael Street.

The proposed development also includes environmental improvement works to the adjacent public streets.

2.3.9. **Parking**

Basement car parking for 155 spaces and 311 bicycle spaces accessed from Michael Street. Ancillary services including plant, attenuation, storage, refuse management etc. also to be provided at basement level.

2.3.10. **Site Services**

It is proposed to discharge attenuated and treated surface water via a new separate surface water network which will discharge through a new outfall to the Abbey River.

2.3.11. **Phasing**

The enabling works and construction of the basement would comprise the 1st phase with development works progressing from north to south commencing with the new tall building fronting onto Bank Place.

Permission is being sought for 10 years.

2.4. **Planning Documentation**

The application is accompanied by:

- Planning Report
- EIAR
- Appropriate Assessment Screening Report and Natura Impact Statement

- Architectural Design Statement
- Mobility Management Plan
- Masterplan
- Schedule of Areas
- Construction Methodology and Phasing Management Plan
- Infrastructure Report
- Outline Construction and Demolition Waste Management Plan
- Public Realm Design Statement
- Photomontages
- Existing Building Individual Records
- Existing Historic Building – Overview
- Plans and Drawings.

2.5. ***Further Information***

A request for further information was issued on the 23/07/19. A response to same was received 23/09/19 and included further details on daylighting and sunlighting, architectural heritage and additional photomontages.

3.0 **Planning History**

3.1. Section 4 of the Planning Report accompanying the application and the submission by Mr. Gavin Lawlor to the oral hearing detail the planning history on the overall site.

Of note:

3.2. **2006** - PL30.218229 (05/550548) – permission granted for retail/services accommodation on 4 floors including approx. 28,000 sq.m. gross of retail/public house/restaurant/food court facilities in new shopping mall. 4 Patrick Street will be redeveloped as a civic amenity and No.9 Ellen Street to be reroofed and redeveloped for a public house and restaurant. The proposal includes the construction of additional two floors of car parking atop existing Denmark Street multi-storey car parking linked to the commercial development by a high level bridge

spanning from the car park over Market Alley and across Ellen Street. A standalone 3 storey café bar/restaurant at Bank Place facing a new landscaped plaza also formed part of the development.

- 3.3. **2008** – PL30.231180 (08/770173) permission granted for reconfiguration and redesign of previous permission (summarised above) with a gross floor area of 38,541 sq.m.
- 3.4. **2017** – 17/8007 Part 8 application for the regeneration of the Opera Site for a mixed use development comprising office, retail, licensed premises and cultural uses. Application withdrawn.

4.0 **Policy and Context**

4.1. **National Policy**

4.1.1. ***Project Ireland 2040 National Planning Framework***

National Policy Objective 11– in meeting urban development requirements there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 13- in urban areas, planning and related standards including, in particular, building height and car parking will be based on performance criteria that seek to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

In terms of Limerick City and Metropolitan Area the key future growth enablers cited include:

Implementation of the Limerick 2030 economic strategy to create modern, city centre office accommodation and a series of transformational City Centre public realm projects.

4.1.2. *Urban Development and Building Heights – Guidelines for Planning Authorities, December 2018*

SPPR 1 – in accordance with Government policy to support increased building height in locations with good public transport accessibility, particularly town/city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment and infill development to secure the objectives of the NPF and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

Table 2.2 sets out the development management criteria which must be satisfied when making a planning application.

4.1.3. *National Architectural Heritage Protection Guidelines for Planning Authorities 2011*

The guidelines detail development plan and development management requirements and sets out conservation principles and detailed guidance notes.

4.2. *Regional Policy*

4.2.1. *Mid West Regional Planning Guidelines 2010-2022*

Vision for the Region

Limerick Ennis Shannon - The city core of this area would develop as a vibrant multi-purpose zone with a population of a size capable of supporting a high level of social and commercial activity.

4.2.2. *Southern Assembly Draft Regional Spatial and Economic Strategy 2018*

Within the strategy there is a Metropolitan Area Strategic Plan for Limerick (MASP). It identifies the Opera site as a key strategic site.

It also seeks the densification of development in the City Centre, including identification and assembly of brownfield sites for development.

4.2.3. *Mid - West Area Strategic Plan 2012-2030*

The Mid-West Area Strategic Plan (MWASP) incorporates a 'Planning, Land Use and Transportation Strategy' for the Mid West region.

A key objective includes strengthening the role of Limerick City and its environs (Metropolitan city) as the core economic driver for the region;

4.3. **Local Planning Policy**

4.3.1. **Limerick City Development Plan 2010 (as extended)**

Variation No.4 of the plan was adopted in January 2015 and comprised of the incorporation of the Limerick 2030 Economic and Spatial Plan.

The site is within the City Centre Retail Area Zoning Objective the aim being to support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the City Centre as defined in the 2030 Economic and Spatial Plan.

The site is within the zone of archaeological potential for the historic town of Limerick which is listed as a recorded monument (RMP LI005-017).

Policy TR.10 – construct the inner orbital route to facilitate the efficient movement of traffic around the City Centre and streetscape enhancement works including street pedestrianisation and pedestrian priority schemes. (*Note: The said route runs to the west of the site along Patrick Street and Rutland Street and to the north of the site along Bank Place towards Charlotte’s Quay*).

Policy BHA.4 – protect Limerick’s historic street pattern, and in particular, seek to conserve and enhance the laneways within the setting of the streetscape and seek to retain and protect historic building lines and traditional plot width where these derive from medieval origins.

Policy BHA.11 – positively encourage and facilitate the careful refurbishment of the Structures of Architectural Heritage merit and Protected Structures for sustainable and economically viable uses.

Policy BHA.13 – to facilitate developments to Protected Structures that do not materially affect the architectural character employing conservation best practice standards for any purpose compatible with the character of the building and to make available financial assistance where possible.

Policy BHA.16 – any proposals for alterations or extensions to a Protected Structure should ensure that there is no damage to the special character of the Protected

Structure....and that any extensions should be appropriate in terms of architectural design, treatment, character, scale and form.

Policy EDS.2 – facilitate the sustainable redevelopment of sites identified in the 2030 Economic and Spatial Plan for Limerick.

Policy EDS.14 – support the development of the City Centre as the primary location for higher order general office development in the City and Region.

Policy ACT.8 – require Arts and Culture infrastructure to be integrated into large scale re/development of key sites in the City Centre area which include lands in the Georgian Quarter.

Policy CC.1 – secure the goals and objectives set out in Limerick 2030 - An Economic and Spatial Plan.

Policy CC.5 – secure the development of the Opera Centre...in support of the objectives set out in Limerick 2030.

Policy LBR.5 – protect the intrinsic character and scale of the City and City skyline.

Policy LBR.6 – protect key views and vistas and the visual prominence of important city landscape and townscape features such as areas of woodland, important tree groupings and areas of special architectural or heritage value.

Chapter 16 sets out the Development Management requirements.

It is acknowledged that “Limerick has many different character areas reflecting histories, communities and various opportunities for change. Different character areas will require different approaches to the issue of building heights. There is a recognised need to protect conservation areas and the architectural character of existing buildings, streets and spaces of artistic, civic or historic importance. In particular, any new proposal must be sensitive to the historic City Centre.

Limerick City Council also recognises the needs of the City to grow and to reach its full potential as a significant Gateway for the Mid-Western Region and it is Limerick City Council’s policy to allow for the development of high buildings in appropriate locations in order to promote investment, vitality and identity. It also sets out the following standards for medium & high-rise buildings in relation to open space, urban design and visual amenity:

- The need to create a positive urban design;
- The need to suitably incorporate the building into the urban grain;
- The need to create positive urban spaces;
- In view of the inevitable prominence of a high building it should be of outstanding architectural quality, creating a building which is elegant, contemporary, stylish, and, in terms of form and profile, makes a positive contribution to the existing skyline;
- The need to respect important views, landmarks, prospects, roofscapes and vistas;
- The proposal should be very carefully related to, and not have any serious disadvantages to, its immediate surroundings, both existing and proposed, and especially to any other high buildings and prominent features in the vicinity and to existing open space;
- The site must be of appropriate size and context to allow for a well-designed setting of lower buildings and/or landscaped open space.

The site is within Parking Zone 1. The maximum parking requirements for this zone are outlined in Table 16.1 of the Plan.

4.3.2. ***Limerick 2030 – An Economic and Spatial Plan for Limerick (November 2014)***

Section 4.3 – The Opera Site is a major opportunity site for new business activity – tying into the heart of the City’s shopping offer.

The plan details a quantum of development of c.45,200 sq.m. with 25,000-30,000 sq.m. of office floor space which would equate to approx. 55-60% of the total.

Table 17:

- 15,600 sq.m. new build – office, higher education, retail use
- 8,400 sq.m. Granary renovation for office use
- 21,200 sq.m. Upper Patrick Street renovation – residential, office, higher education.

It also sets out the open space/public realm requirements.

4.4. **Natural Heritage Designations**

A proposed surface water sewer and new outfall is proposed to the Abbey River at Charlotte's Quay to the north of the site. The Abbey River forms part of the Lower River Shannon SAC.

5.0 **Observations**

5.1. Submissions from the following are supportive of the proposed development:

1. Bon Secours Hospital
2. Brown Thomas
3. Connolly Family & Others
4. Euro Car Parks
5. Hunt Café and Catering Company
6. The Hunt Museum
7. IDA Ireland
8. International Rugby Experience
9. Limerick Chamber
10. Limerick Civic Trust
11. Mary Immaculate College
12. Matthew Stephens
13. Office of Public Works
14. Shannon Foynes Port Company
15. Shannon Group
16. Tesco Ireland Ltd.
17. Tiernan Properties Holdings
18. UL Hospital Group
19. University of Limerick

The submissions can be summarised as follows:

- The proposal will assist in the regeneration of the City centre which will add to creating an attractive environment for people to live and work and is reflective of the strategic objectives of the NPF.
- Will give an economic and social uplift to the city.
- It will provide for much needed office accommodation in the city core.
- It will enhance the experience of the city centre and will bring an overall benefit to the region.
- It will bring significant footfall to the core of Limerick.
- The architectural and design approach is appropriate.
- The proposed public plaza should be assessed from an urban design perspective to ensure the space can function as a lively and safe focal point with appropriate use of materials.
- Rutland Street between the development site and the Hunt Museum is a busy thoroughfare. Finding a way to connect directly over or under this road would create a more rounded development. A connection under the road would be innovative.
- Should permission be granted a construction management plan should be required and sufficient level of access maintained to existing commercial premises in the area.

5.2. The submissions from the following observers set out objections to the proposed development:

1. Peter Carroll
2. Gerard Carty
3. Jan Frohburg
4. Elizabeth Hatz
5. Labour Party, Limerick City Constituency
6. Limerick Chapter of the Irish Georgian Society

7. Hugh Murray
8. Cait Ni Cheallachain
9. Tara Robinson

The submissions can be summarised as follows:

5.2.1. Mix of Uses

- The site was acquired in 2011 in the expectation of a substantial residential component. Housing is peripheral to the central thrust of the development. It is now proposing that only 4% of the accommodation would be residential. The local authority has avoided its public remit to provide such housing on the site. The site should contain a minimum of 60% residential in order to make a living city and meet urgent local demands.
- It does not address housing need either in the local context of Limerick City or in the national context of addressing the housing crisis. Whilst it could be argued by the local authority that Limerick 2030's vision is to provide dwellings elsewhere in the city, there is no guarantee without firm proposals put forward that this will happen.
- The absence of an adequate residential component would undermine the goal of attracting economic investment and employment to the city.
- This was an opportunity for the City and County Council to lead by example that it is possible to build sustainable new housing within the Georgian city core. Residential occupancy is at an all-time low in Newtown Pery.
- The absence of adequate residential will result in a vast proportion of the envisaged workforce commuting to and from the site. In this context it goes against all current thinking and policy on carbon emissions, liveable cities and sustainable development.
- The apart-hotel element should not be classed as residential as it is commercial short term accommodation.
- It is questionable whether there is market demand for the quantum of office space in this part of Limerick and whether the development is economically viable. Riverpoint which is an office tower block flanking the new bridge of

the river is not fully occupied. Sarsfield House could be renovated and upgraded.

- It is not proposed to increase the cultural element over and above what is already on site

5.2.2. Tall Building

- It was an arbitrary aspiration of the 2030 Plan with no logic to it.
- It has no civic function. It adds little of significance to the fabric of the city, it is not a large public or cultural building and yet presents itself as a landmark.
- The height, scale, bulk and proportions of the building facing onto Bank Place is inappropriate to the site and its setting. It is not a gateway location that might justify such a visually dominant building.
- The proposal disregards the value of the historic heart of Limerick City and the character of the directly adjacent low rise Georgian streetscapes. It would destroy the relatively homogenous character and the consistent scale. It would have a significant negative visual impact on the wider historic context and on the cityscape.
- The proposal would tower over retained protected structures. It would have a significant overbearing and negative impact in visual terms on same.
- It would dwarf the Hunt Museum. It will also dominate the backdrop to the view of the museum from Clancy's Strand on the other side of the River. It will dominate the Court House from Thomond Bridge. It will overlook the medieval area of the city and will compete with the spire of St. Mary's Cathedral.
- The building would have a negative impact on the wider views around Limerick.
- It is argued that the Hunt Museum is already the landmark that addresses the point where the Abbey River meets the Shannon and that no further emphasis is required. A landmark building does not need to be 14-16 storeys and can be achieved at a more modest and sympathetic scale relating more to its surroundings.

- It is difficult to reconcile the scale and height with the magnitude and significance of impact described in the Visual Impact Assessment.
- The opposite side of Bank Place on the Abbey River would be overshadowed and would be intimidated by the alien view.
- Sarsfield House should not be used as a typology to support the proposed tower.
- It is surprising that there is such an insistence on achieving increased scale and density in this manner given the density already being achieved in the remainder of the development and the statutory and aspirational role of the applicant in safeguarding the quality of the urban environment.
- The height should be significantly reduced. The height on the Bank Place frontage should match the height of the parapet of the adjacent building. Any higher element should have a significant setback.
- The case made that the choice of glazing on the base of the new tall building mitigates the impact of its scale and height on adjoining historic buildings is not accepted.
- Overshadowing and wind tunnelling effect would irrevocably damage the quality of public spaces along the riverfront.

5.2.3. Layout and Design

- The site is only partly brownfield.
- The proposal is contrary to objective 6 of the spatial plan for the city centre which seeks to build on the rich historic character, protect and enhance where appropriate, and complementing it with world class design in any new development.
- Whilst there is no disagreement that the city can and will become denser and that this will require a change of scale, it is the quantum of this scale of change that is problematic. The tower element is 4-5 times higher than its Georgian neighbours which is exaggerated by the requirement for grade A office space to have increased floor to ceiling heights. There is no precedent in Ireland or elsewhere for this scale and bulk in the heart of an historic core.

- The proposal contravenes the guidelines on Urban Development and Building Heights in that it does not provide for a mixed use sustainable urban centre.
- It ignores the wider developments in the city which will impact the site and which will, in turn, be impacted by the scale of the development.
- Instead of knitting new buildings into the grain of buildings and laneways that are already there the proposal demolishes the centre of the site for a plaza.
- The proposed public plaza is alien to the area as it turns inwards into the site. The proposed connections are far from optimum and will consign the square from a more civic minded space as is the aspiration to one that is corporate. The area will close down after hours leaving the space empty and underused with concerns that it would become a no go area in the evening and would be a draw for anti-social behaviour.
- The proposal does not use the ground in a sustainable way. It does not take advantage of orientation. The public areas will not benefit from enough afternoon and evening light and are shadowed by tall and deep buildings. Only limited landscaping is proposed.
- The negative micro-environmental impact of the tower element on Bank Place as a source of wind current along with its scale will cause significant overshadowing and will adversely impact Bank Place and Lock Quay. The mitigation measures have no guarantee of success. The public space may be unusable.
- The proposed new building on the corner of Patrick Street and Ellen Street shows less understanding of appropriate scale, proportions and material than the existing building from the 1990s which is in sound condition.
- The library is not larger than existing. The relocation of the café from the basement to street level should be considered.
- The office buildings are unsustainable as they are so deep artificial lighting will be needed during daytime.
- Further consideration should be given to the site's proximity to the Shannon River, climate change resilience and health and wellbeing.

- Sarsfield House which is to be demolished is a sound 1970's office building that could be re-imagined and upgraded to function within sustainable requirements.

5.2.4. Conservation

- There is no convincing architectural or conservation argument put forward as to why the proposal is appropriate in a historic Georgian context. The provisions regarding architectural heritage and associated character/setting have been ignored.
- The treatment of the existing Georgian properties should maintain their integrity. Returns that are part of the curtilage and a fundamental part of this character are being removed.
- The interior of the site is characterised by well-built stone walls from previous structures and storehouses. These walls have not been taken into consideration. Their removal is without evaluation or motivation.
- The potential impact in architectural conservation terms is not undertaken in any of the reports. The input from the conservation architect has not resulted in proper evaluations. The recording and evaluation of the stone walls within the block has been omitted. The 1990s building at the corner of Patrick Street and Ellen Street has not been appraised. The suggested demolition of 3 Ellen Street and 6-7 Rutland Street is not supported by survey or assessment.
- The conservation section of the EIAR makes no reference to the impact of the proposed tower on the adjacent historic buildings such as the Hunt Museum or the wider impact of the tower on the historic riverfront and says nothing about the photomontages prepared to show this impact.
- The phasing plan indicates that the local authority is not serious about tackling the conservation works required to the existing buildings or providing the residential element of the scheme.
- The proposal would set a damaging precedent for future development in the historic core of the city.

5.2.5. Other Issues

- The Board should request that alternative options be explored to fulfil the requirements of the EIAR and the rationale for their rejection presented. No significant alternative options for the Masterplan have been explored or submitted. There is no real examination of alternative uses. No justification for the amount of office or residential space has been provided.
- The Board needs to satisfy itself as to the appropriateness of the Masterplan prior to its adjudication of the application. The masterplan contravenes a number of policies and objectives of the current Limerick City Development Plan. The plan is inappropriate as it is not a mixed use scheme in the proper sense. The proposed uses would not advance the aspirations as set out in the Architectural Report.
- The EIAR does not adequately address the potential impacts on climate, particularly wind impacts and overshadowing, landscape and visual impact, impacts on flight paths of birds, cultural heritage arising from significant demolitions, daylight and sunlight impact assessment, noise and vibration impact assessment and architectural and urban design.
- The VIAs do not form part of the EIAR document and are only referred to in Section 12. There is no proper assessment of the images. Some of the photomontages are not sufficiently indicative as they fail to represent the tower with adequate accuracy.
- Public consultation was inadequate.
- The issues raised by the public at the stakeholder meetings and submissions made by the public should have been incorporated in full by way of an Appendix to the EIAR.
- There is not enough parking for the size of the development.
- The makeup of the special purpose vehicle which will realise the Limerick 2030 Strategic Development is queried. The Board needs to satisfy itself that the applicant is the current owner of the site or if the lands has been vested in the private company Limerick Twenty Thirty. It will take charge of what is a speculative commercial development.

6.0 Prescribed Bodies

6.1. Department of Culture, Heritage and the Gaeltacht

Archaeology

- Concurs with the recommendations made in the EIAR in relation to archaeological mitigation. No objection subject to conditions.

Architectural Heritage

- Chapter 18 of the EIAR notes the impacts of intervention to existing and proposed buildings but does not offer mitigating proposals or indicate where any compromises were made prior to completing the design.
- Revised photomontages recommended showing trees in winter as well as in full foliage towards Bank Place so that the ground floor levels of new and existing structures can be clearly visualised.
- The houses on Bank Place will be overlooked by and fall within the shadow of the proposed tall building directly to the east. Overlooking and overshadowing are not referred to in the architectural heritage chapter of the EIAR and it is not clear if these impacts were considered when designing the tall block. They are significant issues in considering the future desirability of ownership or occupation of the historic buildings on Bank Place and Rutland Street. The Board may seek a greater level of detail on these matters and consider if varying the heights or massing of the elements of the tall block would have any significant ameliorating effect.
- Product information on the selected facing material and finishes should be assessed and substitutions after planning stage prohibited by condition.
- The EIAR does not address potential alternative locations for the Venetian doorcase from Bruce's Bank. Its siting on the gable wall of No.8 Rutland Street within a new, full height atrium fronting the new city library does not respect the doorcase and misleads the viewer. A more architecturally appropriate solution should be selected for the doorcase in a location where it can provide a useful function as well as retain or reinstate, as much as

possible, its architectural heritage significance. This should include consideration of the space and finishes to the interior and exterior of the doorway. Detailed drawings and CGI photographs should be submitted in support of the alternative solution.

- Parcel 3B includes new internal doors through the party wall on each storey of No. 5 Rutland Street to connect with No.6 on the main landings and close to the ornate original staircase. The new design is not shown in detailed sections to an appropriate scale to allow for assessment. The design, proportions and details should be carefully considered as the staircase and associated lug-eared doorways are Palladian features comprising a very rare survival of this period in the early new town.
- The visual impact of the long zinc-framed ope to the south gable to the town hall has not been addressed in the EIAR and is not illustrated in the CGIs.
- The method of preventing heat build-up to the historic fabric of the town hall is not clearly indicated. The glazing should not be tinted.
- The landscaping report does not refer to existing historic ground surfaces. All stone kerbs, cobbles or setts should be retained and reused.
- The intrinsic architectural heritage character of the 19th century four-pier gateway with sweep and railing to the Granary on Michael Street which is to be demolished is not assessed in the EIAR. The gateway has become associated with the granary complex prior to its protection in the Development Plan and is of merit, whether or not it was originally constructed for a different site. It is considered to be of architectural merit and should be retained. Drawings should be revised to provide for same.
- Principles 2, 4, 6 and 7 of the Architectural Heritage Report Impact Statement should be referred to as condition of permission. The specification and method statement in the report should also be referenced in a condition for assurance that the work will adhere to best conservation standards.
- The conservation needs of the historic buildings should, by way of condition, be carried out in phase 1.

6.2. An Taisce

Biodiversity

- The proposal is not in keeping with the Biodiversity provisions of Project 2040 and materially contravenes Objectives 59 and 60 of the NPF.
- The proposal will include a surface water sewer involving construction of a new outfall to the Abbey River at Charlotte Quay which forms part of the Lower River Shannon SAC. The inner quay wall of the Abbey River contains protected bryophyte and lichen communities. It is also acknowledged that in the absence of mitigation there is potential for the installation of the new outfall to remove these communities.
- The EIAR is not comprehensive with only minimal and insufficient field studies conducted.
- The proposal would give rise to the potential for bird collisions and will have adverse effects on birds inhabiting the site. Without records of bird collisions it is not possible to reliably predict impact of high buildings on bird collisions. No scientific study of bird flight paths in the area has been conducted.
- The existing, permitted and proposed tall buildings will collectively act in combination to increase the number into which birds could collide.
- The mitigation measures are inadequate and, in themselves, create further conservation concern issues for other protected species.

Mix of Uses

- There is an inadequate mix of uses. An apart-hotel cannot be considered residential. Whilst it may broaden the range of accommodation options for visitors it would contribute little to forming a socially integrated urban neighbourhood. There should be a significant increase in the quantum of housing.
- The predominance of office use will result in the area being deserted after office hours and weekends. This could give rise to anti-social behaviour.
- The proposal involves the demolition of sound, functional buildings for which no justification has been provided.

Visual Impact

- The proposal will have a major visual impact.
- Isolated from the city's other high rise buildings, specifically those located between Shannon Bridge and the Docks, the proposal seems incongruous and eccentric.
- The tower's massing lacks elegance and sensitivity. There is nothing to distinguish it from countless other corporate and speculative towers. The 15 storeys is not its main failing. Its massing is problematic. The shoulder serves only to remove any attempt at slender elegance as supposedly conceived. A building on such a site at the confluence of 2 rivers should be imaginative and iconic.

Architectural Heritage

- The proposed interventions to the treatment of the south east façade of the former Town Hall are considered inappropriate.
- The removal of the ashlar limestone doorway of the former Bruce House from its present position to the gable wall of No.8 Rutland Street is an unacceptable decontextualization of the protected structure.
- There are concerns regarding the removal of rear returns, ancillary buildings and historic paving. A highly selective approach to conservation and retention of historic fabric is being taken.
- The documentation of that to be removed does not offer a detailed inventory of historic door, window and other openings, distinctive building features, nor a survey of surviving stonework. A survey of historic pavement remains has not been provided. There should be a detailed survey of surviving historical structures whether they form part of a protected building or not and an assessment of how such surviving elements might be integrated within adjacent public spaces.
- The proposal would have a significant and irreversible impact on existing views and prospects of protected structures. While each of the protected structures are an important part of the city's architectural heritage of particular import is the manner in which they relate and interact with each other. The

tower will obliterate the interplay between the historic structures and streetscapes and will dominate the protected structures.

Miscellaneous Issues

- The proposal will overshadow immediate open spaces including Bank Place, Charlotte and George Quays and the Abbey River itself. The New Square would have only 2 hours of sunlight a day which is the absolute minimum under BRE guidelines. It would also overshadow Barringtons Hospital and The Locke Bar. Midday shadow data is not optimum.
- The proposal would not establish a unique tourism offer and thus does not accord with one of the key objectives of the Limerick 2030 Economic and Spatial Plan.
- No objective justification has been provided for the development as proposed or the need for same. An assessment of socio-economic factors and the impact of variations in economic growth levels and economic recessions should be assessed. The desirability of another office block is questionable in circumstances where the vacancy rates of office accommodation throughout the city centre area remain high.
- The sustainability of the buildings both in terms of the method of construction and long term operation should be shown.
- Appropriate finishes should be used in the pavements of the streets bounding the site.
- The parking provision of 155 spaces is totally inadequate for the anticipated workforce numbers commuting by car. The increase in commuting will also lead to substantial congestion at peak hours. The proposal will create major pressure on reduced car parking spaces both on and off street.
- The number of site notices erected is not in compliance with planning legislation whereby each structure is required to have a site notice affixed to it. That erected on Bank Place is erected in a position where pedestrians would not be aware of it.

6.3. Transport Infrastructure Ireland

Having regard to the nature of the application and its location it has no specific observations to make.

6.4. National Transport Authority

The NTA has commenced the preparation of the Limerick-Shannon Metropolitan Area Transport Strategy (L-SMATA).

- In principle the NTA supports the proposed development as it seeks to maximise the use of the city centre site and to manage access by private car by departing significantly from the prevailing maximum car parking standards.
- The proposal focusses activity into a part of the city which is relatively well served by public transport and where the potential for walking and cycling is greatest, whilst the provision of a new public open space, accessible from four locations, will improve the permeability of this part of the city.
- The scale of the proposal and its landmark nature may act as a catalyst for further redevelopment and regeneration of the city centre, contributing to the achievement of the NTA's core principles.

6.5. Geological Survey of Ireland

- There are no County Geological Sites in the vicinity of the site.
- Should permission be granted it would appreciate a copy of reports detailing any site investigations carried out.
- Should any significant bedrock cuttings be created it is requested that they be designed to remain visible as rock exposure rather than covered with soil and vegetated. Alternatively, a digital photographic record of significant new excavations be provided.

6.6. Health Services Executive

- Construction hours recommended.
- Recommendations for noise during operational phase including enclosing of service yard and installation of air extraction units in accordance with best

practice, culvert treatment and sealing, pest control contractor, means for registering complaints and canteen registration detailed.

6.7. Irish Water

No objection. An agreement will be required for the proposed diversion of the brickwork culvert through the site.

6.8. Inland Fisheries Ireland

- It has no objection in principle.
- Methodologies have been put in place which will prevent or at least minimise the discharge of polluting or deleterious matter to surface waters.
- The primary concern is to ensure that any discharges to the Abbey River will not impact on the fisheries contained in this section of the river and that the discharge will not either immediately or over time cause a reduction in the water classification which would be contrary to the criteria in Annex V of the Water Framework Directive. The area has a high visual amenity.
- Whilst an outline methodology has been involved in the EIAR the Board is requested to ensure that the quality standards and aims required to protect fish, the fisheries habitat and to ensure compliance with the WFD are specifically conditioned.
- Recommended conditions detailed, including requirement for a monitoring programme for aquatic discharges.
- The applicant has been advised that it would be more appropriate for Limerick City and County Council to commence the development of a dedicated storm water sewer to discharge further down the estuary at a location which is likely to reduce its environmental impact. It has been indicated to it that this is not within the scope of the development.
- Immediately before the discharge location a chamber to be provided on the discharge line to facilitate inspection and sampling of the discharge flow and to facilitate the introduction of equipment such as oil interceptors to facilitate more control on the discharge should it be required.

7.0 Oral Hearing

An oral hearing was held over two days, 26th and 27th November, 2019 in the Strand Hotel, Limerick City. The recording of the hearing is available. A brief synopsis is given in Appendix 1 attached to this report.

8.0 Planning Assessment

I consider that the main planning issues arising in the case can be assessed under the following headings:

- Planning Policy and Context
- Mix of Uses
- Principle of Tall Building
- Urban Design and Visual Impact
- Microclimate
- Traffic and Parking
- Ecology
- Other Issues

8.1. Introduction

- 8.1.1. The proposal is for the redevelopment of a 2.35 hectare site known as the 'Opera Site' which, save for 4 buildings, comprises an entire block in Limerick northern inner city in proximity to the confluence of the Shannon and Abbey Rivers. There are unique aspects to the proposal including a tall office building fronting onto Bank Place and the refurbishment and extension of the former Town Hall for use as the City and County library. It is proposed to phase the development commencing with enabling works followed by construction from north to south starting with the proposed tall building. A 10 year permission is being sought. The total quantum of floorspace proposed is c.45,170 sq.m.
- 8.1.2. This application constitutes the 2nd for the comprehensive redevelopment of the city block by Limerick City and County Council. A Part 8 application under ref. 18/8007

was withdrawn. Prior to same permission was granted on appeal under ref. PL30.218229 (05/770548) for the comprehensive redevelopment of part of the site providing for a shopping mall with permission granted for the redesign and reconfiguration of the permitted development on an enlarged site on appeal under ref. PL30.231180 (08/173).

8.2. Planning Policy and Context

- 8.2.1. There is a suite of documents to which reference has been made by the applicant in setting the policy context of the proposed development with emphasis placed on the document **Limerick 2030 An Economic Spatial Plan for Limerick** (hereafter referenced as the Limerick 2030 Plan) which sets out a framework for public sector action and private sector investment until 2030. It was adopted into the Limerick City Development Plan by way of Variation No.4 in 2015.
- 8.2.2. At the outset I note reference in Ms. Hatz's submission to the hearing to the EU project titled **Cultural Heritage: A Challenge for Europe - The Sustainable Future of the Historic Urban Core** which looked at 3 cities in 3 countries. Limerick, Drogheda and Waterford were the Irish settlements assessed to see how the challenges facing historic urban cores are being met. As noted in the findings and conclusions the pilot project was a networking project with a focus on the sharing and exchange of knowledge and experience and in which questions are raised which provide the starting point for further research and experiments that will contribute to theoretical understanding of heritage planning and management, and the development of principles and practice for the heritage conservation in the historic urban core. It does not have a statutory remit nor provides for policy to which regard must be had.
- 8.2.3. In a national context the proposal accords with national policy as set out in **Project Ireland 2040 National Planning Framework** (NPF) which seeks to secure the compact growth of urban areas and deliver higher densities in suitable locations. The proposal will deliver a high density development in a strategic location in the city centre through a regeneration and redevelopment project (National Strategic Outcome 1) and will encourage more people and generate more jobs and activity within the city (National Policy Objective 11). In identifying the key future growth enablers for Limerick the NPF specifically refers to the implementation of the

Limerick 2030 economic strategy to create modern, city centre office accommodation and a series of transformational City Centre public realm projects.

- 8.2.4. The extant **Mid-West Regional Planning Guidelines 2020** predates both the preparation of the NPF and Limerick 2030 Plan and, as such, no specific reference is made to the site proposals. Notwithstanding, the vision for the region is that the city core of this area, namely Limerick City, would develop as a vibrant multi-purpose zone with a population of a size capable of supporting a high level of social and commercial activity. I note that the **Southern Assembly Draft Regional Spatial and Economic Strategy 2018** provides for a Metropolitan Area Strategic Plan for Limerick (MASP) in which the Opera site is identified as a key strategic site.
- 8.2.5. As noted above the **Limerick 2030 Plan** was incorporated by way of variation into the **Limerick City Development Plan** in 2015. Consequent to the Local Government Reform Act 2014 the lifetime of the said development plan along with the **Limerick County Development Plan** was extended pending the adoption of the NPF and the Regional Spatial and Economic Strategy with no defined expiration date for either. On this basis both remain the statutory documents for the amalgamated administrative area of Limerick City and County.
- 8.2.6. The said Limerick 2030 Plan, therefore, has a statutory basis to which regard must be had. The overall vision in the said plan is for Limerick to become a major economic force in the Irish and European Economy with the city centre as an attractive magnet for retail, leisure, residential, commercial, educational and cultural growth. 5 no. city centre zones are specifically earmarked for development projects of which the Opera Site is one which will *'kick start the renaissance process'*.
- 8.2.7. The importance of the site in terms of the revitalisation of the wider area is specifically referenced by the observers in favour of the proposal and further emphasised by the representatives of Tiernan Properties, Limerick Civic Trust, the Hunt Museum, the Hunt Café and Catering Company, Limerick Chamber and Shannon Group Plc in their submissions to the hearing. The economic viability of properties in the vicinity including the Hunt Museum are cited as concerns should the development not go ahead.
- 8.2.8. The vision for the site as set out in section 6.91 of the plan is for its revival through an intensive collection of activities focussed on commercial, civic and public sector

offices, an innovation hub and supplementary retail/leisure uses. It is also identified as an opportunity site for the location of higher education facilities components, with teaching, research and commercialisation services should agreement be reached on this matter. The potential to create active use at ground floor level is also identified with a new setting to include high quality pedestrian streets, strengthened connections to and through Arthur's Quay to the Waterfront and a new managed public space within the site itself.

8.2.9. The key components identified include:

- Retention of important buildings fronting onto Patrick Street and Rutland Street and the Granary Building
- A concentration of mixed uses to animate the quarter
- A new innovation hub
- Major new office development opportunity with a significant public sector occupier
- Pedestrian connectivity
- Open space and streetscape investment

8.2.10. As per Table 17, which sets out the project summary, an indicative floorspace of 45,200 sq.m. with office space equating to between 50-60% of this quantum is detailed.

8.2.11. Section 10 of the document sets out the **Action Plan**. As per point 19 the Opera Site is a delivery priority and requires specific attention. The plan advocates a business led solution to the site with a move away from previous retail-led solutions. A design brief is required defining public access, public realm, height, density, conservation etc. requirements.

8.2.12. I would submit that, in principle, the proposal for a mixed use development accords with the broader Limerick 2030 Plan objectives identified for the site which, by way of variation, forms part of the current Development Plan. Whilst the location of higher education facilities components may not be realised in the proposed iteration I would accept that such an omission cannot be considered to be a fatal deficiency. I note that the overall vision for the site may have pre-empted this absence in that it states

that delivery of the site redevelopment cannot wait for matters of agreement in terms of providing for such facilities to be resolved.

8.2.13. On foot of an explicit requirement of the Limerick 2030 Plan a design brief was prepared. It was presented to the Council. The brief, in itself, does not have a statutory footing. At this juncture I submit that the masterplan prepared in support of the application must be viewed in the context of this policy framework and I would not accept the view expressed at the hearing that it presents the Opera site in isolation from the city.

8.2.14. In conclusion, therefore, in principle the proposal accords with both national, regional and local planning policy. The development of such a strategically important site within the city of Limerick, 1 of 5 identified as being instrumental in the revitalisation and development of the city centre, is plan-led whereby the parameters for development are set before detailed proposals are drawn up. I propose to address compliance with other policies and objectives of the City Development Plan throughout my assessment.

8.3. Mix of Uses

8.3.1. The following table gives a summary of the uses proposed in the scheme

	Gross Floor Space (sq.m.)
Office	29,701
Retail	2,418
Cultural (City & County Library)	4,149
Restaurant/Café/Bar	2,259
Apart-hotel	56 rooms
Residential	16 no. units
Open Space	6,566

8.3.2. This equates to residential comprising 4.16%, retail 5.35% and office 65.76% of the floorspace. This breakdown and dominance of office space, whilst somewhat

greater than the indicative parameters set out in Table 17 of the Limerick 2030 Plan (50-60%), is not so at variance as to be a material deviation.

- 8.3.3. The Board is advised that the previous scheme subject of the withdrawn Part 8 application is materially different from the current proposal in that it did not provide for any residential or apart-hotel components with no reference to the relocation of the library building to the former Town Hall. Whilst the proposal entailed the retention of a significant percentage of the historic fabric as required by the said Limerick 2030 Plan the design of the new build was different although it provided for a 14 storey 9,048 sq.m. office building with an overall height of 64.850 metres. In pursuing the proposal by way of a Part 8 application it was not accompanied by an EIAR or NIS.
- 8.3.4. The need for the quantum of **office space** was raised by a number of observers both in the written and oral submissions. Mr. Tiernan in his submission to the hearing considers that there is a dearth of suitable accommodation in the city centre to serve large occupier's requirements and that failure to address this will exacerbate the trend of such occupiers seeking accommodation in the suburbs which has already had a significant negative impact on the city centre. An Taisce, Ms. Ni Cheallachain, Mr. Carty and others in opposition to the proposal query the market demand and economic viability with reference made to occupancy rates in other developments in the city. In response the applicant made reference to the Economic Data Profile Report (2016) wherein it is stated that although the level of office stock in Limerick has been increasing over the past number of years there remains a shortage of large, high quality office space in the city centre. The report by Cushman and Wakefield referencing the Limerick office market in Q1-Q3 2019, which is appended to Mr. Lawlor's submission to the oral hearing, further advances this view with vacancy rates of available stock of in the region of 12%.
- 8.3.5. The contrary views are noted however I submit that the business case for the quantum of office space is not a matter for adjudication or comment in this application and that matters pertaining to its viability are not germane to the proper planning and sustainable development of the area. Such matters would not be advanced were the scheme proposed by a private developer. I consider that the applicant has provided sufficient detail in support of the project as to establish its

purpose and extent. As noted above the Limerick 2030 Plan provides the statutory basis for a business led, office dominant, proposal.

- 8.3.6. At this juncture I would bring to the Board's attention that the Office of Public Works in its submission to the Board states that the emerging development would provide a suitable city centre location for a staff of approx. 900 in the Office of the Revenue Commissioners, the majority of whom are currently housed in Sarsfield House. Sarsfield House which is 7 storeys high, is on the opposite side of Patrick Street with frontage onto the River Shannon.
- 8.3.7. The freeing up of Sarsfield House allows for the potential realisation of the objectives for another key site identified in the Limerick 2030 Plan, namely Arthur's Quay, for which the demolition of the office building and transformation of the area into a new waterfront open space is specifically referenced in the vision for same. Even taking into account the loss of this office space the proposal before the Board, in itself, will provide a significant increase in terms of additional office accommodation as espoused in the Limerick 2030 Plan.
- 8.3.8. A number of observations express concern that the **residential** component is insufficient. The concerns are two fold in that some observers consider the provision of housing on such publicly owned land to be appropriate in terms of tackling the housing crisis whilst others consider that a greater quantum would be more appropriate in terms of providing for a greater mix of uses which would provide for increased activity and presence around the clock.
- 8.3.9. The scheme before the Board provides for a total of 16 no. residential units of varying sizes located within the existing building fabric to be retained along Rutland Street, Patrick Street and Ellen Street.
- 8.3.10. I would concur with Mr. Lawlor that the main objective for the site is fixed in policy. The provision must be assessed relative to the stated vision for the site which, as previously stated, is to be business led with a significant percentage of office accommodation. Whilst reference is made to residential in the project summary in Table 17 of the Limerick 2030 Plan I submit that this is ancillary to the vision statement for the site which seeks a more intensive collection of activities focussed on commercial, civic and public sector offices, an innovation hub, higher education

facilities and supplementary retail/leisure uses. No reference to residential is made therein.

8.3.11. I submit that the provision of residential in the numbers envisaged by some observers could preclude the realisation of the site specific objectives, notably the quantum of office accommodation and open space referenced in Table 17 of the Limerick 2030 Plan and thereby result in a development that would effectively contravene the relevant development plan provisions. I note that the Limerick 2030 Plan states that in terms of residential the most significant area of opportunity for encouraging more City Centre living and a diversification to include primarily owner occupation is within the Georgian Quarter, another of the 5 identified strategic areas.

8.3.12. The proposal includes an **apart-hotel** which will provide for 57 rooms. Whilst I would accept the view that it provides for a diversification of the city's accommodation offering, most likely marketed towards the needs of persons on short term/temporary contracts, it does not constitute residential in the usual sense of the term.

8.3.13. The proposal also entails a **retail/café/restaurant** and **licenced premises** component providing for active frontage both onto the surrounding streets and onto the proposed plaza. It is also proposed to relocate the **City and County Library** from the rear extension to the Granary to the former Town Hall with frontage onto both Patrick Street and onto the proposed central plaza. The floorspace of the library will almost double from 2000 sq.m. to in the region of 4000 sq.m.

The extent of the **open space** required within the scheme is specifically referenced in Table 17 of the Limerick 2030 Plan. The central plaza at 4013 sq.m. exceeds the indicative requirement of 3,700 sq.m. whilst the improvement of the Bank Place Square at c.1,775 sq.m. also exceeds the indicative figure of 1,100 sq.m. In addition, a north-south public space to the rear of the Granary Building (c. 778 sq.m.) is proposed.

8.3.14. I consider that the proposed mix of uses, is acceptable and is in accordance with the provisions of the Limerick 2030 Plan as incorporated into the Limerick City Development Plan and is appropriate for such a city centre site. Mr. Lawlor on behalf of the applicant informed the hearing that there is a financial element to the mix of uses in that the commercial new build element comprising office and apart-

hotel uses would assist in absorbing the high costs associated with the rejuvenation and reinstatement of the historic buildings to be retained on the site. This can be considered to be a pragmatic approach which seeks to facilitate investment which will in turn allow for the retention and rehabilitation of the best elements of this historic area.

8.3.15. However, the view that the case for pre-determined uses, floor area and open space provision would be difficult to sustain were the overall design not to be satisfactory is a moot point and I propose to address this matter below.

8.4. Principle of Tall Building

8.4.1. The issue of the genesis of a tall building on the site and whether it has a context in policy constituted a material consideration at the oral hearing. Mr. Murray in his submission to the hearing suggested that the inclusion of a tall building was an idea posed at the outset of the preparation of the Limerick 2030 Plan, was not properly scrutinised thereby becoming an inevitable proposal without any alternatives considered.

8.4.2. The **Limerick 2030 Plan** which provides the **policy framework** for the development is silent on the issue save for reference in **Table 17** to '*height/storeys of 4*'. Mr. Lawlor in response to questions considers that this is applicable to plot ratio and not indicative height. He stated that this plot ratio was used by the designers in assessing the individual sites to derive a quantum of floorspace that they wanted to achieve. He stated that the overall plot ratio is lower, driven largely by the mandated plaza. Whilst this explanation is noted I would concur with Mr. Murray in his submission to the hearing that this reference is misleading and that a reader of the relevant table would reasonably conclude that it refers to the indicative acceptable heights.

8.4.3. The basis of the applicant's case is that the imagery throughout the Limerick 2030 Plan reflected the intention to provide a tall building and from same the concept of a landmark building came about. In this context the Board is directed to the front cover, pgs.xiv, xvi, xviii, xix, figures 24 and 26, pgs. 95 and 97, figures 29 and 34, pg.110, and figures 37 and 38. Whilst I accept that there is a consistency in the imagery in terms of a taller building presented on the site, reference to such

provision in the text would have removed any ambiguity in this regard especially in view of the apparent contradiction in terms of height (4 storeys) as set out in Table 17.

- 8.4.4. At this juncture I would bring to the Board's attention Section 2 of Appendix 1 to Mr. Lawlor's oral hearing submission which summarised the Chief Executive's recommendations on observations received to the plan variation (incorporation of the Limerick 2030 Plan into the City Development Plan), specifically the response to the Department of Environment, Community and Local Government's comment as to the absence of any mention of whether special heights will attach to the flagship project sites. The Chief Executive stated that *the photomontages of the flagship buildings in the Limerick 2030 plan are indicative only. To apply height restrictions at this stage is considered overly prescriptive. Any proposals to develop these sites will be assessed at planning application stage and shall have regard to the considerations outlined in chapter 16 of the City Development Plan in relation to building heights.*
- 8.4.5. Mr. Lawlor informed the hearing that subsequent to the withdrawal of the previous Part 8 application a review of the site development was undertaken and a **design brief** prepared as required by the **Action Plan** set out in Section 10 of the Limerick 2030 Plan. He submitted that this allowed the applicant to return to first principles to ensure adherence with the objectives of the said plan in terms of public access, public realm, height, density, conservation etc. requirements.
- 8.4.6. The said brief was published in April 2018 and presented to the Council. I note that whilst required by the Limerick 2030 Plan the design brief, in itself, is not a statutory document. It provides for the following elements:
- 45,000 sq.m. of floorspace including new build and renovation of which 25,000-30,000 to be office space
 - A central square of 3,700 sq.m.
 - Landmark building 12-16 storeys to the north of the site.
- 8.4.7. As per section 4.2.6 of the design brief it is stated that the conservation led approach to development suggests that existing building volumes and the quantum of development to be provided will inform the massing for the blocks in particular new build infill development, whilst the critically important and highly visible block is

appropriate as a 'visual landmark' in the city. It goes on to state that the *Limerick 2030 Plan identified Bank Place as an appropriate opportunity to position a tall building to be a discernible landmark on the northern approach to the city centre at the confluence of the Abbey and Shannon Rivers*. As noted above no text to this effect was identified in the said plan with the applicant relying on the images produced therein. Mr. Lawlor informed the hearing that in seeking to realise the prescriptive quantum of development and open space set out in the Limerick 2030 Plan as further distilled in the Design Brief a tall building was considered the appropriate design solution.

- 8.4.8. In a wider policy context whilst the Limerick City Development Plan does not preclude medium and high rise buildings, the said plan has been superseded by the **Guidelines on Urban Development and Building Heights** issued in December 2018 to which regard must be had. Section 3.1 of the guidelines states that there is a presumption in favour of buildings of increased height in town/city cores and in other urban locations with good public transport accessibility. The broad principles in considering such development are set out therein. On this basis, therefore, there are no policy provisions precluding the consideration of a tall building. Indeed, in view of the policy context for the site and reasoning for the acceptability of a tall building as given by Limerick City and County Council to date and as articulated in this application now before the Board, it would not be unreasonable to surmise that the subject site would be included in the Council's delineation of area(s) suitable for such tall building development into the future via the development plan review process as required by the Guidelines.
- 8.4.9. The question, therefore, is whether the site, in itself, is suitable for a tall building. To set the site in context I have regard to the current Limerick City Development Plan which categorises the city into area profiles.
- 8.4.10. The site forms part of the Urban Core area which consists of the southern part of medieval King's Island and the Georgian Quarter. The site is also on an important approach to the city centre from the east in close proximity to the confluence of the Shannon and Abbey Rivers.
- 8.4.11. The overall building height of the City Centre, including King's Island and the majority of the Georgian Quarter stretching to the south is low-rise. Taller structures include

church spires, a lattice structure telecommunication tower and the modern developments along the riverfront close to the Docklands including the 58.5 m high Riverpoint building and the Clayton Hotel at 57m, which have become new landmarks of the southern city skyline in recent years.

- 8.4.12. The Hunt Museum is on the opposite side of Rutland Street with Sarsfield House and Arthur's Quay Shopping Centre and multi-storey car park immediately to the south of the same, both modern interventions. Mixed developments (up to 4 floors), such as residential buildings, a large garage and office buildings flank the streetscape of Michael Street to the east whilst Ellen Street to the south largely retains the Georgian streetscape. Bank Place, to the north, is a public open space facing the road and quays along the Abbey River with modern mixed use developments further east along the quay frontage.
- 8.4.13. The immediate city quarters to the east and southeast of the site are a conglomerate of historic buildings, markets (such as the Milk Market), residential and modern office developments, car parks and brown field sites. Areas further to the east become more interspersed with green spaces and contain further low-rise housing estates as well as the Limerick School of Art & Design and St. John's Cathedral with its tall spire, which is one of Limerick's landmarks in the city skyline. The wider city centre area to the south and southeast of the Opera site is characterised by late 18th and 19th century Georgian architecture, interspersed with 20th century buildings. This area is considered to be the commercial and cultural centre of Limerick. As noted above newer developments of the late 20th century and early 21st century have altered the city skyline towards the docklands, of note the Riverpoint Building and the Clayton Hotel. Colbert Station is located at the south-eastern fringe of the Gregorian city extension. The city character further south of the Georgian Quarter is defined by low-rise residential developments, mixed with light industrial developments particularly towards the docklands in the southwest. The docklands area is characterised by low-rise warehouses and storage buildings, some of which are several storeys high (Ranks Silo) but considerably lower than the Clayton Hotel at Steamboat Quay.
- 8.4.14. To the north, across the Abbey River is King's Island and the medieval heart of Limerick. Bounded by the Abbey River, it contains King John's Castle and St. Mary's Cathedral as some of the oldest buildings in Limerick. It comprises a network of

narrow streets with generally low buildings from all eras concentrated along the western side of the island. Limerick City and County Council offices and the Circuit Court are also located along the banks of the River Shannon south of King John's Castle.

- 8.4.15. The site itself is a c.2.35 hectare parcel of land which occupies the majority of a city block. A cluster of 4 no. buildings to the north-west corner of the block are in separate ownership and do not form part of the proposed development site. The perimeter of the site bounding Rutland Street, Patrick Street and Ellen Street comprises largely of terraced buildings dating from the Georgian period, the majority of which have been vacant for a period of time save for limited ground floor commercial uses. 20th century interventions along these street frontages include Nos. 6/7 Rutland Street in residential use and the building on the corner of Patrick Street and Ellen Street currently in use as offices. Michael Street is characterised by the surface car park to the south and the Granary building along the northern section which is in use as a licensed premises with offices over and which provides access to the city library housed in a modern extension to the rear. Further modern interventions include the Cahill May Roberts building fronting onto Bank Place and the industrial and warehousing buildings located towards the centre of the site.
- 8.4.16. Whereas the significance of the area as the earliest Georgian fabric of the City is not underestimated I would tend to concur with the view that the Georgian character of the area has been undermined within both the site and environs by a diverse range of buildings of varying ages. Whilst I acknowledge Mr. Carty's submission to the hearing that the changes made within the site may have occurred in less informed times the fact remains that the buildings do not retain their original historical context and environment in a way that the Georgian town further south in the city does. Also, as detailed in the application documents, including photographic surveys, and as evident from a visual inspection of the buildings which were safe to access, the internal fabric of many of the buildings is in a very poor condition with much of the original features removed and replaced with modern interventions.
- 8.4.17. The most intact Georgian areas of the city are located to the south and east. This is reflected in policy with the said areas designated as Architectural Conservation Areas (Newtown Pery and John's Square) in the current Limerick City Development

Plan. Whilst I note that the site is within the city centre conservation area as delineated in Figure 16 of the Limerick 2030 Plan it is not within such an ACA.

8.4.18. I fully accept that the need to secure more compact growth in urban areas is articulated at both national and local policy level with tall buildings a measure to secure same. On balance, in view of character of the site and its environs which has been materially altered as a consequence of modern interventions, I submit that there is no overarching basis for the prohibition of a tall building. However I acknowledge that there are constraints that need to be taken into consideration in assessing any proposal for a high building, including the protection of key views and setting of protected structures in line with the relevant provisions of Chapter 16 of the City Development Plan and the more recent Guidelines on Urban Development and Building Heights.

8.5. Design and Visual Impact

8.5.1. As noted above the basic parameters in terms of the design approach are set out in the Limerick 2030 Plan which were further progressed by way of the design brief and masterplan subsequently prepared. In accordance with same the proposal entails the retention and refurbishment of the vast majority of the historic fabric extending beyond the protected structures and those recorded in the NIAH. The **Existing Historic Building Overview** and **Existing Building Individual Record** which accompany the application provide a summary of each of the buildings. Each building has been inspected and assessed in terms of condition and the extent of remaining significant fabric, with the buildings divided into 4 categories in terms of their significance which guided the design approach. The approach was to retain the Georgian character of the streetscape with the focus on the former Town Hall. The applicant proposes to retain the services of a Conservation Architect for the duration of the project to ensure that the conservation standards outlined in the said reports are adhered to.

8.5.2. New build interventions are to be facilitated by the removal of the more recent additions and extensions and the demolition of the stone walls and commercial buildings in the centre of the site. The survey of the buildings concluded that the majority of the extensions to be removed are either heavily modified or of modern construction whilst the internal stone walls are mainly remnants of a large complex

which formed the bonded warehouses in the 19th century which were removed by the 20th century. I would accept the conclusion that much of what is proposed for demolition is not considered of historical or architectural significance but that some loss of historic fabric and character to the central area of the site will arise.

- 8.5.3. The design strategy for the new buildings clearly arises from the mandated project parameters, namely the retention of the existing historic fabric and the provision of a new public plaza, the size of which is prescribed in the Limerick 2030 Plan and further articulated in the design brief. A further constraint is the quantum of office space to be realised, also prescribed in the Limerick 2030 Plan. This, in turn, has led to a concentration of development on what can be termed the new build sections of the site notably parcels 1, 2A, 3A4 and 5. The proposed development has a plot ratio of approximately 2.6 and site coverage of approximately 56% which fall within the parameters as set out in the design brief. Whilst I note the comments from Mr. Carroll, Ms. Hatz and Ms. Ni Cheallachain as to the potential for alternative proposals which entail the retention of the stone walls in the centre of the site and which have potential for micro climate, gardens, cultural and community venues, such a scenario would effectively prejudice the realisation of the requirements of the said Limerick 2030 Plan, specifically the quantum of open space.
- 8.5.4. The **design approach** entails the massing of the new build stepping up from the existing 4-5 storey buildings at Ellen Street through 4-6 storey buildings around the new public plaza and ultimately to a 14 storey tower at Bank Place. The new build does not, by and large, attempt to replicate the urban form of the historic fabric to be retained and refurbished. I find this approach reasonable and acceptable in principle. Whilst it is accepted that development carried out on the site may be of a larger scale than existing surrounding development the substantive issue is whether the difference in scale is acceptable.
- 8.5.5. The application is accompanied by a **booklet of photomontages** to which specific regard and comment is made in the EIAR. This was supplemented by further imagery allowing for panoramic views, specifically from the north and west following a further information request by the Board. I consider that the photomontages are representative of the main views available towards the site. However, whilst they may be accurate with regard to a camera view they do not accurately reflect what would be seen by the naked eye at the respective locations in that the buildings will

appear closer than they do in the photomontages. Notwithstanding, such photomontages are only a tool, albeit a useful tool, in assisting and informing an assessment of the potential effects of the proposal.

The site is divided into 6 no. parcels which provides for ease of assessment:

- 8.5.6. **Parcel 1** at the corner of Ellen Street and Michael Street is currently used as a surface car park. The proposed 6 storey building comprises of retail and restaurant uses at ground floor with offices on the upper floors. The ground floor will have dual frontage onto both the streets and into the plaza whilst the offices would be served by an entrance from the plaza. The Board is directed to photomontages 17, 18 and 19.
- 8.5.7. I consider that the building design, in a modern idiom, is generally acceptable and acts as a bookend to the eastern end of Ellen Street. It would act as a counterbalance to the new build proposed on the corner of Patrick Street and Ellen Street to the west. The relative narrowness of Ellen Street results in the upper 2 floors not being apparent in immediate views with the upper levels becoming more evident with increasing distance. The choice of brick as the external finish will assist in providing a visual separation between it and the adjoining stone faced building. The setback of the entrance and fenestration to Ellen Street from the adjoining building is proposed so as to protect the character of this facade and allow space to read the historic elevation. I submit that it is not entirely successful and a more ordered arrangement would allow for a greater integration and balance with the new build proposed to the west (corner of Ellen Street and Patrick Street). I submit that this could be addressed by way of condition should the Board be disposed to a favourable decision.
- 8.5.8. Access to the basement level of the scheme will be provided from the Michael Street elevation. This elevation, which provides for a strong building line, is considered acceptable.
- 8.5.9. The proposed new building will block views available through the site to the rear elevations of the buildings along Patrick Street and Rutland Street. However this is not a historic view as large industrial buildings previously occupied this site blocking any views. In addition this southern section of Michael Street dates to the second half of the 20th century. Prior to that, there was no thoroughfare connecting to Ellen

Street in this location. The views from residential properties located to the east along Michael Street and St. Michael's Court, which are currently of a car park and onto the back of the buildings that front onto Patrick Street/ Ellen Street, will be altered and I would suggest the impact, whilst profound, would be positive.

- 8.5.10. The four pier gateway and railing to the north of this parcel and immediately south of the Granary building is to be removed. Limerick Civic Trust is to assume ownership and responsibility for its relocation. The gateway is not an original feature of the site which was originally the location of a large building adjoining the Granary and from photographic evidence available, the gateway was put in the current location in the 1980s. The origin of the gateway is unknown. It comprises separate 19th century elements reconfigured and reconstructed in the late 20th century. Its removal is proposed not only to provide for pedestrian access and connectivity as per the design brief but also access for service and emergency vehicles to the centre of the site. The alterations that would be required to the gate would involve the loss of a high level of historic fabric in the form of ironwork and ashlar limestone. On the basis of the case made I consider its removal to be reasonable. The Board is directed to photomontages 17, 18 and 19.
- 8.5.11. **Parcel 2A** will entail the demolition of the modern office building at the corner of Patrick Street and Ellen Street in addition to No.6 Patrick Street and No.3 Ellen Street. In my opinion the office building and No.3 Ellen Street which is also a modern intervention contribute little to the streetscape and their demolition is acceptable. No.6 Patrick Street which is a 19th century terraced building is the only historic building to be demolished along the street frontages.
- 8.5.12. The new building is to be a five storey apart-hotel which will tie into the apart-hotel provision in the upper floors of Nos. 4-6 Ellen Street via bridge links to the rear elevation. Retail units at ground and basement floor levels will be accessed directly from Ellen Street. The new build is not materially higher than that being demolished, albeit the upper levels of that existing are set back, thereby appearing to have a comparable height to the adjoining Georgian buildings the further the viewpoint. The proposal will be taller in these views but it will have the new build within the northern section of the site as its backdrop. I consider that the building has a simplicity in design and finish with regard had to the proportions of the historic buildings adjoining. As viewed in the context of its bookend position both on Ellen Street and

Patrick Street the design is considered acceptable. The Board is directed to photomontages 7 and 20.

- 8.5.13. The Georgian buildings of 1- 5 Patrick Street and 7-8 Ellen Street are to be refurbished with provision made for retail at ground floor level and residential above served by ground and podium level private gardens to the rear. The level of intervention required is considered acceptable to allow for appropriate living standards.
- 8.5.14. **Parcel 2B** entails the refurbishment of No. 9 Ellen Street as a bar and restaurant on all levels which will serve both Ellen Street and the plaza with the retention of the internal courtyard with a new glazed roof. The works which will require the demolition of a number of outbuildings is acceptable.
- 8.5.15. **Parcel 3A4** entails the refurbishment and extension of the former Town Hall and Nos. 8 and 9 Rutland Street. Demolition of additions to the rear are proposed to facilitate same. Nos. 6 & 7 Rutland St. which date from the 20th Century are also to be demolished with new build proposed in their place. The Town Hall, Nos. 8 & 9 and the new build is to house the city and county library in addition to office space. I consider that the use of the building for such a cultural function in close proximity to the Hunt Museum is appropriate and allows for a greater presence in the city streetscape than its current location in the 3 storey extension to the rear of the Granary building accessed from Michael Street. The design also allows for the restoration of the original large rooms and the open well staircase in the Town Hall. The new build to Rutland Street works on the angle created by the fold in the street at this location with a glazed connection to the Town Hall. There is no question that the new build at this point in the streetscape is contemporary in execution with a fenestration, horizontal emphasis and use of blue limestone deliberately at variance with that prevailing in the historic fabric to either side. It could be argued that such a design solution is appropriate to mark the main street entrance to the cultural facility. It will be visually prominent in the retained Georgian streetscape.
- 8.5.16. The extension of the new build into the centre of the site will provide the northern boundary of the plaza. The height increase will be visible above the rooflines of the peripheral buildings to the site but the impact is set in the context of the tall building which will dominate views from the north and west.

- 8.5.17. A number of submissions including those from the Department of Culture, Heritage and the Gaeltacht and the Irish Georgian Society express reservations about the proposed relocation of the Bruce House Doorcase, a protected structure. It was originally located in No.6 Rutland Street. Nos. 6 & 7 were demolished and rebuilt in the 1980s with the doorcase inserted into the façade of No. 7. Arising from the proposed demolition of Nos 6 and 7 the applicant proposes to relocate the doorcase at the gable end of No.8 Rutland Street which will be visible from the main glazed public entrance. It will provide access to a meeting room proposed on the ground floor of No.8.
- 8.5.18. Whilst it may be considered inappropriate to re-locate original features away from their built contexts, I note that the setting of the doorcase has already been altered with the original building demolished in the 1980's. Clearly such re-location close to its original position is preferable to a remote location to which it has no relationship or indeed to the loss of the feature in its entirety. I therefore consider the proposed design solution in this instance to be acceptable.
- 8.5.19. The building to the south of the Town Hall is to be demolished to allow for widening of the existing Glover's Lane east-west access route into the site providing for connectivity between the site and adjoining areas. This is in line with the design brief provisions and is acceptable.
- 8.5.20. The Irish Georgian Society is of the view that the proposed zinc framed ope in the south gable of the town hall onto the proposed pedestrian path is an unnecessary intervention contrary to best practice principles. It is not known if this gable of the Town Hall originally had windows or whether it was part of a terrace due to the fact that there has been a building attached to it for a considerable period of time. I would accept the applicant's view that the opening will be immediately readable as a contemporary intervention to the historic fabric with Mr. O'Callaghan on behalf of the applicant referencing it as an 'incision' which will have a dual function in both allowing light into several floors of the library whilst allowing visibility to the interior of the public building when viewed from Patrick Street and Glover's Lane. I would not concur with the view as postulated by the Irish Georgian Society that the intervention is arbitrary and would have such a significant impact on the historic structure as to alter the overall character and detract from its special interest. Its purpose has been

set out by the applicant and will give visual interest on the main pedestrian access to the site from Patrick Street. I have no objection to the insertion.

- 8.5.21. I consider that the glazed atrium to the rear of the library is a suitable modern intervention providing for full views of the rear façade and allowing for a visual connectivity of the cultural facility to the public plaza from which an entrance is proposed. The proposed arrangement also provides for public circulation and break out space which connects the varying floor levels and thereby facilitating the retention of the existing staircases within the buildings in situ. The applicant, in its further information response, states that the design as submitted has considered issues in terms of solar gain and heat build up and will control the temperature through a combination of glazing specification and cooling strategy. It agrees with the Department of Culture, Heritage and the Gaeltacht that tinted glass is not appropriate.
- 8.5.22. In response to queries regarding the location of the library café in the basement and further elaborated on by M. Hatz at the hearing, Ms. Pearson on behalf of the applicant stated that the change in levels across the plaza necessitates that it sits at a higher level than the Town Hall basement. The café can be viewed from the plaza, albeit at a lower level. It will be glazed on three sides and will be a bright space. In view of the design objective seeking to view the rear façade of the town hall in its entirety and the presence of other ground level café/restaurant offer onto the plaza this compromise is considered acceptable.
- 8.5.23. **Parcel 3B** entails the refurbishment of Nos 4 and 5 Rutland Street including the demolition of the existing return to No.4 and internal interventions to allow for residential use over ground floor retail. Further interventions include balconies and staircases to the rear elevations facing onto the new plaza. I accept that the level of intervention required is so as to provide for acceptable living accommodation and is necessary.
- 8.5.24. **Parcel 5** Unquestionably the proposed development at this location onto Bank Place entailing a 14 storey high building (15 storey with plant) with a secondary 11 storey element to the west of the primary structure for office use comprises one of the substantive concerns for all of the observers that express opposition to the development. The suitability of the site for a tall building is contested by many due to

its location and consequent impacts in terms of scale and visual intrusion into the prevailing low rise city scape at this location. Others express enthusiasm for the design. The applicant is of the view that it is this locational context, at a nodal point in the city between the medieval core to the north of the Abbey River and the Georgian centre to the south that justifies the proposal. I refer the Board to my assessment on this matter in section 8.4 above.

- 8.5.25. As noted previously Bank Place originally comprised of a Georgian terrace along Charlotte's Quay facing the Abbey River. Ms. Castle in her presentation to the hearing noted that Bank place was altered significantly in the 20th century when a number of Georgian terraced houses were demolished and replaced by the Cahill May Roberts office building. A public area with seating is provided along the quay although its amenity value is reduced due to its relative openness and proximity to a busy access route into the city centre.
- 8.5.26. In terms of design the front elevation of the tall building is onto Bank Place and the Abbey River. The Granary building bounds the building to the east with the terrace of Georgian buildings, No.7-9 Bank Place, to the west. The main tower will be glazed with full length vertical fins with the secondary 11 storey element to be faced in limestone with a formal fenestration pattern. At the lower level a frameless glazing 'shop front' is proposed to identify the public access and waiting areas within the building. A solid stone plinth punctuated with window openings at 1st floor level, aligning with the eaves of the Granary building, is also proposed. The overall height of the building is 66.1 metres and will be 71.5 m OD. The stated floor area is 12,331 sq.m.
- 8.5.27. At this juncture I bring to the Board's attention Section 4.2.6 of the Design Brief prepared for the site which states that *given the smaller scale of the Abbey River and the proximity of Protected Structures, it would not be appropriate for the tall building to be as tall as the tall buildings on the Shannon Riverside of 17-18 storeys. Therefore, the suitable height of a tall building on the Opera Site is likely to be in the range of 12-16 storeys.*
- 8.5.28. Whilst I note that the number of floors complies with the said parameters the actual height of the building is greater than that permitted at Bishop's Quay which provides for 15 storeys to a height of 59.8 metres with Riverpoint at 58.5 metres and the

Clayton Hotel at 57 metres. The building, therefore, would be the tallest intervention to the city scape thus far.

- 8.5.29. Mr. Lawlor in response to questions at the hearing set out the evolution of the height as proposed. He stated that the first considerations were the quantum of floorspace required in accordance with the 2030 Plan and the design brief and the aim to achieve a minimum of 1:3 height to width ratio. Following same the 1st and 2nd floor levels were set at 15 metres above ground floor level so as to complement the parapet of the granary building adjoining. Originally floor to ceiling heights of 3.8-3.9 metres were proposed but were subsequently increased to 4.33 metres arising from the requirements of the prospective occupant (Revenue Commissioners). A screen of 5 metres to the plant equipment etc. at roof level was also considered necessary. This results in the proposal before the Board of 66.1 m (71.5 m OD) for which the EIAR was prepared and the environmental effects assessed. He also noted that the design brief predates the Guidelines on Urban Development and Building Heights. Prior to same a proposal in the region of 60 to 66m OD was being investigated.
- 8.5.30. In view of the relative separation of the site from the other tall buildings as existing and permitted to the south I consider that the height differential would not be discernible. Therefore, having regard to prevailing national guidance and the fact that the design brief does not have a statutory footing I do not consider that there is a reasonable justification for a reduction of height. At this juncture I that the masterplan and section 4 of the EIAR considered a number of height scenarios from a number of locations. I would concur that the proposed 15 storey proposal with a ratio of 4:1 is visually more successful than the 12 storey arrangement with a ratio of 3:1.
- 8.5.31. As is evidenced both from the photomontages accompanying the application and from visual inspections the city scape is largely low rise with the bell towers of St. Mary's and St. John's cathedrals providing historic vertical landmarks. Whilst I note Mr. Carty's submission to the hearing that the city generally adheres to its Georgian city scale, as an entity the city scape has evolved and continues to evolve with recent riverside developments of varying heights sitting alongside the older city fabric. Of note in this regard are the tall buildings at Riverpoint and Steamboat Quay (Clayton Hotel). I also note that permission for a 15 storey building was granted

permission on appeal at Bishop's Quay (file ref. PL91.247888). As noted by a number of parties to the hearing there is a current application for revisions to the said permitted development under ref. number 19/1060. The proposal entails the reduction in the number of floors from 15 storeys to 7 storeys and associated reduction in office floorspace based on market demands. However, this does not undermine the fact that both the planning authority and the Board in its assessment of the appeal in 2017 considered the 15 storey office building to be an appropriate intervention in the cityscape at a location in proximity to the Georgian core.

- 8.5.32. A sense of the impact of the proposal upon the cityscape of Limerick can be gauged from the said photomontages and assessment that accompany the application. It is inevitable that any high building will have an impact in public views and will create a change in the skyline and I acknowledge that lower elements of the overall scheme will be visible in certain views.
- 8.5.33. With respect to locations in proximity to the site that afford views of either all or most of the proposed building, notably from the north at George's Quay, the building will dominate with a sense of drama in the contrast that would arise between its design and height and the much lower buildings immediately adjoining. I would concur with the Irish Georgian Society that the design solution to the base of the tower as viewed from Bank Place, namely a base which corresponds to the height of the front (north) elevation of the Granary building, while somewhat successful in providing for a differentiation from the upper portion of the tower, is not effective in terms of reducing the visual impact. Notwithstanding I would concur with the view that whilst dominant the simplicity and slenderness of the design is an acceptable insertion. (see photomontages 10 and 22).
- 8.5.34. In terms of views from the north-east especially those along the Dublin Road, whilst the tall building will be visible (photomontages 1 and 3) the view is tempered by the modern building interventions in the foreground. The impact on these views is considered acceptable.
- 8.5.35. Its location in the city centre will inevitably give rise to only partial views from certain vantage points where existing buildings lie in between the viewing point and the subject site. Views from the south-west, notably along O'Connell Street and from the Newtown Pery Architectural Conservation Area to the south will be screened by

the existing streetscape with the taller elements only becoming evident in views the closer the subject is to the site (photomontages 5, 6 and 7). I would also submit that the impact on distant views would not be of material concern due to the relatively level topography of the general area and screening provided by intervening buildings and vegetation.

- 8.5.36. Of substantive concern, therefore, is the impact of the proposed building as viewed from the north, north-west and west. Whilst no views or prospects are listed for protection in the current City Development Plan it is policy to protect the intrinsic character and scale of the City and City skyline. I note that key linear views are identified in the Limerick 2030 Plan and are delineated in Appendix 2 of the EIAR. They include urban and waterfront vistas and localised views to local landmarks.
- 8.5.37. I consider that the height, scale and massing of the tall building would be most apparent when seen from the west and north west where the River Shannon allows for open views. Whilst the front elevation onto Bank Place and from the north as shown in photomontages 10 and 22 presents as a relatively slender design with the visual impact of the northern elevation eased by the building's transparency, I submit that the depth of the building at 43.323 metres precludes the same conclusion being reached when viewed from the side notably from the west on the other side of the River Shannon. The stepping down of the building from north to south by 5 metres and alterations in the glazing, with shading to be provided by aluminium brise soleil so as to differentiate it from the adjoining tower, is not entirely successful in reducing the massing. A third, smaller stone-clad tower will also be in the views from the west. It is not unreasonable that the operational functionality and the feasibility of the development in terms of quantum of office accommodation must be taken into consideration and that a balance between design aesthetic and functionality must be struck. The compromise, therefore, would appear to be the massing of the building as viewed from the west.
- 8.5.38. I accept the view that the building will present as a key visual marker and point of emphasis bookending the city centre to the north with the Clayton hotel serving the same function to the south. Notwithstanding the fact the city skyline is not protected it will be a significant visual intrusion on the cityscape and be major new element visible in views specifically those from the west and north where it will dominate due to its massing. (see photomontage nos. 12, 12B, 13, 14, 14B, 15, 15B, 23 and 23B).

- 8.5.39. In terms of the impact of the proposal on the adjoining historic fabric the fact that the Hunt Museum is one of the most important buildings in architectural terms in the city is not in dispute. Originally the Custom House, it is described by the NIAH as probably the most important mid 18th century classical building in Limerick City. Whilst its principal frontispiece with arcaded wings faces the River Shannon to the west, the setting of the Hunt Museum also relates to Bank Place visually on approach from the east along the Abbey River and from across the bridge to the north. Ms. Cousins on behalf of the Hunt Museum informed the hearing that it is proposed to relocate the main entrance to the western elevation availing of and to encourage increased footfall along the riverside with connection via O'Halloran pedestrian bridge to King's Island.
- 8.5.40. Of material concern is the sensitivity of views of the protected structure to change. A number of observers consider that the views would be adversely affected. This was further advanced by An Taisce, Irish Georgian Society, Mr. Carty and others to the hearing. I submit that views of the museum from the west are already characterised by a significant level of modern intervention, especially Sarsfield House immediately to the south which dominates the view in the foreground. Whilst the development will form the backdrop to the building it would read as an entirely new entry into the architectural record of this part of the city and would contrast with its traditional and classical architecture. Notwithstanding it will inevitably be a prominent feature within its setting from riverside vantage points
- 8.5.41. Concurrently the setting of the former Town Hall would be altered. Both the tall building and to a lesser extent the 5 storey office building forming the northern boundary of the central plaza will introduce prominent vertical structures that will protrude over the existing buildings and which will alter the inherent Georgian scale along this section of Rutland Street. The Board is directed to photomontages 9 and 21.
- 8.5.42. Whilst the new build of the proposal will be evident in views of other historic buildings such as the Court House and St. Mary's Cathedral to the north the impact is not considered to be of such magnitude due to the intervening distance and the built environment in-between as to be of material concern. As noted in the photomontages 12, 14 and 23 whilst the tall building will dominate it will not block views of either St. Mary's or St. John's cathedral spires.

- 8.5.43. **Parcel 6** The existing 4 storey Granary building is to remain in office and licenced premises use. The existing modern extension to the rear which currently houses the city library, which has limited merit, is to be demolished with new build restricted to a small glazed circulation area to the rear which is acceptable. Due to the location of the proposed access from Michael Street to the centre of the site the southern gable of the protected structure will remain visible from the street. Although the proposed development as a whole will have an impact on the setting the protected structure it will not obstruct existing views of the principal elevations from Michael Street.
- 8.5.44. **Public Realm** The size of the new central plaza is mandated in the Limerick 2030 Plan with east-west connections to Michael Street and Patrick Street, to the south via the existing archway connecting to Ellen Street and to the north via a public space to the rear of the Granary building. I consider that the proposal provides for improved permeability and connectivity to the surrounding street and areas. In addition public realm improvements along the streets bounding the site are proposed.
- 8.5.45. The proposal will deliver significant gain in redressing current vacancy and decline along Rutland Street, Patrick Street, Ellen Street and Michael Street and will provide for an enlivened streetscape with the occupation of the ground floor units by retail units and café/restaurants. I would also submit that the frontage of units onto the proposed central plaza, coupled with the dual frontage library, will also provide for activity therein beyond normal office hours. This will provide for a footfall and knock on presence which will ensure a level of vibrancy and passive surveillance. Such passive surveillance would be bolstered by the residential and apart-hotel components. Mr. Lawlor for the applicant in response to questions by Ms. Hatz informed the hearing that the space will be multi-functional which could provide for seasonal events such as farmers markets/Christmas markets etc. subject to legal requirements. In this regard Ms. Hayes on behalf of An Taisce stated that there are restrictions in terms of market locations arising from Limerick Markets Act 1832.
- 8.5.46. Notwithstanding whether markets can be held in the space or not I consider that the proposal provides for a mix of uses which would obviate the concerns regarding a dead, inactive space after office hours. Concern in terms of anti-social behaviour is a matter for the relevant policing authority.

- 8.5.47. As per Ms. Cousins submission to the hearing on behalf of the Hunt Museum it is the aim that there will be synergies between the museum and proposed library providing for joint cultural heritage facilities. However, it is felt that connectivity is hampered by the prevailing environment along Rutland Street/Patrick Street. In response to the possibility of a tunnel under the road connecting the sites Mr. Lawlor advised that due to the levels and requirements in terms of drainage and provision of site services this is not possible. I would concur that a pedestrian crossing, appropriately positioned, would be a reasonable solution to address this concern and could be attached by way of condition should the Board be disposed to a favourable decision.
- 8.5.48. The existing amenity space to Bank Place is to be retained and redeveloped. The current iteration with dominance of hard landscaping is not of a high quality and already experiences a notable level of overshadowing. The fact that it is immediately adjacent to a busy access road to the city centre and its relative openness impinges on its amenity value. I consider that the proposed landscaping works will provide shelter from the road and the winds from the exposed northern frontage and will improve on its current amenity value.
- 8.5.49. As noted in the further information response the existing historic paving throughout the site is to be retained and/reused. Two areas of significant historic stone surfaces are identified. They are in the Ellen Street archway and Glover's Lane.
- 8.5.50. I have considered the public realm and landscaping proposals and I consider them to be a satisfactory response to the site's context. It is imperative that the public realm is durable and low maintenance and for these reasons it is recommended that all details and finishes be submitted for agreement prior to commencement of development should approval be granted.

Conclusion – Design and Visual Impact

- 8.5.51. I accept that as a consequence of the commitment to the maximum retention of the existing historic buildings within the site, the provision of residential units on the upper floors of same and the mandate as set out in the Limerick 2030 Plan for the size of the central public plaza, the space available for new build and the required mandated office floorspace results in the said new buildings, especially the tall building, being large in scale. From the details provided at the oral hearing it is evident that the proposed tall building is necessary in financial terms so as to fund

the works to the historic fabric. Its omission from the scheme would clearly place a question mark on the realisation and success of the overall project.

- 8.5.52. The new build elements, especially the tall building in parcel 5, are considered inappropriate by many observers in view of their location within the historic Georgian streetscape. On this basis the conclusions in the EIAR as to the beneficial visual effects and amenity are disputed. However, such divergent views are acceptable. I consider it preferable that the buildings are designed to elicit a consideration of its visual merit, rather than being designed as an unremarkable replication of that which currently occurs and which thereby lessens the necessary profile of the city centre as a commercial destination.
- 8.5.53. While it would be prominent within the setting of several historical buildings within the vicinity of the site, the new build would read as unmistakably modern interventions and so resulting views would present striking contrasts. I would also submit that the juxtaposition of the new and the old would provide for visual interest which would add to its visual attractiveness which would be supplemented by the new and upgraded public realm. Certainly, the proposed tall building will introduce a major new element visible in key views however this, of itself, does not render it unacceptable. In this context I would suggest that in drawing up the design brief for the site as required by the Limerick 2030 Plan and which was presented to the Councillors, the local authority as applicant, must have been aware of the consequences on the city scape of the tall building.
- 8.5.54. On balance, therefore, I consider that a pragmatic approach is taken which seeks to facilitate investment which will, in turn, allow for the retention and rehabilitation of the best elements of this historic area. Cities are continuously changing and evolving and Limerick is no different. Whilst the importance of the city's prospects and views are enshrined in Limerick city development policy no specific views/prospects are listed for protection. I accept that the proposal will have a significant impact on the existing streetscape and fabric of the area and views from further afield. The development may be considered as the next stage in the evolution of the city scape and character which, as the development plan notes in section 11.2, involves the combination and interplay of many elements including the landscape, built environment, riverscape and natural heritage. I submit that the site location at the confluence of the Abbey and Shannon Rivers, on an important access route to the

city centre, means that the proposal would act as a focal point and thus a landmark building which would positively serve the legibility of the city centre.

8.5.55. In conclusion, therefore, I would not subscribe to the view as espoused by a number of the observers that the overall goal of the Limerick City Development Plan is contravened and would counter that the proposal will assist in ensuring that the city continues to grow as the centre of economic, social and cultural development for the mid-west region, whilst endeavouring to protect important resources where cultural and built heritage is safeguarded. In view of the benefits of the proposed development and the retention of the significant quantum of historic fabric and its likely positive knock-on impact in terms of economic regeneration of the City Centre which is a stated objective of Limerick 2030 plan, I consider the proposed development to be acceptable.

8.6. Microclimate

- 8.6.1. The assessment in terms of microclimate is split into two separate assessments, namely pedestrian wind comfort and distress and sunlight, daylight and shadow analysis. Further details were submitted by way of further information on 23/09/19 following a request from the Board. The assessments compared the proposed conditions relative to those prevailing. The majority of observations in opposition to the proposal express concern as to the impact of the proposed development on the amenities of adjoining properties and open spaces, both existing and proposed.
- 8.6.2. In terms of **pedestrian discomfort because of wind** the initial assessment identified there would be areas of pedestrian discomfort and distress at (a) Bank Place, (b) in the proposed service yard, (c) to the south of the proposed development and (d) at the north eastern corner of the proposed development. To reduce the impacts mitigation measures have been integrated into the design including a tower skirt to prevent wind washing down the face of parcel 5, placement of evergreen trees at Bank Place, retention of a door between Bank Place and the Granary courtyard and planting in the plaza to calm wind conditions. Following mitigation three small areas of pedestrian distress remain. In all three the maximum number of hours distress is approx. 3 per year which exceeds the guidance value of 2 hours per year. In view of the small areas involved this breach is considered acceptable.

- 8.6.3. In terms of **daylight** and **sunlight** out of the 36 buildings assessed (including the properties on George's Quay assessed following the further information request) 22 are found to have the majority of their windows retain the BRE recommended 27% VSC, or to have the majority of windows retain at least 0.8x baseline available to them. The 14 remaining buildings are found to have a higher level of change in daylight access. The greatest impact is expected to the Georgian buildings outside of the site (refs. B2 and B30 in studies) to the north-west. The buildings appear to be in commercial use. These Georgian buildings are located in an urban environment which has developed since their construction with very small yards arising from the development of buildings in the centre of the site. These buildings have for this period been orientated towards the front (street) due to the lack of amenity to the rear. This is reflected in how the rear elevations have developed over time with limited fenestration. In terms of overshadowing the rear elevations of the buildings that front onto Bank Place are where the key impacts occur. These elevations are already significantly overshadowed by the extension/lift core of No.7 Bank Place and the apartment block at 2 & 3 Rutland Street.
- 8.6.4. I would accept that effects to commercial/retail uses are not considered to be as significant as those in which there is a residential component. 6 buildings are identified as having a residential component and are largely located to the south and east. In these cases the impacts could be considered to be significant. Invariably the properties on the western side of Michael Street and opposite the junction on Ellen Street will be impacted by the proposed development in terms of the replacement of the existing surface car park with a 6 storey building. The commercial building to the south-east at the corner of Ellen Street and Michael Street is also likely to experience a reduction in sunlight access.
- 8.6.5. The studies, which were supplemented by way of further information, show that the new plaza and the buildings enclosing it will have 4 hours of sunlight to more than 50% of the space. The tall building will not cast a shadow that would extend across the Abbey River for the majority of the year and that a building of approx. 5-6 storeys would cast a shadow over the full depth of Bank Place. As it stands this is not an area that has unobstructed daylight throughout the day. In terms of the amenity of the Hunt Museum the courtyard onto Rutland Street will experience an increase in shadowing during the morning period which would clear by c.10am or before during

the summer months. The area to the west on the riverside will remain unchanged. As per the submission by Ms.Cousins on behalf of the Hunt Museum to the hearing it is proposed to change the main entrance to this riverside elevation so as to provide for greater connectivity and increased footfall by the river.

- 8.6.6. As the application site currently accommodates low rise structures and is partially vacant it is inevitable that there will be a material change to the shadow environment. I would accept the contention made by Ms. Brock on behalf of the applicant in her submission to the hearing that the proposed daylight conditions reflect what might be seen in a more densely arranged urban environment than what the current site presents. In meeting objectives to increase city centre densities and consolidate the core areas it is not unreasonable to expect that the overall resulting sunlight and daylight character would adapt to reflect this. Mitigation of all of the impacts is not possible and has to be balanced against the overall gain that will be achieved through the development of this inner city site. As such the anticipated impacts are not considered so significant as to warrant a refusal in this case.

8.7. Traffic and Parking

- 8.7.1. The development incorporates a basement car park providing for 155 spaces accessed from Michael Street. As per the current city development plan in the region of between 800 and 850 spaces would be required.
- 8.7.2. As outlined in the **Mobility Management Plan** accompanying the application and Table 4.2 therein it is estimated that approx. 763 of the 2063 new employees will travel to work by private vehicle. Assuming a vehicle occupancy rate of 1.22 (as outlined in TII's Project Appraisal Guidelines) it is therefore estimated that the development will generate approx. 626 inbound private vehicle trips during the AM peak period with the same number in the PM peak period. With only 155 spaces being provided on the site this implies than 471 vehicles will be required to park off site.
- 8.7.3. The level of parking on the site has been established having regard to:
- The scale and impact of the development
 - The site location with good access to public transport, shops, services and amenities;

- The commitment to Limerick Smarter Travel Mode Share and
- The availability of other car parks in the area.

- 8.7.4. I would concur that the relaxation of the car parking provision is justified to promote alternative means of transport in accordance with the principles of the **Limerick Smarter Travel Initiative**. I accept the argument, based upon my inspection of the site and vicinity, that there is currently adequate capacity upon the surrounding road network, and in nearby public car parks, to facilitate the access and parking demands of the development. In this regard I refer the Board to section 13.3.7 of the EIAR which details the existing car parking complement and makes reference to average occupancy levels in October 2018 of 70%.
- 8.7.5. In addition, the relatively low provision on site will provide an opportunity whereby the successful implementation of smarter travel measures can encourage employees to use more sustainable modes for their journey to work. In this regard the NTA in its submission to the Board supports the proposal as it seeks to maximise the use of this city centre site and to manage access by private car by departing significantly from the prevailing car parking standards.
- 8.7.6. 495 cycle parking spaces are to be provided. 311 at basement level and the remainder at surface level. Whilst this is materially below the development plan requirements of 1186, I accept that the allocation of 495 spaces should be adequate to cater for demand as the bike mode share target of 14% equates to 288 employees cycling to the development each day.
- 8.7.7. Following the completion of the proposed development there will be a slight increase in average daily traffic flows on the roads near the site. However, all junctions will continue to operate within capacity for all scenarios tested. This will lead to a slight increase in driver delay in the area, but the effect is not significant.
- 8.7.8. A **Construction Methodology and Phasing Management Plan (CMPP)** has been prepared which, coupled with a **Construction Traffic Management Plan (CTMP)**, will detail mitigation measures to address impacts during the construction phase.

8.8. Ecology

- 8.8.1. I recommend that this section be read in conjunction with both the biodiversity section of the EIA and the appropriate assessment with specific regard to the Lower Shannon SAC and River Fergus and River Shannon Estuaries SPA and the relevant qualifying interests.

Flora

- 8.8.2. In view of the site's location within Limerick city centre, as expected no protected plant species or plant species of conservation concern were identified. In addition, no invasive plant species were recorded.
- 8.8.3. **Bryophyte communities** (ie. mosses and lichens) associated with qualifying interest 'watercourses of plain to montane levels' habitat of the Lower River Shannon SAC were identified on the existing limestone wall of Charlotte Quay by the Abbey River in the vicinity of the proposed surface water outfall which is c.40 metres to the north of the site. Having regard to the site specific Conservation Objectives for the Lower River Shannon SAC these bryophytes correspond to the 'high-conservation value sub-type' named 'Bryophyte- rich streams and rivers'. In addition **benthic communities** associated with estuary habitat of the SAC occur adjacent to the said proposed outfall. In the interests of avoiding undue repetition the Board is advised that I address this matter in detail in the appropriate assessment below.

Fauna

- 8.8.4. An Taisce queries the veracity of the **bat surveys** undertaken and, as a consequence, considers that the bat populations have been underestimated. Chapter 16 of the EIAR addresses biodiversity with the submission by Dr. Emma Boston to the oral hearing specifically responding to the stated criticisms.
- 8.8.5. Daytime visual inspections, bat emergence and re-entry surveys, hibernation surveys and bat activity surveys were undertaken, a summary of which are set out in paragraph 16.2.7.3 of the EIAR and which was further elucidated at the oral hearing. I accept that the survey work undertaken is robust, accords with best practice and was undertaken by appropriately qualified individuals.
- 8.8.6. Three species of bat (common pipistrelle, soprano pipistrelle and Leisler's Bat) were observed feeding and/or commuting through the development site. None are

qualifying interests of the nearby Lower River Shannon SAC and are not listed in Annex II of the EU Habitats Directive. A common pipistrelle roost was identified at 9 Rutland Street and is designated to be of Local Importance (Higher Value).

Sufficient evidence has been provided to support the view that it is not a maternity roost. In view of the site's inner city location and the absence of vegetation cover or suitable habitat the conclusions that it is not suitable for lesser horseshoe bat are accepted and the potential for its presence can be discounted.

- 8.8.7. A derogation licence from the National Parks and Wildlife Service will be required as the proposal will result in the loss of the identified roost. Mitigation measures include the installation of a bat brick and a bat tile to be included in the design of 4 and 5 Rutland Street which is located close to the existing roost in 9 Rutland Street with uplighting excluded at this location. Measures to be taken during the construction phase include the carrying out of works outside of the summer months and appropriate training of contractors. These measures will be subject to the requirements of the said derogation licence.
- 8.8.8. No **bird** species listed under Annex 1 of the Birds Directive were recorded breeding, foraging or commuting in the site and the conclusion that the urban habitats within the site do not offer feeding or roosting habitat to birds of conservation concern is accepted.
- 8.8.9. Measures to minimise the potential for adverse impact on birds that occur at and in the vicinity are detailed in the EIAR including the commitment not to carry out structural works to building exteriors during the bird breeding season of March to August inclusive, unless otherwise agreed with the project ecologist.
- 8.8.10. Concerns regarding the potential **collision risk** arising from the proposed tall building are noted. An Taisce in its submission to the hearing notes that no reference is made to bird collisions during the day nor assessment of the threat of the glazing to the façade of the new buildings to birds in flight. I note that the applicant endeavoured to gain information regarding bird collisions with buildings in Ireland but that such information was not available. I would tend to concur with the view advanced by Dr. Fennessy's at the hearing that were such events commonplace it is unlikely that they would go unreported.

- 8.8.11. A major study of the characteristics of migratory bird populations across West Europeans flyways across multiple seasons and multiple years indicates typical flight heights for birds on migration exceed 600 metres above ground level (Dokter et al., 2010). Limerick is not a major migratory flyway for birds and the potential for collision is unlikely.
- 8.8.12. The bird populations potentially affected are most likely to be local populations using the Shannon and/or Abbey Rivers as visual cues along which to move between feeding and roosting sites. Collisions are most likely to happen at night and/or in poor light conditions. The potential collision risk is considered to be significantly reduced by the location of the tower c.40 metres from the Abbey River and c.116 metres from the River Shannon within an urban centre which is well lit at night.
- 8.8.13. Mitigation measures include the installation of a green flashing light to the tall building. It is acknowledged in the EIAR that the literature underpinning the selection of the warning light may be superseded by new research. The choice made is based on evidence that migrating birds are less disorientated by blue and green lights than by red or white lights and that flashing lights have been shown to repel birds and reduce collisions. The purpose of the light is so as to improve the visual cues available to birds during periods of low light or diminished visibility while not seeking to attract high flying migrants that might pass over this part of the city. In the event where new scientific evidence on lighting mitigation conflict with this measure the ecologist will advise on any changes in light colour or other parameters required to minimise the potential for strike risk.

8.9. Other Issues

Depth of New Build

- 8.9.1. A number of observers including Mr. Carroll and Ms. Hatz raised concerns as to the depth of office buildings, specifically those in parcels 1 and 5 and knock on impacts in terms of sustainability. The new office buildings have been designed in accordance with the recommendations set out in the British Council for Offices 'Guide to Specification 2014 – Best Practice in the Specification for Offices'. The depth of floor plate from core to façade in a deep plan office building with a central core can range from 6m-12m. As per Ms. Pearson's submission to the hearing the

general arrangements of the commercial buildings have been developed to provide for working spaces site adjacent to the windows with the supporting facilities and stair cores placed centrally maximising the use of light. In addition, the floor to ceiling height of over 4 metres in the tall building exceeds the 2.75 metres recommended by the British Council for Offices and the 2.8 metre typical of Grade A office buildings. This will allow for light to penetrate more deeply into the centre of the plan.

Phasing

- 8.9.2. The proposed phasing is set out in the **Construction Methodology and Phasing Management Plan** document that accompanies the application. Development is to be undertaken in two phases. Mr. O'Callaghan on behalf of the applicant advised the hearing that the necessary remedial works, including weatherproofing to the historic fabric to be retained, would be carried out during the enabling works. Appendix 1 of the **JCA Architectural Heritage Report** dated November 2018 a copy of which is in Appendix 18.A of the EIAR, details a **Schedule of Building Fabric Repair Works**. It is envisaged that following the enabling works the basement will be installed followed by the new build advancing from north to south commencing with the construction of the tall building on parcel 5. It is not proposed to bring the historic buildings into active use prior to the substantive construction works and I would accept that the occupation of the residential units within the historic fabric would be premature pending their completion. In response to the recommendation by the Irish Georgian Society's that phasing should be conditioned from south to north Mr. Lawlor advised the hearing that the prospective occupant of the tall building has a pressing need in terms of occupation and that the direction of the phasing as proposed would provide for the financial means to assist with the substantial costs that will accrue in carrying out the restoration works to the historic fabric.

Flood Risk

- 8.9.3. A **Site Specific Flood Risk Assessment** for the development was carried out (Appendix 8). As the development is close to the Shannon and Abbey Rivers, coastal flooding is considered to pose the primary risk. The site is within Flood Zone B. The commercial elements of the scheme would be classified as less

vulnerable whilst the residential and apart-hotel would be classified as vulnerable. The risk assessment includes a justification test as per Box 5.1 of the Planning System and Flood Risk Management Guidelines.

8.9.4. Based on a 1 in 200 year return period coastal flood level of +4.72m, a climate change allowance of 500mm and an allowance of 100mm for land movement, the appropriate finished floor level is 5.32mOD. All essential infrastructure will be sited above the 0.1% AEP event coastal flood water level of 5.15mOD. The residential townhouses are located in the existing Georgian buildings in Patrick Street, Ellen Street and Rutland Street. The apart-hotel is also located within Ellen Street. The existing ground floor levels associated with the buildings on these streets are all above the CFRAM 1 in 1000 year return period event coastal water level and are therefore in Flood Zone C.

8.9.5. *Procedural Issues*

8.9.6. The applicant is Limerick City and County Council and the proposal is a Local Authority development with the application made to the Board under **Section 175 of the Planning and Development Act, 2000, as amended**. Issues in terms of its relationship and interface with the Limerick 2030 Board is not a matter for comment by the Board.

8.9.7. A number of observers in written and oral submissions make reference to the source of funding for the purchase of the site by the then Limerick City Council and the understanding that any redevelopment was to provide for a material residential element. In this regard reference is made to the **Limerick Regeneration Programme**. Whilst noted this is not a matter for comment by the Board.

8.9.8. The legal status of **Variation No.4 to the City Development Plan** with reference made to SEA and AA was raised by An Taisce in its submission to the hearing. It contends that the failure to obtain an AA Screening assessment for the SEA and consideration of alternatives therein vitiates the valid and lawful incorporation of Limerick 2030 Plan into the Limerick City Development Plan. I note that no legal challenge was taken to the variation which dates to 2015 and therefore comprises part of the current statutory development plan to which regard is had.

8.9.9. An Taisce also raised the adequacy of the **site notices** erected on the perimeter of the site. There is no evidence to suggest that the notices as erected, coupled with

the relevant newspaper notices, were not sufficient to advise the public of the proposed development with significant participation noted in terms of both written and subsequent oral submissions. I am therefore satisfied that 3rd Party rights were not adversely affected.

9.0 Environmental Impact Assessment

9.1. Introduction

- 9.1.1. This section sets out in the environmental impact assessment of the proposed project. Some of the matters considered have already been addressed in the Planning Assessment above. This section of the report should therefore be read, where necessary, in conjunction with relevant sections of the Planning Assessment.
- 9.1.2. The requirement for EIA arises as the project, entailing a site area of 2.35 hectares within Limerick city centre, is of a type and scale identified in Part 2, Schedule 5 Part 1 of the Planning and Development Regulations 2001, as amended. The type and class of project is:

10 (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district.

Both the 2014 amending EIA Directive (Directive 2014/52/EU) and the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 are applicable in this instant case.

Compliance with Legislation

- 9.1.3. The EIAR consists of three volumes, grouped as follows:
- Volume 1: Non-Technical Summary
 - Volumes 2 (Parts 1 and 2) Environmental Impact Assessment Report
 - Volume 3 (Parts 1 and 2) Appendices
- 9.1.4. In accordance with Article 5 and Annex IV of the EU Directive, the EIAR provides a description of the project comprising information on the site, design, size and other relevant features of the project. It identifies, describes and assesses in an appropriate manner, the direct and indirect significant effects of the project on the following environmental factors: (a) population and human health; (b) biodiversity,

with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape and it considers the interaction between the factors referred to in points (a) to (d). It provides an adequate description of forecasting methods and evidence used to identify and assess the significant effects on the environment. It also provides a description of measures envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects. The mitigation measures are presented in each chapter and are summarised in Chapter 20 of the EIAR. Where proposed, monitoring arrangements are also outlined. Environmental interactions are addressed in Chapter 19. Any difficulties which were encountered in compiling the required information are set out under the respective environmental topics.

9.1.5. I am satisfied that the information provided is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. I am also satisfied that the information contained in the EIAR complies with the provisions of Articles 3, 5 and Annex (IV) of EU Directive 2014/52/EU amending Directive 2011/92/EU.

9.1.6. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application including submissions made to the oral hearing. A summary of the submissions made by the Planning Authority, prescribed bodies and observers, has been set out at Section 6 above. The main issues raised specific to EIA can be summarised as follows:

- Landscape and visual impacts arising from the proposed development with specific regard to the proposed tall building.
- Population and human health issues including potential positive impacts through the redevelopment of a brownfield and underutilised city centre site for employment, cultural and amenity spaces that will improve the townscape and visual setting.

- Cultural Heritage impacts arising from the demolition and intervention in terms of the historic fabric and impact of the development on the setting of historic buildings and streetscapes.
- Impacts on biodiversity arising from the proposed surface water drainage outfall to the Abbey River and impacts bats and birds.

These issues are addressed below under the relevant headings and, as appropriate, in the reasoned conclusion and recommendation including conditions.

9.1.7. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality. I note the qualifications and expertise demonstrated by the experts involved in the preparation of the EIAR which are set out in Table 2.2 of the Planning Report accompanying the application and Section 1.3.4 of the EIAR. The information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct, indirect effects and cumulative effects of the proposed development on the environment and complies with Article 94 of the Planning and Development Regulations 2000, as amended.

9.1.8. I am satisfied that the information provided in the EIAR is sufficiently up to date and is adequate for the purposes of the environmental impact assessment to be undertaken.

Vulnerability to Risk of Major Accidents and/or Disaster

9.1.9. The requirements of Article 3(2) of the Directive include the expected effects deriving from the vulnerability of the project to risks of major accidents and/or disaster. The EIAR addresses this issue in Appendix 1B, Volume B. It notes that there is limited potential for significant natural disasters to occur at the site. Potential risk from flooding has been identified and covered in the flood risk assessment and assessed in Chapter 8 of the EIAR. The vulnerability of the project for coastal flooding has been mitigated in the design. In addition, the potential impacts of a heatwave or building fire as raised by An Taisce have been considered and discounted. In terms of the former the proposed development has been designed to withstand the effect of high temperatures and has been optimised to ensure adequate ventilation. I would concur that the proposal is no more vulnerable than any other development of this type. In terms of fire the buildings have been designed to existing fire regulations requirements. The site is not connected to or close to any site regulated

under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential effects from this source.

9.1.10. It is considered that having regard to the nature and scale of the development itself, there are unlikely to be any effects deriving from major accidents and or disasters and I am satisfied that this issue has been addressed satisfactorily in the EIAR.

Alternatives

9.1.11. Chapter 4 addresses alternatives. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;

9.1.12. Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives' as follows:

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

9.1.13. Both Mr.Carty and Taisce consider the EIAR to be flawed in that it does not explore credible alternatives and that the masterplan should have reviewed a number of differing approaches with a range of outcomes including other urban form options testing scale, height and site coverage.

9.1.14. I accept the case as presented by Mr. Lawlor to the oral hearing that alternatives, to be considered reasonable, must be legally possible and practicable. In this regard the Directive makes specific reference to alternatives relevant to the *proposal and its specific characteristics*. I also note that the Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, issued by the Department of Housing, Planning and Local Government in August 2018 advise that the type of alternatives will depend on the nature of the proposed and the characteristics of the receiving environment.

9.1.15. As noted previously the Limerick City Development Plan 2010-2016 incorporates the Limerick 2030 Plan by way of Variation No.4 and forms the core vision for the proposed development. It is somewhat prescriptive in terms of mix of uses and indicative quantum of development to be provided including open space, the requirements to preserve the historic fabric on Patrick Street and Rutland Street and provision of increased pedestrian connectivity.

9.1.16. I would therefore accept that the objectives and criteria of the Limerick 2030 Plan limit the scope for radically different alternatives. Alternatives which fail to comply with the requirements of the plan in terms of mix of uses and quantum of development would have resulted in a development that effectively materially contravenes the objective of the development plan to realise the provisions of Limerick 2030 plan. Notwithstanding, the EIAR provides a summary of the consideration of alternative heights and massing, apart-hotel, office use and carparking with reference made to the masterplan and design brief. A Do-Nothing alternative is also detailed. On this basis I am satisfied that the requirements of the Directive in terms of consideration of alternatives have been discharged.

Consultations

9.1.17. Details of the non-statutory consultation entered into by the applicant as part of the preparation of the application and EIAR and prior to the lodgement of the application are set out in Chapter 2 of the EIAR and Section 5 of the Planning Report accompanying the application. Ms. Ni Cheallachain in her submission to the oral hearing expresses the inadequacy of the input from the stakeholders contrary to the intention of the original purchase of the site however as noted in section 8.9 above, this is not a matter for comment by the Board. I consider that the public consultation undertaken prior to the lodgement of the application to be within the spirit of the requirements.

9.1.18. This application has been made accessible to the public by electronic and hard copy means with the public notices accompanying the application afforded adequate timelines for written submissions. Following same an oral hearing was conducted over two days. I am satisfied that the participation of the public has been effective.

9.2. Likely Significant Effects on the Environment

Introduction

9.2.1. The likely significant indirect effects of the development are considered under the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape;
- the interaction between the factors referred to in points (a) to (d).

My assessment is based on the information provided by the applicant, including the EIAR, in addition to the submissions made in the course of the application and at the oral hearing, as well as my site visit.

In total the main EIAR includes 20 chapters. Chapters 1 to 5 provide an introduction to the project, description of the proposed development, alternatives considered and consultations undertaken. Chapter 6 addresses population and human health, chapters 7 and 8 address land, soils, geology and water, chapters 9, 10 and 11 address air, climate including microclimate, noise and vibration, chapter 12 addresses landscape and visual, chapter 13 traffic and transport, chapter 14 waste management, chapter 15 material assets, chapter 16 biodiversity, chapters 17 and 18 archaeological, cultural and architectural heritage and chapters 19 and 20 interactions, mitigation and monitoring.

Each of the above chapters are considered in detail below, with respect to the relevant headings set out in the Directive.

Population and Human Health

9.2.2. Chapter 6 in addition to the chapters on air and climate, noise and vibration, traffic and landscape are relevant.

Receiving Environment

- 9.2.3. I refer the Board to the section 1 above which gives a site location and description. In summary the site is located within Limerick City Centre comprising of a mix of commercial, residential, and vacant properties and lands surrounded by a road network.
- 9.2.4. In a Do Nothing Scenario the site will remain an underutilised city centre site which would have a knock-on negative impact on the vibrancy and vitality of surrounding areas.

Potential Impacts

- 9.2.5. Positive impacts in terms of the direct effects on job creation and retail during the construction and operational phases are expected. The estimated construction period is 4.5 years. Significant positive impacts are anticipated to the local community arising from the redevelopment of the site and provision of an improved public realm and public spaces. Indirect positive impacts identified include the improvement of the economic and social prosperity of the surrounding area and commercial linkages with existing business/retail industry throughout the city. It would also contribute to the social and cultural growth of the city centre. It is estimated that the proposed development will generate in the region of 2063 new employees.
- 9.2.6. Air quality and noise during construction could have potential impacts on human health. The major dust generating activities are divided into four types: demolition, earthworks, construction and trackout. Each activity is assessed for potential impact. The major noise generating activities for construction noise are identified including demolition and site clearance, rotary bored piling and construction traffic. Each activity is assessed for potential impact. Vibration is also addressed.
- 9.2.7. In terms of daylight and sunlight out of the 36 buildings assessed (including the properties on George's Quay assessed following the further information request) 22 are found to have the majority of their windows retain the BRE recommended 27% VSC, or to have the majority of windows retain at least 0.8x baseline available to them. The 14 remaining buildings are found to have a higher level of change in daylight access. The greatest impact is expected to the Georgian buildings outside of the site (refs. B2 and B30 in studies) to the north-west. 6 buildings are identified

as having a residential component and are largely located to the south and east. In these cases the impacts could be considered to be significant. The properties on the western side of Michael Street and opposite the junction on Ellen Street will be impacted by the proposed development in terms of the replacement of the existing surface car park with a 6 storey building. The commercial building to the south-east at the corner of Ellen Street and Michael Street is also likely to experience a reduction in sunlight access.

- 9.2.8. During the operational phase calculated daytime noise LAeq,16hr levels at the different land uses illustrate that at the most sensitive uses (residential and apartment-hotel), internal noise levels during the day may exceed the recommended guideline levels given in BS 8233 by up to 7 dB with a closed window (providing a representative sound reduction of 30 dB Rw). If the relaxation provided for in BS 8233 is implemented, internal noise levels will marginally exceed the requirements in BS 8233 for daytime periods (by up to 2 dB) at some of the residential receptors.

Mitigation Measures

To minimise significant nuisance arising from dust a Construction Methodology and Phasing Management Plan (CMPP) has been formulated. This plan includes site management, management of movement of trucks, timing of site clearance and demolition, earth moving works and location and moisture content of storage piles. In terms of construction noise and vibration Best Practicable Means are to be employed with the measures to be used detailed.

- 9.2.9. Options for mitigation in terms of noise in the residential units include double-glazing, secondary glazing and uprated single-glazing.

Residual Impacts

- 9.2.10. The residual impacts arising are considered positive in terms of creation of employment, redevelopment of a city centre site and improvements to the public realm.
- 9.2.11. With the provision of a bespoke mitigation strategy for the retained historic buildings and the new buildings, taking into account best conservation practice, acceptable internal noise levels will be achieved, and the significance of operational noise effects will be negligible. Noise monitoring will be undertaken post introduction of the

bespoke mitigation strategy to determine compliance with recommended internal noise levels.

- 9.2.12. There will be negative impacts on existing buildings in the vicinity of the site arising from the reduction in access to daylight and sunlight and increase in overshadowing which will not be mitigated.

Cumulative Impacts

- 9.2.13. There are a number of developments which have secured planning permission in the vicinity of the site. Review of these developments indicates that they are small in scale. No significant cumulative impact on human health is predicted. Given the nature of the smaller developments it is unlikely that there would be any significant increase in road traffic flows as a result of their operation. Cumulative noise impacts are, therefore, unlikely to change from those given within the noise assessment for the proposed development. There will be a slight, temporary negative effect on noise and traffic during construction of the various projects. It is concluded that any cumulative impact on population and human health will be positive and long term

Population and Human Health - Conclusion

- 9.2.14. I have considered all of the written and oral submissions made in relation to population and human health. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

Biodiversity

- 9.2.15. Chapter 16 addresses biodiversity. The Board is advised that section 8.8 of the Planning Assessment addresses ecology. In addition an NIS accompanies the application with an appropriate assessment undertaken in section 10 below. There is also an overlap with land, soil and water which are addressed below. I recommend that the relevant sections be read in conjunction with each other.

Receiving Environment

- 9.2.16. The site is in a city centre location dominated by existing buildings and hardstanding. The EIAR sets out details regarding the existing environment in terms of flora and

fauna. Detailed surveys were undertaken to determine pattern of bat usage on the application site and on nesting birds. Surveys of other protected and notable species are also detailed. No plants protected under the Flora Protection Order were identified. All vascular plants recorded are of 'Least Concern' on the Irish Red List.

- 9.2.17. Bryophyte communities (ie. mosses and lichens) associated with qualifying interest 'watercourses of plain to montane levels' habitat of the said designated site were identified on the existing limestone wall of Charlotte Quay by the Abbey River in the vicinity of the proposed surface water outfall which is c. 40 to the north of the site. Having regard to the site specific Conservation Objectives for the Lower River Shannon SAC these bryophytes correspond to the 'high-conservation value sub-type' named 'Bryophyte- rich streams and rivers'. In addition benthic communities associated with estuary habitat of the SAC occur adjacent to the said proposed outfall.
- 9.2.18. Two years of bat surveys were conducted. Common pipistrelle was noted to be active to the rear of 9 Rutland Street. Up to 6 bats were observed during three of the surveys conducted in 2017 and 2019. Given the mean common pipistrelle roost size in Ireland of 2.5 individuals the roosting population present is considered to be of Local Importance (Higher) value. In addition common pipistrelle, soprano pipistrelle and Leisler's bats were recorded foraging and commuting through the site. As noted in section 8.8 above An Taisce queries the veracity of the bat surveys undertaken and, as a consequence, considers that the bat populations have been underestimated. I note that daytime visual inspections, bat emergence and re-entry surveys, hibernation surveys and bat activity surveys were undertaken, a summary of which are set out in paragraph 16.2.7.3 and which was further elucidated at the oral hearing. I accept that the survey work undertaken is robust, accords with best practice and was undertaken by appropriately qualified individuals.
- 9.2.19. Table 16.7 details the nesting birds recorded on the site, including Swift and the Herring Gull which is red listed.
- 9.2.20. In a Do Nothing Scenario there will be no change to biodiversity.

Potential Impacts

- 9.2.21. For a detailed assessment of the impact of the development on designated sites and their qualifying interests and to avoid undue repetition, please refer to the appropriate assessment carried out in section 10 below. In summary there is the potential for impacts arising from water pollution both surface and ground, habitat loss and bird collision during the construction and operational phases.
- 9.2.22. There is the potential for disturbance to and loss of bat roost sites during construction and operation. There will be permanent loss of foraging habitat in the unlit site interior.
- 9.2.23. There is the potential for species disturbance in terms of loss of nest sites.

Mitigation Measures

- 9.2.24. The measures to be employed to protect ground and surface water which are detailed under the heading 'Water' below in addition to measures to deal with excavated soil which are addressed under the heading 'Soil' are relevant in terms of biodiversity. To avoid undue repetition, I recommend that these sections be read in tandem.
- 9.2.25. The CMPP, which is included with the application, sets out the procedures, standards, work practices and management responsibilities of the appointed contractor to address potential negative environmental effects that may arise during construction of the proposed development.
- 9.2.26. The contractor shall produce site-specific Method Statements for review and agreement with the Ecologist and Inland Fisheries Ireland, to demonstrate adherence to specific, tried-and-tested pollution control measures.
- 9.2.27. A Mobile Elevated Working Platform (MEWP), parked on Charlotte's Quay, will allow contractors to access the limestone wall from the Abbey River side of the existing quay wall, whilst avoiding instream works. The contractors will use a coring method (i.e. drilling from north to south), which will avoid any material from entering the Abbey River. This will avoid any disturbance to QI bryophyte communities located c.1 m below the proposed outfall location. There will be no pouring of concrete for the installation of the proposed outfall, albeit contractors will be permitted to locally grout the finished outfall. The Ecologist will review and input to the method statement

produced by the contractor to ensure the statement contains the specific measures above. The Ecologist or other similarly experienced ecologist will supervise the works to Charlotte Quay and direct or advise the contractor as appropriate, to ensure the method statement and mitigation are implemented.

- 9.2.28. In terms of the bat roost at No. 9 Rutland Street the mitigation will be compiled into a derogation licence application and submitted to the Wildlife Licencing Unit (WLU) of the NPWS. A notice will be erected at 9 Rutland Street to identify it as a legally protected bat roost to ensure no works take place unless clear instruction is given from the Ecologist that it is safe and legally compliant to do so. Subject to any licence conditions, any works to 9 Rutland Street will be carried out outside the summer months (i.e. from 1st September to 1st May only). Contractors will receive training by the Ecologist to advise them what to do in the event that bats (whether live or dead) are discovered in structures during works.
- 9.2.29. A 'bat brick' and a 'bat tile' have been included in the design of Nos. 4 & 5 Rutland Street respectively which is located close to the existing roost site in 9 Rutland in a location where there is no obstruction to bat flight. Uplighting will be excluded from the façade of these structures. Breathable Roofing Membranes (BRMs) will not be installed into the roof of 4 or 5 Rutland Street. Only bituminous roofing felt that does not contain polypropylene filaments, or similar to be agreed with a bat ecologist, will be used.
- 9.2.30. Structural works to building exteriors will not be carried out between March and August inclusive, unless otherwise agreed with the Ecologist. Where the construction programme does not allow this seasonal restriction to be observed, buildings will be surveyed by a suitably experienced ecologist for the presence of nesting birds prior to commencement of demolition works.
- 9.2.31. 1 no. swift brick with starling barriers has been incorporated into the design of the façade of No.5 Rutland Street.
- 9.2.32. A flashing green light is to be installed on the tall building in parcel 5 to repel birds.

Residual Impacts

- 9.2.33. Potential abandonment of the proposed development site by feeding bats, despite the lighting and landscaping design features at Bank Place and/or reduction in numbers of common pipistrelle bats roosting in the proposed compensatory roosting

provision in 4 and 5 Rutland Street, relative to the pre-development roosting population in 9 Rutland Street.

9.2.34. Potential abandonment of the proposed development site by nesting swift, despite the provision of a compensatory swift brick in No. 5 Rutland Street in addition to abandonment by other nesting bird species.

9.2.35. Potential bird collision with the proposed tower despite the proposed lighting mitigation (e.g. in conditions of particularly poor visibility, during peak migratory periods).

Cumulative Impacts

9.2.36. Taken in the context of other permitted developments in this city centre location as detailed in Tables 16.11 and 16.11 and relevant plans no significant cumulative impacts are anticipated.

9.2.37. In the context of bird strike, a review was undertaken of other tall buildings in the vicinity of the proposed development site in Limerick City. There was no relevant information obtained on known or potential bird collisions with the existing 59 m high Riverpoint building at Bishop's Quay, either through consultation, or through review of relevant planning files. There was similarly no information obtained on known or potential bird collisions with the existing 57 m high Clayton Hotel in Limerick City. There was no relevant information obtained on potential bird collisions with the proposed 15 storey structure, also at Bishops Quay. These buildings will collectively act in combination with the proposed development to increase the number of tall structures into which birds could collide. However these and all other buildings in Limerick City are situated in a brightly lit urban centre and below the height along which migratory bird movements may occur. No significant in combination bird collision effects are predicted.

9.2.38. Cumulative impacts in the context of designated sites is addressed in the appropriate assessment in section 10 below

Biodiversity – Conclusion

9.2.39. I have considered all of the written and oral submissions made in relation to biodiversity. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation

measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on biodiversity.

Land and Soil

9.2.40. Chapter 7 supported by Appendix 7A&B of the EIAR assesses the potential impact on land, soils, geology and hydrogeology. The Board is advised of the interrelationship of land and soil, water and biodiversity and the relevant sections should be read in conjunction with each other.

Receiving Environment

9.2.41. The site is described as a city centre brownfield site completely covered by buildings/hardstanding and is primarily used for commercial purposes.

9.2.42. The soils and subsoils under the hardstanding are described. Bedrock underlying the site is Dinantian Pure Bedded Limestone. The bedrock aquifer underlying the site is classified as a Locally Important Aquifer which is Generally Moderately Productive. The aquifer is classed as being between high and moderate vulnerability. Groundwater elevations were found to range between 1.82m OD and 3.33m OD. The highest groundwater elevation was found to be in the south-western corner with the direction of groundwater flow being to the north-west which is consistent with the River Shannon being the expected focal point for groundwater discharge. Groundwater level response to tidal fluctuations in the River Shannon is slight.

9.2.43. Soil samples were collected from 4 no. trial pits and 7 no. window sample boreholes. Monitoring wells were installed in six boreholes and in one window sampling borehole. In terms of contaminated land Polycyclic Aromatic Hydrocarbon (PAH) compounds in one soil sample and metal concentrations in five soil samples exceeded the GAC protective of human health. Metal concentrations in a number of soil leachate samples exceeded the GAC protective of Controlled Water. Groundwater concentrations did not exceed GAC protective of human health or groundwater or surface waters.

9.2.44. In a Do Nothing Scenario there will be no change to land and soil within the site.

Potential Impacts

- 9.2.45. There is no land take involved as the site can be classified as a brownfield city centre site.
- 9.2.46. In terms of impacts there is the potential for PAHs and lead to impact future residents and commercial users of the site.
- 9.2.47. There is potential for the Shannon and Abbey Rivers and groundwater to become contaminated with pollutants associated with construction activity. During operation there are no potential impacts.
- 9.2.48. In the Do-Nothing scenario the site will remain as is.

Mitigation Measures

- 9.2.49. In terms of potential for PAHs and lead to impact future residents and commercial users of the site a large portion of the made ground will be removed as part of the proposed development work. In addition, the site will be covered in buildings and hardstanding with some raised ornamental planting.
- 9.2.50. If temporary storage of excavated made ground and subsoils is required stockpiled material will be covered and stored away on designated sites away from any surface water drains. All excavated material will be inspected for signs of possible contamination. Should such materials be identified the made ground/sub soil will be segregated and samples sent for analysis to determine an appropriate disposal outlet. Excavation shall be restricted in times of high winds and heavy rainfall. All fill and aggregate will be sourced from reputable suppliers. Best practice measures to prevent spillages to ground of fuels and use of concrete are detailed. A water quality management plan shall minimise impacts and monitor effects on the water environment during construction.
- 9.2.51. Construction works will be in accordance with a Construction Methodology and Phasing Management Plan, a copy of which accompanies the application.

Residual Impacts

- 9.2.52. Residual impact during the construction phase is considered to be slight. Residual impact during the operation phase is considered to be moderate and positive.

Cumulative Impacts

9.2.53. Having regard to other planning applications and developments in Limerick City there are no cumulative impacts from the perspective of land and soil.

Land and Soil – Conclusion

9.2.54. I have considered all of the written and oral submissions made in relation to land and soil. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme and the mitigation measures. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on land and soil.

Water

9.2.55. Water is addressed in Chapter 8 of the EIAR. As noted above there is an interrelationship between water, biodiversity, land and soil and the relevant sections should be read in conjunction with each other.

Receiving Environment

9.2.56. There are no watercourses within or around the site. The Abbey River is c.40 metres to the north. It joins the River Shannon c.100 metres north-west of the site. At this point the River Shannon is tidal and forms the Lower River Shannon Estuary. The River Shannon has an ecological status of good or moderate with no deterioration between 2007-2009 and 2010-2015.

9.2.57. The existing combined sewer running through the site discharges to a combined sewer on Patrick Street which discharges to an interceptor sewer in the River Shannon and which ultimately flows to the wastewater treatment facility in Bunlicky.

9.2.58. The site is served by a public water supply.

9.2.59. A Site Specific Flood Risk Assessment was carried out (Appendix 8). Coastal flooding is considered to pose the primary risk. The site is within Flood Zone B. The commercial elements of the scheme would be classified as less vulnerable whilst the residential and apart-hotel would be classified as vulnerable. The risk assessment includes a justification test as per Box 5.1 of the Planning System and Flood Risk Management Guidelines.

9.2.60. In a Do-Nothing Scenario there will be no change in the hydrological regime.

Potential Impacts

- 9.2.61. Potential impacts during construction are detailed including increased runoff, sediment loading, accidental spillage and leaks, and use of concrete and lime.
- 9.2.62. Potential impacts during the operational phase identified include excessive demand on watermains network resulting in reduced supply or loss of pressure in the surrounding area, increase in rate of runoff from the site during rainfall events which could result in higher water levels or flow rates downstream of the site, and potential contamination of flood waters in the event of flooding on the site.

Mitigation Measures

- 9.2.63. Mitigation measures are described which seek to avoid or minimise potential effects through the implementation of best practice construction methods as set out in the Construction Methodology and Phasing Management Plan. It also includes environmental monitoring for the duration of the construction works.
- 9.2.64. Surface water runoff from the working areas will not be permitted to discharge directly to the Abbey River or Shannon River. Run off generated within the site during construction will be filtered and treated to remove hydrocarbons and sediment. Total Suspended Solids (TSS), pH/EC and colour will be monitored daily by a hand held multi parameter sonde. In addition, the outlet from the sedimentation pond will incorporate a turbidity monitor. In the event of surface water failing to meet the required standards water will be recirculated to the inlet of the sediment pond to provide further time for settlement. A penstock will be provided on the outlet from the sediment pond to control discharge from the site.
- 9.2.65. Temporary stockpiles generated during construction to be covered to minimise runoff with the location of spoil and temporary stockpiles to be least 15 m from drainage systems, the Abbey River and the River Shannon.
- 9.2.66. Dewatering of all working areas at the end of each working day shall be carried out, if necessary, using pumping and transport of water off-site in tankers if volumes prevent effective attenuation and treatment prior to discharge.
- 9.2.67. Wheel washers and dust suppression on site roads (to be captured within the proposed SUDS system) and daily plant maintenance checks and corrective actions where required to be undertaken.

- 9.2.68. Contingency measures to be established to cater for potential impacts to unknown services underlying the construction site (for example, old sewers, culverts)
- 9.2.69. Identification of whether shallow groundwater monitoring wells on site will be maintained and protected during construction works; decommissioned; or removed completely as part of excavation works, to prevent them from acting as direct pathways for contamination to enter the groundwater body beneath the site
- 9.2.70. Spill control measures in line with industry best practice to be employed.
- 9.2.71. The contractors will use a coring method for the outfall construction (i.e. drilling from north to south), which will avoid any material from entering the Abbey River. The works will be reviewed and supervised by a suitably qualified ecologist.
- 9.2.72. The contractor will provide a ramp to the development site to prevent any flood waters entering the main structure or the underground structure during the construction stage. The contractor shall take note of when coastal flooding warnings are issued for the Limerick City area (usually c. 24-36 hours in advance). In the event that a flood warning is issued, all plant and construction materials must be moved and stored within areas only at risk from the 1 in 0.1% AEP coastal flood event (i.e. areas within 'Flood Zone C' as defined by OPW and DoEHLG (2009), which includes parts of Patrick Street, Ellen Street and Rutland Street).
- 9.2.73. The separate storm water drainage network to be provided will collect, attenuate and treat runoff generated within the development. An attenuation tank is proposed which will have a flow control device restricting the discharge to the equivalent greenfield run off rate (9.4l/s). It will discharge via a petrol interceptor and integrated silt trap to the Abbey River through a proposed new outfall in the quay wall. Due to level constraints within and surrounding the site a pump will be required to convey flow from the manhole downstream of the attenuation tank to a header manhole in Bank Place. Surface water runoff from the landmark building in Bank Place will discharge to an attenuation tank located in Bank Place prior to forward discharge to the Abbey River. It will have a control device restricting discharge to equivalent greenfield run off rate (4l/s).
- 9.2.74. Based on a 1 in 200 year return period coastal flood level of +4.72m, a climate change allowance of 500mm and an allowance of 100mm for land movement the appropriate finished floor level is 5.32mOD. The design incorporates super-elevated

entrances/exits for the development as a mitigation measure to prevent any flood waters entering the main structure or the underground structure. All essential infrastructure will be sited above the 0.1% AEP event coastal flood water level of 5.15mOD.

9.2.75. A management company is to be established that will be responsible for the maintenance and monitoring of all infrastructure.

9.2.76. A rain harvesting system is to be provided within the development.

Residual Impacts

9.2.77. Residual impacts following mitigation measures are considered non-significant.

Cumulative Impacts

9.2.78. As the proposal will not proceed in tandem with any other significant development in the immediate area cumulative impacts are considered unlikely to occur.

Water - Conclusion

9.2.79. I have considered all of the written and oral submissions made in relation to water. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on water.

Air and Climate

Chapter 9 of the EIAR addresses air and climate.

Receiving Environment

9.2.80. Air quality monitoring programmes have been undertaken by the EPA. Limerick is within Zone C where air quality is good with pollutant concentrations falling below EU limit values. The nearest sensitive receptors include residential units and commercial premises in the vicinity and the Lower Shannon SAC located near the north of the site containing species of bryophytes which are potentially sensitive to NO_x and deposited nitrogen. The Board is advised that to avoid undue repetition the latter is addressed in the appropriate assessment in section 10 below.

9.2.81. In a Do Nothing Scenario there would be no change in prevailing conditions in terms of air and climate.

Potential Impacts

- 9.2.82. Potential for dust nuisance during the demolition and construction phase with the major dust generating activities divided into four types: demolition, earthworks, construction and trackout. Each activity is assessed for potential impact. Construction vehicles will give rise to CO₂ and N₂O emissions during the construction phase.
- 9.2.83. The development will influence the volume of traffic using local roads during the operational phase. Vehicles will give rise to CO₂ and N₂O emissions.
- 9.2.84. In term of impact on climate, annual quantities of carbon dioxide were predicted. Table 9-19 shows that the local traffic derived carbon dioxide for the proposed development is set to increase by up to 20% relative to the baseline year and up to 8% relative to future base year. The mass of carbon dioxide for the transport sector as suggested in the Irish Greenhouse Gas Emissions Projections 2017-2035 indicates a total mass of 13 Mt for 2017 increasing to 14.8 Mt by 2035. The difference in mass of road derived carbon dioxide with the proposed development in place in 2037 relative to the proposed development not going ahead is 48 tonnes per year. This value represents less than 0.0004% of the national total for transport.

Mitigation Measures

- 9.2.85. To minimise significant nuisance a Construction Methodology and Phasing Management Plan has been formulated. This plan includes site management, management of movement of trucks, timing of site clearance and demolition, earth moving works and location and moisture content of storage piles.
- 9.2.86. No mitigation measures are proposed during operational phase.
- 9.2.87. Mitigation measures in place to address the vulnerability of the proposed development to the potential effects of climate change are covered in chapters 8 and 9 of the EIAR. These include a finished floor level for the new buildings which allows for climate change and emergency plans and evacuation procedures with respect to a flood event. Mitigation measures to reduce the impact which the proposed development may have on climate change will include the measures which are consistent with good practice regarding sustainable building design, safe bicycle storage and electric car charge points.

9.2.88. I note An Taisce's submission to the hearing and its view that adequate assessment has not been given to climate change or the likely effects or the vulnerability of the development to such climate change effects. With regard to the reference made to potential impacts arising from elements such as hurricanes and hot weather I refer the Board to section 9.1.10 above and Appendix 1B, Volume B of the EIAR. I would not consider that these constitute significant considerations in terms of the proposed development. As noted, the appropriate use of glazing to ensure temperature control forms part of the development and, whilst the building may be considered tall in the context of its prevailing environment, it would not be of a height where material considerations in terms of impact from wind would arise.

9.2.89. Greenhouse gas emissions from traffic generated by the development has been assessed. Whilst reference is made to the absence of assessment of such gases arising from demolition, I submit that the extent of demolition in the context of the overall fabric retention is not material. The proposal entails the redevelopment of a city centre site which by its nature, in promoting a higher density of development, would offset any impacts that would arise.

Residual Impacts

9.2.90. It is predicted that there will be no significant air quality or climate impacts.

Cumulative Impacts

9.2.91. Several construction projects in the vicinity are identified. Should construction coincide there is the potential for cumulative dust impacts. Dust mitigation measures proposed will avoid significant cumulative impacts on air quality. Impacts due to increased traffic as a result of these developments have been accounted for in the traffic data used in the assessment. These are deemed not to be significant as outlined in the residual impacts.

Air and Climate Conclusion

9.2.92. I have considered all of the written and oral submissions made in relation to air and climate. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on air and climate.

Landscape

Chapter 12 addresses landscape and is accompanied by a booklet of 23 no. photomontages. Further details and photomontages were submitted by way of further information. In view of the context of this project within Limerick City Centre 'landscape' effectively refers to the townscape. I would advise that there is a significant overlap with sections 8.4 and 8.5 of the planning assessment above and should be read in conjunction with same.

Receiving Environment

9.2.93. I refer the Board to section 2 and section 8.5 above in which a detailed description is given of the receiving environment. In summary the city block containing the site is bounded to the west by Rutland Street (R526), to the north by Bank Place (R526), to the east by Michael Street and to the south by Ellen Street. The site fronts onto the Abbey River, which merges into the River Shannon east of Rutland Street and Bridge Street. The site comprises a block of urban structures, yards, sheds, warehouses, car parking facilities.

9.2.94. In a Do Nothing Scenario there would be no change in the townscape and views available.

Potential Impacts

9.2.95. The EIAR considered the townscape and visual impacts within a 1.5km core study area and a 5km wider study area. The assessment was informed by a number of site surveys in 2017 and 2018 supported by the photomontages taken at representative viewpoints within the study area as well as figures indicating townscape and landscape designations. This was further supplemented by additional photomontages and assessment submitted by way of further information.

9.2.96. Townscape character effects will be experienced in the city centre including the medieval quarter at King's Island. It is considered that the proposed development will generally have a positive impact on the townscape character as it will become a high quality urban quarter and replace the degraded and neglected character of the existing site. Negative effects arise due to the height of some of the buildings and where sections of the proposed development intrude above the historic rooflines. It will add a new feature to the existing townscape character. The development will not

conflict with the visual integrity of the spires of both St. Mary's and St. John's Cathedrals from the majority of the viewpoints.

9.2.97. The majority of the visual effects will be experienced in the City Centre including the medieval quarter at King's Island. The proposed tall building will be dominant in views from the north and west and will change the city scape as viewed from same. The highest visual effects will occur in close proximity to the site. The proposal will significantly alter the character of existing views particularly arising from the proposed tall building and enclosure of the city block along Michael Street and Ellen Street. Potential negative visual effects can be experienced by the local community living in close proximity of tall building frontages currently not in existence particularly along Michael Street and St. Michael's Court.

9.2.98. The tall building will significantly alter the skyline in medium distance views from the west and north. The change to the visual amenity is considered to be positive due to the bold but high quality appearance of the site

9.2.99. Long distance views outside the core study area of 1.5km from with the remainder of the 5km study area are generally restricted by the overall flat topography and by intervening existing building structures and vegetation. The proposal will become a prominent new feature and will give rise to significant townscape and visual effects.

Mitigation Measures

9.2.100. The principal mitigation measures are inherent in the design of the scheme. The design has evolved through an iterative process having regard to the site's location within the townscape and visual receptors.

Cumulative Impacts

9.2.101. The cumulative impacts with existing and proposed tall buildings elsewhere within Limerick City were assessed in the further information. The proposal will amend the city skyline when seen along the Shannon riverfront in conjunction with the permitted Bishop's Quay development, the existing Riverpoint and Clayton Hotel buildings and will become a prominent new landmark in what is the largely low rise character of the northern city centre. The building will be at a distance from the other existing/permitted tall buildings at the southern end of the city centre.

Landscape Conclusion

- 9.2.102. I note the submissions made by a number of observers regarding the assessment and appropriateness of the visual impact as referenced throughout sections 8.4 and 8.5 of the planning assessment above. It is evident that the new build elements of the proposal, especially the tall building in parcel 5, are considered inappropriate by many observers in view of their location within the historic Georgian streetscape. On this basis the conclusions in the EIAR as to the beneficial visual effects and amenity are disputed.
- 9.2.103. As noted in the current City Development Plan and the Limerick 2030 Plan which forms part of same, a multi-faceted approach to the site development is advocated in terms of conservation of the built heritage and new build. Inevitably a balance must be struck between the economic regeneration of this currently declining part of the City Centre, and the retention of the historic fabric therein. Undoubtedly the proposal will result in significant visual change to the subject site and its appearance from surrounding areas.
- 9.2.104. In view of the benefits of the proposed development and the retention of the significant quantum of historic fabric, its likely positive knock-on impact in terms of economic regeneration of the city centre, which is a stated objective of Limerick 2030 Plan, I consider the proposed development to be acceptable. Cities are continuously changing and evolving and Limerick is no different. Whilst the importance of the city's prospects and views are enshrined in Limerick city development policy no specific views/prospects are listed for protection. I accept that the proposal will have a significant impact on the existing streetscape and fabric of the area and views from further afield. I would also submit that the juxtaposition of the new and the old would provide for visual interest which would add to its visually attractiveness which would be supplemented by the new and upgraded public realm. Certainly, the proposed tall building will introduce a major new element visible in key views however this, of itself, does not render it unacceptable.
- 9.2.105. I have considered all of the written and oral submissions made in relation to landscape. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed

development would not have any unacceptable direct, indirect or cumulative effects on landscape.

Cultural Heritage

9.2.106. Chapters 17 and 18 of the EIAR refer in addition to the details provided in documents titled Existing Building Individual Records and Existing Historic Buildings – Overview which accompany the application. The Board is advised that there is a significant overlap with section 8.5 of the Planning Assessment above and it is recommended that this be read in conjunction with same.

Receiving Environment

9.2.107. The site location is as previously described above. Two buildings are included in the Record of Protected Structures – The Granary (RPS No. 272) and the former Town Hall (RPS No.104). The Bruce House Doorway reused in No.6 Rutland Street (RPS No.317) is also listed for protection. A further 6 buildings are included in the NIAH - 5, 6, and 9 Rutland Street, 4 and 5 Patrick Street and 9/9a Ellen Street. The site does not form part of an Architectural Conservation Area.

9.2.108. The majority of the existing buildings have basement areas, including coal cellars, which extend beyond the line of the front elevation of the main building. The buildings to Rutland Street and Patrick Street have additions and alterations to the rear which vary in terms of their forms and dates of construction. A rear lane services all these buildings. The rears of most of the terraced houses on Ellen Street are accessed by way of a carriage arch within the façade of No. 7 Ellen Street. The condition of the existing buildings on the site varies, as does the extent of surviving historic fabric to the interiors of these structures. A summary of each building on the site is provided in section 18.3.1 of the EIAR.

9.2.109. There are several modern buildings within the boundaries of the proposed development site, constructed in the 1980s and early 1990s, to replace demolished terraced houses. To the centre of the site there are the remains of several large stone warehouses and high stone walls.

9.2.110. In a Do Nothing Scenario the existing historic fabric could continue to deteriorate in condition with negative impacts in terms of the quality of the immediate and surrounding streetscape.

Potential Impacts

- 9.2.111. Demolition of rear extensions and outbuildings in addition to the stone walls and historic fabric in the centre of the site to facilitate the proposed plaza.
- 9.2.112. Internal alterations to retained buildings to facilitate the proposed uses.
- 9.2.113. Relocation of Bruce House Doorway and the entrance gates and piers on Michael Street.
- 9.2.114. The height and scale of the new build including that at the corner of Patrick Street and Ellen Street, corner of Ellen Street and Michael Street, onto Bank Place, in addition to the new build intervention on Rutland Street, will be clearly read as modern interventions.
- 9.2.115. The proposal will alter the character and setting of protected structures both within the site and in the vicinity.

Mitigation Measures

- 9.2.116. Building specific mitigation measures are detailed for the buildings to be retained and refurbished.
- 9.2.117. An accredited Conservation Architect is to be appointed to oversee all works on site.
- 9.2.118. All existing records and documentation of the existing buildings will be updated by the findings of the opening up and stripping out works.
- 9.2.119. A method statement is to be provided by the Conservation Architect for the recording and dismantling of the doorcase at 6 Rutland Street. Other items and features of architectural heritage value to be removed from site will be recorded in detail prior to dismantling.
- 9.2.120. Detailed methodology is to be prepared to protect existing buildings from damage caused by vibration, construction traffic, water ingress and other factors which may accelerate their deterioration in condition.
- 9.2.121. Historic fabric found in the laneways such as cobblestones or setts etc. shall be preserved and reused in situ.
- 9.2.122. All new buildings are designed in a contemporary manner and will allow the existing historic buildings to be easily read within the new streetscapes. Proposed alterations

to the rear of historic buildings will have a light touch minimising damage to the historic fabric.

9.2.123. The proposed materials for the new buildings reference the existing historic building fabric without attempting to reproduce any architectural details of the historic buildings.

9.2.124. Archaeological testing is to be carried out across the site by a suitably qualified person in assessment of waterlogged sites as per the recommendation of the Department of Culture, Heritage and the Gaeltacht.

Residual Impacts

9.2.125. The demolition of a number of structures will result in an irreversible loss of fabric which will have a long term impact on the streetscapes of Rutland Street, Patrick Street and Ellen Street. The demolition of rear sections and out-buildings attached or associated with historic buildings will result in a permanent impact on the main buildings to be retained. In most cases the removal of these later additions will have a long-term positive visual impact on the historic structures.

9.2.126. The restoration of the principal facades, building envelopes, windows, and in some cases interiors, of all of the buildings to be retained will result in a long term positive physical and visual impact on the protected structures, historic buildings and to the streetscapes.

9.2.127. Removal and replacement of internal fabric to the historic buildings will also comprise a permanent loss of historic fabric which will result in a long-term impact on the historic structures affected.

9.2.128. The construction of the new buildings will all have long term visual impacts on the historic buildings on the development site, and in some cases also on adjacent buildings of historic significance. The level of impact resulting from the new buildings will vary depending on the height, scale and location of the new buildings, but in all cases the impact will be long term.

9.2.129. The provision of a plaza to the central area of the site will result in the permanent loss of the rear laneways and high stone walls which comprise remnants of former industrial buildings to this area. The plaza will provide an amenity space for the users and residents of the site and to the wider community. It will also allow access to the

previously inaccessible site and allow for views of the rear of the historic buildings for all visitors.

Cumulative Impacts

9.2.130. A number of other projects in the city centre (for example the Hanging Gardens between O Connell St. and Henry St.) and the Bishop's Palace (Henry St.), currently on site or with valid planning permissions, once completed, will result in positive cumulative impacts on the preservation of historic building stock in Limerick where existing buildings of historic and architectural significance are being restored and integrated into larger schemes, thus ensuring the prolonged use and life of the historic structures.

Cultural Heritage – Conclusion

9.2.131. The proposals for the site will result in the re-use and continued life and upkeep of a high number of historic structures which are currently at high risk due to disuse and ongoing condition issues. The retention and conservation of these structures will have a long term positive physical impact and a long term positive visual impact on the historic structures and on the immediate streets and adjacent historic properties and will add significantly to the preservation of the city's historic building stock.

9.2.132. I have considered all of the written and oral submissions made in relation to cultural heritage. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on cultural heritage.

Material Assets

Receiving Environment

9.2.133. The site is within Limerick City Centre and is fully serviced. The majority of utilities are beneath public roads and footpaths.

9.2.134. In a Do Nothing scenario there will be no change to material assets.

Predicted Impacts

9.2.135. Local diversions will be required during the construction phase. Replacement of services which are required to be removed to facilitate the development will be required during the operational phase.

Mitigation Measures

9.2.136. All works in the vicinity of services apparatus to be carried out in consultation with the relevant utility company and will be in compliance with any requirements or guidelines.

Residual Impact

9.2.137. No residual impacts anticipated.

Cumulative Impact

9.2.138. No cumulative impacts anticipated.

Material Assets – Conclusions

9.2.139. I have considered all of the written submissions made in relation to material assets. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on material assets.

Interactions between Factors and Cumulative Impacts

9.2.140. Chapter 19 of the EIAR evaluates the potential interactions which the proposal development may have on the receiving environment and sensitive receptors during the demolition/construction and operational phases of the proposed development. Table 19.1 of the EIAR provides a matrix of interactions for ease of reference.

9.2.141. The EIAR lists interactions between population and human health and most other environmental factors. Impacts, both positive and negative, might occur. These include the opening up of the buildings and the enjoyment of the new facility by people. The proposal will also provide an improved townscape and visual setting and a more comfortable environment for pedestrians. Other more adverse impacts on human health may occur from dust and noise nuisance and reduction in daylight/sunlight access.

9.2.142. The EIA also lists the potential interactions with other factors including architectural heritage, archaeology, transportation, landscape and visual impact, biodiversity, soils and geology and air quality. Overall, I consider that the EIA document has satisfactorily addressed interactions. I am also satisfied that the proposed development is not likely to result in significant adverse impacts in terms of the interaction of individual environmental factors.

9.2.143. A cumulative evaluation of the effects of the subject development and other relevant projects or activities on the environment is presented in each chapter and is assessed under each heading above. I am satisfied that the cumulative assessment is robust and fully assesses the impacts of the current proposal in the context of other permitted and proposed developments and all other relevant existing and approved projects.

Reasoned Conclusion

9.2.144. Having regard to the examination of environmental information contained above, and in particular to the EIA and supplementary information provided by the applicant, submissions from prescribed bodies and observers in the course of the application including submissions made to the oral hearing, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows. Where appropriate the relevant mitigation measures are cited.

9.2.145. **Population and human health:** Potential positive impacts through the redevelopment of a brownfield and underutilised city centre site for employment, cultural and amenity spaces that will improve the townscape and visual setting. Impacts arising from noise, dust, traffic, excavation and demolition impacts during construction will be mitigated by a Construction Management Plan including traffic management measures. There will be negative impacts on existing buildings in the vicinity of the site arising from the reduction in access to daylight and sunlight and increase in overshadowing which will not be mitigated or otherwise addressed by condition.

9.2.146. **Landscape:** The proposed development entailing modern design interventions and a tall building would have a significant impact on the urban and visual character of the area. This impact is considered acceptable given the policy provisions for the

site as set out in the current Limerick City Development Plan and Limerick 2030 Plan and the identification of the site for redevelopment to a certain scale and strong presence to the public realm. No mitigation measures are proposed on the basis of the beneficial and/or positive impact.

9.2.147. **Cultural heritage:** Potential negative impacts arising from demolition of some built fabric on the site and modern design interventions to protected structures including the redevelopment and extension of the former Town Hall and relocation of the Bruce House doorcase at 6 Rutland Street. Mitigation measures are detailed including building specific measures for the buildings to be retained and refurbished. There will be potential positive impacts on the cultural heritage of Limerick city centre arising from the restoration, extension and reuse of currently vacant or underutilised historic buildings including a number of protected structures.

9.2.148. **Biodiversity:** There will be disturbance and loss of the common pipistrelle bat roost site at No. 9 Rutland Street. Mitigation measures include a 'bat brick' and a 'bat tile' in the design of Nos. 4 & 5 Rutland Street which is located close to the existing roost site in 9 Rutland Street and implementation of a Construction and Environmental Management Plan. There is potential for negative impacts arising from bird collision with the proposed tall building. A green flashing light to repel birds is proposed in mitigation.

9.2.149. Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the impact on existing buildings in the vicinity of the site arising from the reduction in access to daylight and sunlight and increase in overshadowing, it is considered that the environmental effects would not justify a refusal of planning permission having regard to the overall benefits of the proposed development.

10.0 **Appropriate Assessment**

10.1. **Overview**

10.1.1. Article 6(3) of Directive 92/43/EEC (Habitats Directive) requires that any plan or project not directly connected with or necessary to the management of a European site(s), but likely to have significant effects thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment

of its implications for the site(s) in view of the site(s) conservation objectives. The Habitats Directive has been transposed into Irish law by the Planning and Development Act 2000, as amended, and the European Union (Birds and Natural Habitats) Regulations 2011-2015.

10.1.2. In accordance with these requirements and noting the Board’s role as the competent authority which must be satisfied that the proposal would not adversely affect the integrity of Natura 2000 sites, this section of my report assesses if the project is directly connected with or necessary to the management of European sites(s) or in view of best scientific knowledge, if the project, individually or in combination with other plans or projects, is likely to have a significant effect on any European Site(s), in view of the site(s) conservation objectives.

10.1.3. The application is accompanied by a Natura Impact Statement. It outlines the methodology used for assessing potential impacts on the habitats and species within 2 European Sites that have the potential to be affected by the proposed development. It predicts the potential impacts for these sites and their conservation objectives, it suggests mitigation measures, assesses in-combination effects with other plans and projects and it identifies any residual effects on the European sites and their conservation objectives.

10.1.4. Having reviewed the NIS I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impact and uses best scientific information and knowledge. Details of mitigation measures are provided. I am satisfied that the information is sufficient to allow for Appropriate Assessment of the proposed development.

10.2. Stage 1 – Appropriate Assessment Screening

10.3. The sites considered and the distances from the development site are summarised below:

Name of Site	Approx. distance from site
Lower River Shannon SAC (site code 002165)	The Abbey River c. 40 metres to the north of the site forms part of the SAC. Storm water runoff is to be discharged to the Abbey River

	<p>through an outfall at Charlotte's Quay. Direct and indirect effects arising from habitat loss, impact on water quality during construction and operation phases and disturbance of species during the construction works could arise. Thus, the potential for significant effects on the European Site cannot be excluded at this stage.</p> <p>Screened In</p>
River Shannon and River Fergus Estuaries (site code 004077)	<p>c.725 metres downstream</p> <p>Indirect effects arising from impact on water quality and disturbance of species during the construction works and operational phase could arise. The potential for collision risk to birds from the proposed building could arise. Thus, the potential for significant effects on the European Site cannot be excluded at this stage.</p> <p>Screened In</p>
Glenomra Wood SAC (site code 1013)	<p>c. 10km to north</p> <p>No surface water or groundwater connectivity. No source pathway receptor chains for direct or indirect impacts.</p> <p>Screened Out</p>
Tory Hill SAC (site code 439)	<p>c. 13.5km to south</p>

	<p>No surface water or groundwater connectivity. No source pathway receptor chains for direct or indirect impacts.</p> <p>Screened Out</p>
<p>Slievefelim to Silvermines Mountains SPA (site code 4165)</p>	<p>c.15.5km to east</p> <p>The development is located outside the foraging range of the SCI species associated with the SPA.</p> <p>No surface water or groundwater connectivity. No source pathway receptor chains for indirect impacts.</p> <p>Screened Out</p>

Stage 1 – Screening Conclusion

10.3.1. Based on my examination of the NIS report, supporting information, the NPWS website, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and, taken in conjunction with my assessment of the subject site and surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for 2 of the 5 European Sites referred to above, namely:

- Lower River Shannon SAC (site code 002165)
- River Shannon and River Fergus Estuaries SPA (site code 004077)

10.3.2. The remaining sites namely:

- Glenomra Wood SAC (site code 1013)
- Tory Hill SAC (site code 439)
- Slievefelim to Silvermines Mountains SPA (site code 4165)

can be screened out from further assessment because of the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. It is therefore reasonable to conclude that on the basis of the information on file, which I consider adequate to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have significant effects on these 3 European Sites in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not, therefore, required for these sites. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

10.4. **Stage 2 - Appropriate Assessment**

10.4.1. Relevant European Sites: The qualifying interests, conservation objectives and a brief description of the sites are set out below:

10.4.2. ***Lower River Shannon SAC (site code 002165)***

Qualifying Interests:

- Sandbanks which are slightly covered by sea water all the time
- Estuaries
- Mudflats and sandflats not covered by seawater at low tide
- Coastal lagoons
- Large shallow inlets and bays
- Reefs
- Perennial vegetation of stony banks
- Vegetated sea cliffs of the Atlantic and Baltic coasts
- Salicornia and other annuals colonising mud and sand
- Atlantic salt meadows
- Mediterranean salt meadows

- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation
- Molinia meadows on calcareous, peaty or clayey-silt-laden soils
- Alluvial forests with Alnus glutinosa and Fraxinus excelsior
- Freshwater Pearl Mussel
- Sea Lamprey
- Brook Lamprey
- River Lamprey
- Salmon
- Common Bottlenose Dolphin
- Otter

Brief Description of Site

10.4.3. As per the NPWS site synopsis it is a very large site stretching along the Shannon valley from Killaloe in Co. Clare to Loop Head/ Kerry Head, a distance of some 120 km. The site encompasses the Shannon, Feale, Mulkear and Fergus estuaries, the freshwater lower reaches of the River Shannon (between Killaloe and Limerick), the freshwater stretches of much of the Feale and Mulkear catchments and the marine area between Loop Head and Kerry Head.

10.4.4. This site is of great ecological interest as it contains a high number of habitats and species listed on Annexes I and II of the E.U. Habitats Directive, including the priority habitats lagoon and alluvial woodland, the only known resident population of Bottlenosed Dolphin in Ireland and all three Irish lamprey species. A good number of Red Data Book species are also present. A number of species listed on Annex I of the E.U. Birds Directive are also present, either wintering or breeding.

Conservation Objectives

10.4.5. Detailed conservation objectives have been prepared for the site, the overall aim being to maintain or restore the favourable conservation status of the designated habitats and species.

Potential Direct and Indirect Effects

- 10.4.6. The Abbey River c.40 metres to the north of the site forms part of the Lower River Shannon SAC. Storm water runoff is to be discharged to the Abbey River through an outfall at Charlotte's Quay.
- 10.4.7. Direct and indirect effects arising from habitat loss, impact on water quality during construction and operational phases and disturbance of species during the construction works could arise.
- 10.4.8. The NIS sets out certain qualifying interests that will not be indirectly impacted by the proposal. They are as follows:
- Alluvial forests
 - Brook Lamprey
 - Freshwater Pearl Mussel
 - Molina meadows
 - Perennial vegetation of stony banks
 - Vegetated sea cliffs of the Atlantic and Baltic coasts
- 10.4.9. I concur with the conclusions that the potential for significant indirect effects can be excluded on the basis that the designated habitats are not within the development area and are outside the zone of potential impact influence and that suitable habitats for the identified species do not occur within the development area or the zone of the potential impact influence. I have had regard to the detailed conservation objectives drawn up for each and the mapped features where relevant. On this basis, they are screened out for further assessment.
- 10.4.10. A habitat corresponding to Bryophyte communities (ie. mosses and lichens) associated with qualifying interest 'watercourses of plain to montane levels' habitat of the Lower River Shannon SAC was identified to be present on the existing limestone wall of Charlotte Quay by the Abbey River. The bryophyte growth noted conspicuously followed the horizontal line of frequent flooding of the Abbey River, approx. 1 metre below the location of the existing outfall. The proposed outfall is to be located in proximity to the existing outfall. It was considered not safe to collect a sample to determine the species present given their location below the existing road

level. The relevant European documentation does not list the range of habitat included in the relevant qualifying interest. The interpretation that the mosses present constitute the bryophyte-rich sub-type of QI is supported by the relevant Conservation Objectives supporting documentation in which it is stated there are many bryophytes that grow on rocks in and by streams and rivers, where they keep moist from the constant humidity or water splashes. The full distribution of this habitat and its sub types within the European Site are currently unknown.

Therefore, by extrapolation and in accordance with the precautionary principle, any bryophyte communities are assumed to constitute QI habitat. On this basis and having regard to the site specific Conservation Objectives for the Lower River Shannon SAC these bryophytes correspond to the 'high-conservation value sub-type' named 'Bryophyte- rich streams and rivers'.

10.4.11. Benthic communities associated with estuary habitat of the Lower River Shannon SAC occur adjacent to the proposed outfall to the Abbey River, and throughout the River Shannon downstream.

10.4.12. The remaining qualifying interests are either identified to be within/potentially within the zone of influence or downstream of the proposed development. They therefore could be affected by silt, oils, grit or other potential contaminants generated during the construction of the development.

10.4.13. *River Shannon and River Fergus Estuaries SPA (site code 004077)*

Qualifying Interests

- Cormorant
- Whooper Swan
- Light-bellied Brent Goose
- Shelduck
- Wigeon
- Teal
- Pintail
- Shoveler

- Scaup
- Ringed Plover
- Golden Plover
- Grey Plover
- Lapwing
- Knot
- Dunlin
- Black-tailed Godwit
- Bar-tailed Godwit
- Curlew
- Redshank
- Greenshank
- Black-headed Gull
- Wetland and Waterbirds

Brief Description of Site:

10.4.14. As per the NPWS site synopsis the estuaries of the River Shannon and River Fergus form the largest estuarine complex in Ireland. The site comprises the entire estuarine habitat from Limerick City westwards as far as Doonaha in Co. Clare and Dooneen Point in Co. Kerry.

10.4.15. The River Shannon and River Fergus Estuaries SPA is an internationally important site that supports an assemblage of over 20,000 wintering waterbirds. It holds internationally important populations of four species, i.e. Light-bellied Brent Goose, Dunlin, Black-tailed Godwit and Redshank. In addition, there are 17 species that have wintering populations of national importance. The site also supports a nationally important breeding population of Cormorant. Of particular note is that three of the species which occur regularly are listed on Annex I of the E.U. Birds Directive, i.e. Whooper Swan, Golden Plover and Bar-tailed Godwit. Parts of the River Shannon and River Fergus Estuaries SPA are Wildfowl Sanctuaries.

Conservation Objectives

10.4.16. Detailed conservation objectives have been prepared for the site, the overall aim being to maintain or restore the favourable conservation status of the designated species.

Potential Direct and Indirect Effects

10.4.17. There is potential for contaminants generated during the construction and operational phases of the proposed development to be carried into the drainage network and downstream into the Shannon Estuary potentially reducing prey abundance or diversity for the species. There is also potential for certain species to collide with the proposed tall building.

Proposed Mitigation measures

10.4.18. *Construction Phase:*

- The proposed outfall to the Abbey River will be located above the bryophyte community at a location comparable to that of the existing outfall. A mobile elevated working platform parked on Charlotte's Quay will allow access to the limestone wall from the Abbey River side of the existing quay wall whilst avoiding instream works. A coring method will be used from north to south which will avoid any material entering the Abbey River and will avoid disturbance of the QI located c. 1 metre below the proposed outfall location. The outfall will extend beyond the quay wall and will be fitted with a back flap. There will be no pouring of concrete for the installation of the proposed outfall. Contractors will be permitted to locally grout the finished outfall. The Ecologist will review and input to the method statement produced by the contractor to ensure the method statement contains the specific measures above. The Ecologist will then supervise the works to Charlotte Quay and direct or advise the contractor as appropriate, to ensure the method statement and mitigation are implemented.
- A Construction Methodology and Phasing Management Plan for the overall development has been prepared.
- Neither groundwater nor surface water runoff from the working areas will be permitted to discharge directly to the Abbey or Shannon Rivers. Run off

generated within the site during construction will be filtered and treated to remove hydrocarbons and sediment. In the event of surface water failing to meet the required standards water will be recirculated to the inlet of the sediment pond to provide further time for settlement. A penstock will be provided on the outlet from the sediment pond to control discharge from the site.

- Maintain and monitor the performance of the surface water drainage network throughout the construction
- Location of spoil and stockpiles to be at least 15 metres from drainage systems and the Abbey and Shannon Rivers. Stockpiles to be covered.
- Dewatering of all working areas at the end of each working day. Use of pumping and transport of water off site if volumes prevent effective attenuation and treatment prior to discharge.
- Use of wheel washers and dust suppression on site roads.
- All materials to be disposed of at a licensed waste facility.
- The pouring of concrete to take place within a designated area. Washout of vehicles to take place off site or onsite washout to be captured for disposal off site.
- Provision of a ramp to the proposed development to prevent any flood waters entering the site during construction.
- Should there be a coastal flood warning all plant and construction material to be moved and stored within areas within Flood Zone C.
- Spill control measures including use of self-bunded fixed plant and provision of spill kits.
- Production of an Emergency Response Plan
- Produce and commence a Water Quality Monitoring Programme.
- Retention of a suitably experienced and qualified Ecologist.

10.4.19. Operational Phase

- Proposed storm water drainage is designed so there would be no increase in water levels or flow rates downstream of the proposed outfall. The system includes an attenuation tank which would store run off when the inflow rate exceeds 9.4 l/s which is the greenfield rate from an equivalent greenfield site. The system also includes a Class 1 Bypass Hydrocarbon Separator to remove hydrocarbons which may be suspended in runoff. To minimise sediment build up within the storm water drainage network, trapped inlets would be used at all points of entry and key manholes will have sumps to collect material. In addition, surface water runoff from the façade of the tall building in Bank Place will discharge to an attenuation tank located on Bank Place prior to forward discharge to the Abbey River. The tank will have a flow control device restricting discharge to the equivalent greenfield run off rate (4 l/s). A regular maintenance regime including monitoring will be put in place to remove any excess build-up of material.
- Establishment of a maintenance company that will be responsible for the regular maintenance and monitoring of infrastructure installed as part of the development.
- A flashing green light to be installed on the proposed tall building to repel birds. Prior to procurement of same an ecologist with relevant credentials in the technical field of bird collision mitigation will review this measure in the light of peer-reviewed scientific evidence published since the production of the NIS. In the event where new scientific evidence on lighting mitigation conflict with this measure the ecologist will advise on any changes in light colour or other parameters required to minimise the potential for strike risk.

Assessment

10.4.20. The project is not directly connected with or necessary to the management of a European Site.

Lower River Shannon SAC

10.4.21. A number of the qualifying interests of the SAC downstream of the proposed development are reliant on water quality. In view of the nature and location of the

proposed development and the measures to be incorporated into the construction phase of the proposed development, which would align with what are considered to be proven best practice measures, I would submit that potential for impact of construction works on water quality of the SAC is very low.

10.4.22. In terms of the operational phase the site, within Limerick city centre, is serviced.

The proposed storm water drainage system has been designed to ensure that there will be no increase in water levels or flow rates downstream of the proposed outfall. The system includes an attenuation tank which will store run-off when the inflow rate exceeds the greenfield runoff rate of 9.4 l/s. It also includes a Class 1 By-Pass Hydrocarbon Separator. In addition, surface water runoff from the façade of the tall building in Bank Place will discharge to an attenuation tank located on Bank Place prior to forward discharge to the Abbey River. The tank will have a flow control device restricting discharge to the equivalent greenfield run off rate (4 l/s). A regular maintenance regime, including monitoring, is to be put in place to remove any excess build-up of material.

10.4.23. **Salmon, river lamprey** and **sea lamprey** are presumed to feed and/or migrate locally within the River Shannon and Abbey Rivers. There are no spawning habitats present so no displacement or injury of fish is predicted from noise and vibration from piling activities.

10.4.24. The following qualifying interests have been mapped downstream of the proposed development - **Atlantic salt meadows** c. 11km, **coastal lagoons** c.23km, **large shallow inlets and bays** c. 58km, **Mediterranean salt meadows** c. 30km, **mudflats and sandflats** c. 780m, **reef** c.9km, **Salicornia and other annuals colonising mud and sand** c.12.5km and **sandbanks** c.75km. **Bottle nose dolphin** has also been identified downstream. Best practice methods in the construction phase in terms of protection of water quality as detailed above would ensure against the potential for silt, oils, grit or other potential contaminants to enter the watercourses.

10.4.25. There are no breeding or resting sites for **Otter** within the Zone of Influence. If foraging or commuting otter are present it is likely to be habituated to the existing urban lighting and noise disturbance. Potential displacement impacts are considered non-significant.

- 10.4.26. The various supporting documents (NPWS, 2012b-e) to the Conservation Objectives for the Lower River Shannon SAC indicate that marine community types associated with **estuary** habitats occur adjacent to the proposed outfall to the Abbey River and throughout the River Shannon downstream. Bryophyte communities (ie. mosses and lichens) associated with qualifying interest **watercourses of plain to montane levels** habitat of the Lower River Shannon SAC were identified on the existing limestone wall of Charlotte Quay by the Abbey River. The bryophyte growth noted in the wall of Charlotte Quay conspicuously follows the horizontal line of frequent flooding of the Abbey River, approx. 1 metre below the location of the existing outfall and in the vicinity of the location of the proposed outfall.
- 10.4.27. The location of the proposed outfall avoids the habitat. Excavation in proximity has the potential to damage the habitat and to release silt and sediment into the Abbey River. Works will involve the use of a mobile elevated working platform allowing access to the limestone wall whilst avoiding instream works. The contractors will use a coring method drilling from north to south which will avoid any material entering the Abbey River. This method will avoid any disturbance to the QI bryophyte communities located c. 1 metre from the outfall location. There will be no pouring of concrete for the installation of the proposed outfall albeit the necessary grouting. The works will be supervised by a suitably qualified Ecologist. The outfall is in a comparable location to that existing and will extend beyond the quay wall with a flap valve.
- 10.4.28. Bryophytes are potentially sensitive to NO_x and deposited nitrogen. Modelling predicts that NO_x emissions from roads, as currently operate (base year scenario) exceed the critical level of 30 ug/m³. It is predicted that each scenario year with the development in place, concentrations of NO_x will improve relative to this base year. The largest predicted oxides of nitrogen concentration change between do minimum and do something scenarios on the Lower River Shannon SAC, exist on the river bank at the corner of R445 and Bridge Street. The largest change is predicted to occur in operational year 2022, where a concentration of 1.2ug/m³ is predicted. As this concentration change is less than 2 ug/m³ there is no requirement to refer this value to the project Ecologist as recommended by NRA guidance for the Treatment of Air Quality During the Planning and Construction of National Road Schemes.

10.4.29. The largest predicted deposited nitrogen concentration from road traffic during the operational years of the scheme occurs in year 2022 with the scheme in place. Under this scenario, the absolute concentration is predicted to be 1.9 Kg(N)/ha/yr., which includes background concentrations as determined from background nitrogen dioxide. This is lower than the concentrations predicted for the baseline year 2017.

River Shannon and River Fergus Estuaries SPA

10.4.30. The feeding habitat of all of the qualifying interests of the European Site have been identified downstream of the proposed development. No species roost or feed within the zone of influence of adverse disturbance effects such as piling, noise lighting or human presence.

10.4.31. In view of the nature and location of the proposed development and the measures to be incorporated into the construction phase of the proposed development, which would align with what are considered to be best practice measures, I would submit that potential for impact of construction works on water quality and thereby potential reduction in prey abundance or diversity is negligible.

10.4.32. Roosting black-headed gulls (known to be present c.120 metres from the site at their nearest point) are a 'generalist' feeder attracted to areas of human habitation where they scavenge human waste; the roosts of this species would not be significantly displaced by the additive noise from construction given their tolerance for traffic and other forms of urban noise and their likely habituation to the existing disturbance regime in Limerick City.

10.4.33. Certain species whereby the potential for collision with the proposed tall building have been identified include Black-headed gull, Cormorant, Curlew, Golden Plover, Lapwing, Light-bellied Brent goose and Whooper Swan. The proposed tall building at 71.5m OD is within the built up urban environment of Limerick City. As per the Irish Aviation Authority, Integrated Aeronautical Information Package, Limerick is not on a major flyway for birds with migratory birds tracked at heights significantly in excess of 71.5 metres m OD. Significant bird populations on migration are, therefore, unlikely to collide with the proposed building. Lighting is proposed as mitigation for bird collision on the proposed tower.

Potential in-combination effects

10.4.34. A description of the in-combination effects is detailed in section 8.3.3 of the NIS with due consideration given to other development both existing and proposed in the vicinity including the permitted 15 storey building at George's Quay. Regard is also had to relevant plans including the National Planning Framework, the City Development Plan, Limerick 2030 and Shannon (CFRAM) study. Having regard to the size, scale and nature of the project within Limerick city centre on a serviced site there are no current or outstanding plans or projects which could interact with same to create significant in combination effects.

10.5. Appropriate Assessment – Conclusion

10.5.1. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Lower River Shannon SAC (site code 002165) or River Fergus and River Shannon Estuaries SPA (site code 004077) or any other European site, in view of the sites' Conservation Objectives.

11.0 Recommendation

Having regard to the foregoing I recommend approval of the proposed development for the following reasons and considerations subject to conditions.

12.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

(a) EU legislation including in particular:

- EU Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment,
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set out the requirements for Conservation of Natural Habitats and of Fauna and Flora.

(b) National Legislation including in particular:

- Section 175 of the Planning and Development Act 2000 (as amended) which sets out the provisions in relation to local authority projects which are subject to Environmental Impact Assessment (EIA) and Appropriate Assessment (AA)

(c) National Policy and Guidance including in particular:

- National Planning Framework which cites the implementation of the Limerick 2030 economic strategy as a key future growth enabler and .
- Architectural Heritage Protection: Guidelines for Planning Authorities, 2011,
- Urban Development and Building Heights: Guidelines for Planning Authorities, December 2018 and Specific Planning Policy Requirement 1 to support increased building height in locations with good public transport accessibility, particularly town/city cores to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies.

(d) the Mid West Regional Planning Guidelines 2010-2022

(e) Local Planning Policy including in particular

- The provisions of the Limerick City Development Plan, 2010, as amended, including Variation No.4 adopted in January 2015 comprising the incorporation of the Limerick 2030 Economic and Spatial Plan and policy CC.5 which seeks to secure the development of the Opera Centre in support of the objectives set out in Limerick 2030.

(f) The following matters:

- the nature, scale and design of the proposed works as set out in the application for approval and the existing character and pattern of development in the area and the city centre location of the site,
- the documentation including the environmental impact assessment report, the natura impact statement and associated documentation submitted with the application and by way of further information and the range of mitigation and monitoring measures proposed,
- the submissions and observations made to An Bord Pleanála in connection with the application,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites, and
- the report and recommendation of the inspector.

Appropriate Assessment: Stage 1:

The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspector's report that Lower Shannon River SAC (site code 002165) and River Shannon and River Fergus Estuaries SPA (site code 04077) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the

submissions and observations on file, the oral hearing submissions and the Inspector's assessment. The Board completed an Appropriate Assessment of the implications of the proposed development for the aforementioned European Sites in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development;
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application;
- (c) the submissions from the observers and prescribed bodies in the course of the application and the submissions of the applicant, observers and prescribed bodies during the oral hearing, and
- (d) the Inspector's report

The Board agreed with the summary of the results of the consultations and information gathered in the course of the Environmental Impact Assessment and the examination of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application, as set out in the Inspector's report. The Board was satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

Reason Conclusions on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board was satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU, amending Directive 2011/92/EU.

The Board considered that the main significant effects both positive and negative of the proposed development on the environment are:

- **Population and human health:** Potential positive impacts through the redevelopment of a brownfield and underutilised city centre site for employment, cultural and amenity spaces that will improve the townscape and visual setting. Impacts arising from noise, dust, traffic, excavation and demolition impacts during construction will be mitigated by a Construction Management Plan including traffic management measures. There will be negative impacts on existing buildings in the vicinity of the site arising from the reduction in access to daylight and sunlight and increase in overshadowing which will not be mitigated or otherwise addressed by condition.
- **Landscape:** The proposed development entailing modern design interventions and a tall building would have a significant impact on the urban and visual character of the area. This impact is considered acceptable given the policy provisions for the site as set out in the current Limerick City

Development Plan and Limerick 2030 Plan and the identification of the site for redevelopment to a certain scale and strong presence to the public realm. No mitigation measures are proposed on the basis of the beneficial and/or positive impact.

- **Cultural heritage:** Potential negative impacts arising from demolition of some built fabric on the site and modern design interventions to protected structures including the redevelopment and extension of the former Town Hall and relocation of the Bruce House doorcase at 6 Rutland Street. Mitigation measures are detailed including building specific measures for the buildings to be retained and refurbished. There will be potential positive impacts on the cultural heritage of Limerick city centre arising from the restoration, extension and reuse of currently vacant or underutilised historic buildings including a number of protected structures.
- **Biodiversity:** There will be disturbance and loss of the common pipistrelle bat roost site at No. 9 Rutland Street. Mitigation measures include a 'bat brick' and a 'bat tile' in the design of Nos. 4 & 5 Rutland Street which is located close to the existing roost site in 9 Rutland Street and implementation of a Construction and Environmental Management Plan. There is potential for bird collision with the proposed tall building. A green flashing light to repel birds is proposed in mitigation.

The Board completed an environmental impact assessment in relation to the proposed development. Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the impact on existing buildings in the vicinity of the site arising from the reduction in access to daylight and sunlight and increase in overshadowing, the Board considered that the environmental effects would not justify a reason for refusal of planning permission having regard to the overall benefits of the proposed development. The Board otherwise concluded that subject to the implementation of the mitigation measures referred to above, including proposed monitoring as appropriate and subject to compliance with the conditions set out below, by itself and in combination with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions set out in the Inspector's report.

Proper Planning and Sustainable Development

It is considered that subject to compliance with the conditions set out below the proposed development would:

- secure the redevelopment of strategic, underutilised urban land in a prime city centre location and will assist in the redevelopment and rejuvenation of this part of Limerick City Centre in accordance with the policies and objectives of the current Limerick City Development Plan
- would involve the retention and sensitive re-use of the bulk of the historic building fabric along the periphery of the site thereby securing its future.
- would make a positive contribution to the urban character of the area
- would not seriously injure the amenities of development in the area and the character and appearance of protected structures in the vicinity.
- would not have a significant and detrimental impact on any important views and vistas within the city, including in particular from the west on the opposite side of the River Shannon and from the north on King's Island.

The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the details and particulars received by An Bord Pleanála on the 23rd day of September 2019, 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.

Reason: In the interest of clarity.

2. The period during which the proposed development hereby permitted may be carried out shall be ten years from the date of this order.

Reason: Having regard to the nature and extent of the proposed development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

3. All mitigation and environmental commitments identified in Table 20.1 of Volume II of the Environmental Impact Assessment Report, shall be implemented in full as part of the proposed development, except as may be otherwise required to comply with the following conditions.

All monitoring measures identified in Table 20.1 of Volume II of the Environmental Impact Assessment Report, shall be implemented in full as part of the proposed development, except as may be otherwise required to comply with the following conditions.

Reason: In the development control, public information and clarity.

4. All mitigation and environmental commitments identified in the Natura Impact Statement (Section 9) shall be implemented in full as part of the proposed development, except as may be otherwise required to comply with the following conditions.

Reason: In the interest of development control, public information and clarity.

5. The development shall be carried out in accordance with the phasing plan as outlined in the documentation submitted with the planning application.

Reason: In the interest of clarity.

6. The Ellen Street elevation of the proposed six storey building within parcel 1 shall be amended to provide for a regular fenestration treatment. Revised plans with the necessary alterations shown thereon shall be submitted and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. A pedestrian crossing on Rutland Street/Patrick Street connecting the proposed City and County Library and The Hunt Museum shall be provided prior to the first opening of the Library facility to the public.

Reason: To facilitate connectivity between the cultural facilities and in the interest of pedestrian safety.

8. No additional development shall take place above roof parapet level on any building, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, other than that shown on drawings as submitted to the Planning Authority with the application unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

9. Details of the materials, colours and textures of all the external finishes to the proposed buildings and open spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

10. Details of signage for the proposed commercial units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, and notwithstanding the provisions of the

Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on any of the proposed building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interests of visual amenity and orderly development and to permit the planning authority to assess any such development through the statutory planning process.

11. No external security shutters shall be erected on any of the commercial premises fronting onto public roads and public spaces, unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

12. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

13. A minimum of 10% of the proposed car parking spaces in the basement car park shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces in the basement car park shall be fitted with ducting for electric connection points to allow for future fitout of charging points.

Reason: In the interest of sustainable transport.

14. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and,
- (b) employ a suitably-qualified archaeologist prior to the demolition works and commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

15. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the

buildings, open spaces, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority, before the proposed development is made available for occupation.

Reason: To provide for the future maintenance of this private development in the interest of visual amenity.

16. Site development and construction works shall be confined to the hours of 0700 and 1800 on Mondays to Fridays excluding bank holidays and 0800 and 1400 hours on Saturdays and not at all on Sundays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenity and clarity.

17. Construction and demolition waste shall be managed in accordance with a 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 Limerick/Clare/Kerry Region.

Reason: In the interest of sustainable waste management.

18. The construction of the development shall be managed in accordance with a Construction 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 intended construction practice for the development, including noise management measures.

Reason: In the interests of public safety and residential amenity.

19. Prior to commencement of development, the developer shall submit to, and obtain the written agreement of the planning authority, a plan containing details for the management and safe disposal of all 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.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

Pauline Fitzpatrick
Senior Planning Inspector

January, 2020

14.0 Appendix 1 – Summary of Oral Hearing

Synopsis of Oral Hearing

Strand Hotel, Limerick

Tuesday 26th and Wednesday 27th November, 2019

Local Authority	
Mr. Dermot Flanagan	Senior Counsel
Ms. Sara Pearson, AECOM	Architecture
Mr. Gavin Lawlor, Tom Phillips Assoc.	Planning Policy
Mr. Tomas Sexton, Coady Architects	Masterplan, Alternatives & Design
Ms. Jessie Castle, JCA Architects	Conservation & Architectural Heritage
Ms. Faith Bailey, IAC Archaeology	Archaeology & Cultural Heritage
Mr. Joerg Schulze, AECOM	Landscape, Townscape & Visual Effects
Ms. Patricia Brock, AECOM	Sunlight, Daylight and Overshadowing
Mr. Robert Murphy, AECOM	Pedestrian Wind Studies
Ms. Emma McKendrick, AECOM	Water
Dr. Eleanor Ballard & Dr. Emma Boston, AECOM	Biodiversity
Mr. Eoin O'Mahony, AECOM	Traffic & Transport
Mr. Alf Maneylaws, AECOM	Noise & Vibration

Prescribed Bodies	
Ms. Michelle Hayes, Solicitor Dr. B. Hayes, Solicitor	An Taisce Limerick

Observers	
Ms. Elizabeth Hatz, Architect	
Mr. Gerard Carty, Architect	
Ms. Dee Ryan	Limerick Chamber
Ms. C. Kelleher	Shannon Group Plc
Mr. Michael Tiernan	Tiernan Properties
Mr. David O'Brien	Limerick Civic Trust
Ms. Jo Cousins	Hunt Museum
Ms. Helen O'Donnell	Hunt café & Catering Company
Mr. Conor Hourigan	Irish Georgian Society
Mr. Peter Carroll, Architect	
Ms. Cait Ni Cheallachain, Architect	
Ms. Jan O'Sullivan	Labour Party
Mr. Hugh Murray, Architect	

Note 1: All the proceedings of the Oral Hearing are recorded and the recording is on file. What follows is a brief outline of the proceedings. This outline is proposed to function as an aid in following the recording.

Note 2: The assessment in my report makes reference to details submitted at the Oral Hearing.

Day 1 – Tuesday 26th November, 2019

I outlined the details of the proposal, the observations received by the Board and the order of proceedings as set out in the Agenda that was circulated in advance.

Mr. Dermot Flanagan gave an opening statement.

Ms. Sara Pearson gave a brief summary of the proposed development and responded to issues arising from written submissions received by the Board in terms of architecture.

Mr. Gavin Lawlor set out the background to the proposal, the planning policy and context and market need.

Mr. Tomas Sexton gave details on the masterplan, design strategy and alternatives considered. He also responded to issues arising from written submissions received by the Board.

Ms. Jessie Castle made a submission on conservation and responded to issues arising from written submissions received by the Board including the height and scale of the tall building.

Ms. Faith Bailey made a submission on archaeology and cultural heritage. The conditions recommended by the Department of Culture, Heritage and the Gaeltacht are accepted.

Mr. Joerg Schulze made a submission on landscape and visual impact and responded to issues arising from written submissions received by the Board.

Ms. Patricia Brock made a submission on sunlight, daylight and overshadowing and responded to the issues arising is the further information request.

Mr. Robert Murphy made a submission on pedestrian wind studies conducted and responded to issues arising from written submissions received by the Board.

Mr. Emma McKendrick made a submission on water related issues and responded to issues arising in the submissions from prescribed bodies received by the Board including the proposed outfall to the Abbey River.

Dr. Eleanor Ballard and Dr. Emma Boston made a joint submission on biodiversity and responded to issues arising from written submissions received by the Board on bats and birds.

Mr. Eoin O'Mahony made a submission on traffic and transport.

Mr. Alf Maneylaws made a submission on noise and vibration

Ms. Elizabeth Hatz made a submission in objection to the proposal. She queried the sustainability of the proposal with reference to heritage, good planning and a living city.

Mr. Gerard Carty made a submission in objection to the proposal. He raised concerns about the height, bulk and scale of the tower element, impact on historic setting and adequacy of the EIAR.

Day 2 – Wednesday 27th November

Ms. Michelle Hayes, An Taisce Limerick made a submission in objection to the proposal. Issues raised include importance of site location, impact on biodiversity, extent of demolition, building height and design, mix of uses, traffic and parking, conservation, planning context and adequacy of EIAR.

Ms. Dee Ryan, Limerick Chamber made a submission in favour of the proposal with reference made to need for grade A office accommodation and revitalisation of the city centre.

Ms. C.Kelleher, Shannon Group Plc made a submission in favour of the proposal with reference made to need for grade A office accommodation and diversity of properties required.

Mr. Michael Tiernan, Tiernan Properties made a submission in favour of the proposal. Limerick City Centre development is a priority with a dearth of suitable office accommodation therein.

Mr. D. O'Brien, Limerick Civic Trust made a submission in favour of the proposal. The proposal is a Limerick renaissance project.

Ms. Jo Cousins, Hunt Museum made a submission in favour of the proposal. The aim is to provide a joint cultural heritage facility with the city and county library. Rutland Street/Patrick Street is not conducive to pedestrians crossing. A tunnel connecting the sites recommended.

Ms. Helen O'Donnell, Hunt Café and Catering Company made a submission in favour of the proposal. The proposal represents a step towards revitalisation of this part of the city centre.

Mr. Conor Hourigan, Irish Georgian Society, Limerick Chapter made a submission objecting to the proposal. Issues raised include inappropriateness and visual impact of tall building, policy context for same, impact on integrity and scale of existing Georgian buildings and appropriateness of intervention in south gable of the town hall.

Mr. Peter Carroll made a submission objecting to the proposal. Issues raised include mix of uses, appropriateness of proposed tall building, sustainability of proposal and impact on existing historic fabric.

Ms. Cait Ni Cheallachain made a submission objecting to the proposal. Issues raised relate adequacy of residential component, original purpose when site was acquired, impact on architectural heritage, need for quantum of office space and sustainability of proposed demolition.

Ms. Jan O'Sullivan, Labour Party made a submission objecting to the proposal. Issues raised relate to purpose in acquiring the site, adequacy in residential component and height of tall building.

Mr. Hugh Murray made a submission objecting to the proposal. Issues raised relate to the inappropriateness and visual impact of the proposed tall building.

Closing Submissions were made by:

Mr. Michael Tiernan, Tiernan Properties

An Taisce

Mr. Dermot Flanagan, Limerick City and County Council