

PROJECT NO. 34.03/2022



Statement of Response

**Mixed Use Development at
Canal Bank, Pa Healy Road,
LIMERICK**

MARCH 2022

**ON BEHALF OF: Revington
Developments Limited**

1.0 INTRODUCTION

This report sets out a detailed response to the Opinion by An Bord Pleanála on a Strategic Housing Development for a mixed use development at Pa Healy Road, Limerick. The opinion is dated December 2020 and refers to case ref. no. ABP-307956-20.¹

The Opinion statement states that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.

In addition, the Opinion statement lists specific information that should be submitted with an application for permission. Section 2 of this report sets out how each of these issues have been addressed in the application documentation. There have been no design changes in the proposed scheme since the application for pre-application consultation that was considered by the Board. Section 3 sets out the conclusions.

This report should be read in conjunction with all of the documentation submitted with the planning application but in particular the additional reports that have been prepared in response to the issues dealt with in section 2 of this report including a full Environmental Impact Statement Report.

2.0 STATEMENT OF RESPONSE TO SPECIFIC INFORMATION REQUIRED

2.1.1 Ecological Impact Statement Report, AA screening report and NIS

The specific information that is required relates to the need to provide a robust Ecological Impact Statement Report, AA screening report and NIS which support and have regard to one another, and which inter alia, consider potential impacts on all of the Qualifying interests (QI's) of the Lower River Shannon Special Area of Conservation (SAC) and River Shannon and River Fergus Estuaries Special Protection Area (SPA). Please note the **Natura Impact Statement**² as well as a full **Environmental Impact Assessment Report**.

2.1.2 Information in relation to Biodiversity incl. Bat Survey

The specific information that is required relates to the need to provide further clarification regarding site specific information in relation to biodiversity including a dedicated bat survey carried out within the

¹ *Planning and Development (Housing) and Residential Tenancies Act 2016 Notice of Pre-Application Consultation Opinion – Case Reference ABP-307956-20, An Bord Pleanála, December 2020.*

² *Natura Impact Statement, SLR Consulting, October 2021.*

optimal season for bats. Please refer to the **Environmental Impact Assessment Report**. This report concludes that significant effects on roosting bats were not identified as likely to occur due to the proposed development provided that the proposed mitigation measures are implemented. It is considered that additional surveys are not necessary or justified. However, notwithstanding these conclusions, the applicant is prepared to accept a condition on the planning permission which specifies the method of demolition of the existing building on the site in accordance with best practice in relation to protection of bat wildlife.

2.1.3 Schedule of Accommodation

The specific information that is required relates to the need to provide a detailed schedule of accommodation which shall indicate clearly dual and single aspect units. Colour coded drawings which clearly indicate individual clusters within the student accommodation element of the proposal and apartment types within the BTR element shall also be included. Please refer to the updated **Schedules of Accommodation**³.

2.1.4 Daylight and Shadow Impact Assessment

The specific information that is required relates to the need to provide a detailed Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies. Please refer to the **Daylight and Shadow Impact Assessment report**⁴.

2.1.5 Site Context Report

The specific information that is required relates to the need to provide a report that specifically addresses: site context, the locational attributes of the area, boundary treatments, open / gated / controlled linkages through the site, pedestrian and cycle connections to the wider area, in particular, along the canal, Park Road and Pa Healey Road cognisance being had to national and local planning policy. Please refer to the attached **Site Context Report**⁵.

³ *Houses Schedule of Accommodation, Gleeson McSweeney Architects, Schedule of Accommodation and Area Schedule, OCA Architects.*

⁴ *Daylight and Sunlight Assessment Report – 3D Design Bureau.*

⁵ *Site Context Report, R W Nowlan & Associates, February, 2022.*

2.1.6 Build to Rent Covenant and Public Notices

The specific information that is required relates to the need to describe the proposed development in the public notices associated with a planning application specifically as 'Build to Rent' housing development and a covenant/legal agreement is required at application stage for BTR development. Please refer to the **Site Notice** and **Newspaper Notice** and **Covenant Statement**.⁶

2.1.7 Ten year Planning Permission

The specific information that is required relates to the need to provide justification for a 10 year planning permission and a detailed and justified phasing plan for the construction of the development. Meeting housing demand requires both a quantitative as well as qualitative approach. Different households have different types of housing demand in different cycles of people's lives. Having regard to the scale of the development in combination with the need to ensure that the type of housing units provided in the development will meet the housing demand within the correct demographic profile of household formation, it is necessary to phase the development in such a way that build to rent apartments in particular within the proposed development become available when the demand for such units arises. This is unlikely to occur all at once. The layout of the proposed scheme is such that an attractive public realm can be achieved in different stages of the completion of the scheme.

Please refer to the relevant **Architecture Report and Urban Design Statement**⁷ that illustrate the proposed phasing of the scheme in four phases as follows:

- Phase 1: Student accommodation, Facilities Building and the proposed Houses;
- Phase 2a: Apartment blocks 4 and 5;
- Phase 2b: Apartment blocks 6 and 7;
- Phase 3: Apartment blocks 2 and 3.

The phasing plan thus proposed ensures that critical infrastructure for the overall urban design and community infrastructure is provided in phase 1 of the development: i.e. the community facilities building, spine access road and central cycle/pedestrian route linking between Pa Healy road and the towpath. Phases 2a and 2b will provide apartment accommodation blocks in such a way that land not yet occupied can be separated from the developed portion of the site. By leaving development in the western

⁶ *Covenant*, December 2019.

⁷ *Architecture Report and Urban Design Statement*, OCA Architects, 2021.

portion of the site to the final Phase 3, the overall development will be a compact high quality urban scheme at all times in the construction process.

2.1.8 Student Management Plan

The specific information that is required relates to the need to provide a site specific student management plan. Please refer to the attached **Student Management Plan**.⁸

2.1.9 Response to Matters Raised within the Planning Authority Opinion

The specific information that is required relates to the need to provide a response to matters raised within the Planning Authority Opinion and Appended City and County Council Department comments submitted to ABP on the 11th September 2020.

In terms of the zoning objectives for the site it is noted that the Planning Authority Opinion states that the proposed development is ...*"in line with the policy objectives of the City Development Plan."*⁹ In terms of the specific development plan objectives for the Corbally/Rhebogue area that must be considered according to the Planning Authority, the proposed development will enhance the development of the Canal as a sustainable transportation link between the University and the City Centre and achieves a sustainable development of the lands adjacent to the park canal.

The Planning Authority Opinion further notes in relation to density and mix of proposed uses, the following: ...*"the proposed density of 110 units per hectare is considered acceptable. It is also considered that the mix of units proposed is acceptable particularly having regard to the proximity to the City Centre."*¹⁰

Having regard to the scale of the proposed development and the duration of the planning permission sought (ten years) the Planning Authority Opinion states that a detailed phasing plan for the construction of the development scheme is required. It is suggested that a greater number of phases than three phases is required. Please refer to the attached Phasing Plan which shows a phasing of the proposed development in four phases as follows:

⁸ *Student Management Plan*, December 2019.

⁹ Planning Authority Opinion ref. 307956-20, 10/9/20, p. 11.

¹⁰ Planning Authority Opinion ref. 307956-20, 10/9/20, p. 14.

- Phase 1: Student accommodation, Facilities Building and the proposed Houses;
- Phase 2a: Apartment blocks 4 and 5;
- Phase 2b: Apartment blocks 6 and 7;
- Phase 3: Apartment blocks 2 and 3.

In relation to building height the Planning Authority Opinion considers that the proposed building heights are ...”*substantially in compliance with Urban Development and Building Height Guidelines for Planning Authorities.*”¹¹

The Planning Authority Opinion states that the roads department is not in favour of the left in vehicular access at the student accommodation block and requires a revised site layout plan that details the car parking spaces allocated to the creche staff, set down and pick up. Please refer to the attached Site Layout Plan. It is considered that the left in vehicular access at the student accommodation block is a necessary and appropriate in order to avoid unauthorised and ad hoc car parking in front of the retail units on Pa Healy Road.

The Planning Authority Opinion states that no hydraulic analysis of the proposed stormwater drainage network has been provided for the 1/30 year and the 1/100 year return periods for critical storm events. Please refer to the attached **Civil Engineering Report**¹² which details how these return periods for critical storm events have been taken into account.

The Planning Authority Opinion suggests that a noise management plan should be prepared to protect residential accommodation to the east of the site from excessive noise during construction. Please refer to the relevant chapter in the **Environmental Impact Assessment Report**. The applicant will accept a condition requiring a noise management plan to be agreed with the planning authority prior to commencement of development.

The Planning Authority Opinion states that a specific survey of presence of specific species in the canal (floating river vegetation) would be beneficial. This survey has been carried out. Please refer to the Appropriate Assessment report in relation to this issue.¹³

¹¹ Planning Authority Opinion ref. 307956-20, 10/9/20, p. 14.

¹² *Civil Engineering Report* – PHM Consulting, October 2021.

¹³ *Natura Impact Statement*, SLR Consulting, October 2021.

The Planning Authority Opinion acknowledges that an Otter survey has been carried out and that evidence of otter activity was recorded along the canal bank. It is suggested that a project ecologist should carry out a survey during construction. The applicant would accept a condition in this regard.

The Planning Authority Opinion suggests that following completion of the proposed development scheme the gates to the towpath should be left open at all times (not just during daylight hours) in order to achieve permeability and connectivity with the wider metropolitan area. The applicant is happy to comply with requirements of a planning permission in this regard, but it is suggested that in the interest of maximising biodiversity in the area, a balance must be struck and closure of the gates during hours of darkness is appropriate.

The Planning Authority Opinion states that a planning condition requiring archaeological monitoring should be attached to a planning permission. The applicant would accept such a condition.

The Planning Authority Opinion states that landscaping is very important along the boundary with the tow path along the Park Canal and that details must be worked out in terms of materials, lighting, cycle/pedestrian links. Please refer to the **Landscape Design report**.¹⁴

The Planning Authority Opinion states that the sunlight/daylight analysis report is not accompanied by a narrative. Please refer to the attached revised **Sunlight/Daylight report**.¹⁵

1.0 CONCLUSIONS

This statement of response has addressed the specific information that should be submitted with the planning application for the proposed development.

The prescribed authorities identified in the pre-application consultation opinion from An Bord Pleanála have also been notified of the submission of the planning application in accordance with Section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016. A sample letter is included in appendix A.

¹⁴ *Landscape Report*, PC Roche & Associates, December 2019.

¹⁵ *Daylight and Sunlight Assessment Report – 3D Design Bureau*.

Appendix A – Sample Letter to Prescribed Bodies



Land Use Planning

37 Lower Baggot

Transport Infrastructure Ireland

Dublin 2

Parkgate Business Centre

D02 NV30

Parkgate Street

Dublin 8

D08 DK10

Our Ref: 34.03/2022

Date: 1st April 2022

RE: STRATEGIC HOUSING DEVELOPMENT PLANNING APPLICATION AT LANDS AT CANAL BANK, PA HEALY ROAD, LIMERICK.

Dear Sir/Madam,

Please be advised that Revington Developments Ltd. intend to apply to An Bord Pleanala for permission for a proposed Strategic Housing Development at Canal Bank, Pa Healy Road, Limerick. Pursuant to Article 285(5)(a) of the Planning and Development (Strategic Housing Development Regulations 2017, and

Section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, a copy of the application is enclosed for your information. A full list of documents contained is included as an appendix to this letter.

The proposed development will consist of a mixed-use development of build-to-rent apartments, student apartments incorporating common areas, café and 3no retail units, creche and management facilities building, and dwelling houses at Canal Bank, Pa Healy Road, Limerick. The development will consist of a 4ha area bounded by City Canal to the north, Pa Healy Road to the south and Park Road to the east, Canal Bank, Limerick;

A. Demolition of existing 530m² warehouse building on site.

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

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

D. Block 3 – A residential apartment building of 8,107.10m² with six storeys and two penthouse storeys, total eight storeys containing 16 no. studio, 10 no. one bedroom, and 62 no. two-bedroom apartments;

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

F. Block 5 – A residential apartment building of 5,849.40m² with six storey and one penthouse storey total seven storeys containing 14 no. studio, 16 no. one bedroom and 36 no. two-bedroom apartments;

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

H. Block 7 a residential apartment building of 4,962m² with five storeys and one penthouse storey, total six storeys containing 12 no. studio, 14 no. one bedroom and 30 no. two-bedroom apartments;

I. Community facilities building of 1,336.90m² and three storeys with creche, café, management offices and common accommodation for use by apartment dwellers;

J. 18 no. Executive Houses – Consisting of 2 no. detached four-bedroom houses of 194.62m² each and 16 no. terraced four-bedroom houses of 177.82m² each, with off street parking to front separate from communal parking;

K. 149 Car parking spaces throughout the development and 420 secured bicycle parking spaces throughout the development;

L. Ancillary works comprising; new vehicular entrances onto Pa Healy Road, pedestrian and cycle links to Pa Healy road, Park road and City Canal, bin storage for all developments adjacent to all entrances, New public park of 0.5ha along city canal, communal open space and communal roof gardens for all apartments, all ancillary drainage, civil and landscape works, public lighting within estate and Electricity Sub-station to rear of Block 1.

The total number of units is as follows;

Build to rent apartments - 363 (66x studio, 67x one bedroom, 230x two bedroom); Student apartments - 61 (9x two-bedroom, 37x three bedroom and 15x four bedroom, totalling 189 student bed spaces); 18 Dwelling houses.

Overall total of residential units is 442. Overall Gross floor area of development proposed is 45,478.65m² on a site of circa 4ha.

A Natura Impact Statement (NIS) and Environmental Impact Assessment Report (EIAR) have been prepared in respect of the proposed development.

The application together with an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, during public opening hours at the offices of An Bord Pleanála and Limerick City and County Council. The application may also be inspected online at the following website set up by the applicant: www.canalbanklimerick.com.

Any person may, within the period of 5 weeks beginning on the date of receipt by An Bord Pleanála of the application and on payment of the prescribed fee of €20 (except for certain prescribed bodies), make a

submission or observations in writing to An Bord Pleanála, 64 Marlborough Street, Dublin 1, relating to the implications of the proposed development, if carried out, for proper planning and sustainable development in the area or areas concerned, and the likely effects on the environment or the likely effects on a European site, as the case may be, of the proposed development, if carried out.

Submissions or observations duly made will be considered by An Bord Pleanála in making a decision on the application. Such submissions or observations must also include the following information:

- (a) the name of the person, authority or body making the submission or observations, the name of the person, if any, acting on behalf of that person, authority or body, and the address to which any correspondence relating to the application should be sent,
- (b) the subject matter of the submission or observations, and
- (c) the reasons, considerations and arguments on which the submission or observations is or are based.

An Bord Pleanála may grant permission for the strategic housing development as proposed, or may grant permission subject to such modifications as it specifies in its decision, or may grant permission in part only, with or without any other modifications it may specify in its decision, or may refuse to grant permission for the proposed development. An Bord Pleanála may attach to a grant of permission such conditions as it considers appropriate.

Any enquiries relating to the application process should be directed to the Strategic Housing Development Section of An Bord Pleanála (Tel. 01-8588100).

A person may question the validity of a decision of An Bord Pleanála by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with sections 50 and 50A of the Planning and Development Act 2000 (No. 30 of 2000), as amended. Practical information on the review mechanism can be found in the Judicial Review Notice on the An Bord Pleanála's website: www.pleanala.ie or on the Citizens Information Service website: www.citizensinformation.ie.

We trust the above is in order. Should you have any queries in relation to this, please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'RW', is written over a horizontal line.

Robert Nowlan

Managing Director

R W Nowlan & Associates

APPENDIX A – LIST OF DOCUMENTATION

Planning

- Cover Letter to TII – *RW Nowlan and Associates*
- ABP Application Form – *RW Nowlan and Associates*
- Copy of Newspaper Notice – Limerick Leader – *RW Nowlan and Associates*
- Site Notice – *RW Nowlan and Associates*
- Cover Letter to An Bord Pleanala – *RW Nowlan and Associates*
- Cover Letter to Limerick City & County Council – *RW Nowlan and Associates*
- Developers Covenant – *Revington Developments Ltd.*
- Letter of Consent Current Landowner
- S.247 Minutes - *Limerick City & County Council*
- Planning Report and Statement of Consistency – *RW Nowlan and Associates*
- Statement of Response – *RW Nowlan and Associates*
- Site Context Report – *RW Nowlan and Associates*
- Childcare Rationale Report – *RW Nowlan and Associates*
- Student Demand and Concentration Report – *RW Nowlan and Associates*
- Build to Rent Management Plan – *RW Nowlan and Associates*
- Student Accommodation Management Plan – *RW Nowlan and Associates*
- Private Residents Management Plan – *RW Nowlan and Associates*

Architecture and Landscape

- Architecture Report and Urban Design Statement – *OCA Architects*
- Schedule of Architecture Drawings – *OCA Architects*
- Site Location Map– *OCA Architects*
- Site Layout Plan – *OCA Architects*
- Architecture Drawing Pack – *OCA Architects*
- Materials and Finishes Report – *OCA Architects*
- Schedule of Accommodation – *OCA Architects*
- Compliance Schedule – *OCA Architects*
- CGI and Montage Report – *OCA Architects*
- House Architectural Design Statement – *Gleeson McSweeney Architects*
- Schedule of House Drawings – *Gleeson McSweeney Architects*
- House Drawings – *Gleeson McSweeney Architects*
- Schedule of Compliance of House Areas – *Gleeson McSweeney Architects*
- House Computer Generated Images – *Gleeson McSweeney Architects*
- Daylight and Sunlight Assessment Report – *3D Design Bureau*
- Landscape Report – *PC Roche & Associates*
- Landscape Specification Report – *PC Roche & Associates*
- Schedule of Landscape Drawings – *PC Roche & Associates*
- Landscape Drawings – *PC Roche & Associates*
- Part V Confirmation Letter – *Limerick City & County Council*

Engineering

- Civil Engineering Report – *PHM Consulting*

- Construction Environmental & Waste Management Plan – *PHM Consulting*
- Schedule of Engineering Drawings – *PHM Consulting*
- Engineering Drawings – *PHM Consulting*
- Irish Water Confirmation of Feasibility and Statement of Design Acceptance – *Irish Water*
- Flood Risk Assessment – *JBA Consulting*
- Exterior Lighting Report – *RM Breen & Associates*
- Building Lifecycle Report and Exterior Lighting Plan – *RM Breen & Associates*

Environmental

- Appropriate Assessment and Natura Impact Statement – *SLR Consulting*
- Tree Survey – *SLR Consulting*
- Phase 2 Environmental Due Diligence Report – *Verde*
- Asbestos R&D Survey – *Precision Group*

EIAR

- Environmental Impact Assessment Report
- Confirmation of EIAR Submitted to EIA Portal