



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-306541-20

Strategic Housing Development

Mixed use development of 18 no. houses, 363 no. apartments, 189 no. student bedspaces, childcare facility and associated site works.

Location

Pa Healy Road and Park Road,
Limerick.

Planning Authority

Limerick City & County Council

Applicant

Revington Land Ltd.

Prescribed Bodies

DAU
Irish Water
NTA
TII

Observers

Environmental Trust Ireland

Clíodhna O'Sullivan

Siobhan O'Brien and John Considine

Date of Site Inspection

21st April 2020

Inspector

Rónán O'Connor

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1.1. The site is located within the urban environment of Limerick City approximately 1km to the north-east of the city centre. The site is bound to the north by Park Canal and associated walkway/cycle path, to the west and south by Pa Healy Road and to the east by Park Road. There are two commercial properties along the east of the site comprising of large warehouses, one is included within the site. The site, and the surrounding area, have a relatively flat topography. The site is accessible from the canal path with informal paths running through the site. There is a significant amount of mature trees which form a boundary with the canal towpath.
- 2.1.2. An area of public open space 'O'Brien's Park' is located to the west of the site, on the opposite side of Pa Healy Road. This is accessible from the site via an underpass under the Pa Healy Road. To the east, and north-east of the site, on the opposite side of Park Road there are residential dwellings. There is narrow bridge which spans the canal at this point, which allows for single lane traffic only. This area is the subject of a current Part 8 proposal to provide a new bridge crossing. Further south along Park Road, there are warehouse/retail type uses which are low-rise in scale.
- 2.1.3. Larger scale development, comprising of a student accommodation development (Grove Island), recreational space and a large mixed-use development comprising of Aura Leisure Centre, a Super Value store and other retail outlets is located to the North West, towards the city centre.

3.0 Proposed Strategic Housing Development

The proposed development will consist of the following:

- (A) Demolition of existing 800m² warehouse building on site.

- (B) Block 1 – Student accommodation building of 8,238m² stepped from three to six storeys, with ground floor café of 144.60m² and 3 no. retail units facing onto Pa Healy road of 86.59m² each, with 9 no. two bedroom, 37 no. three bedroom, and 15 no. four bedroom student apartments, totalling 189 bed spaces, ancillary laundry, refuse and enclosed communal courtyard with landscaping and bicycle storage;
- (C) Block 2 - A residential apartment building of 6,013.25m² with eight storeys and two penthouse storeys, total ten storeys containing 10 no. studio, 1 no. one bedroom and 52 no. two-bedroom apartments;
- (D) Block 3 – A residential apartment building of 8,107.10m² with six storeys and two penthouse storeys, total eight storeys containing 16 no. studio, 9 no. one bedroom, and 63 no. two-bedroom apartments;
- (E) Block 4 – A residential apartment building of 3,869.18m² with six storeys and one penthouse storey, total seven storeys containing 7 no. studio, 13 no. one bedroom and 25 no. two-bedroom apartments;
- (F) Block 5 – A residential apartment building of 5,849.40m² with six storey and one penthouse storey total seven storeys containing 14 no. studio, 15 no. one bedroom and 37 no. two-bedroom apartments;
- (G) Block 6 a residential apartment building of 3,869.18m² with six storeys and one penthouse storey, total seven storeys containing 7 no. studio, 13 no. one bedroom and 25 no. two-bedroom apartments;
- (H) Block 7 a residential apartment building of 4,962m² with five storeys and one penthouse storey, total six storeys containing 12 no. studio, 13 no. one bedroom and 31 no. two-bedroom apartments;
- (I) Community facilities building of 1,336.90m² and three storeys with creche, café, management offices and common accommodation for use by apartment dwellers;
- (J) 18 no. Executive Houses – Consisting of 2 no. detached four-bedroom houses of 194.62m² each and 16 no. terraced four-bedroom houses of 177.82m² each;
- (K) 148 Car parking spaces throughout the development and 420 secured bicycle parking spaces throughout the development;
- (L) Ancillary works comprising; new vehicular entrance onto Pa Healy Road, pedestrian and cycle links to Pa Healy Road, Park Road and City Canal, bin storage

for all developments adjacent to all entrances, New public park of 0.5ha along city canal, communal open space and communal roof gardens for all apartments, all ancillary drainage, civil and landscape works, public lighting within estate.

Key Figures

Site Area	c4 Ha
No. of units	363 no. Build-to-Rent apartments 189 no. student bedspaces 18 no. houses
Height	Up to 10 storeys
Part V	38 no. units
Vehicular Access	From Pa Healy Road
Car Parking	148 spaces
Bicycle Parking	420 spaces
Creche	441.8 sq. m.
Public Open Space	5,136 sq. m.
Communal Open Space	8,183 sq. m.

Unit Mix					
Build to Rent (BTR)					
Apartment Type	Studio	1 bed	2 bed	3 bed	Total
No. of Apts	66	64	233	n/a	363
As % of Total	18	18	64	n/a	100
Dwelling Houses					
House Type	1 bed	2 bed	3 bed	4 bed	
	-	-	-	18	18

Student Accommodation						
Type	Studio	1 bed	2 bed	3 bed	4 bed	Total Bedspaces
No.	-	-	9	27	15	189

4.0 Planning History

On-site

No relevant planning history on the site.

Adjoining Sites

Site at Clare Street (to the south of the proposed site)

19/1252 – Current application - Construction of a 7860 sq. m. post primary school.

Canal Bank, Park Road and Lower Park Road, Limerick

ABP Ref - 306348 (LA Non Road Dev - EIS Direction)

Proposed development: New bridge crossing over the canal, to the east of the current Park Road bridge.

Decision – EIS not required

Part 8- 19/8002- A new bridge crossing of the canal will be constructed to the east of the current Park Road Bridge, connecting Lower Park Road with Park Road, facilitating two-way traffic flow. Vehicle traffic on South Canal Road will change from the current one-way system to a two-way system with the carriageway being widened accordingly.

5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of Limerick City and Council, Dooradoyle, Limerick on the 1st of July 2019 in respect of a proposed development of 30 no. houses, 303 no. apartments and 64 no. student bedspaces. The main topics raised for discussion at the tripartite meeting were as follows:

- Development Strategy for the site to include the layout and interfaces along Pa Healy Road and internally between the proposed buildings and the use of boundary treatments.
- Architectural Response and external materials.
- Connectivity , permeability and use of DMURS throughout the site,
- Sunlight and Daylight analysis for existing and proposed,
- Quantum and Quality of open space throughout the site and apartment scheme,
- Compliance with S. 28 Guidelines.
- Management of apartments and student accommodation,
- Appropriate Assessment.
- Irish Water.

Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the Notice of Pre-Application Consultation Opinion dated 22nd July 2019 (ABP Ref. ABP-304523-19) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **required further consideration and amendment in order to constitute a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

5.3. The following issues needed to be addressed:

Design, Layout and Unit Mix

5.4. Further consideration and/or justification of documents as they relate to the proposed strategy for the development of the site in respect of the residential uses, proposed ownership and tenure, residential amenity and management of the proposal in relation to the 12 criteria set out in the Urban Design Manual which accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009), and the 'Urban Development and Building Heights Guidelines'. In addition to design which is addressed above, the matters of the configuration, the layout and the architectural approach with particular emphasis on the Pa Healy Road should be given further consideration. Further consideration of

these issues may require an amendment to the documents and/or design proposals submitted.

Elevation Treatment/Finishes

- 5.5. Further consideration and/or justification of the documents as they relate to elevation treatment/ expression of the finishes of the proposed development, having regard for the scale of the building heights included and the need for a high quality urban design which will have a positive contribution to Limerick City Centre over the long term. An architectural and urban design statement should be submitted with the application in coordination with a Building Lifecycle Report. In addition, a report that specifically addresses the materials and finishes of the proposed structures including specific detailing of finishes, openings and the treatment of balconies, having regard to the long term management and maintenance of the proposed development. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

Open Space and Permeability

- 5.6. Further consideration and/or justification of documents for the provision of high quality open space areas which incorporates the provision of appropriate play facilities, landscaped areas, boundary treatments and pedestrian/ cycle ways throughout the site, having regard to the requirements of Design Manual for Urban Roads and Streets and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018).

Car Parking

- 5.7. Further consideration and/or justification to the provision of the documents as they relate to the car parking strategy of the proposed development, having particular regard to the level of surface parking provided at the main entrance and throughout the site. The further consideration of these issues may require an amended to the documentations and/or design proposals submitted at application stage.

Environmental Mitigation

- 5.8. Further consideration and/or justification of documents as the relate to the mitigation measures to address contamination on the site and the necessity to ensure full details of all works are included in all associated documents including any

documentation relating to but not limited to Construction Environmental & Waste Management Plan and Appropriate Assessment.

5.9. Other Specific information was requested as outlined in the Board's Opinion.

5.10. **Applicant's Statement**

5.10.1. The application includes a Statement of Response to the pre-application consultation), as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

Density, Layout and Unit Mix

5.10.2. The applicant has revised the development strategy. The development now provides a stronger elevation to Pa Healy Road, a greater degree of permeability through the site and reduced levels of car parking.

Elevational Treatment/Finishes

5.10.3. Details provided in relation to same in the Architectural and Urban Design Statement, the Materials and Finishes Specification Report and the Building Lifecycle Report.

Open Space and Permeability

5.10.4. It is not proposed to divert the existing sewer line which has determined the open space strategy – a wide corridor of open space has been provided along the northern site boundary providing a public park and communal open space in addition to open space between the blocks.

Car Parking

5.10.5. Revised design provides for a reduced level of car parking and agreed with the Planning Authority. The previously proposed surface car parking at the main entrance has been removed from the proposed scheme.

Environmental Mitigation

5.10.6. Refer the Board to the following documentation - Construction, Environmental and Waste Management Plan, Environmental Due Diligence Report, Asbestos R&D Report and the Natura Impact Statement.

Specific Information

5.10.7. Details are provided for all of the items requested.

6.0 Relevant Planning Policy

7.0 National Planning Framework

- 7.1.1. The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- 7.1.2. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- 7.1.3. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Section 28 Ministerial Guidelines

- 7.1.4. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
 - Urban Development and Building Heights Guidelines for Planning Authorities.
 - Design Manual for Urban Roads and Streets.
 - Sustainable Urban Housing: Design Standards for New Apartments (2018)
 - Childcare Facilities – Guidelines for Planning Authorities.
 - The Planning System and Flood Risk Management Guidelines for Planning Authorities (including associated Technical Appendices).

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, 2009.

Limerick City Development Plan 2010-2016 (as extended)

The site is located on lands zoned for mixed use where Objective ZO-5 states that it is an objective to “To promote the development of mixed uses to ensure the creation of a vibrant urban area, working in tandem with the principles of sustainable development, transportation and self-sufficiency.”

There is a linear strip of public open space zoning contiguous to the canal.

The mixed use zoning objective facilitates the development of a dynamic mix of uses which will interact with each other creating a vibrant residential and employment area.

A vertical and horizontal mix of uses should occur where feasible, including active ground floor uses and a vibrant street frontage on principle streets.

Chapter 16- Development Management

Site coverage - The site is located within “Zone 2 Outer Core” which has an indicative site coverage of 80%.

Building Heights- Consideration will be given for higher buildings which contribute to the urban design and include high architectural quality which contributes to the existing skyline.

Table 16.1- Car parking standards which may be relaxed at city centre locations where it would be unreasonable to require the full amount.

Nature Heritage Designations

The site is located along the edge of the Lower River Shannon SAC (site code 002165) and c. 1.6km north-east of the River Shannon and River Fergus Estuaries SPA (site code 004077). The site also lies 0.8km to the east of the Fergus Estuary and Inner Shannon, North Shore pNHA.

8.0 Statement of Consistency

- 8.1.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and

objectives of section 28 Guidelines and the City Development Plan and I have had regard to same. The following points are noted:

National and Regional Policy

- 50% of all new housing within Limerick City is to occur within the existing city and suburbs footprint, through brownfield, infill and regeneration. The proposed development contributes towards achieving this target.

(Draft) Regional Economic and Spatial Strategy

- Limerick-Shannon is identified in the Regional Strategy as a City-Metropolitan Area for the region.
- Metropolitan Area Strategic Plan (MASP) identifies ...”densification of development in the city centre, including identification and assembly of brownfield sites for development” as an important project. The proposed development fits into this ambition.
- The MASP identifies the Opera Development as a strategic employment generation project/proposed development can provide dwelling units for those employed in this development.
- Material amendments of the Draft Strategy - it is proposed to insert a new policy objective “Housing and Regeneration” to the Limerick Shannon MASP as follows: “It is an objective to support the environmentally sustainable densification of Limerick City Centre, the assembly of brownfield sites for development and the regeneration and redevelopment of Limerick City Centre to accommodate residential use.”

Limerick 2030 Vision: An Economic and Spatial Plan for Limerick

- A central component of the Plan is to achieve the comprehensive redevelopment of the Opera Site.

Guidelines on Sustainable Residential Development in Urban Areas

- The scheme provides an appropriate high density and urban character for a site in close proximity to the city centre/maximum permeability and connectivity with the surrounding area/attractive high quality urban form
- Mix provided

The Planning System and Flood Risk Management

- A site-specific flood risk assessment was carried out and submitted with the application.

Design Manual for Urban Roads and Streets

- Access junctions to the development and internal access roads have been designed in accordance with this design manual.

Design Standards for New Apartments - Guidelines for Planning Authorities

- Proposed scheme of build to rent units complies with Specific Planning Policy Requirement 1 - no more than 20-25% of the total proposed development shall be studio apartments/ no more than 50% of the total proposed development shall be one bedroom or studio apartments.
- A community facilities building will provide amenities for residents in the build to rent apartments as required under the Guidelines/ will be managed by the management company.

Part V Guidelines

- 38 units to be allocated as social units. This represents 10% of the total number of dwelling units (381). The units will be spread across the various blocks within the development scheme.

Urban Development and Building Heights Guidelines for Planning Authorities

- Presumption in favour of increased height of buildings in city core areas and in other urban locations with good public transport accessibility.
- The building height is an appropriate response to the location of the site particularly having regard to the lack of existing (residential) development immediately adjoining.

Appropriate Assessment Guidelines for Planning Authorities

- The Park Canal to the north forms part of the Lower River Shannon SAC and a large area of wetland habitat that is also designated as part of this SAC occurs to the north of the canal/Appropriate Assessment Screening Report and Natura

Impact Statement has been included with the planning application documentation.

Retail planning guidelines

- The three local neighbourhood shops are sufficient to serve the proposed development bearing in mind that the site is close to higher order retail facilities.

Rebuilding Ireland – Action Plan for Housing and Homelessness

- The scheme seeks to deliver a variety of much needed housing/delivery of housing is consistent with the core objectives of the action plan/provides for student accommodation, a specific objective of the plan.

Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines- Quality Housing for Sustainable Communities

- Overall scheme will deliver long term sustainable communities particularly as a result of the mix of different dwelling types ranging from student bedspaces,

Smarter Travel – A New Transport Policy for Ireland (2009-2020)

- The plan recommends a minimum housing density for new developments to be between 35 and 50 units per hectare. This minimum is exceeded in the proposed development.

National Student Accommodation Strategy – Rebuilding Ireland (2017)

- By providing a student accommodation block within the proposed development, the proposed scheme builds on the policy goals set out in Rebuilding Ireland.

Limerick City Development Plan 2010-2016

- The current relevant Development Plan is the Limerick City Development Plan 2010-2016 (as extended).
- The site is zoned Objective 5A Mixed Use²⁹: ...”To promote the development of mixed uses to ensure the creation of a vibrant urban area, working in tandem with the principles of sustainable development, transportation and self-sufficiency.”
- Proposed uses in the development are permitted uses under the zoning matrix of the development plan.

- The site is located within the area defined as the 'Inner City Residential Neighbourhood'
- Proposed retail use is for local need only and therefore compatible with this area designation.

Density

- The development plan encourages higher densities.
- The net density of the proposed development is calculated to be the equivalent of ca. 110 dwelling units per hectare.

Building Height

- The report notes predominant building height of the proposed development is six to seven storeys for the apartment blocks with one building up to eleven storeys high (I note that the development does not exceed 10 storeys and this is an error).
- Under the Government Guidelines on Building Height, the planning authority and An Bord Pleanála can materially contravene the relevant Development Plan or Local Area Plan if the development plan has not taken into account the new policies under the Building Height Guidelines.

Car and Cycle Parking

- The development plan requirement is: 1 space per five students and 1 space per 25 sq m for retail and restaurant units. A total of 189 student bedspaces is included in the proposed scheme. This would result in the requirement for 38 car parking spaces. Having regard to the location of the site close to the city centre and the proximity to third level colleges with good cycle route connections, it is proposed not to provide this number of car parking spaces.
- In total, the car parking requirements arising from the non-residential elements in the proposed scheme would be 68 spaces.
- The proposed development includes 148 communal car parking spaces, of which 20 will be designated disabled car parking spaces. Additional space for off-street car parking is provided within the frontages of the 18 dwelling houses.
- A total of 420 bicycle parking spaces will be provided

Private and Public Open Space

- A total area of public open space of ca. 26% of the site area is provided in the form of public park and communal open space for the apartments.
- A public park is provided near the north western corner of the site. This park comprises an area of ca. 0.5 ha.
- Areas of communal open space to serve the 363 build to rent apartment units are provided adjacent to each of the apartment blocks but form a green corridor alongside the canal and northern site boundary that is integrated with the public park. The areas of communal open space benefit from maximum sunlight penetration as a result of the chosen layout of the blocks within the site.
- The proposed development will provide significant planning gain in the form of creating pedestrian and cycle routes along clear 'desire lines' where up to now such connections are not available.

9.0 Third Party Submissions

- 9.1.1. 3 no. submissions on the application have been received. The issues raised are summarised below.

EIA/Appropriate Assessment/Ecology

- No EIAR has been prepared for the development.
- Site contains asbestos and the soil is contaminated.
- The River Shannon SAC is 30m from the site boundary/large area of wetland habitats to the north of the canal.
- The Park Canal supports the qualifying habitats of the SAC.
- EIA Screening Report and the NIS are inadequate/do not take into the account the sensitivity of wetland habitat/presence of otters/proximity of the Lower River Shannon SAC or the River Shannon and River Fergus SPA.
- The Screening Report takes account of mitigation measures
- Cumulative effects of the development were not considered e.g. the release of water by the ESB and its impact on flood risk were not considered.

- Potential impact on groundwater – developer concedes that groundwater contamination could have a significant effect on the Lower River Shannon SAC.
- Impacts on wildlife and biodiversity.

Transport

- Impacts on traffic/congestion.
- Road improvements/upgrades required.
- Lack of public transport in the area.

Flooding

- Flooding impacts from both the canal and River Shannon.
- Recent flooding in the area.
- Building residential units in an area known to be at risk of flooding is completely inappropriate and not in keeping with the proper planning and sustainable development of the area.

Height/Amenity

- Height is double that of the surrounding area.
- Will lead to overshadowing and poor quality of residential amenity for future residents.

Student Accommodation

- Existing student accommodation in Grove Island is not at full capacity/Do not require additional student housing.

10.0 Planning Authority Submission

10.1. Limerick City & County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

General/Principle

- Principle of development is acceptable and is in line with objectives of the City Development Plan.
- Will increase footfall and activity in the wider area.
- Does not represent overconcentration of student accommodation.
- Proposed layout represents a high standard of urban design in accordance with relevant guidelines and the NPF.
- Proposed density is not excessive and is in line with relevant guidelines.

Standards/Height/Design/Scale

- Proposal is in line with standards in the relevant guidelines.
- BTR units do not have any three or four bed units.
- The site is proximate to public transport, with existing and future bus routes along the Pa Healy Road and within walking distance of the city centre and Limerick Train Station.
- Feature tower provides a strong edge to the development – separation of the blocks create an appropriate sense of scale.
- Well-considered external finishes.
- Development would contribute positively to the redevelopment of an underutilised site/makes a positive contribution to place making/new public spaces.
- Overall approach to finishes is considered to be high quality.

Amenity

- Development will not have a significant undue adverse impact on the residential amenity of the surrounding area.

Public Open Space/Landscaping Strategy

- Total area of public open space is c26% of the site (public and communal).
- The BTR units have private open space provision (balconies) and high quality communal open space.
- High quality communal space is provided for the student units.

- Communal open space and public open space is proposed for Phase 2.
- High quality finishes and landscaping is proposed.

Appropriate Assessment

- Otter protection plan should be required by condition.

Conclusion

It is concluded that the proposed development is consistent with the relevant objectives of the Development Plan subject to compliance with conditions.

36 no. conditions are suggested. Those of note include:

- 3. Revised proposals showing that a minimum of 10% of the BTR units are 3 bed or larger
- 4. Transport/Flood Risk - Revised drawings – car parking spaces for crèche to be shown/left turn from Pa Healy Road removed/access junctions to be redesigned to accommodate cyclists/cycle parking/FFL of Block 1 to be a minimum of 5.75m AOD.
- 16. Revised Landscaping Scheme

Departmental Reports

Roads

- Details of crèche car parking spaces/set down required.
- Revised drawings showing omission of proposed left in from Pa Healy Road.

Storm Water Drainage Network

- No hydraulic analysis of the proposed storm water drainage network has been provided for the 1/30 year and 1/100 year return period for critical storm events.
- Retention basins and pipe conflict with the Irish Water wayleave on the site
- Conditions recommended.

Public Lighting

- Bollard lights are unsuitable – should be omitted.

Housing

- Conditions recommended in relation to Part V.
- Additional pedestrian link to the north east of the development is recommended.
- Drawings are not consistent.
- Concerns over exposed rear boundaries to Housing Units 11-18.

Parks & Open Spaces

- Location of the various tree species needs to be identified.
- Maintenance of play areas.
- Green areas to be used for football/soccer.
- Security of boundary fencing.

Archaeology

- First edition map notes lands are liable to flooding.
- Not clear whether the ground has suitable bearing capacity for the construction of 10 storey blocks.
- Conditions recommended.

Environmental Services

- Recommend conditions in relation to waste.

Environment (Noise)

No objections in relation to noise.

Heritage

- Agree with the findings of the EIA screening report – site has been heavily modified.
- Conditions recommended in relation to mitigation measures.

Physical Development (Flood)

- Flood Risk Management - Further clarification in relation FFL of Block 1.

Elected Members

10.1.1. A summary of the views of elected members as expressed at the Special Meeting of the Metropolitan District of Limerick held on 09th March 2020 is included in the Chief Executive's Report and is set out below:

- In general development is welcomed/canal is currently underutilised.
- Will be beneficial for tourism and the Canal area.
- Concerns in relation to traffic management, lack of infrastructure, increase in traffic in the area.
- Separation for pedestrians and cyclists needed/link to UL required.
- Wall under canal bridge should be removed/stagnant water/no flow under the bridge.
- Query in relation to flood risk on the site.
- Affordable accommodation needed for students/close to colleges.
- Concerns in relation to no. of storeys in terms of height.
- Query in relation to the number of social units.
- Serious reservations in relation to the build for rent model/vacant units.
- Habitat for the otter in the vicinity of the site.

11.0 Prescribed Bodies

DAU

- Recommend Conditions in relation to archaeology.

Irish Water

- IW is in the process of reviewing the design proposals based on which a statement of design acceptance is expected to be issued/Wastewater- Limerick Main Drainage Foul Sewer traverses the site of the proposed development/can be no impact to this infrastructure/wayleave in place/condition recommended.

TII

- No observations to make.

NTA

- Preparing to publish a draft of the Limerick-Shannon Metropolitan Transport Strategy (L-SMATS).
- NTA supports the proposed development as it seeks to maximise the use of the site, adjacent to the city centre/scale of development may act as a catalyst for further regeneration close to and within Limerick City Centre.
- Recommendations are as follows:
 - Access junctions be redesigned in order to cater for cyclists
 - Additional access point to the north-east corner to be provided.
 - Improvements to Pa Healy Road must incorporate improvements for pedestrians and cyclists.
 - Location and nature of cycle parking spaces.

12.0 Screening

12.1. Environmental Impact Assessment (EIA) Preliminary Assessment

- 12.1.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.
- 12.1.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Statement (dated January 2020) and I have had regard to same. The report concludes that the preparation of an Environmental Impact Assessment Report is not required.
- 12.1.3. I also note the submission of Environmental Trust Ireland which states that an Environment Impact Assessment has not been provided and highlights concerns in relation to same.
- 12.1.4. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units

- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

12.1.5. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

12.2. **Appropriate Assessment**

- 12.2.1. This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment has had regard to the Natura Impact Statement (dated December 2019) which was submitted with the application.
- 12.2.2. I note the Planning Authority has not raised any specific concerns in relation to Appropriate Assessment Issues.
- 12.2.3. The submission from Environmental Trust Ireland raises concerns in relation to the submitted NIS, stating that it does not take account of the presence of otters on or near this site and has taken account of mitigation measures, contrary to case law. The remaining two third party submissions have raised concerns in relation to the impact on wildlife and biodiversity, including impacts on birds.

The Project and Its Characteristics

12.2.4. See the detailed description of the proposed development in section 2.0 above.

The European Sites Likely to be Affected Stage I Screening

12.2.5. Section 1.1 of the NIS gives a general description of the site and it is stated that the site is dominated by recolonizing bare ground habitat, with areas of immature Salix woodland and spoil material partially in the east and north. The presence of a deep drain at the base of the canal embankment is noted although no connection between the drain and the canal is recorded. I note there is a general lack of detail in relation to baseline ecological data and I also note that no Ecology Report has been submitted with the application (see further discussion of same in Section 13.11).

12.2.6. The NIS states that the site was infilled with imported materials and there is contaminated soil on the site. Other documentation on file (Phase 2 Environmental Due Diligence Report) indicates that there is very low risk from leaching of contamination from these soils to the limestone aquifer and notes that groundwater quality data indicate no current impact. Information from the GSI website indicate that the site lies on an area where the groundwater vulnerability is classes as 'Low'. (www.gis.ie).

12.2.7. Section 5.1 of the NIS screens for Appropriate Assessment. The report identifies 2 no. Natura 2000 sites within the zone of influence of the project as follows:

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

12.2.8. I had had regard to the scale and nature of the project and I have had regard to the EPA Appropriate Assessment Mapping Tool¹ and I am satisfied that the sites as shortlisted in the NIS are appropriate in this instance, having regard to the nature and scale of the project.

12.2.9. These 2 no. sites are set out below.

European site (site code)	. Location (closest straight line distance from the development site)
The Lower River Shannon SAC (002165)	c0.05km

¹ www.epa.ie accessed 24.04.2020

The River Shannon and River Fergus Estuaries SPA (004077)	c1.6km
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- 12.2.11. Given the location of the proposed development site, as well as its nature and scale, and connections to services including water supply and surface water/foul infrastructure, it is possible to rule out potential significant adverse effects arising out of the development on all other Natura 2000 sites.
- 12.2.12. In relation to the two no. sites which are ‘screened in’, the NIS states that the development site is not considered to be hydrologically connected to these sites via the surface water environment as there are no watercourses on the site, there are no drainage ditches/channels on site connecting to any watercourses and the canal is raised relative to the site with no hydrological connection.
- 12.2.13. I do note there is a drainage channel to the north of the site, within the site boundary, but there is no indication on file that this is hydrologically connected to the canal or other waterbody, nor was it readily apparent from my site visit that this was connected to a waterbody.
- 12.2.14. In relation to the two sites that have been screened in, the NIS sets out the reasons for their designation and identifies potential source-pathway-receptors between the development site and each Natura 2000 site.
- 12.2.15. The NIS identifies a potential groundwater link to the Lower River Shannon SAC (and indirectly to the River Shannon and River Fergus Estuaries SPA), and notes there is potential for groundwater contamination from soils to the limestone aquifer, although it is noted that the risk is low.
- 12.2.16. The NIS also notes that potential disturbance to otter, a qualifying interest of the Lower River Shannon SAC, cannot be ruled out. The NIS does not explicitly state if the development site supports otters, and it does not appear a survey was carried out to determine same, or to determine the extent of otter habitat in the wider area.
- 12.2.17. It is noted within the NIS that the canal supports qualifying habitats of the Lower River Shannon SAC including ‘Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]’. The screening report does not give any other indication of what other qualifying habits or species

the canal, or the wetlands to the north of the canal, support and there is very little information on file in relation to the ecology of the site and the surrounding area.

12.2.18. The potential for contaminated surface water run-off to enter the Lower River Shannon SAC is also highlighted in the NIS (although previous paragraphs appear to rule this out).

12.2.19. The screening report concludes that likely significant effects on the Lower River Shannon SAC cannot be ruled out due the risk of groundwater contamination, a risk of contaminated surface water run-off from the development and the risk of disturbance to otters. A likely significant effect on the River Shannon and River Fergus Estuaries SPA cannot be ruled out due to groundwater contamination.

12.2.20. In addition to the above, I note there is no discussion within the NIS of whether the site, the canal, or the wetlands located directly north of the canal, support the special conservation interests of the River Shannon and River Fergus Estuaries SPA, nor is there any discussion of the inter-connectivity between the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. There is no discussion of whether likely significant impacts on River Shannon and River Fergus Estuaries SPA could result from other sources other than groundwater pollution, having regard to its special conservation interests. As such, I cannot rule out likely significant impacts on the River Shannon and River Fergus Estuaries SPA, resulting from potential disturbance to bird species which are of special qualifying interest, at both construction and operational stages, and resulting from contaminated ground water and contaminated surface water run off entering the canal.

12.2.21. In conclusion, likely significant effects on the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA, cannot be ruled out, for the reasons as set out above.

Stage 2 – Appropriate Assessment

12.2.22. The Qualifying Interests/ Special Conservation Interests of the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA are outlined below:

Name (Site Code)	Qualifying Interests/ Special Conservation Interests
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<p>The Lower River Shannon SAC (002165)</p>	<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>
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River Shannon and River Fergus Estuaries SPA (004077)	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Scaup (<i>Aythya marila</i>) [A062] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]
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12.2.23. An appraisal of the effects on the above European Sites is considered in Section 5.2 of the NIS and these include impacts related to the construction phase and operational phases which are summarised below:

- Excavation – implications on groundwater quality.
- Treatment of contaminated material from the site – implications on groundwater quality.

- Construction activity, human habitation and site lighting within the site – implications for disturbance of otters.
- An increase in recreational use of the tow path along the Park Canal due to site residents and their pets (in particular dogs) – implications for disturbance of otters.
- Risks of contaminated surface waters entering the Park Canal and therefore the aquatic systems of either River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC.

12.2.24. Conservation objectives, threats and vulnerabilities of the four European Sites are set out in Section 5.2.3 of the NIS, and Section 5.2.4 of the NIS sets out an appraisal of the potential impacts on the sites, having regard to their conservation objectives.

Lower River Shannon SAC

12.2.25. Potential impacts on this site are identified as transmission of contaminants via groundwater, surface waters and disturbance of otters. While the risk of groundwater contamination is low, compliance with the measures in the Construction and Environmental Management Plan (CEMP) will mitigate against this.

12.2.26. The NIS states that the terrestrial key habitats and species of the Lower River Shannon SAC will not be impacted due to the lack of a hydrological or ecological connectivity with the project. There is no specific discussion within the NIS on the potential impact on the 'Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation' habitat although it is explicitly stated with the Section 1.1 of the report that the Park Canal supports such habitat.

12.2.27. The NPWS document 'Conservation objectives supporting document - Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation (habitat code 3260)' confirms that a sub-type of this habitat (*Groenlandia densa*, Opposite-leaved Pondweed) is found within the Park Canal (www.npws.ie).

12.2.28. Habitats supported by the canal, such as that noted above, have the potential to be impacted by contaminated surface water run-off and groundwater pollution.

- 12.2.29. The NIS refers to measures set out in the CEMP to prevent both groundwater and surface water pollution although does not explicitly set out these measures within the NIS. I have had regard to the CEMP and note that a substantial range of pollution control measures are set out therein. The Environmental Due Diligence Report also sets out a substantial range of pollution control measures in Section 6.3 of this report. I consider that these measures will be sufficient to minimise the risks of groundwater and surface water pollution at construction stage.
- 12.2.30. The NIS refers to measure to dispose of surface water run-off from the completed development and, in summary, it is noted that discharge volume will be restricted, and attenuation storage is proposed. I am satisfied such measures, which are outlined in greater detail in the Civil Engineering Report, will minimise impacts as a result of surface water run-off at operational stage.
- 12.2.31. In relation to otters, the NIS notes there is a risk of disturbance due to the proximity of the site to the SAC, both during the construction and operational phases. It is noted within the NIS that the marshland (located to the north of the canal) provides potential day-time resting habitats that could be used by otters. It is stated that marshland area only accounts for less than 1% of suitable resting up areas for otter within the SAC. However, the NIS also acknowledges that there is only limited information on the use of the marshland area and other habitats adjacent to the project site by the local otter population.
- 12.2.32. The NIS states that, given otters are active mostly during the night or at dawn/dusk, impacts during construction will be minimised, having regard to the proposed hours of operation. Measures are set out in the NIS, including pre-construction surveys, and the implementation of an otter protection plan, as set out in Section 5.2.6 of the NIS.
- 12.2.33. Increased use of the site and the adjacent towpath, resulting from the operational phase of the development, will also have the potential to impact on the otter, in terms of disturbance. The NIS notes the marshland is separated from the established recreational areas and disturbance is unlikely. It is noted that the towpath is already well-used. Impacts from dogs are highlighted within the NIS as a key concern but as it is stated that these would be likely to be exercised on the path south of the marshland, which is disconnected from same.

- 12.2.34. I refer to Map 17 of the Conservation Objectives document for the Lower River Shannon SAC (as accessed on the NPWS website), which outlines a 250m commuting buffer for the otter. The canal does not appear to be included, as the buffer follows the path of the River Shannon and River Abbey. However, the document also acknowledges that no field survey was carried out in relation to the extent of terrestrial habitat, or the extent of freshwater (river) habitat. In relation to couching sites and holts, it is noted that otters need lying up area throughout their territory where they are secure from disturbance.
- 12.2.35. The NIS acknowledges there are gaps in the existing information in relation to the use of the marshland area and other habitats adjacent to the project site by otters. In order to increase certainty in relation to the assessment of no effect on the integrity of the SAC, pre and post construction surveys of otters in the project site and adjacent marshland area will be carried out. During the operational phase signage requesting dogs be put on lead at the egress point of the proposed development to the towpath will be put in place.
- 12.2.36. Mitigation measures, as relates to otters, are set out in Section 5.2.6 of the NIS and include a pre-construction otter survey, with the results feeding into good practice measures to avoid disturbance to otters. If required an otter protection plan to be drawn up. Typical measures to be included are set out included avoidance of habitat, working hours, exclusion zones around holts and shelters, screen fencing, capping pipes and providing exit ramps from any exposed trenches or holes.
- 12.2.37. This is unsatisfactory, in my view, and does not give sufficient comfort in relation to potential impact on otters, and there is insufficient information within the NIS in relation to the presence of otters either on or around the site. The extent of mitigation measures required, therefore, is not known, and the practicality of implementing exclusion zones on a working construction site is not clear, given the extent of such zones is not known. Therefore it is unclear if the mitigation measures proposed will be effective. The CEMP does not set out any details of the otter protection plan, nor is it referred to in the CEMP.
- 12.2.38. As such, in the absence of sufficient information in the NIS, as relates to otters, I cannot rule out impacts on integrity of the Lower River Shannon SAC, resulting from disturbance to otters, at both construction and operational stages. There is also a

lack of discussion within the NIS in relation to potential impacts on other qualifying interests of the Lower River Shannon SAC, namely those supported by the canal, and the wetlands to the north of the canal, and as such I cannot rule out impacts on same.

River Shannon and River Fergus Estuaries SPA

- 12.2.39. The project involves limited excavation of potentially contaminated soil during construction. This will occur at a distance of approximately 1.6km from the River Shannon and River Fergus Estuaries SPA. Potential pathways are via groundwater and surface water. While the risk to groundwater is low, due to the presence of silt clays restricting contamination, measures as set out in Section 3.7.5 of the Construction and Environmental Management Plan (CEMP) further mitigate risk. These measures also mitigate impacts from surface water during construction. During the operation phase surface water will be collected in a piped system with silt traps and a hydrocarbon interceptor before being discharged to the canal. Discharges limited to pre-development run-off rates. Wastewater will be directed to the existing sewerage network and conveyed to the WWTP prior to discharge. I have had regard to the CEMP and note that a substantial range of pollution control measures are set out therein. The Environmental Due Diligence Report also sets out a sustainable range of pollution control measures in Section 6.3 of this report. I consider that these measure will be sufficient to minimise the risks of groundwater and surface water pollution at construction stage
- 12.2.40. The NIS notes that the project site and the SPA boundaries do not overlap, and therefore there is no risk that the project could cause direct impacts, such as habitat loss or fragmentation, resulting in effects on habitats listed as features of interest for the River Shannon and River Fergus SPA.
- 12.2.41. However, as noted above, there is an absence of information on file in relation to the baseline ecology of the site and of the surrounding area. As noted above, there is no information contained within the NIS on whether the development site, the canal, or the wetlands located directly north of the canal, support the special conservation interests of the River Shannon and River Fergus Estuaries SPA, and if likely significant impacts on this SPA could result from other sources other than groundwater and surface water pollution, having regard to its special conservation

interests. In the absence of such information, I cannot rule out impacts on the River Shannon and River Fergus Estuaries SPA, resulting from disturbance to bird species that are of special conservation interest, at both construction and operational stages.

12.2.42. In conclusion, adverse effects on the integrity of the Lower River Shannon SAC, and on the integrity of the River Shannon and River Fergus Estuaries SPA, cannot be ruled out, for the reasons as set out above.

12.2.43. **In Combination or Cumulative Effects**

12.2.44. There is little discussion in the NIS in relation to wider in-combination effects on the above two Natura 2000 sites.

12.2.45. The provision of housing and associated development in Limerick City is catered for through land use planning by Limerick City and County Council through the relevant statutory planning documents. These have been subject to AA by the relevant planning authority, who have concluded that their implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas.

12.2.46. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Limerick City area. This can act in a cumulative manner through increased foul water volumes. However, I note that neither Irish Water, nor the Planning Authority, have raised an objection in relation to foul water proposals, nor have cited capacity concerns in relation to foul water treatment.

12.2.47. There is potential for in-combination effects associated with permissions for developments on other nearby sites, in particular the Opera re-development Project (which has been recently granted by the Board) (Ref 304028-19). This application included a NIS. The Board concluded that this project will not have the potential, alone or in-combination with any other plans or projects, to result in adverse effects to the integrity of European Sites.

12.2.48. In conclusion, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

AA determination – Conclusion

12.2.49. Having regard to the deficiencies in the information provided in the submitted Natura Impact Statement, in particular the lack of information in relation to the baseline ecology of the site and of the surrounding area, and in relation to potential impacts on the qualifying interests of the Lower River Shannon SAC, including, but not limited to, 'Otters' [1355] and 'Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]; and having regard to the inadequate information provided within the NIS in relation to the potential impacts on the special conservation interests associated with the River Shannon and River Fergus Estuaries SPA, resulting from development on the site, and from impacts on the adjacent Park Canal, and from impacts on the wetlands to the north of the Park canal, I am not satisfied, that the proposed development would not adversely affect the integrity of the Lower River Shannon SAC (002165) or of The River Shannon and River Fergus Estuaries SPA (004077), in view of the sites' conservation objectives. In such circumstances the Board is precluded from granting approval/permission.

13.0 Assessment

13.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Principle of Development
- Height/Urban Design and Layout
- Neighbouring Residential Amenity
- Residential Amenity/Residential Standards
- Traffic and Transport
- Ecology/Trees
- Flood Risk
- Site Services
- Other Issues

13.2. Principle of Development

13.2.1. The site is zoned 'Mixed Use' in the City Development Plan 2010-2016 (as extended) with a linear strip of 'public open space' zoning adjacent to the canal. In

terms of the uses proposed these are supported by the zoning objective. The Planning Authority have raised no objection to the principle of the proposed uses on this site and state that the proposal is in line with the objectives of the City Development Plan.

- 13.2.2. National policy as expressed within 'Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness' and the 'National Planning Framework – Ireland 2040' fully support the need for urban infill residential development, such as that proposed on this site.
- 13.2.3. A ten year permission is being sought. I note that the Strategic Housing legislation is a process to fast track the delivery of housing. The proposed development does not include the provision of any significant infrastructure, over and above what would be expected of a scheme of this scale on a serviced site, and therefore in the event of any grant of permission, I do not consider it justifiable to permit a 10 year lifespan for the proposed development. In the interests of clarity, and if the Board are minded to approve the proposal, a condition limiting the permission to 5 years should be imposed.

Student Accommodation

- 13.2.4. Student accommodation is provided in Block 1 and consists of 61 no. apartments ranging from 3 to 4 bedrooms, totalling 189 bedspaces. While the Planning Authority have not raised an objection to the provision of student accommodation on this site, and in fact support the provision of same, I note the concerns of a Third Party submission which states that the existing student accommodation in the area is currently under-utilised and there is no need for additional student accommodation.
- 13.2.5. I note that the site is conveniently placed for the Limerick School of Art and Design, located approximately 400m to the south of the site and is located within 3km of the University of Limerick. In addition it is located within walking distance approximately 1km of Limerick City Centre and close to relatively high frequency bus routes. It lies within 1.4km of Limerick Train Station. Accordingly, I consider that the site would be an appropriate location for student accommodation.
- 13.2.6. The applicant has submitted a Student Demand and Concentration Report. This considers whether there is sufficient demand in the area to justify the proposed 189 student bedspaces.

- 13.2.7. The report refers to the National Student Accommodation Strategy (2017) which identifies an excess demand in 2017 of 23,634 bedspaces in purpose built student accommodation. For 2019 the strategy projected this shortfall of accommodation to increase to 25,754 bedspaces. The report refers to the most recent progress report which states that a total of 21,254 bed spaces were under construction, completed or with planning permission, suggesting a shortfall of 4,500 spaces to be provided for. In relation to Limerick specifically, the strategy estimated a shortfall of 2,169 bedspaces. The proposal would represent approximately 4% of the overall shortfall of accommodation for Limerick.
- 13.2.8. In relation to concentration of student accommodation, the report shows that the majority of the existing student accommodation is located around the Castleroy Area close to Limerick University with some smaller facilities near Mary Immaculate College. All of these facilities are located over 1km from the site. I note the report does not refer to the Grove Island Student Accommodation located approximately 200m to the north-west of the site. This is unfortunate. Information on the website relating to same (www.groveisland.com) states that this development can house 300 students. However, there are no other student facilities in the immediate area, and in the wider area, residential accommodation is provided in the form of suburban dwellings, and as such, it is unlikely that there will be an excessive concentration of student accommodation in the area.
- 13.2.9. I am satisfied that the proposed student accommodation will make a positive contribution to the ongoing regeneration of this area. The development will meet the increasing demand for student accommodation at a location that is accessible to third level institutions in and around the city centre, as per the above analysis, it will not result in an overconcentration of student accommodation at this location. The proposed student accommodation is considered to be acceptable in principle on this basis.

Build to Rent (BTR)

- 13.2.10. The proposed BTR element of the development is described as long-term rental, to remain owned and operated by an institutional entity for a minimum period of not less than 15 years. It therefore falls within the definition of BTR provided in section 5.2 of the Apartment Guidelines, i.e.

13.2.11. “Purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord.”

13.2.12. Section 5.7 of the Guidelines notes BTR development can deliver housing units to the rental sector over a much shorter timescale than traditional housing models, making a significant contribution to the required increase in housing supply nationally, identified by Rebuilding Ireland, and the scale of increased urban housing provision envisaged by the National Planning Framework. The proposed BTR units are therefore a desirable element of the development at this accessible urban location that is zoned for residential development.

13.2.13. SPPR 7 of the Guidelines provides that BTR development must be:

(a) Described in the public notices associated with a planning application specifically as a ‘Build-to-Rent’ housing development that unambiguously categorises the project (or part thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period;

b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:

(i) Residential support facilities – comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.

(ii) Residential Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

13.2.14. The public notices specify that the development includes BTR units, as required by SPPR 7 of the Guidelines. The BTR apartments are to be subject to a long-term covenant or legal agreement in accordance with SPPR 7.

13.2.15. As per the application documentation, the following services and amenities are provided for the BTR units,:

- Crèche; café; management offices; common accommodation all contained within the community facilities building.

13.2.16. The facilities are outlined in greater detail in the BTR Management Plan. It is stated that the crèche will be a 441.8 sq. m. facility with accommodation at ground and first floors. A play area is located to the north of the crèche (110 sq. m). This will have capacity for 130 children. Social space is provided at second floor level.

13.2.17. The BTR units are also provided with roof gardens within each of the blocks. Refuse areas are also provided within each of the blocks.

13.2.18. While the use of the social space within the community facilities building is somewhat unclear, and there is a lack of other communal facilities such as a gym/dedicated laundry, the overall amenity provided to the individual BTR units is high, including the provision of private balcony areas and communal roof terraces, and there is a generous provision of communal open space at ground level. The BTR element of the development is therefore considered to be generally in accordance with the requirements of SPPR 7.

Principle of Development Conclusion

13.2.19. I am satisfied that the proposed development will make a positive contribution to the ongoing regeneration of this area. The student accommodation will meet the increasing demand for such accommodation at a location that is accessible to several third level institutions in and around the city centre. As per the above analysis, it will not result in an overconcentration of student accommodation at this location.

13.2.20. The BTR element of the development complies with the definition provided in the Apartment Guidelines and is generally in accordance with the requirements of SPPR 7 of same. Having regard to the proximity of the site to the city centre and to public transport services, I am satisfied that this location is suitable for BTR development.

The BTR units will provide an innovative housing typology and add to the housing mix of the area with a Part V element.

13.2.21. The provision of the 18 no. houses will also serve the overall demand for housing units. The retail units and café will provide an active frontage at street level and the overall mix is in accordance with the zoning objective. The proposed development is considered to be acceptable in principle on this basis.

13.3. Height/Urban Design and Layout

Height

13.3.1. The proposed development consists of the following elements:

- Block 1 – Student Residence and ancillary retail – ranging from 3 to 6 stories height.
- Blocks 2 to 7 – Build to Rent Apartments – ranging from 6 to 10 stories in height.
- 16 Townhouses – 2 stories in height.

13.3.2. Two of the Third Party submissions have raised concerns in relation to the height and it is stated that the height is double that of the surrounding and it is excessive. The Planning Authority have not raised a specific concern in relation to the height and welcome the provision of the landmark tower building.

13.3.3. The immediate context of the site is predominately low-rise industrial/warehousing units, namely further to the east along Pa Healy Road, and close the junction of Pa Healy Road and Park Road. Further north along Park Road, closer to the bridge over the canal, there is low rise single and two storey dwelling houses on the eastern side of the road. The wider context includes higher scale development, including the Grove Island Student Accommodation Development, which is up to 7 storeys in height.

13.3.4. In relation to the issue of height, there are a number of relevant guidelines, prepared by the Minister under Section 28 of the Act, which are relevant. Of particular relevance are the Urban Development and Building Height Guidelines (2018) which state 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.

13.3.5. The site is located on the edge of the city centre, within walking distance of same. The Traffic and Transport Assessment notes that the site is served by three local bus services – 301, 304A and 308, which are located between 500m and 750m from the development site and all of which operate generally on a 30 min frequency. Limerick Train Station is located approximately 1.4km from the western extent of the site (approximately 20mins walk). As such the subject site is located in an accessible urban location, within a major city, and I consider that the principle of additional height, over and above the prevailing height, is acceptable in this instance.

Urban Design/Layout

- 13.3.6. The proposal provides a strong frontage to the Pa Healy Road, which is welcomed, and provides a scale that is befitting of a location on the edge of a major city centre. The café and retail elements, provided at ground floor level of the proposed student block, facing onto Pa Healy Road, provide activity to the streetscape.
- 13.3.7. The BTR apartment blocks are generally set perpendicular to the canal with the majority of the public and communal open space located between the canal and the apartment blocks. This maximises the amenity of the site making full use of the canal side context and allows for permeability through the site.
- 13.3.8. The two-storey housing, located to the east of the site, provide variation in both housing typology and scale, and the modern innovate design of same is welcomed.
- 13.3.9. Overall I consider the general approach to the layout to be acceptable and takes advantage of the context of the site, and maximises the amenity of the canal.

Materials

13.3.10. In terms of detailed design, the quality of finish and materials is considered to be high, as detailed in the Materials Finish Report. Proposed materials are a mix of brick, stone and render, and standing seam metal. For the proposed student block and BTR blocks, a mix of natural polish grant will be used. The community facilities building utilises zinc cladding.

Permeability

13.3.11. Pedestrian and cycle links through the site provide increased permeability in east/west and north/south directions, although I note that the application documentation is not consistent in outlining these links, in particular the links onto

Park Road. Should the Board be minded to grant permission, a separate suite of detailed drawings should be provided outlining details of the proposed pedestrian/cycle links to the surrounding footpath/cycle network. Details should also be sought in relation to any proposed gated access to such pedestrian/cycle ways. This can be sought be way of condition.

13.4. Neighbouring Residential Amenity

- 13.4.1. The closest residential properties are located to the east of the site, on the eastern side of Park Road. These are generally single and two storey detached properties. The closest built form to these dwellings is Block 7, a 6 storey block with the top floor set back, which is located 30.1m from the closest residential property.
- 13.4.2. A Third Party Submission has raised concerns in relation to the impact on surrounding residential amenity, namely the impact of overshadowing.

Overshadowing/Loss of Daylight

- 13.4.3. A shadow cast and daylight/sunlight analysis report is submitted with the application. This however only contains a shadow analysis with no commentary on same. Notwithstanding, it does provide an indication of the impact of the proposed development on the dwelling houses to the east, with the greatest overshadowing impacts occurring in the evenings in the September and March periods. There is limited or no impacts at other times during the day. Having regard to same, and having regard to the orientation of the dwellings relative to the proposed development, I do not consider that the impact of overshadowing would be so great so as to warrant refusal.
- 13.4.4. While no daylight/sunlight analysis report is provided, it is possible to conclude that, while there will be some loss of daylight and sunlight to the dwelling houses, the impact would be relatively minor and not so detrimental as to warrant a refusal.

Overlooking

- 13.4.5. I consider that the setbacks as proposed are sufficient to ensure that no material overlooking will result from the development.

13.5. Residential Amenities/Residential Standards

Student Accommodation

- 13.5.1. The applicant has referred to standards as set out in 'Guidelines on Residential Developments for 3rd Level Students' as published by the Department of Education and Science. Given the absence of relevant standards in the Limerick City Development Plan, I consider it appropriate to apply these standards.
- 13.5.2. The proposal complies with the standards set therein. I also note that the vast majority of the units are dual aspect, with internal and external amenity spaces provided. As such I consider the quality of the student accommodation to be acceptable.

Build to Rent Apartments

- 13.5.3. The requirement for communal amenity space for the BTR units as per the standards provided in Appendix I of the Apartment Guidelines is 2,215 sq. m and there is a total of 8,183 sq. m. provided. As such there is a generous provision of same which is welcomed. While the communal open space is somewhat concentrated to the north of the site, I consider this approach is sensible in that it maximises the amenity of the adjacent canal. The proposed open space is well overlooked by the residential units and provides sufficient areas of play spaces for children.
- 13.5.4. The BTR apartment floor areas meet or exceed the minimum standards provided in Appendix 1 of the Apartment Guidelines. I note that SPPR 8(iv) of the Apartment Guidelines states that the requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes.
- 13.5.5. The application includes a Build to Rent Management Plan, which provides details of services for BTR residents including concierge, security, maintenance and waste management.

Aspect

- 13.5.6. In terms of aspect, I note that a significant number of the studio and 1 bed units (85% and 80% respectively) are all single aspect but are east or west facing. The majority of the accommodation are two bed units however. The compliance schedule submitted is incorrect in stating that 100% of these units are dual aspect. I have calculated there is a total of 75 no. single aspect 2 bed units over the BTR blocks. However, as with the smaller units all of the two beds face either east or west. The

overall provision of dual aspect units is 50% which is compliant with the design standards, which for an accessible site such as this one is 33%.

Daylight/Sunlight

- 13.5.7. No internal daylight sunlight analysis has been submitted. However, given the orientation of the units (generally either east or west facing) and given the setback distances between the blocks, and given the nature of the proposed layouts which have no deep single aspect units which may suffer from poor daylight/sunlight, I am satisfied that the internal amenity to the units, in terms of daylight and sunlight, will be acceptable.
- 13.5.8. All private amenity spaces in the development comply with or exceed the minimum required floor areas for private amenity spaces. The BTR units have patios and balconies of 1.8m minimum depth and all balconies face south-east or south-west.

Mix

- 13.5.9. The proposed mix of BTR units is as follows:

Studios 66 no; 1 bed 64 no; 2 bed 233 no.

- 13.5.10. No objections to the mix have been raised by the PA and SPPR 8 of the Design Standards state that there is no restrictions on the mix for BTR schemes.

Public Open Space

- 13.5.11. The public open spaces comprises in the main of a public park located to the north and north-west of the site, contiguous with the canal with a total area of 5,136 sq. m. There is a connection with the existing O'Brien's Park which runs under the bridge at Pa Healy Road. The provision of this park is welcomed and will provide a welcome additional amenity for the area. If the Board is minded to grant permission, details should be sought in relation to any proposed limitations on access to same by way of gated access and limitations on opening times.

13.6. Traffic and Transport

- 13.6.1. A Traffic and Transport Assessment has been submitted (dated 17th January 2020) with the application and I have had regard to same.

Car Parking

- 13.6.2. There is a total of 145 communal car parking space of which 20 will be designated disabled car parking spaces. Additional space for off-street car parking is provided within the frontages of the 18 dwelling houses. The ratio of car parking for the build to rent apartment is 0.35 spaces per unit.
- 13.6.3. I have had regard to national policy objective 13 of the National Planning Framework, which allows for a 'range of tolerance' for car parking standards in urban areas in order to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected. In addition, SPPR 8(iii) of the Apartment Guidelines provides that there shall be a default of minimal or significantly reduced car parking provision for BTR developments on the basis that it is more suitable to central locations and / or proximity to public transport services. The lack of car parking provision is acceptable in this context, also subject to the implementation of the submitted outline mobility management measures. Given the nature of the proposed land use, the limited parking provision and the availability of sustainable transport modes, it is not considered that the development will have any significant traffic impacts. I also note that the Planning Authority has no objection to the scheme subject to conditions.
- 13.6.4. Overall, I consider the provision to be acceptable, given the location of the site, and the considerations and constraints as identified above.

13.6.5. Cycle Parking

A total of 420 no. cycle parking spaces are being provided. I consider the overall provision appropriate.

Impact on the surrounding road network

- 13.7. Two of the Third Party submissions have raised the issue of traffic, including the issue of congestion and traffic management in the area.
- 13.8. The Roads Division of the Planning Authority raise no objection to the proposed development, in terms of its impact on the road network. I note the submission from the NTA in relation to specific design details of the access points, and the need to give greater consideration to cycle infrastructure on Pa Healy Road. NTA also request another pedestrian/cycle access to the north-east of the development. While I concur that greater consideration should be given to cycle paths on the Pa Healy Road, and a condition can be imposed in relation to same, I do not consider there is

a need for another access point to the north-west, given the proposed pedestrian/cycle access onto the canal towpath, which currently serves both pedestrians and cyclists.

13.9. The Traffic Impact Assessment considers the impact of the development on the surrounding road network. In summary this concludes the impact of the proposed development on the assessed junctions is minimal. It is noted that there is potential for the Pa Healy Road/Park Road junction to be over capacity in the PM peak in the 2027 and 2037 future assessment years with the development constructed and noted that minor works may be needed in the future at this junction to increase capacity.

13.10. While I acknowledge the comments of the Third Party submissions in relation to traffic impacts, I also have had regard to the to the nature of the proposal (BTR, Student Accommodation and 18 no. houses), the reduced car parking ratio relative to Development Plan Standards, and to the contents and conclusions of the TIA, and I do not consider the proposal would have a material impact on the surrounding road network, in terms of traffic volumes.

13.11. **Ecology/Trees**

13.11.1. No Ecology report or Tree Survey has been submitted with the application. I refer the Board to my concerns as relates specifically to AA issues, as detailed in the relevant section of this report. However, the site may have the potential to support other habitats and species, including bats, but no information has been submitted in relation to same and there is a general lack of baseline ecological data submitted with the application.

13.11.2. I do note that no objection has been raised in relation to ecology by the Planning Authority and I concur that the site has been heavily modified in the past. However, I note the existence of mature trees and hedgerows on the northern site boundary and I also note site's close proximity to the Park Canal and wetlands to the immediate north of the canal, which are likely to support a wide range of species and habitats, and which have the potential to be impacted as a result of this development. In addition, there is a two-storey vacant structure on the site but there is no assessment of the potential of same to accommodate bat roosting, nor of the potential of the

trees on the site to accommodate roosting. There is no assessment of the site's potential to accommodate bat foraging and commuting.

13.11.3. I note a number of Third Party submissions have raised concerns in relation to the impacts on biodiversity as a result of the development.

13.11.4. In relation to trees, there is a substantial tree and hedgerow boundary to the north of the site and there is limited information in relation to the ecological and amenity value of same. It is my view a tree survey should have been submitted with the application. The Landscaping report refers to a tree survey, a tree retention/removal plan and details of retained trees and root protection zone although these have not been submitted with the application documents. From an examination of the proposed landscaping plan, it would appear that the vast majority of existing hedgerows and trees are to be removed from the northern boundary of the site.

13.11.5. Should the Board be minded to refuse the proposal, on the grounds of Appropriate Assessment as detailed above, I would recommend that the applicant should also be advised that the application is deficient having regard to baseline ecological data and any subsequent application would require, at a minimum, an Ecology Report and a Tree Survey Report.

13.12. Flood Risk

13.12.1. A Flood Risk Assessment has been submitted with the application and I have had regard to same. This states that the nearest watercourse is the Abbey River c. 1km west of the site and notes that this is part of the River Shannon, which is located 1.1km north-east of the site. The City Canal runs adjacent to the site to the north (and is, in fact, the nearest watercourse to the site).

13.12.2. I note that two Third Party submissions have raised flooding as an issue of concern.

13.12.3. The FRA notes a previous flood event is recorded on the site which occurred in 1999 as a result of stormwater surcharge. This issue has been resolved following completion of the Limerick Main Drainage Project. No other flood events are recorded on the site. Flooding in the Corbally Area was recorded due to the Park Canal bursting its banks, as a result of extremely high discharge rates from Parteen Weir, causing flow to be conveyed down the canal from the Shannon. Since 2015 levels along the canal bank (at Pa Healy Road) have been raised.

- 13.12.4. OPW PFRA mapping shows a section of the site is at risk of possible pluvial flooding adjacent to the south-eastern boundary of the site. CFRAM Mapping indicates that a small section in the southern corner of the site is in Flood Zone B (Fluvial) and the mechanism of flooding originates from overtopping of the Park Canal, as a result of high fluvial levels upstream on the Shannon. It is noted that flows could impact the north-western portion of the site in a similar manner to the undefended area, as the flood mapping does not account for the underpass (See Figure 3.3 of the FRA). In relation to tidal flooding, a small section of the site to the north-western and western extents is also defended by the existing canal bank/lock (and within Flood Zone A) and therefore there is a risk of flooding from this source also, although this would result from a complete removal of the flood defence.
- 13.12.5. Figure 4.1 of the SFRA includes a revised flood zone map which is based upon a site specific survey and projects extreme tidal levels of 4.75m OD and 5.15m OD and does not take into account any defences. It represents a worst-case scenario resulting from operational failure of all flood defences. This differs from the CRFAM mapping and the extents of Flood Zones A and B are greater in this revised map. A portion of Block A lies within Flood Zone A. Blocks 1, 2 and 3 lie partially within Flood Zone B, as shown on this revised map.
- 13.12.6. It is noted that the residual risk from tidal flooding is low and managed by the Abbey River defences, with the principle residual risk to the site resulting from overtopping of the canal resulting from high fluvial flows not being released from the lock gate, with this risk having a marginal impact on a small part of the site.
- 13.12.7. Section 4.3 sets out mitigation measures and states that all residential uses will have a minimum FFL of 5.75m OD. This is based upon the 0.5% tidal level (4.75m OD) plus 0.5m climate change and 0.5m freeboard.
- 13.12.8. In relation to surface water, all generated storm waters from the development will be collected via a separate stormwater gravity network and discharged to the Canal. It is proposed to limit run off to pre-development levels or below by way of attenuation storage. Storage is to be provided for the 1% AEP rainfall event plus 20% allowance for climate change. As such I do not consider that there will be increased risk of flooding of adjacent sites as a result of the development.

13.12.9. The SFRA includes a Justification Test given that a portion of the development site lies within Flood Zones A and B. It is noted that the site is zoned for mixed use development within the Limerick City Development Plan 2010-2016 (as extended), which itself has been subject to a Flood Risk Assessment. Mitigation measures as set out above are referred to.

13.12.10. The Physical Development Division (Flooding) of the Planning Authority have not raised an objection *per se* in relation to flooding but have queried the proposed FFL of Block 1 (it is current shown at 5.25m AOD, PA require 5.75m OD). I consider this issue can be resolved by way of condition, should the Board be minded to grant permission.

13.12.11. While I note comments of Thirds Parties in relation to flooding, having regard to the above assessment, I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions.

13.13. Site Services

In relation to site services, a Civil Engineering Report (dated December 2019) has been submitted and I have had regard to same.

Foul

13.13.1. Within the boundaries of the site and running parallel with the Canal there is an existing 1000mm Foul Sewer (Limerick Main Drainage System). Access chambers are provided within the site. It is proposed to discharge the development to this sewer. A confirmation of feasibility has been issued by Irish Water and is included in Appendix H of the Engineering Report.

13.13.2. No objection has been raised by Irish Water nor the Planning Authority in relation to the foul water proposals.

13.13.3. Having regard to the above, I consider that the proposed arrangements for foul water are acceptable, subject to conditions.

Surface Water/Storm Water Management

13.13.4. All storm waters from the development will be collected by a separate storm water gravity network and discharged to the Canal.

13.13.5. SUDs measures are proposed in relation to surface water and run-off will be limited to below $QBARR$ associated with the land in their predevelopment state via attenuation and hydrobrake flow control device. Attenuation will be designed with capacity for the 1 in 100 year event plus allowance for climate change.

13.13.6. No objection has been raised by the Planning Authority in relation to the surface water proposals although conditions are sought in relation to same which I consider are reasonable and should be imposed by the Board, should the Board be minded to grant permission.

13.13.7. Having regard to the above, I consider that the proposed arrangements for surface water are acceptable, subject to conditions.

13.13.8. I note the submission from Irish Water stating that network connections can be facilitated.

Water Supply

13.13.9. It is proposed to connect to the existing main on Pa Healy Road.

13.14. Other Issues

Childcare

13.14.1. The proposed development includes crèche facility located on the ground and first floors of the proposed community building. Having regard to the provisions of the Childcare Facilities Guidelines this the calculated demand from this development is for 56 spaces. The BTR Management Plan states that the crèche will be a 441.8 sq. m. facility with capacity for 130 children. A play area is located to the north of the crèche (110 sq. m). This will serve both the proposed development and surrounding area, where it is stated there is a shortfall of childcare capacity.

Archaeology

13.14.2. No Archaeological Assessment has been submitted with the application. I note the submission from the DAU and the report of the Planning Authority, who recommend conditions. I am satisfied this issue can be dealt with via conditions, should the Board be minded to grant permission.

Part V

13.14.3. The applicant has submitted Part V proposals comprising the allocation of 38 no units which is 10% of the proposed dwelling units (excluding the student accommodation units). The Housing Division of the PA recommend conditions in relation to Part V. As such I recommend that a condition is attached in the event of permission being granted that requires a Part V agreement to be entered into.

14.0 Conclusion

14.1.1. I recommend that the Board refuse permission with regard to the Appropriate Assessment conclusion set out in Section 12.2 above.

15.0 Recommendation

Section 9(4) of the Act provides that the Board may decide to:

(a) grant permission for the proposed development.

(b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,

(c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or

(d) refuse to grant permission for the proposed development,

and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

Having regard to the documentation on file, the submissions and observations, the site inspection and the assessment above, I recommend that that section 9(4)(d) of the Act of 2016 be applied and that permission for the above described development be REFUSED for the reasons and considerations set out below.

16.0 Recommended Order

Planning and Development Acts 2000 to 2019

Planning Authority: Limerick City & County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 31st Day of January 2020 by Revington Developments Limited care of RW Nolan & Associates, 37 Lower Baggot Street, Dublin 2, D02 NV30.

Proposed Development:

(A) Demolition of existing 800m² warehouse building on site.

(B) Block 1 – Student accommodation building of 8,238m² stepped from three to six storeys, with ground floor café of 144.60m² and 3 no. retail units facing onto Pa Healy road of 86.59m² each, with 9 no. two bedroom, 37 no. three bedroom, and 15 no. four bedroom student apartments, totalling 189 bed spaces, ancillary laundry, refuse and enclosed communal courtyard with landscaping and bicycle storage;

(C) Block 2 - A residential apartment building of 6,013.25m² with eight storeys and two penthouse storeys, total ten storeys containing 10 no. studio, 1 no. one bedroom and 52 no. two-bedroom apartments;

(D) Block 3 – A residential apartment building of 8,107.10m² with six storeys and two penthouse storeys, total eight storeys containing 16 no. studio, 9 no. one bedroom, and 63 no. two-bedroom apartments;

(E) Block 4 – A residential apartment building of 3,869.18m² with six storeys and one penthouse storey, total seven storeys containing 7 no. studio, 13 no. one bedroom and 25 no. two-bedroom apartments;

(F) Block 5 – A residential apartment building of 5,849.40m² with six storey and one penthouse storey total seven storeys containing 14 no. studio, 15 no. one bedroom and 37 no. two-bedroom apartments;

(G) Block 6 a residential apartment building of 3,869.18m² with six storeys and one penthouse storey, total seven storeys containing 7 no. studio, 13 no. one bedroom and 25 no. two-bedroom apartments;

(H) Block 7 a residential apartment building of 4,962m² with five storeys and one penthouse storey, total six storeys containing 12 no. studio, 13 no. one bedroom and 31 no. two-bedroom apartments;

- (I) Community facilities building of 1,336.90m² and three storeys with creche, café, management offices and common accommodation for use by apartment dwellers;
- (J) 18 no. Executive Houses – Consisting of 2 no. detached four-bedroom houses of 194.62m² each and 16 no. terraced four-bedroom houses of 177.82m² each;
- (K) 148 Car parking spaces throughout the development and 420 secured bicycle parking spaces throughout the development;
- (L) Ancillary works comprising; new vehicular entrance onto Pa Healy Road, pedestrian and cycle links to Pa Healy road, Park road and City Canal, bin storage for all developments adjacent to all entrances, New public park of 0.5ha along city canal, communal open space and communal roof gardens for all apartments, all ancillary drainage, civil and landscape works, public lighting within estate.

A Natura Impact Statement has been prepared in respect of the proposed development.

The total number of units is as follows;

Build to rent apartments - 363 (66x studio, 64 x one bedroom, 233 x two bedroom);
Student apartments - 61 (9 x two-bedroom, 37 x three bedroom and 15 x four bedroom, totalling 189 student bed spaces); 18 Dwelling houses. Overall total of residential units is 442. Overall Gross floor area of development proposed is 45,478.65m² on a site of circa 4ha.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Having regard to the deficiencies in the information provided in the submitted Natura Impact Statement, in particular the lack of information in relation to the baseline ecology of the site and of the surrounding area, and in relation to potential impacts on the qualifying interests of the Lower River Shannon SAC, including, but not limited to, 'Otters' [1355] and 'Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation [3260]; and having regard to the inadequate information provided within the NIS in relation to the potential impacts on the special conservation interests associated with the River Shannon and River Fergus Estuaries SPA, resulting from development on the site, and from impacts on the adjacent Park Canal, and from impacts on the wetlands to the north of the Park Canal, I am not satisfied, that the proposed development would not adversely affect the integrity of the Lower River Shannon SAC (002165) or of The River Shannon and River Fergus Estuaries SPA (004077), in view of the sites' conservation objectives. In such circumstances the Board is precluded from granting approval/permission.

Note:

The applicant should note that the Board considers that there is inadequate information submitted with the application in relation to the ecology of the site, and in relation to existing trees/hedgerows on the site. Any subsequent application should include, at a minimum, an Ecology Report and a Tree Survey/Report.

Rónán O'Connor
Senior Planning Inspector

30th April 2020