



An
Bord
Pleanála

Inspector's Report ABP 315085-22

Development	Amendments to approved mixed use development
Location	Opera Site, Limerick City
Applicant	Limerick City and County Council
Type of Application	Section 146B - Request to alter development approved under Section 175 Planning and Development Act, 2000, as amended.
Date of Site Inspection	27/10/23
Inspector	Pauline Fitzpatrick

Contents

1.0 Introduction	4
2.0 Site Location and Description.....	4
3.0 Proposed Development	5
4.0 Planning History.....	7
5.0 Policy Context	9
5.1. National Policy Context	9
5.2. Regional Policy	9
5.3. Local Policy	10
6.0 Natural Heritage Designations	10
7.0 Observations.....	11
8.0 Planning Assessment	11
9.0 Environmental Impact Assessment.....	18
9.1. Introduction	18
9.2. Reasonable Alternatives.....	20
9.3. Likely Significant Direct and Indirect Effects	21
9.4. Population and Human Health	21
9.5. Biodiversity.....	24
9.6. Land and Soil	25
9.7. Water	26
9.8. Air and Climate	29
9.9. Material Assets	30
9.10. Cultural Heritage	31

9.11.	Landscape (Townscape)	33
9.12.	Interactions.....	35
9.13.	Reasoned Conclusion on Significant Effects	36
10.0	Appropriate Assessment	37
10.1.	Introduction.....	37
10.2.	Compliance with Article 6(3) of the Habitats Directive.....	37
10.3.	Natura Impact Statement.....	37
10.4.	Screening for Appropriate Assessment.....	38
10.5.	Appropriate Assessment of Relevant European sites	42
10.9.	Appropriate Assessment Conclusion	50
11.0	Recommendation	51
12.0	Draft Order.....	51
13.0	Conditions.....	57

1.0 Introduction

- 1.1. The requestor was granted approval under ref. ABP 304208-19 for a mixed use development entailing demolition, adaptive reuse and new build to provide for a mixed use scheme of primarily office uses, supported by a range of retail/non-retail services, café/restaurant, licenced premises, apart-hotel, civic/cultural use, residential and open space on The Opera Site in Limerick city centre.
- 1.2. Alterations to the said scheme were consented to under ABP 311981-21. The amendments pertain to parcel 1 providing for an additional substation and switch room, alterations to elevations and amendments to the basement including an increase in its footprint. The amendments were not deemed to be material alterations.
- 1.3. The requester is submitting this request to An Bord Pleanála, pursuant to section 146B of the Planning & Development Act 2000 (as amended), for alterations to the terms of that approval as it relates to the permitted development. The Board determined in accordance with section 146B(4) of the Act that the proposed alteration would constitute a material change to the approved development which would be likely to have significant effects on the environment and that an EIAR was required.

2.0 Site Location and Description

- 2.1. The site, which has a stated area of 1.72 hectares, comprises almost an entire urban block located at the northern end of Limerick city centre. It is to the south of the Abbey River in proximity to its confluence with the River Shannon.
- 2.2. The site is bounded by Rutland Street and Patrick Street to the west, Ellen Street to the south, Michael Street to the east and Bank Place to the north.
- 2.3. The vicinity of the site is characterised by a varied mix and intensity of uses. Mixed use and retail predominate to the south and west with office and cultural uses to the north-west and north-east with a mix of office and residential along Michael Street to the east. Surrounding streets are predominately 4 storeys of varying architectural designs and character. Of note the Hunt Museum (former Custom House) is 2 to 3 storeys with Sarsfield House constructed in the 1970s 7 storeys in height. On

Michael Street offices and residential buildings are up to 4 storeys. To the north east Charlotte's Quay comprises predominantly of 4-6 storey buildings. The Milk market is approx.150 metres to the south-east.

- 2.4. The R445 which bounds the site to the north extends eastwards out of the city connecting to the Parkway Shopping Centre and the University of Limerick campus. The R445 also bounds the site to the west (Rutland Street and Patrick Street) and extends to the main retail area of the city centre on O'Connell Street. One way traffic is facilitated along same with traffic travelling in a southerly direction.
- 2.5. Works have commenced on the site with demolition, site clearance and enabling works including stabilisation of 16 no. Georgian buildings to be retained carried out. Work has begun on Parcel 1 which comprises of a six storey commercial office building with retail and bar/restaurant at ground floor on the corner of Ellen Street and Michael Street. The site is currently enclosed by a hoarding.

3.0 Proposed Development

- 3.1. The alterations subject of this request refer to parcels 1, 3A4, 3B, 5, 6, basement level and permitted landscaping. Alterations are not proposed to Parcels 2A and 2B.
- 3.2. The alterations are proposed so as to implement design improvements and efficiencies identified subsequent to the grant of planning permission. It is proposed to provide for buildings which comply with Nearly Zero Energy Building (NZEB). The amendments also include requirements of the ESB, fire safety strategy, basement ventilation, more efficient building maintenance and compliance with current Technical Guidance Document (TGD) L. The amendments to the landscape design across the site are so as to improve universal accessibility.
- 3.3. The amendments entail:

Parcel 1 (6 storey mixed use building)

- Introduction of landscaped areas to roof terraces at 4th and 5th floors and increase in solar panels at roof level.

Parcel 3A4 (library and commercial building)

- Façade design alterations to comply with NZEB and Part L requirements.

- Reconfigured building cores, stairs and lifts.
- Allowance for renewable sources for energy for heating and cooling.
- Relocation of the café from basement to ground floor.
- Widening of the circulation bridges to create usable galleries overlooking the atrium and public realm.
- Changes to the building footprint, including a 2.5 m. extension eastwards at upper levels and new covered walkway connecting into the Granary courtyard.

Parcel 3B (retail and residential units)

- Amendments including internal alterations, façade design changes and apartment reconfiguration replacing the permitted 3 no. 2 bedroom units with 6 no. 1 bedroom units.

Parcel 5 (15 storey office building)

- Façade design amendment to satisfy NZEB and Part L regulations.
- Rationalised building core to provide open floor plates.
- New roof terraces at 3rd and 12th floors.
- The alterations will result in an increase in floor area of 2,643 sq.m. (670 sq.m. excluding basement).

Parcel 6 (Granary Building)

- Omission of basement.
- Internal and external design modifications.
- Introduction of fully accessible raised walkway through the Granary courtyard connecting Bank Place to Opera Square.

Public Realm

- Changes to the landscaping rational and design including permitted 'Opera Square' providing for universal access and permeability.
- Provision of external terrace to serve the library.
- Redesign of landscaping plan at Bank Place.

Site Services

There will be an increase in **foul flows** from those calculated for the scheme as approved. Average foul flows increase by 0.08l/s from 2.31 l/s to 2.39 l/s with peak 6DWF flows increasing by 0.46 l/s from 13.88 l/s to 14.34 l/s. No changes are required to the approved basement drainage arrangements to cater for the additional flows and no changes are required to the approved foul drainage strategy.

2 no. changes are proposed to the **surface water drainage**. The 1st entails the removal of rainwater harvesting from Parcels 3A and 4. The 2nd entails an increase in the attenuation volume to take account of the 30% climate change uplift on rainfall as detailed in 2022 City and County Development Plan.

Parcel's 3A and 4 are to be utilise the **watermain** along Michael Street rather than from Rutland Street as originally proposed.

The **finished floor level** is to be increased to 5.57m OD from that approved at 5.32mOD (difference of 0.25m) following a Site Specific Flood Risk Assessment.

Phasing

The approved scheme was to be constructed in two phases. It is now proposed to construct the development over 5 phases (1st phase complete). It is estimated that the construction programme for contract B through to contract E will be 36 months. The construction sequence is set out in Table 3.2 of the EIAR.

4.0 Planning History

ABP 304028-19 - approval granted 27/02/20 for a mixed use development entailing demolition, adaptive reuse and new build to provide for a mixed use scheme. The internal gross floor area of the proposed mixed use development, exclusive of the basement, is stated to be 45,170 sq.m. The overall proposed gross floor area is 53,531 sq.m. For ease of reference the site is divided into 7 parcels:

Parcel 1 – Corner of Michael Street and Ellen Street entails replacement of an existing surface car park with a 4 to 6 storey building comprising of retail and restaurant/café/bar at ground floor level with office use on the upper levels.

Parcel 2A – Corner of Patrick Street and Ellen Street entails demolition of existing office building and construction of a 5 storey, apart-hotel with café/bar/restaurant at ground floor level. Nos. 4-6 Ellen Street are to be refurbished and modified with

retail at ground and basement level. The upper levels will comprise apart-hotel units. This parcel also provides for the refurbishment and adaptive reuse of Nos. 7-8 Ellen Street and Nos. 1-5 Patrick Street to provide for retail use at ground and basement levels and 13 no. residential units.

Parcel 2B - No. 9 Ellen Street (Quinn's Pub) is to be refurbished with bar/restaurant/café uses on all levels.

Parcel 3A4 - Renovation and adaptation of the former Town Hall which is a protected structure and Nos. 8 & 9 Rutland Street, demolition of building extensions to the rear and replacement with a full height glazed atrium to the new plaza. Nos. 6 & 7 Rutland Street are to be demolished and replaced. The Town Hall, as refurbished and extended, is to house the City and County Library with provision for a cafe in the basement. The new build structure will provide commercial office floor space over 4 and 5 storeys.

Parcel 3B - Refurbishment and adaptive reuse of Nos 4-5 Rutland Street to provide for retail use at ground and basement levels with residential use on upper levels providing for 3 no. 2 bed apartments.

Parcel 5 - Demolition of existing office building and construction of a new landmark building, principally 14 storeys in height, with a 15 storey element providing for enclosed plant.

Parcel 6 - Retention of existing 4 storey, Granary Building which is a protected structure to be retained in office and restaurant/licenced premises use.

Basement level providing for 155 car parking spaces and 311 bicycle parking spaces in addition to ancillary services including plant, attenuation tanks, storage, refuse management etc. The basement is to be accessed from Michael Street.

Open Spaces to include a public square/plaza in the centre of the site, north-south public space to the rear of the Granary Building and enhanced public space at Bank Place. Pedestrian links via the open spaces are proposed from Bank Place, Patrick Street, Ellen Street and Michael Street. The proposed development also includes environmental improvement works to the adjacent public streets.

ABP 311981-21 – amendments to above approved development granted 17/01/22. The amendments include (a) Parcel 1 providing for an additional substation and switch room and alterations to elevations and (b) amendments to the basement

including an increase in its footprint. The amendments were not deemed to be material alterations.

5.0 Policy Context

5.1. National Policy Context

The national policy context is the same as that when the parent application was being assessed and I refer the Board to section 4 of the Inspector's report. In summary:-

5.1.1. Project Ireland 2040 - National Planning Framework National Policy

Objectives 11 and 13 pertain to urban development requirements.

In terms of Limerick City and Metropolitan Area the key future growth enablers cited include implementation of the Limerick 2030 economic strategy to create modern, city centre office accommodation and a series of transformational City Centre public realm projects.

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

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

5.1.3. National Architectural Heritage Protection Guidelines for Planning Authorities 2011

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

5.2. Regional Policy

5.2.1. Since the assessment and decision on the parent application the **Southern Assembly Regional Spatial and Economic Strategy** 2020 has been adopted.

Within the strategy there is a Metropolitan Area Strategic Plan for Limerick (MASP). It identifies the Opera site as a key strategic site. It also seeks the densification of development in the City Centre, including identification and assembly of brownfield sites for development.

5.2.2. **Mid-West Area Strategic Plan 2012-2030 (MWASP)**

5.2.3. The plan incorporates a 'Planning, Land Use and Transportation Strategy' for the Mid West region. A key objective includes strengthening the role of Limerick City and its environs (Metropolitan city) as the core economic driver for the region.

5.3. **Local Policy**

5.3.1. Since the assessment and decision on the parent application the **Limerick City and County Development Plan 2022** has been adopted. Of note:

Section 3.4.3.4 states that the Opera Square development represents Limerick 2030's principle response to transform the social and economic profile of Limerick City Centre and stimulate growth that will benefit not just its immediate environs but also the entire Mid-West Region.

Opera Square will be a key driver for increased economic activity in the City Centre, delivering significant employment opportunities on brownfield lands while acting as a catalyst for other major City Centre investments.

Objective MK O1 St. Mary's Park and King's Island –

p) Support the redevelopment of Opera Square, adjacent to King's Island/St. Mary's Park, which is seen as an economic catalyst for the area, city and region.

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

Section 4.3 – The Opera Site is a major opportunity site for new business activity – tying into the heart of the City's shopping offer. The plan details a quantum of development. Table 17 sets out an indicative breakdown in floorspace for specified uses.

A Review and Update of the said Plan was carried out in 2022. The review recognises and supports the progress on the Opera Site.

6.0 **Natural Heritage Designations**

The Abbey River which forms part of the Lower River Shannon SAC (site code 004077) is immediately to the north of the site.

7.0 Observations

Transport Infrastructure Ireland has no observation to make.

8.0 Planning Assessment

- 8.1. The requestor is seeking permission to make amendments to the mixed use development approved under ref. ABP 304028-19. Construction has commenced on the site with the necessary demolition and enabling works completed.
- 8.2. The proposed amendments largely arise from the need to comply with the Nearly Zero Energy Buildings (NZEB) requirements and Technical Guidance Document Part L, in addition to accommodating requirements in terms of the fire safety strategy, building maintenance and those of the ESB. In this context the applicant is also proposing a number of design alterations which it considers to represent improvements over the approved scheme. These include alterations to the public realm to provide for universal accessibility. I refer the Board to the Architect's report accompanying the application which sets out, in detail, the amendments/alterations proposed with section 8 setting out a schedule of floor areas as per the approved scheme and that now proposed.

Parcel 1

- 8.3. The amendments, providing for landscaped areas to the 4th and 5th floor terraces and additional solar panels on the roof, are very minor in scale and would be largely indiscernible from the public realm

Parcel 3A4

- 8.4. The scheme as approved allows for the renovation and adaptation of the former Town Hall (protected structure) and Nos. 8 & 9 Rutland Street and demolition of building extensions to the rear. Nos. 6 & 7 Rutland Street are also to be demolished and replaced. The Town Hall, as refurbished and extended, is to house the City and County Library with provision for a cafe in the basement. The new build structure is to provide commercial office floor space over 4 and 5 storeys.
- 8.5. The proposed amendments will allow for an increase in the internal gross floor area of the commercial building by 869 sq.m. This is justified on the grounds of the need to improve the net to gross efficiency of the building and to enhance its commercial

viability. The total gross floor area of the library is to be reduced by 766 sq.m., largely at basement level, where the basement area is to be reduced by 659 sq.m. The basement, as approved, provided for ancillary facilities serving the library and a seating area for the café.

8.6. In terms of the **library** the following alterations are of note:

- The approved new build to Rutland Street works on the angle created by the street configuration at this location with a glazed connection to the Town Hall. The intervention was considered appropriate to mark the main street entrance to the cultural facility, albeit visually prominent in the retained Georgian streetscape with the fenestration, horizontal emphasis and use of blue limestone deliberately at variance with that prevailing in the historic fabric to either side.

The proposed amendments to this entrance, whilst retaining the contemporary intervention, provides for a greater vertical emphasis in the fenestration at the upper levels. The right hand bay deliberately breaks the rhythm of the streetscape with a tall bay window. The amendments are considered acceptable and will appropriately mark the library entrance.

- During the assessment of the original proposal the applicant, in defence of the glazed atrium onto the central plaza, stated that due regard was had to issues of solar gain and heat buildup which were to be addressed by temperature control by means of a combination of glazing specification and cooling strategy. This elevation treatment is now being revisited as part of a holistic review of the new build component. The amended design sees the circulation bridges being replaced with 5 metre wide galleries with an extension of the library into the plaza by 2 metres. This provides for additional usable library space. The elevation redesign with solid precast fins at upper levels provides for shading to the atrium and the new gallery library spaces behind. Whilst the approved glazed atrium allowed for visual connectivity of the cultural facility to the public plaza the proposed amendments will continue to allow for views in and out of the building and will continue to allow for visual connectivity.

- The approved basement café is to be relocated to the ground floor thereby providing for both access from Rutland Street and from the central plaza. It will also be able to avail of a proposed multi-functional terrace. I consider that this relocation would provide for a greater level of activity onto the plaza.
- The approved zinc framed bay window to the gable end of the Town Hall which was to extend to 3 storeys is to be reduced from 13 metres to 4.3 metres in height providing a window opening at ground floor level only (serving the café). It will continue to provide for passive surveillance and animation to the laneway into the plaza.

8.7. In terms of the **commercial building** the following are noted:

- The building footprint is to be extended 2.5 metres eastwards at 1st, 2nd and 3rd floors and will offset the loss of the 4th floor office space. The omission of the 4th floor is so as to allow for internal and external plant enclosed by a louvred plant system.
- The covered walkway facing the plaza is omitted and the ground floor façade line is extended out to match the building line overhead. I would concur that the walkway as approved provided little value to the plaza and there is no objection to its infilling.
- Changes to the office façade are proposed to optimise performance under Part L and to allow for flexibility internally. The amendments have due regard to the proposed architectural treatment in the immediate vicinity and are acceptable.

8.8. On balance, I consider that the proposed amendments to Parcel 3A4 are acceptable and continue to provide for a high quality design both onto Rutland Street and the central plaza.

Parcel 3B

8.9. The scheme as approved allows for the refurbishment and adaptive reuse of Nos 4-5 Rutland Street to provide for retail use at ground and basement levels with residential use on upper levels providing for 3 no. 2 bed apartments. The proposed amendments seek to replace the said 3 no. apartments with 6 no. 1 bed units. This would increase the number of residential units within the overall scheme by 3 to 19. Amendments are also proposed to the rear elevation and courtyard amenity area to

reflect the changes. The units comply with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities in terms of size and space requirements.

- 8.10. An updated Daylight and Sunlight Assessment was carried out with regard had to the changes in the BRE 209 edition 3: Site Layout planning for daylight and sunlight A Guide to Good Practice (2022) which references the British National Annex to the European Standards BS-En 17037: Daylight in Buildings (2018). This is supported by a supplementary assessment carried out in the Irish Adaptation of the European Standards IS-EN 17037: Daylight to Buildings (2019). It is noted Spatial Daylight Autonomy (SDA) replaces Average Daylight Factor and Sunlight Exposure replaces Annual/Winter Probable Sunlight Hours (APSH/WPSH). The results are presented in Appendix 11-1 of the EIAR.
- 8.11. In terms of scheme performance a direct comparison of the residential component in Parcel 3B is not possible due to the proposed changes over that approved. The number of units is to be doubled from 3 no. to 6 no. Under the BRE 209 criteria the SDA value of the scheme as approved shows that 6 no. habitable rooms out of 12 meet or exceed their target values in both summer and winter time calculations giving a 50% compliance. The proposed amendments providing for 6 no. residential units show that 4 habitable rooms meet or exceed the target values giving a compliance rate of c. 33%. As per I.S. EN 17037 which sets out more onerous recommendations for SDA the number of rooms achieving compliance is 2 giving a reduced compliance of 17%. The level of sunlight exposure for 1 no. unit is considered minimum with 5 no. units below the minimum recommendation.
- 8.12. It is noted that the BRE guidance is advisory, it is not mandatory. Although it gives numerical guidelines it recommends that they be interpreted flexibly since natural lighting is only one of many factors in site layout design. There needs to be balancing of the numerical assessment against the desirability of achieving wider planning objectives, in this case, securing urban regeneration with an effective urban design and streetscape solution. A material consideration in this instance is the retention of the historic fabric into which the residential units are to be incorporated which, of itself, presents constraints.

8.13. I would concur with the applicant that the proposed internal arrangement for the said units provides for the positioning of Living/Kitchen/Dining areas to make the most of the available light. However full mitigation of the impacts is not possible and has to be balanced against the overall gain that will be achieved through the development of this inner city site and which provides for the retention and integration of the said historic fabric. I consider that an adequate level of amenity will be provided for prospective occupants with the floor area of the units ranging between c. 53 sq.m. and 68 sq.m. which are materially larger than the 45sq.m. minimum requirement of the above referenced apartment guidelines. I therefore conclude that the anticipated impacts are not considered so significant as to warrant a refusal of permission for the proposed amendments in this case.

Parcel 5

- 8.14. The scheme as approved provides for the demolition of an existing office building and construction of a new landmark building, principally 14 storeys in height, with a 15 storey element providing for enclosed plant. The building is to be glazed with full length vertical fins with the secondary 11 storey element to be faced in limestone with a formal fenestration pattern. The overall height as approved is 66.1 metres with a stated floor area of 13,264 sq.m. (gross).
- 8.15. Since permission was granted there have been changes to the Building Regulations Technical Guidance Document L (Conservation of Fuel and Energy)(2021), with NZEB methodology updated by SEAI. Façade design changes and alterations to plant provision are necessary to comply with the said documents.
- 8.16. The additional plant space required within the building necessitated a complete redesign of the floors in order to deliver the necessary office floor space. The net office floor space will be the same as originally approved over 12 floors compared to the permitted scheme of 13 floors of offices but will have a gross area of 15,907 sq.m., an increase of 2,643 sq.m. The height of that approved is not exceeded. The redesign retains the concept of three main volumes as a means of reducing bulk but with the core redesigned and relocated to the east side of the plan. The basement level is to be reconfigured to suit the repositioned building core and is to be increased to allow for enlarged plant and ancillary facilities.

- 8.17. Subsequent to the grant of permission on the parent permission the changes to Technical Guidance Document L (Conservation of Fuel and Energy)(2021) precludes the extent of glazed finish. The approved scheme provides for 65% glazing. The amendments provide for 40% glazing and aligns with the requirements of the updated document.
- 8.18. The elevation onto Bank Place is to be amended to align with the existing Georgian Terrace to the west with the upper levels to be set back. This will improve the microclimate conditions within the public space proposed to the front, and the need for dense tree planting is no longer required.
- 8.19. I consider that the proposed redesign as it manifests itself in the public realm, whilst materially different from that approved, is appropriate. The proposed vertical aluminium profiles, similar to the approved glazed fins assist in accentuating the height and slenderness of the building with the palette of materials to be used, namely red and pale red profiled and flat aluminium panels, complementing the tones of brickwork to be used in the overall scheme and which are found throughout the city centre.
- 8.20. In terms of visual impact and comparing the photomontages for the approved and proposed designs, I am of the opinion that the elevational amendments present for a greater assimilation into the prevailing streetscape in near views. The revised building design arising from the alterations in the internal alignment and reduced glazing, in my opinion, presents as a more solid form and intervention in the skyline in medium and distant views. Despite only the marginal reduction in the height from that approved the solidity of the form results in the building appearing somewhat lower. The impact relative to that as permitted is acceptable.

Parcel 6

- 8.21. The scheme as approved provides for the retention of existing 4 storey Granary Building, which is a protected structure, in office and restaurant/licenced premises use. The proposed amendments are so as to align with the principles of universal access. The external levels in the Granary courtyard are to be raised to provide an accessible entrance to the building and an accessible route from Bank Place to the plaza. The Michael Street entrance is also to be made accessible. The basement is

to be omitted with the necessary plant distributed into 3 areas. Changes to the internal configuration of the building are also proposed.

Public Realm

- 8.22. Amendments to the treatment of the public spaces are also proposed in terms of landscaping and ensuring universal access.

Site Services

- 8.23. Arising from the site specific flood risk assessment the FFL of the scheme is to be increased by 0.25mOD from 5.32mOD as approved to 5.57mOD (based on a 1 in 200 year return period coastal flood level of 4.72m, a climate change allowance of 500mm and an allowance for land movement and 300mm freeboard).
- 8.24. The increase in **foul flows** as calculated are minor. No changes are required to the approved basement drainage arrangements to cater for the additional flows and no changes are required to the approved foul drainage strategy.
- 8.25. 2 no. changes are proposed to **surface water drainage** design. The 1st entails the removal of rainwater harvesting from Parcels 3A and 4. The 2nd entails an increase in the attenuation volume to take account of the 30% climate change uplift on rainfall as detailed in 2022 City and County Development Plan.
- 8.26. Parcel's 3A and 4 are to be utilise the **watermain** along Michael Street rather than from Rutland Street as originally proposed.

Conclusion

- 8.27. In conclusion I consider that the proposed amendments are acceptable . As amended, the development would provide for a high quality scheme which would assist in the regeneration and redevelopment of an important city centre site whilst endeavouring to protect important resources where cultural and built heritage is safeguarded. The juxtaposition of the new and old will continue to provide for visual interest and provides for high quality public spaces and, whilst the tall building will present as a prominent new element in the street and sky scape of the city, the impact of the proposed amendments to its design relative to that as approved are acceptable.

9.0 Environmental Impact Assessment

9.1 Introduction

Statutory Provisions

- 9.1.1. This section sets out an environmental impact assessment (EIA) of the proposed development.
- 9.1.2. The **EIA Directive (Directive 2014/52/EU)** is applicable.

Content and Structure of EIAR

- 9.1.3. The EIAR consists of 4 volumes, grouped as follows:
- Volume 1 – Non Technical Summary
 - Volume 2 – Main Report
 - Volume 3 - Appendices
- 9.1.4. The EIAR provides a description of the amendments to the approved project comprising information on the site, design, size and other relevant features. The EIAR identifies, describes and assesses in an appropriate manner, the direct and indirect significant effects of the amended project on the following environmental factors: (a) population and human health; (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape and it considers the interaction between the factors referred to in points (a) to (d). It provides an adequate description of forecasting methods and evidence used to identify and assess the significant effects on the environment. It also provides a description of measures envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects. The mitigation measures are presented in each chapter and are summarised in Chapter 21 of the EIAR. Where proposed, monitoring arrangements are also outlined. Any difficulties which were encountered in compiling the required information are set out under the respective environmental topics.
- 9.1.5. I am satisfied that the information provided in the EIAR is up to date, adequately identifies and describes the direct and indirect and cumulative effects of the

proposed amended development on the environment. I note the details of the project team members, their qualifications and experience and CVs provided in section 1.6 of the EIAR. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality.

9.1.6. I am satisfied that the information provided is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed amendments to the approved project on the environment, taking into account current knowledge and methods of assessment. I am also satisfied that the information contained in the EIAR complies with the provisions of Articles 3, 5 and Annex (IV) of EU Directive 2014/52/EU and Article 94 of the Planning and Development Regulations 2001, as amended.

9.1.7. I have carried out an examination of the information presented by the applicant, including the EIAR. No observations/submissions were received on the proposed amendments. The relevant issues arising are addressed below under the relevant headings and, as appropriate, in the reasoned conclusion and recommendation.

Consultations

9.1.8. Details of the consultations entered into by the applicant as part of the preparation of the application and EIAR are set out in section 5 and in Appendices 5-1 – 5-10. I consider that the applicant has taken all reasonable steps to engage with the local community. The application is accompanied by copies of the relevant notices and details where the application is on display for public consultation. I consider that the engagement has been effective in terms of advising the public of the proposed development and that 3rd parties were not disenfranchised.

Vulnerability to Risk of Major Accidents and/or Disaster

9.1.9. The requirements of **Article 3(2) of the Directive** include the expected effects deriving from the vulnerability of the project to risks of major accidents and/or disasters that are relevant to the project concerned. This aspect is addressed in Section 19 of the EIAR.

9.1.10. It notes that there is limited potential for significant natural disasters to occur at the site. Potential risk from flooding has been identified and covered in the flood risk assessment and assessed in Chapter 8 of the EIAR. The finished floor level of the

amended scheme is to be increased by 0.25 metres from that approved from 5.32mOD to 5.57mOD following the Site Specific Flood Risk Assessment.

- 9.1.11. The amendments to the external finishes of the tall building in Parcel 5 have been redesigned so as to comply with NZEB and Part L Technical Document. In terms of fire the buildings have been designed to existing fire regulations requirements. The site is not connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential effects from this source.
- 9.1.12. It is considered that having regard to the nature and scale of the development itself, there are unlikely to be any effects deriving from major accidents and or disasters and I am satisfied that this issue has been addressed satisfactorily in the EIAR.

9.2. Reasonable Alternatives

- 9.2.1. **Article 5 (1) (d) of the 2014 EIA Directive** requires:

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

- 9.2.2. **Annex (IV) (Information for the EIAR)** provides more detail on ‘reasonable alternatives’:

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

- 9.2.3. The matter of alternatives is addressed in **Chapter 4** of the EIAR. The range of alternatives considered span from ‘do nothing’ to alternative locations. The alternative designs and layouts, including internal layouts and use of materials, largely give a synopsis of the proposed amendments rather than alternative iterations considered. Notwithstanding, in the context of the development as approved on site and the nature and extent of the alterations proposed, I consider

that the requirements in terms of reasonable alternatives have been satisfactorily discharged and the requirements of the EIA Directive in this regard have been met.

9.3. Likely Significant Direct and Indirect Effects

9.3.1. This section of the EIA identifies, describes and assesses the potential direct, indirect and cumulative effects of the project under each of the environmental factors referred to in Article 3 (1) of the Directive. I will address the environmental factors in the following chronology, in line with that set out in the Directive :

- Population and Human Health
- Biodiversity
- Land and Soil
- Water
- Air and Climate
- Material Assets
- Cultural Heritage
- Landscape
- Interrelationship of the above

9.4. Population and Human Health

Environmental Impact Assessment Report

- 9.4.1. I consider that this environmental topic appropriately encompasses the subject issues as raised in the EIAR chapter titled Population and Human Health in addition to noise and vibration and daylight and sunlight.
- 9.4.2. **Section 6** addresses **population and human health**. **Section 10** addresses **noise and vibration** and **Section 11.14** addresses **Daylight and Sunlight**.
- 9.4.3. Other matters which would have a direct bearing on population and human health such as water, air and climate will be addressed under the corresponding headings below. Invariably there is an overlap and I recommend that they be read in tandem.

Receiving Environment

9.4.4. I refer the Board to section 2 above which gives a site location and description. In summary the site is located within Limerick City Centre with works commenced on site including demolition and enabling works.

Do Nothing

9.4.5. In a 'do nothing' scenario the development as approved will be realised which would not provide for design improvements and efficiencies in compliance with Nearly Zero Energy Buildings (NZEB) and Technical Guidance Document Part L.

Likely Significant Effects

- 9.4.6. The proposed amendments pertain largely to design and layout changes with marginal changes in floorspace.
- 9.4.7. An updated Daylight and Sunlight Assessment was carried out. Regard is had to the changes in the BRE 209 guidelines edition 3 in June 2022 with the granted and proposed schemes tested under the new guidelines. The results are presented in Appendix 11-1 (tab 5).
- 9.4.8. In terms of scheme performance a direct comparison of the residential component in Parcel 3B is not possible due to the proposed changes over that approved. The number of units is to be doubled from 3 no. to 6 no. Under the BRE 209 criteria the Spatial Daylight Autonomy (SDA) value for the scheme as approved shows that 6 no. habitable rooms out of 12 meet or exceed their target values in both summer and winter time calculations giving a 50% compliance. The proposed amendments, providing for 6 no. residential units, show that 4 habitable rooms meet or exceed the target values giving a compliance rate of c. 33%.
- 9.4.9. The impact on the surrounding buildings in terms of daylight and sun on ground, on existing neighbouring amenity areas, and the proposed amenity spaces within the scheme show negligible level of effect between the scheme as approved and the proposed amendments. Of the 6 no. amenity spaces within the proposed development 4 no. meet the criteria set out in the BRE guidelines. The amenity area to Bank Place present levels of sunlight slightly below the recommended minimum and the Granary Courtyard provides for low levels of sun on ground as approved.

Mitigation Measures

9.4.10. The Granary Courtyard will now be largely a circulation area addressing the low levels of sun on ground.

Residual Impacts

9.4.11. The residual impacts arising from the proposed amendments relative to the scheme as approved are considered to be negligible. The 6 no. residential units to replace the 3 no. approved units in Parcel 3 do not meet the criteria for daylight and sunlight access.

Cumulative Impacts

9.4.12. No additional considerations arise relative to that as assessed for the approved development.

EIAR – Conclusion

9.4.13. The proposed amendments would not have discernible impacts on population and human health over the development as approved.

Assessment

9.4.14. The nature and extent of the proposed amendments relative to the approved scheme would have little discernible effect on population and human health.

9.4.15. The 6 no. 1 bed residential units to replace the 3 no. two bed units as approved in Parcel 3 fall short of the criteria set for the daylight and sunlight as set out in the 2022 BRE 209 guidelines which are now applicable. I would concur with the applicant that the proposed internal arrangement for the said units provides for the positioning of LKD areas to make the most of the available light. A material consideration is the retention of the historic fabric into which the residential units are to be incorporated which, of itself, presents constraints. Mitigation of the impacts is not possible and has to be balanced against the overall gain that will be achieved through the development of this inner city site and which provides for the retention and integration of the said historic fabric. An adequate level of amenity will be provided for prospective occupants with the dwelling units ranging between c. 53 sq.m. and 68 sq.m. which are materially larger than the 45 sq.m. minimum requirement as set out in the apartment guidelines. The anticipated impacts are not

considered so significant as to warrant a refusal of permission for the proposed amendments in this case.

Population and Human Health - Conclusion

- 9.4.16. I have considered all of the documentation on population and human health. I am satisfied that potential effects of the proposed amended development would be avoided, managed and mitigated by the measures which form part of the proposal and the mitigation measures and conditions attached to the approved scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

9.5. Biodiversity

Environmental Impact Assessment Report

- 9.5.1. Section 16 addresses Biodiversity. The Board is advised that the application is accompanied by a Natura Impact Assessment. I shall address the matter of impact on European Designated Sites in the Appropriate Assessment Section below.

Receiving Environment

- 9.5.2. The site is in a city centre location and since the EIA on the original development the necessary site demolition, clearance and enabling works have been completed. The outfall to the Abbey River to the north was completed in April 2021. Monitoring undertaken during the said works did not record any unexpected changes to the pattern of occurrence of habitats corresponding to Bryophyte communities as originally recorded.

- 9.5.3. The site is of low ecological value.

Do Nothing

- 9.5.4. In a 'do nothing scenario' the site would be developed in accordance with the approved scheme.

Likely Significant Effects

- 9.5.5. Having regard to the nature and extent of the proposed amendments no additional effects are anticipated at either the construction or operational stages over those as identified for the approved development.

9.5.6. **Mitigation Measures**

9.5.7. No additional measures required.

Residual Effects

9.5.8. No additional residual effects.

Cumulative Impacts

9.5.9. None over that as assessed.

EIAR – Conclusion

9.5.10. The proposed amendments would not have any impact in the context of the scheme as approved.

Biodiversity – Conclusion

9.5.11. I have considered all of the documentation on biodiversity. I am satisfied that potential effects of the proposed amendments would be avoided, managed and mitigated by the mitigation measures and conditions attached to the approved scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on biodiversity.

9.6. **Land and Soil**

Environmental Impact Assessment Report

9.6.1. **Chapter 7** addresses Land, Soils, Geology and Groundwater and **Chapter 14** addresses waste management.

Receiving Environment

9.6.2. As noted above works on the site have commenced with demolition and enabling works completed. The site soils are as described in the parent permission.

Do Nothing

9.6.3. In a 'do nothing' scenario the site would be developed in accordance with the approved plans.

Likely Significant Effects

9.6.4. No additional significant effects anticipated relative to those identified for the scheme as approved.

Mitigation Measures

9.6.5. The mitigation measures as originally detailed continue to apply with best practice construction methods to be employed with a revised Construction Environmental Management Plan prepared, a copy of which accompanies the application.

Residual Effects

9.6.6. No additional residual effects anticipated.

Cumulative Impacts

9.6.7. No additional cumulative impacts anticipated.

EIAR – Conclusion

9.6.8. The proposed amendments would not have a significant impact on land and soil.

Land and Soil – Conclusion

9.6.9. I have considered all of the documentation on land and soil. I am satisfied that potential effects of the proposed amendments would be avoided, managed and mitigated by the measures and conditions attached to the approved scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on land and soil.

9.7. **Water**

Environmental Impact Assessment Report

9.7.1. **Section 8** addresses hydrology with a Site Specific Flood Risk Assessment provided in **Appendix 8-1** (tab 3).

Receiving Environment

9.7.2. The Abbey River is c.40 metres to the north. It joins the River Shannon c.100 metres north-west of the site. At this point the River Shannon is tidal and forms the Lower River Shannon Estuary.

9.7.3. As part of the enabling works completed to date the foul sewer that traversed the site has been diverted along Michael Street before discharging to an existing manhole to the north of Bank Place. A new surface water drainage network has been installed along Michael Street with an outfall to the Abbey River.

Do Nothing

9.7.4. In a 'do nothing' scenario the scheme, as approved, would be realised with storm water attenuation which does not take account of the 30% climate change uplift.

Likely Significant Effects

9.7.5. Additional foul flows will arise as a consequence of the amendment. Average foul flows increase by 0.08 l/s from 2.31 l/s to 2.39 l/s with peak 6DWF flows increasing by 0.45 l/s from 13.88 l/s to 14.34 l/s. Given the slight differences in flow rates no change to the foul drainage strategy,, as approved is proposed

9.7.6. There are two changes to the surface water drainage design. The 1st relates to the removal of rainwater harvesting from Parcels 3A4. The 2nd change relates to an increase in the attenuation volume to take account of the 30% climate change uplift on rainfall as detailed in the current Limerick City and County Development Plan 2022.

9.7.7. 1 no. change to the approved water supply strategy is proposed. Parcels 3A and 4 are now to be served by a supply along Michael Street rather than Rutland Street.

Mitigation Measures

9.7.8. The mitigation measures as described are the same as those detailed for the approved scheme and propose to mitigate effects through the implementation of best practice construction methods as set out in the Construction Methodology and Phasing Management Plan. It also includes environmental monitoring for the duration of the construction works.

9.7.9. Consequent to further assessment following the approval of the scheme the stormwater storage is to be increased to account for a 30% climate change uplift on rainfall. The attenuation tank located at Bank Place is to have a storage volume of 331m³ with the restriction in runoff of 2.7 l/s using a vortex flow control device on the outfall of the tank. The attenuation tank located within the Granary Courtyard is to

have a storage volume of 468m³. Runoff from this tank will be pumped at the runoff rate to 3.61 l/s prior to discharging from the development at Michael Street.

9.7.10. Arising from the site specific flood risk assessment the FFL of the scheme is to be increased by 0.25mOD from 5.32mOD as approved to 5.57mOD (based on a 1 in 200 year return period coastal flood level of 4.72m, a climate change allowance of 500mm and an allowance for land movement and 300mm freeboard).

9.7.11. Climate change requirements are to be accounted for in the height of the flood defences. Additional measures include demountable flood barriers to the Granary Building from Bank Place and Michael Street and to the 15 storey office building exit door are proposed. Super-elevated entrances/exits for the development as a mitigation measure to prevent any flood waters entering the main structure or the underground structure. All essential infrastructure will be sited above the 0.1% AEP event coastal flood water level of 5.15mOD.

Residual Effects

9.7.12. As per the approved scheme residual flood risk is to be managed using emergency plans and excavation procedures which are to be prepared upon development occupations in order to suit specific needs.

Cumulative Impacts

9.7.13. No additional impacts from the scheme as approved.

EIAR – Conclusion

9.7.14. The proposed amendments would not have a negative impact on water.

Assessment

9.7.15. Arising from the site specific flood risk assessment the FFL of the scheme is to be increased by 0.25mOD from 5.32mOD as approved to 5.57mOD. In terms of visual impacts such an increase is marginal and would not be discernible. I address changes to the streetscape/townscape in section 10.11 below.

Water – Conclusion

9.7.16. I have considered all of the documentation on water. I am satisfied that potential effects of the proposed amendments would be avoided, managed and mitigated by the measures which form part of the amendments and the mitigation measures and

conditions attached to the approved scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on water.

9.8. Air and Climate

Environmental Impact Assessment Report

9.8.1. **Section 9** addresses air and climate. **Section 11** addresses Microclimate.

Receiving Environment

9.8.2. The receiving environment is as previously described with Limerick within Zone C where air quality is good with pollutant concentrations falling below EU limit values.

Do Nothing

9.8.3. In a 'do nothing' scenario the scheme as approved will be realised and will not incorporate greater energy efficiency provisions.

Likely Significant Effects

9.8.4. The amendments are triggered by the need to meet the requirements of Technical Guidance Document Part L which involves more onerous mechanical and electrical plant provision for all new buildings to meet NZEB requirements. The marginal changes in the internal floor areas will not have any discernible impact on the emissions as identified for the approved scheme. Demolition on site is complete.

9.8.5. In term of impact on climate the amendments do not trigger LA 114 Climate DMRB criteria. No material changes are predicted from that as previously assessed.

9.8.6. Amendments to the design of the tall building and it's interface with Bank Place allows for an improvement in the microclimate of this proposed amenity space, and the dense tree planting required as mitigation for the approved design will not be required.

Mitigation Measures

9.8.7. The proposed amendments do not trigger additional mitigation measures to those as detailed for the scheme as approved.

Residual Impacts

9.8.8. No residual impacts are anticipated.

Cumulative Impacts

9.8.9. No additional cumulative impacts from those identified for the scheme as approved.

EIAR - Conclusion

9.8.10. The proposed amendments will not have an adverse impact on air and climate.

Assessment

9.8.11. As noted previously the sensitivities of the site in terms of flood risk have been reviewed in the design including an allowance made for climate change. Arising from this review the FFL of the scheme is to be increased by 0.25mOD from 5.32mOD as approved to 5.57mOD.

9.8.12. The redesign of the tall building and its interface with Bank Place will provide for a positive impact on the microclimate of the proposed amenity space in front of same. The removal of the dense tree planting that was required in the approved scheme can be omitted allowing for an opening up of the proposed amenity space.

Air and Climate – Conclusion

9.8.13. I have considered all of the documentation on air and climate. I am satisfied that potential effects of the proposed amendments would be avoided, managed and mitigated by the measures which form part of the amendments and the mitigation measures and conditions attached to the approved scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on air and climate.

9.9. **Material Assets**

Environmental Impact Assessment Report

9.9.1. **Section 13** addresses Traffic and Transportation with **Section 15** addressing Material Assets.

Receiving Environment

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

Do Nothing

9.9.3. In a 'do nothing' scenario the scheme as approved will be realised.

Likely Significant Effects

9.9.4. The proposed amendments would not alter to any material degree the traffic predicted during the construction and operational phase of the approved scheme.

9.9.5. Replacement of services which are required to be removed to facilitate the development and which will be required during the operational phase are as originally identified.

Mitigation Measures

9.9.6. No additional mitigation measures over those as identified during the assessment of the approved scheme are required. An outline Construction Traffic Management Plan has been developed (see Appendix 13-1).

Residual Impact

9.9.7. No residual impacts anticipated.

Cumulative Impacts.

9.9.8. No cumulative impacts anticipated.

EIAR Conclusion

9.9.9. The proposed amendments will not have an adverse impact on material assets.

Material Assets – Conclusion

9.9.10. I have considered all of the documentation on material assets. I am satisfied that potential effects of the proposed amendments would be avoided, managed and mitigated by the measures and conditions attached to the approved scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on material assets.

9.10. **Cultural Heritage**

Environmental Impact Assessment Report

Section 17 addresses Archaeological and Cultural Heritage and **Section 18** addresses Architectural Heritage.

Receiving Environment

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

Demolition in accordance with approved plans is complete.

Do Nothing

In a 'do nothing' scenario the scheme as approved would be completed.

Likely Significant Effects

9.10.2. The design amendments entail works to the structures to be retained including the Town Hall and the Granary which are protected structures. A detailed schedule of the works are detailed in section 18.4.1. The levels of intervention are comparable to those as identified for the scheme as approved and would not be likely to have any likely significant effects over those as originally identified.

9.10.3. The character and setting of protected structures both within the site and in the vicinity is altered by the approved scheme and the proposed amendments would have little impact on this effect.

Mitigation Measures

9.10.4. No additional mitigation measures for the construction phase are identified.

Residual Effects

9.10.5. No residual impacts anticipated.

Cumulative Impacts

9.10.6. No cumulative impacts anticipated.

EIAR – Conclusion

9.10.7. The proposal would not have adverse impacts on cultural heritage.

Cultural Heritage – Conclusion

9.10.8. I have considered all of the documentation on cultural heritage. I am satisfied that potential effects of the proposed amendments would be avoided, managed and mitigated by the measures which form part of the amendments and the mitigation measures and conditions attached to the approved scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on cultural heritage.

9.11. Landscape (Townscape)

Environmental Impact Assessment Report

9.11.1. **Section 12** addresses landscape and visual impact assessment with **booklets of photomontages** showing both the approved scheme and the amendments as proposed in support.

Receiving Environment

9.11.2. I refer the Board to section 2 above in which a detailed description is given of the receiving environment. The site originally comprised a block of urban structures, yards, sheds, warehouses, car parking facilities. All buildings approved to be demolished have been removed and the site is enclosed in hoarding.

Do Nothing

9.11.3. In a 'do nothing' scenario the scheme as approved would be constructed with the changes to the townscape arising as described in the assessment of the parent application.

Likely Significant Effects

9.11.4. The substantive amendments pertain to the tall building onto Bank Place arising from the requirements of Technical Guidance Document L (Conservation of Fuel and Energy) 2021 and the requirements of the updated NZEB standards. As a consequence the building configuration and elevation treatment has altered materially. The height of the building does not exceed that as approved.

9.11.5. The impacts on townscape character will be comparable to those as identified for the approved scheme. As assessed previously it is considered that the proposed

development will generally have a positive impact on the townscape character as it will become a high quality urban quarter and replace the degraded and neglected character of the existing site. Negative effects arise due to the height of some of the buildings and where sections of the proposed development intrude above the historic rooflines. It will add a new feature to the existing townscape character.

- 9.11.6. The approved tall building will be dominant in views from the north and west and will change the city scape as viewed from same. The highest visual effects will occur in close proximity to the site although the amended elevation treatment and colour palette would result in the revised scheme not being as visually different to that as approved. The tall building will significantly alter the skyline in medium distance views from the west and north. The change to the visual amenity is considered to be positive due to the bold but high quality appearance of the site.

Mitigation Measures

- 9.11.7. The principal mitigation measures are inherent in the design of the scheme. The design has evolved arising from the requirements to comply with Technical Document L and NZEB.

Cumulative Impacts

- 9.11.8. No additional impacts anticipated over that previously assessed. The proposal will amend the city skyline when seen along the Shannon riverfront in conjunction with the permitted Bishop's Quay development, the existing Riverpoint and Clayton Hotel buildings and will become a prominent new landmark in what is the largely low rise character of the northern city centre.

EIAR Conclusion

No material effects on the landscape (townscape) relative to the scheme as approved.

Assessment

- 9.11.9. I consider that the proposed redesign as it manifests itself in the public realm, whilst materially different from that approved, is appropriate. In terms of the tall building the proposed vertical aluminium profiles, similar to the approved glazed fins, assist in accentuating the height and slenderness of the building with the palette of materials to be used, namely red and pale red profiled and flat aluminium panels,

complementing the tones of brickwork to be used in the overall scheme and which are found throughout the city centre.

- 9.11.10. In terms of visual impact and comparing the photomontages for the approved and proposed designs I am of the opinion that the elevational amendments present for a greater assimilation into the prevailing streetscape in near views. The revised building design arising from the alterations in the internal alignment and reduced glazing, in my opinion, presents as a more solid form and intervention in the skyline in medium and distant views. Despite only the marginal reduction in the height from that approved the solidity of the form results in the building appearing somewhat lower. The impact relative to that as permitted is acceptable.

Landscape – Conclusion

- 9.11.11. I have considered all of the documentation on landscape (townscape). I am satisfied that potential effects of the proposed amendments would be avoided, managed and mitigated by the measures which form part of the amendments and the mitigation measures and conditions attached to the approved scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on landscape (townscape).

9.12. Interactions

- 9.12.1. Chapter 20 of the EIAR addresses interaction of impacts with a matrix provided in Figure 20.1 I submit that the said interactions are as described for the scheme as approved with the most dynamic interactions pertaining to human beings with other interactions including between architectural heritage, cultural heritage and landscape (townscape) also noted.
- 9.12.2. I have considered the interrelationships between factors and whether these might, as a whole, effect the environment, even though the effects may be acceptable when considered on an individual basis. In my assessment of each environmental topic I have considered the likelihood of significant effects arising as a consequence of interrelationship between factors. Given the generally modest impacts which are predicted to occur having regard to the nature of the proposed amendments, mitigation measures, or as a consequence of extant and proposed conditions, I do

not foresee any likelihood of any of these interrelationships giving rise to significant effects on the environment.

- 9.12.3. In conclusion, I am satisfied that there are no such effects and, therefore, nothing to prevent the approval for the development on the grounds of interaction between factors.

9.13. Reasoned Conclusion on Significant Effects

- 9.13.1. Following on from this assessment, it is considered that the main significant direct and indirect effects (positive and negative) of the proposed amendments to the approved scheme on the environment are those arising from the impacts listed below.

Population and human health: The 6 no. apartment units to be provided in Parcel 3B will fall short of the recommendations of the current BRE 209 guidelines edition 3, June 2022. Mitigation of the impacts is not possible and has to be balanced against the overall gain that will be achieved through the development of this inner city site and which provides for the retention and integration of the said historic fabric. An adequate level of amenity will be provided for prospective occupants.

Air and Climate: The redesign of the tall building in Parcel 5 will provide for a positive impact on the microclimate of the proposed amenity space on Bank Place. The removal of the dense tree planting that was required in the approved scheme can be omitted allowing for an opening up of the proposed amenity space.

Landscape (Townscape): The redesign of the tall building in Parcel 5 provides for a greater assimilation into the streetscape in near views. The revised building design arising from the alterations in the internal alignment and reduced glazing presents as a more solid form and intervention in the skyline in medium and distant views.

Notwithstanding the conclusion reached in respect of the inability to attain the recommended daylight and sunlight provisions in the proposed 6 no. residential units in parcel 3B, it is considered that the environmental effects would not justify a refusal of planning permission having regard to the overall benefits of the proposed development.

10.0 Appropriate Assessment

10.1. Introduction

10.1.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, section 177AE of the Planning and Development Act 2000 (as amended) are considered fully in this section.

10.1.2. The areas addressed are as follows:

- Compliance with Article 6(3) of the Habitats Directive
- The Natura Impact Statement
- Screening for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

10.2. Compliance with Article 6(3) of the Habitats Directive

10.2.1. Article 6(3) of the Habitats Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

10.3. Natura Impact Statement

10.3.1. The scheme as approved was subject to Appropriate Assessment. This application for the proposed amendments is accompanied by a Natura Impact Statement dated July 2022 prepared by Ecology Ireland Ltd. It notes that while certain elements and actions of the development as approved that were identified as having some risk of likely significant effects have been completed, such as the construction of the surface water drainage sewer to the Abbey River, other potential risks associated with the construction and operational phases of the project remain.

- 10.3.2. The NIS outlines the methodology used for the assessing of potential impacts on the habitats and species within the European Sites that have the potential to be affected by the proposed development. It predicts the potential impacts for these sites and their conservation objectives, it suggests mitigation measures, assesses in-combination effects with other plans and projects and it identifies any residual effects on the European sites and their conservation objectives.
- 10.3.3. The report concluded that, taking into account the project design and the implementation of mitigation measures identified in the NIS, the proposed development will not result in adverse effects on the integrity of any Natura 2000 site.
- 10.3.4. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge to assess any potential impacts. It also provides details of mitigation measures to ensure that no adverse impacts arise in respect of Natura 2000 sites in the vicinity. I am satisfied that the information is sufficient to allow for an appropriate assessment of the proposed development.

10.4. Screening for Appropriate Assessment

- 10.4.1. The proposed development is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on any European sites.
- 10.4.2. The proposed development is examined in relation to any possible interaction with European sites, i.e. designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.
- 10.4.3. The applicant, in its screening report, sets out the methodology for the identification of relevant European sites using the source-pathway-receptor model. The screening report concluded that the possibility of significant effects could not be ruled out for 2 of the 5 sites and, therefore, the proposed development works must proceed to appropriate assessment. I have provided a summary of the information in relation to the potential impacts identified in the screening stage below.

Commented [PF1]:

Site Name	Qualifying Interests (QI's)	Potential receptor-pathway-source links to Development Site
<p>Lower River Shannon SAC</p> <p>Site Code - 002165</p> <p>The Abbey River c. 40 metres to the north of the site forms part of the SAC.</p>	<ul style="list-style-type: none"> • Sandbanks which are slightly covered by sea water all the time [1110] • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Coastal lagoons [1150] • Large shallow inlets and bays [1160] • Reefs [1170] • Perennial vegetation of stony banks [1220] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows [1330] • Mediterranean salt meadows [1410] • Water courses of plain to montane levels with the Ranunculus fluitans and 	<p>Yes – Hydrological connection between the proposed development and the SAC via storm water outfall to the Abbey River at Charlotte's Quay. Can potential likely significant effects be excluded? – No – site to proceed to AA.</p>

	<p>Callitricho-Batrachion vegetation [3260]</p> <ul style="list-style-type: none"> • Molinia meadows on calcareous, peaty or clayey-silt-laden soils [6410] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior ([91E0]) • Freshwater Pearl Mussel [1029] • Sea Lamprey [1095] • Brook Lamprey [1096] • River Lamprey [1099] • Salmon [1106] • Common Bottlenose Dolphin [1349] • Otter [1355] 	
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Site Name	Special Conservation Interests (SCIs)	Potential receptor-pathway-source links to Development Site
<p>River Shannon and River Fergus Estuaries SPA</p> <p>Site Code - 004077</p> <p>c. 725 metres downstream.</p>	<ul style="list-style-type: none"> • Cormorant [A017] • Whooper Swan [A038] • Light-bellied Brent Goose [A046] • Shelduck [A048] • Wigeon [A050] 	<p>Yes – downstream indirect effects arising from impact on water quality and disturbance of species during the construction works and operational phase could arise. The potential for collision risk to birds from the proposed tall building could arise.</p>

	<ul style="list-style-type: none"> • Teal [A052] • Pintail [A054] • Shoveler [A056] • Scaup [A062] • Ringed Plover [A137] • Golden Plover [A140] • Grey Plover [A141] • Lapwing [A142] • Knot [A143] • Dunlin [A149] • Black-tailed Godwit [A156] • Bar-tailed Godwit [A157] • Curlew [A160] • Redshank [A162] • Greenshank [A164] • Black-headed Gull [A179] • Wetland and Waterbirds [A999] 	<p>Can potential likely significant effects be excluded? – No – site to proceed to AA.</p>
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I note the following sites were screened out in the AA- Screening carried out for the development as approved on the basis of no surface water or groundwater connectivity with no source pathway receptor chains for direct or indirect impacts:-

- Glenomra Wood SAC (site code 1013) c. 10km to north
- Tory Hill SAC (site code 439) c. 13.5km to south
- Slievefelim to Silvermines Mountains SPA (site code 4165) c.15.5km to east

I concur with the said conclusions in the context of the proposed amendments.

Mitigation Measures

10.4.4. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination

10.4.5. Having regard to the information presented in the Screening Report and NIS, the nature, size and location of the proposed development and its likely direct, indirect and in-combination effects, the source pathway receptor principle and sensitivities of the ecological receptors, I concur with the applicant's screening that significant effects cannot be ruled out for the following sites in view of their respective conservation objectives:

- Lower River Shannon SAC [002165]
- River Shannon and River Fergus Estuaries SPA [004077]

The following European Sites -

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

could not be significantly affected by the proposed development works. I am satisfied that the applicant has demonstrated this objectively with reference to the geographical separation and the absence of ecological pathways between those sites. It is therefore reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on these European Sites in view of the sites' conservation objectives and a Stage 2 appropriate assessment is not therefore required for these sites.

10.5. Appropriate Assessment of Relevant European sites

10.5.1. The following is an objective assessment of the implications of the proposal on the relevant conservation objectives of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant

effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed for effectiveness. I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin
- EC (2021) Assessment of plans and projects in relation to Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC

European Sites

- 10.5.2. 2 no. sites as outlined above could not be excluded from the screening exercise undertaken on the basis that significant effects could not be ruled out for reasons related to hydrological pathways and potential for deterioration in water quality.
- 10.5.3. The **Lower River Shannon SAC [02165]** which bounds the site to the north is a very large site stretching along the Shannon valley from Killaloe in Co. Clare to Loop Head/ Kerry Head, a distance of some 120 km. The site encompasses the Shannon, Feale, Mulkear and Fergus estuaries, the freshwater lower reaches of the River Shannon (between Killaloe and Limerick), the freshwater stretches of much of the Feale and Mulkear catchments and the marine area between Loop Head and Kerry Head. This site is of great ecological interest as it contains a high number of habitats and species listed on Annexes I and II of the E.U. Habitats Directive. A number of species listed on Annex I of the E.U. Birds Directive are also present, either wintering or breeding.
- 10.5.4. Domestic and industrial wastes are discharged into the Shannon, but water quality is generally satisfactory, except in the upper estuary where it reflects the sewage load from Limerick City.
- 10.5.5. Detailed conservation objectives have been prepared for the site, the overall aim being to maintain or restore the favourable conservation status of the designated habitats and species.

Potential Direct and Indirect Effects

- 10.5.6. The Abbey River c.40 metres to the north of the site forms part of the Lower River Shannon SAC. Storm water runoff is to be discharged to the Abbey River through an outfall at Charlotte's Quay. Direct and indirect effects arising from habitat loss, impact on water quality during construction and operational phases and disturbance of species during the construction works could arise.
- 10.5.7. The NIS sets out certain qualifying interests that will not be indirectly impacted by the proposal. They are as follows:
- Alluvial forests
 - Brook Lamprey
 - Freshwater Pearl Mussel
 - Molina meadows
 - Perennial vegetation of stony banks
 - Vegetated sea cliffs of the Atlantic and Baltic coasts
- 10.5.8. I concur with the conclusions that the potential for significant indirect effects can be excluded on the basis that the designated habitats are not within the development area and are outside the zone of potential impact influence and that suitable habitats for the identified species do not occur within the development area or the zone of the potential impact influence. I have had regard to the detailed conservation objectives drawn up for each and the mapped features where relevant.
- 10.5.9. A habitat corresponding to Bryophyte communities (i.e.. mosses and lichens) associated with qualifying interest 'watercourses of plain to montane levels' habitat of the Lower River Shannon SAC was identified to be present on the existing limestone wall of Charlotte Quay by the Abbey River. The outfall which forms part of the approved development has been constructed and no impact on the habitat has arisen.
- 10.5.10. The remaining qualifying interests are either identified to be within/potentially within the zone of influence or downstream of the proposed development. They, therefore, could be affected by silt, oils, grit or other potential contaminants generated during the construction of the development.

10.5.11. **River Shannon and River Fergus Estuaries SPA [004077]** 725 metres downstream. The estuaries of the River Shannon and River Fergus form the largest estuarine complex in Ireland. The SPA is an internationally important site that supports an assemblage of over 20,000 wintering waterbirds. It holds internationally important populations of four species, i.e. Light-bellied Brent Goose, Dunlin, Black-tailed Godwit and Redshank. In addition, there are 17 species that have wintering populations of national importance. The site also supports a nationally important breeding population of Cormorant. Of particular note is that three of the species which occur regularly are listed on Annex I of the E.U. Birds Directive, i.e. Whooper Swan, Golden Plover and Bar-tailed Godwit. Parts of the River Shannon and River Fergus Estuaries SPA are Wildfowl Sanctuaries.

10.5.12. The special conservation interests of the site are set out in table above. Detailed conservation objectives have been prepared for the site, the overall aim being to maintain or restore the favourable conservation status of the designated species.

Potential Direct and Indirect Effects

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

Characteristics of Proposed Development

10.5.14. The proposed amendments are as detailed in section 3 of this report and largely pertain to design modifications.

Potential Effects (Direct and Indirect)

10.5.15. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following sources of potential effects and the potential effects to receptors are considered for examination in terms of implications for likely significant effects on European sites during the construction and operational phases and include:

- Effects on river water quality
- Disturbance/displacement of species

10.5.16. It is reasonable to conclude on the basis of the information before the Board that all of the above, in the absence of mitigation, may comprise a risk of adverse effects on the integrity of the sites.

Proposed Mitigation Measures

10.5.17. Section 6 of the NIS details mitigation measures to be employed during the construction and operational phases of the development, the majority of which are considered to represent best construction practice measures and are included in the interests of completeness.

10.5.18. *Construction Phase*

- A Construction Methodology and Phasing Management Plan for the overall development has been prepared.
- Neither groundwater nor surface water runoff from the working areas will be permitted to discharge directly to the Abbey or Shannon Rivers. Run off generated within the site during construction will be filtered and treated to remove hydrocarbons and sediment. In the event of surface water failing to meet the required standards water will be recirculated to the inlet of the sediment pond to provide further time for settlement. A penstock will be provided on the outlet from the sediment pond to control discharge from the site.
- Maintain and monitor the performance of the surface water drainage network throughout the construction
- Location of spoil and stockpiles to be at least 15 metres from drainage systems and the Abbey and Shannon Rivers. Stockpiles to be covered.
- Dewatering of all working areas at the end of each working day. Use of pumping and transport of water off site if volumes prevent effective attenuation and treatment prior to discharge.
- Use of wheel washers and dust suppression on site roads.
- All materials to be disposed of at a licensed waste facility.
- The pouring of concrete to take place within a designated area. Washout of vehicles to take place off site or onsite washout to be captured for disposal off site.

- Provision of a ramp to the proposed development to prevent any flood waters entering the site during construction.
- Should there be a coastal flood warning all plant and construction material to be moved and stored within areas within Flood Zone C.
- Spill control measures including use of self-bunded fixed plant and provision of spill kits.
- Production of an Emergency Response Plan
- Produce and commence a Water Quality Monitoring Programme.
- Retention of a suitably experienced and qualified Ecologist.

Operational Phase

- Proposed storm water drainage is designed so there would be no increase in water levels or flow rates downstream of the proposed outfall. The system includes attenuation tanks with 30% climate change uplift on rainfall which would store run off when the inflow rate exceeds 9.4 l/s which is the greenfield rate from an equivalent greenfield site. The system also includes a Class 1 Bypass Hydrocarbon Separator to remove hydrocarbons which may be suspended in runoff. To minimise sediment build up within the storm water drainage network, trapped inlets would be used at all points of entry and key manholes will have sumps to collect material. In addition, surface water runoff from the façade of the tall building in Bank Place will discharge to an attenuation tank located on Bank Place prior to forward discharge to the Abbey River. The tanks will have a flow control devices restricting discharge to no greater than the equivalent greenfield run off rate (4 l/s). A regular maintenance regime including monitoring will be put in place to remove any excess build-up of material.
- Establishment of a maintenance company that will be responsible for the regular maintenance and monitoring of infrastructure installed as part of the development.
- A flashing green light to be installed on the proposed tall building to repel birds. Prior to procurement of same an ecologist with relevant credentials in the technical field of bird collision mitigation will review this measure in the light of peer-reviewed scientific evidence published since the production of

the NIS. In the event where new scientific evidence on lighting mitigation conflict with this measure the ecologist will advise on any changes in light colour or other parameters required to minimise the potential for strike risk.

Assessment

- 10.5.19. The project is not directly connected with or necessary to the management of a European Site.
- 10.5.20. A number of the qualifying interests of the SAC downstream of the proposed development are reliant on water quality. In view of the nature and location of the proposed development and the measures to be incorporated into the construction phase of the proposed development, which would align with what are considered to be proven best practice measures, I would submit that potential for impact of construction works on water quality of the SAC is very low.
- 10.5.21. In terms of the operational phase the site, within Limerick city centre, is serviced. The proposed storm water drainage system has been designed to ensure that there will be no increase in water levels or flow rates downstream of the proposed outfall. The system includes attenuation tanks sized to allow for a 30% climate change uplift on rainfall and include a Class 1 By-Pass Hydrocarbon Separator. The tanks will have a flow control device restricting discharge to the equivalent greenfield run off rate. A regular maintenance regime, including monitoring, is to be put in place to remove any excess build-up of material.
- 10.5.22. **Salmon, river lamprey** and **sea lamprey** are presumed to feed and/or migrate locally within the River Shannon and Abbey Rivers. There are no spawning habitats present so no displacement or injury of fish is predicted from noise and vibration from piling activities.
- 10.5.23. The following qualifying interests have been mapped downstream of the proposed development - **Atlantic salt meadows** c. 11km, **coastal lagoons** c.23km, large **shallow inlets and bays** c. 58km, **Mediterranean salt meadows** c. 30km, **mudflats and sandflats** c. 780m, **reef** c.9km, **Salicornia and other annuals colonising mud and sand** c.12.5km and **sandbanks** c.75km. **Bottle nose dolphin** has also been identified downstream. Best practice methods in the construction phase in terms of protection of water quality as detailed above would ensure against

the potential for silt, oils, grit or other potential contaminants to enter the watercourses.

- 10.5.24. There are no breeding or resting sites for **otter** within the Zone of Influence. If foraging or commuting otter are present it is likely to be habituated to the existing urban lighting and noise disturbance. Potential displacement impacts are considered non-significant.
- 10.5.25. The feeding habitat of all of the qualifying interests of the SPA have been identified downstream of the proposed development. No species roost or feed within the zone of influence of adverse disturbance effects such as piling, noise lighting or human presence.
- 10.5.26. In view of the nature and location of the proposed development and the measures to be incorporated into the construction phase of the proposed development, which would align with what are considered to be best practice measures, I would submit that potential for impact of construction works on water quality and thereby potential reduction in prey abundance or diversity is negligible.
- 10.5.27. **Roosting black-headed gulls** (known to be present c.120 metres from the site at their nearest point) are a 'generalist' feeder attracted to areas of human habitation where they scavenge human waste; the roosts of this species would not be significantly displaced by the additive noise from construction given their tolerance for traffic and other forms of urban noise and their likely habituation to the existing disturbance regime in Limerick City.
- 10.6. Certain species whereby the potential for collision with the proposed tall building have been identified include Black-headed gull, Cormorant, Curlew, Golden Plover, Lapwing, Light-bellied Brent goose and Whooper Swan. The height of the tall building will not exceed that as approved under the parent permission within the built up urban environment of Limerick City. As per the Irish Aviation Authority, Integrated Aeronautical Information Package, Limerick is not on a major flyway for birds with migratory birds tracked at heights significantly in excess of 71.5 metres m OD. Significant bird populations on migration are, therefore, unlikely to collide with the proposed building. Lighting is proposed as mitigation for bird collision on the proposed tower.

10.7. **Potential in-combination effects**

10.8. A description of the in-combination effects is detailed in section 5.6 of the NIS with due consideration given to other development both existing and proposed in the vicinity including the permitted 15 storey building at George's Quay. Having regard to the size, scale and nature of the project within Limerick city centre on a serviced site there are no current or outstanding plans or projects which could interact with same to create significant in combination effects.

10.9. **Appropriate Assessment Conclusion**

- 10.9.1. The proposed development has been considered in light of the assessment requirements of Section 177AE of the Planning and Development Act, 2000, as amended.
- 10.9.2. Having carried out screening for appropriate assessment of the project, it was concluded that it may have a significant effect on Lower River Shannon SAC [site code 0021656] and River Shannon and River Fergus Estuaries SPA [site code 004077]. Consequently, an appropriate assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 10.9.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site Nos 0021656 and 004077, or any other European site, in view of the sites' Conservation Objectives.
- 10.9.4. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.
- 10.9.5. This conclusion is based on the following:
- A full and detailed assessment of all aspects of the proposed amended development including proposed mitigation and monitoring in relation to the conservation objectives Lower River Shannon SAC [site code 0021656] and River Shannon and River Fergus Estuaries SPA [site code 004077].
 - With the application of all mitigation measures the amendments to the approved mixed use scheme will not undermine the conservation objectives of maintaining

and restoring the favourable conservation condition of the relevant qualifying interests and special conservation interests in the Lower River Shannon SAC [site code 0021656] and River Shannon and River Fergus Estuaries SPA [site code 004077]

- The detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Lower River Shannon SAC [site code 0021656] and River Shannon and River Fergus Estuaries SPA [site code 004077].

11.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

12.0 Draft Order

REQUEST received by An Bord Pleanála on the 11th day of November 2022 from Limerick City and County Council care of Tom Phillips and Associates, 80 Harcourt Street, Dublin 2, under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a mixed use development described as the Opera Square, Limerick City.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 27th day of February 2020 under ref. ABP 304028-19.

AND WHEREAS the Board decided that alterations to the above-mentioned decision, that were requested on 17th day of November 2021, would not result in material alterations to the terms of the development and so altered the decision under ref. ABP 311981-21.

AND WHEREAS the Board has received another request to alter the terms of the development, the subject of the permission,

AND WHEREAS the proposed alteration comprises the following:

Parcel 1

Introduction of landscaped areas to roof terraces at 4th and 5th floors and increase in solar panels at roof level.

Parcel 3A4

- Façade design alterations to comply with NZEB and Part L requirements,
- Reconfigured building cores, stairs and lifts,
- Allowance for renewable sources for energy for heating and cooling,
- Relocation of the café from basement to ground floor,
- Widening of the circulation only bridges to create usable galleries overlooking the atrium and public realm,
- Changes to the building footprint, including a 2.5 m. extension eastwards at upper levels and new covered walkway connecting into the Granary courtyard.

Parcel 3B

- Amendments including internal alterations, façade design changes and apartment reconfiguration replacing the permitted 3 no. 2 bedroom units with 6 no. 1 bedroom units.

Parcel 5

- Façade design amendment to satisfy NZEB and Technical Guidance Document Part L,
- Rationalised building core to provide open floor plates,
- New roof terraces at 3rd and 12th floors,
- The alterations will result in an increase in floor area of 2,643 sq.m. (670 sq.m. excluding basement).

Parcel 6

- Omission of basement.
- internal and external design modifications,
- Introduction of fully accessible raised walkway through the Granary courtyard connecting Bank Place to Opera Square.

Public Realm

- Changes to the landscaping rational and design including permitted 'Opera Square' providing for universal access and permeability,
- Provision of external terrace to serve the library,
- Redesign of landscaping plan at Bank Place.

Site Services

- 2 no. changes to surface water drainage design.
- Use of watermain along Michael Street rather than from Rutland Street as originally proposed.
- Increased in finished floor level from 5.32mOD to 5.57m OD.

AND WHEREAS the Board considered that the alteration would result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS having regard to the nature of the issues involved, the Board invoked the provisions of section 146B(8)(a) of the Planning and Development Act, 2000, as amended, to invite submissions or observations in relation to the matter from members of the public, and prescribed bodies,

AND WHEREAS having considered these submissions / observations and documents on file and the Inspector's initial report, the Board considered that the making of the proposed alteration would be likely to have significant effects on the environment, and requested the applicant to submit an environmental impact assessment report,

AND WHEREAS following receipt of the environmental impact assessment report from the applicant, the Board invited further submissions / observations in relation to the matter from members of the public and prescribed bodies,

AND WHEREAS having considered all documentation from the applicant, submissions/observations and the reports of the Inspector, the Board considered that the proposed alteration would be acceptable,

NOW THEREFORE in accordance with section 146B(3)(b)(i) of the Planning and Development Act, 2000, as amended, the Board hereby alters the abovementioned decision so that the permitted development shall be otherwise altered in accordance with the plans and particulars received by An Bord Pleanála on 7th June, 2023.

In coming to its decision, the Board had regard to a range of matters including the following:

- (a) The extant permission for the mixed use development on the site granted under An Bord Pleanála Reference ABP 304028-19;
- (b) The rationale for the proposed alterations as set out in the application documentation, in particular Chapter 3 of the submitted Environmental Impact Assessment Report;
- (c) National, regional and local plan policy including the land use zoning objective for the development site;
- (d) The nature and scale of the proposed alterations;
- (e) The documentation on file including the Environmental Impact Assessment Report received by the Board on 7th day of June 2023;
- (f) The reports of the Inspector.

Appropriate Assessment:

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion reached in the Inspector's report that the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA are the European sites for which there is a possibility of significant effects and which, must therefore be subject to appropriate assessment.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA, in view of the sites' conservation objectives. The Board concluded that the information before it was adequate to allow for a complete assessment of all aspects of the proposed development and to allow them reach complete, precise and definitive conclusions for appropriate assessment.

In completing the Appropriate Assessment, the Board considered, in particular, the following:

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

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

Environmental Impact Assessment

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

- (a) The nature, scale, location and extent of the approved development to be amended;
- (b) The environmental impact assessment report and associated documentation submitted with the application;
- (c) The reports and submissions received from applicant during the course of the application;
- (d) The Inspector's report;

The Board agreed with the summary and examination set out in the inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant. The Board is satisfied that the inspector's report sets out how these were addressed in the examination and recommendation and are incorporated into the Board's decision.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed amendments to the approved development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed amendments to the approved development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information

contained in the environmental impact assessment report and associated documentation submitted by the applicant.

- 12.1.1. Following on from this assessment, it is considered that the main significant direct and indirect effects (positive and negative) of the proposed amendments to the approved scheme on the environment are those arising from the impacts listed below.

Population and human health: The 6 no. apartment units to be provided in Parcel 3B will fall short of the recommendations of the current BRE 209 guidelines edition 3, June 2022. Mitigation of the impacts is not possible and has to be balanced against the overall gain that will be achieved through the development of this inner city site and which provides for the retention and integration of the said historic fabric. An adequate level of amenity will be provided for prospective occupants.

Air and Climate: The redesign of the tall building in Parcel 5 will provide for a positive impact on the microclimate of the proposed amenity space on Bank Place. The removal of the dense tree planting that was required in the approved scheme can be omitted allowing for an opening up of the proposed amenity space.

Landscape (Townscape): The redesign of the tall building in Parcel 5 provides for a greater assimilation into the streetscape in near views. The revised building design arising from the alterations in the internal alignment and reduced glazing presents as a more solid form and intervention in the skyline in medium and distant views.

Notwithstanding the conclusion reached in respect of the inability to attain the recommended daylight and sunlight provisions in the proposed 6 no. residential units in parcel 3B, it is considered that the environmental effects would not justify a refusal of planning permission having regard to the overall benefits of the proposed development.

Conclusion on Proper Planning and Sustainable Development

The proposed amendments to the approved scheme would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. Apart from any departures specifically authorised by this alteration, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 27th day of February 2020 under An Bord Pleanála reference ABP 304028-19, as amended by the alterations approved on the 17th day of January 2022 under An Bord Pleanála reference ABP 311981-21, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

2. In addition to Condition numbers 3 and 4 of Reference ABP 304028-19, all environmental mitigation measures set out in the environmental impact assessment report, natura impact statement and associated documentation submitted by the applicant, received by An Bord Pleanála on 7th day of June 2023, shall be implemented in full

Reason: In the interests of environmental protection.

I confirm that the report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Pauline Fitzpatrick
Senior Planning Inspector

November, 2023