

AN TAISCE LIMERICK

Environment | Heritage | Advocacy


An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

Dear Sir/Madam,

Please find enclosed submission on the proposed developed known as "the Opera Site" and more particularly described in the attached submission.

For and on behalf of: AN TAISCE LIMERICK ASSOCIATION

Yours faithfully,


Michelle Hayes, Solicitor
Chair, An Taisce Limerick
2 / 3 Glentworth Street,
Limerick.

AN BORD PLEANÁLA	
LDG- _____	
ABP- _____	
30 MAY 2019	
Fee: € _____	Type: _____
Time: <u>16.52</u>	By: <u>hand</u>

AN TAISCE LIMERICK
Environment | Heritage | Advocacy



SUBMISSION ON DIRECT PLANNING APPLICATION BY LIMERICK CITY & COUNTY COUNCIL TO AN BORD PLEANALA UNDER SECTION 175 of the Planning and Development Act 2000, for the redevelopment of the c. 2.35 Hectare 'Opera Site' in Limerick City Centre.

A 10 year permission is being sought.

The site includes 3 No. Protected Structures; the former Town Hall (Record of Protected Structures (RPS) Ref. No. 014), the Granary on Michael Street (RPS Ref. No. 272), and, a protected doorway at Bruce House on Rutland Street (RPS Ref. No. 317), and, other structures of heritage value.

The application concerns:

1. The demolition of all Twentieth Century buildings and later additions to include; No.6 and No. 7 Rutland Street, the rear returns of the retained heritage buildings, the library extension to the Granary Building on Michael Street, and, the side and rear extensions to the Town Hall on Rutland Street totalling c.13,960 m2.
2. The redevelopment of the surface level car park on Michael Street.
3. The construction of c.53,532m2 Gross Floor Area (GFA) mixed-use scheme comprising:
 - The erection of a landmark office building which is principally 14-storeys, with a 15-storey element providing for an enclosed plant room (and solar panels above on roof) at Bank Place comprising c. 13,264 sq m office floorspace;
 - The erection of a 6-storey over basement building, replacing the existing car park at the corner of Michael Street and Ellen Street, providing c.12,654 m2 office use, with c.960 m2 retail, and, c.430 m2 restaurant/café use at ground level;

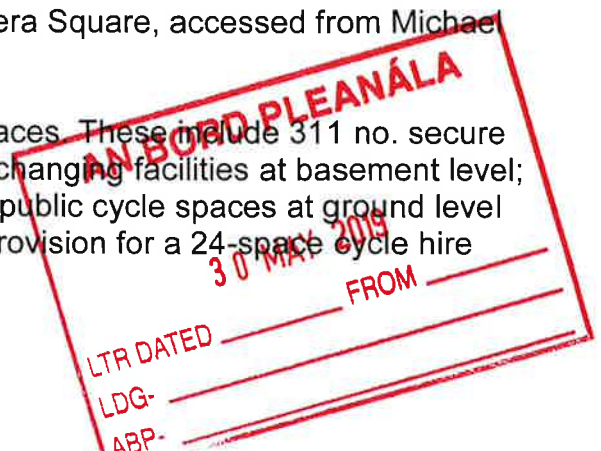
- The erection of a 5-storey building at the corner of Patrick St. and Ellen St. comprising; a 57 No. room apart-hotel (c.5,151 m2), including balconies to the rear at 7-8 Ellen Street.
- The provision of 9 no. apartments at 1st to 3rd floor levels (6 No. 2 bed apartments; 1 No. 3 bed; and, 2 No. 4 bed apartments) with balconies to the rear and c.655 m2 of retail use at ground and basement levels of 1-5 Patrick Street.
- The provision of 4 No. 2 Bed apartments at 1st to 3rd floor levels with balconies to the rear and c.360 m2 of retail use at ground and basement levels of 7-8 Ellen Street.
- The provision of 3 No. residential dwellings at 1st to 3rd floor levels (3 No. 1 Bed apartments), with balconies to the rear and c.445 m2 of retail use at ground and basement levels at the existing buildings 4-5 Rutland Street;
- The refurbishment of the 3-storey over basement building at No. 9 -9a Ellen Street (the former Quinn's pub) to provide a c.1,261 m2 licenced bar and restaurant.
- The renovation and adaptation of the 4-storey former Town Hall (a Protected Structure RPS Ref. No. 014), including the demolition of the existing single storey, building adjoining to the rear and the two-bay four-storey end of terrace building adjoining to the south side.

Retention of and conservation works to the Town Hall building to include the roof, façade, windows, principal rooms and open well staircase.

Integration at ground and top floor level of the Town Hall with Nos. 8 & 9 Rutland Street which will form part of the proposed Library development.

The Bruce House Doorway (a Protected Structure, RPS Ref. No. 317) will be relocated at the internal gable of number 8 Rutland Street, within the new library building atrium. The new building will provide a public library of c.4,515 m2, c.2,981 m2 of office floorspace, and, c.197 m2 of retail and c.446 m2 of café/restaurant floorspace in the basement.

- The refurbishment and adaptive re-use of the 4-storey over basement Granary Building on Michael Street (a Protected Structure, RPS Ref. No. 272), including; the change of use of the former Library space within the Protected Structure to office use, the demolition of the existing modern library extension to the west and provision of a new glazed vertical circulation block to the west elevation. The building will provide c.2,303 m2 office floorspace. No change is proposed to the existing basement restaurant and separate licenced licensed premises (c. 579 m2).
- The construction of a basement car park at Opera Square, accessed from Michael Street, comprising 155 no. car parking spaces.
- The provision of a total of 495 cycle parking spaces. These include 311 no. secure cycle parking spaces, together with shower and changing facilities at basement level; 40 no. secure cycle parking spaces and 120 no. public cycle spaces at ground level throughout the proposed development and the provision for a 24-space cycle hire scheme at Bank Place.



The development will also include improvement works to the adjacent public streets, hard and soft landscaping changes, public realm seating, roof gardens/terraces, signage, lighting, change in levels, 4 No. ESB substations, attenuation and site wide piped services, set-down areas and all related site development and excavation works above and below ground. In addition, 3 no. new public squares/plazas will be created to comprise; The Central Plaza c.3,700 m2 with a mirror pool water feature; the Granary Courtyard c.778 m2; and, Bank Place c.1,775 m2.

An **Environmental Impact Assessment Report (EIAR)** and a **Natura Impact Statement (NIS)** has been prepared in respect of the Proposed Development.

Location: -

The development site is bounded by Patrick Street, Rutland Street, Bank Place, Michael Street and Ellen Street, comprising; 1-8 Patrick Street, 3-9 Ellen Street (including 9a), Watch House Lane, Michael Street Car Park, The Granary, Oscail House, 4-9 Rutland Street and the Town Hall, Patrick Street.

RE: ABP Ref No. 304028



INTRODUCTION:

1. The development proposed is unsustainable, fundamentally flawed, materially contravenes planning guidelines including the *Urban Development and Building Heights - Guidelines for Planning Authorities*, December 2018, the Spatial Planning Framework 2040, creates significant adverse environmental effects, lacks imagination and vision, has severely detrimental visual impact, is poorly thought out and if permitted, would permanently and irreparably damage the character of the area and create a real and substantial impediment to the proper planning and sustainable development of Limerick City as a whole.



Figure 1. Photograph of Bank Place section of Opera Centre proposed Development site - current photograph - from Applicant's Planning Documentation

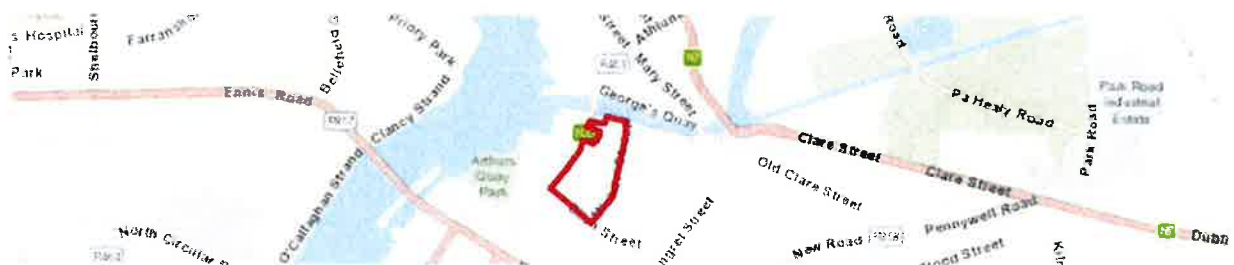


Figure 2: Proposed development site showing proximity of proposed development site to Abbey and Shannon rivers

2. CRITICALLY IMPORTANT SITE:

The proposed development site is described in the development proposal as **"a critically important site"**. It is at the confluence of the Abbey and Shannon rivers both of which are Special Areas of Conservation (SAC) and protected at European level under the Habitats Directive (92/43/EEC), the Birds Directive (2009/147/EC), the Water Framework Directive (2000/60/EC). This is a Natura 2000 site designated at European level for nature protection. It is also protected under national legislation such as the Wildlife Acts and other secondary legislation. Both the Abbey and Shannon Rivers are tidal and the proposed development has hydrological links to the Shannon Estuary. The proposed development will include a surface water sewer involving construction of a new outfall to the Abbey River at Charlotte Quay which is 0 metres from the Lower River Shannon Special Area of Conservation (SAC). The inner quay wall of the Abbey River contains protected bryophyte and lichen communities and it is conceded in the developer's own EIA report at 16.3.4 that *"these bryophyte communities correspond to the **"high conservation value sub-type"** named **"Bryophyte-rich streams and rivers"***. It is further conceded in the EIA report at 16.4.4.1 under the heading *"Potential Habitat Loss Impacts to Designated Sites"* in relation to the proposed construction of the outfall:

"in the absence of mitigation, and applying the precautionary principle, there is potential for installation of the new outfall in Charlotte's Quay to remove Q1 bryophyte communities"



oppressive high rise tower block (irrespective of whether it is 65 metres or 71.6 metres tall), seriously injures the townscape skyline, is out of scale and out of character, ugly and would be an affront to the senses and a glaring eyesore.



Figure 4 : View of Tower block - Bank Place from developer's planning documentation

4. Such a critically important site at the gateway to the city on the confluence of two rivers, if developed, requires something iconic, imaginative, visionary and inspirational, to replace what is already there, not some bog-standard tower block. Inspiration could be taken from the river, perhaps a structural cascade of water building, perhaps a building or structure based on a Viking ship given Limerick's Viking history or some other creative style building. Any such building should be sufficiently iconic to be a tourist attraction in itself, something people would visit Limerick to see. Sadly, this is sorely missing from the planning proposal.

5. The planning authority developer has been considering development of the Opera site for several years. Notwithstanding its long gestation period, for which the economic crash in 2008 is a significant contributing factor, no objective justification has been provided for the type of development envisaged or of the need for this particular development. No assessment has been conducted of the impact of socio- economic factors on the success or failure of the project. No assessment of the potential impact of economic downturn on the occupancy rates for this large scale development. There has been no assessment of need for the type of city centre office block accommodation proposed or how it will interact with the rest of the city and its business community. The desirability of yet another office block is highly questionable in circumstances where the vacancy rates of office accommodation throughout the city centre area remains consistently high, notwithstanding the current recovery and boom. Indeed, the very heavily promoted flagship development, the "Hanging Gardens" is only partially occupied.



Figure 5: Photograph of Hanging Gardens taken on 28th May 2019 showing largely vacant property to let



6. Economic conditions are temporary in a small open exposed economy such as this, fluctuating in response to international factors. Economic cycles inevitably result in patterns of boom and bust. For such a large scale development, a full assessment of socio-economic factors and the predictable future impacts of variations in economic growth levels and economic recessions on this development should have been assessed. Regrettably, this was ignored by the developer, leading to a premature planning application under section 175 of the Planning Development Act, 2000, as amended, upon which the Board has been requested by the Planning Authority Developer to reach a decision in the absence of material and relevant information. This missing information is critical in circumstances where the proposed development will almost certainly have very severe adverse and permanent effects on the occupants of the development itself (whether commercial or residential), residents of the area, visitors to the City and the proper planning and sustainable of the immediate area itself and Limerick City as a whole.
7. The development proposal is primarily for office accommodation with smaller areas for commercial activity including AirBnB type apart hotel and a small number of residential units.

The following scenarios need to be considered.

- (i) If the developer succeeds in enticing 2,000 plus office workers to move into the proposed office accommodation, which is very doubtful and no feasibility studies have been conducted in relation to same.

Irrespective of whether Revenue staff, tele-sales staff or whatever office or administrative staff are involved, the planning documentation submitted reveals the developer expects these office based employees will commute to and from work. So, clearly, it is intended by the planning authority developer that none of these staff will reside in any of the limited number of residential units proposed. Therefore, the office accommodation will be occupied Monday to Friday, 9.00 a.m. to 5.00 p.m. and these buildings will be deserted after office hours and at weekends. The area will inevitably therefore become a no-go area after office hours, probably attracting anti-social behaviour, drug addicts etc. It will become an urban wasteland and seriously damage Limerick's ability to attract tourists. In addition, office workers remain in offices throughout the day, only emerging during lunch break and after work to commute home. Therefore, these workers will contribute nothing to the vibrancy, vitality and life of the city except for a brief period during lunch hour.

Reference has been made in the development proposal to the Plaza in front of Colbert Station. Already Graffiti is appearing on the raised stone seating areas to the front and desirables are congregating there at certain times of the day, making it an unpleasant place to pass through in order to access

the railway station. The size and scale of the proposed development means this will be magnified several times.

- (ii) The planning authority developer is unable to let the office accommodation, leaving deserted buildings attracting anti-social behaviour of all types.

What happens then with this massive development which has completely failed? Is it proposed to knock it down to quell anti-social behaviour as was necessary with many Ghost estates following the collapse of the economic Celtic Tiger? Or is it proposed to convert it to tenement or student type inner city accommodation reminiscent of Dickensian type dwellings? Such massive economic investment on the whim of some anonymous administrator employee of the developer, without any consideration of the consequences of all the pieces not falling into place is clearly irrational and illogical and not in keeping with the proper planning and sustainable development of the area.

UNSUSTAINABILITY AND PREDICTABLE DECLINE:

- 9. High rise vertical buildings were built in the U.K. after the Second World War in order to replace 19th-century urban slums and war-damaged buildings. Originally seen as desirable, they quickly fell out of favour and attracted rising crime and social disorder, numerous examples have been demolished, but many still remain in large U.K. cities.



Figure 6 : 15 storey High rise building in Ballymun, Dublin pre-demolition

10. Reference has been made in the development proposal to the Plaza in front of Colbert Station. Already Graffiti is appearing on the raised stone seating areas to the front and desirables are congregating there at certain times of the day, making it an unpleasant place to pass through in order to access the railway station. The size and scale of the proposed development means this will be magnified several times.
- 10a. High rise buildings separate people from the street, from the outdoors, the city and from other people and give rise to vertical sprawl. High rise buildings offer increased profits for developers. However, the higher a building rises, the more expensive the construction becomes. High rise buildings inflate the price of adjacent land, thus making the protection of historic buildings and affordable housing less achievable, resulting in lack of sustainability and increasing inequality. In addition, high rise buildings are not environmentally friendly and are subject to the effects of too much sun, too much wind on their "all glass skins" which are inherently inefficient.

11. **INDIRECT EFFECTS:**

Financial resources for local authorities are finite and if this excessive scale development with little cost benefit analysis is allowed to proceed, it will have serious budgetary ramifications for the rest of the developer's other strategies and commitments on houses etc. which would be neglected if this development is allowed to proceed. As such, the massive cost of the proposed development is completely inordinate and disproportionate and would be indirectly contrary to the proper planning and sustainable development of the area and the entire geographical area of the city and county.

11a. **Waste of Valuable Resources:**

Apart from the construction of large buildings, the proposal involves the demolition of perfectly sound, functional, inoffensive existing buildings for no apparent reason and for which no justification has been provided. For example, the existing extension to the Granary Building which currently houses the City Library is to be demolished to make way for another building of the same height but not as aesthetically attractive as the existing building (Parcel 6 of the proposed development). This approach by the clearly spendthrift developer defies logic and common sense and is contrary to the proper planning and sustainable development of the area.

AN BORD PLEANÁLA

30 MAY 2019

DATE

FROM



Figure 7 : Existing Granary building extension which it is proposed to demolish (photograph from developer's planning documentation)



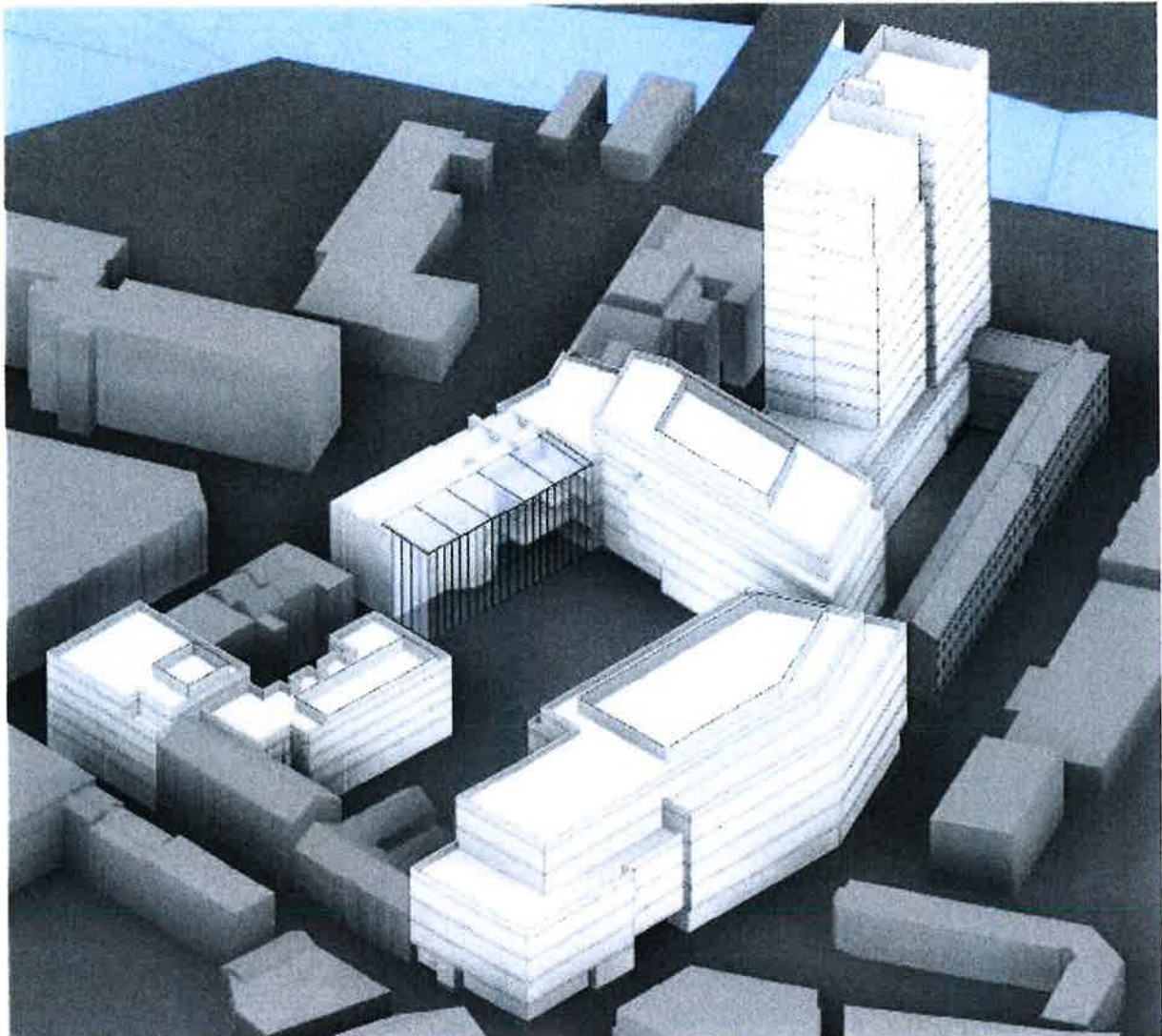


Figure 8 : Model photograph from developer's planning documentation showing Parcel 6 replacement building on Granary section (upper right section of picture) completely dwarfed by both the tower block building and other new buildings in the proposed development.

PROPOSED DEVELOPMENT IS UNSUSTAINABLE:

12. In current economic recovery and boom circumstances in Limerick where there is an existing high vacancy rate in office accommodation, the developer makes vague suggestions on who the intended occupier or occupiers of this office accommodation will be. The University of Limerick is suggested as a possible tenant or occupier in an effort to bring the University into the City. However, this has now been superseded by the decision of the University of Limerick to purchase the Dunnes Stores site in Sarsfield Street for a large development of its own. Another suggestion by the planning authority developer in the planning documentation presented is that the Revenue Commissioners could move from the existing premises at Sarsfield House to the new Opera Centre office

accommodation. There is nothing in the documentation furnished by the local authority developer that the Revenue Commissioners are any more interested in occupying the proposed office accommodation in the Opera Centre site than the University of Limerick.

13. Traffic and Parking - Congestion

Proposed Development will cause increased congestion:

The development proposal provides for a total of 155 car parking spaces only in the development site and acknowledges there are currently 100 car parking spaces, leading to a net gain of 55 car parking spaces. This is completely inadequate for the anticipated workforce numbers commuting to work by car. The experience of many car drivers is that it is often very difficult to obtain a car parking space. The discrepancy in car parking spaces figures available off-site may be due to different sampling techniques and different times of monitoring for car park occupancy figures.

14. The developer estimates at Chapter 13 of the EIA that approximately 758 employees will travel to work at Project Opera in a private vehicle and assumes a vehicle occupancy rate of 1.22, thereby estimating that the development will generate approximately 621 inbound private vehicle trips during the AM Peak period, with the same number of outbound trips during the PM peak period. It is submitted that this is a substantial increase in the number of commuter vehicles entering this area of the city centre and that it will lead to substantial congestion at peak hours. In addition, this will inevitably result in greater carbon footprint, fossil fuel burning etc. and is not in accordance with climate change and action policy. A preferable solution would be to bring these office jobs to the suburban areas where these commuters live, thereby reducing carbon footprints and enabling the city centre to grow from within and through its indigenous communities through sustainable housing policies and connectivity.

15. In addition according to the EIA report authors, since only 155 car parking spaces are to be provided in the basement of the proposed development; therefore, a further approximately 466 vehicles will need to find alternative parking arrangements, often at a considerable distance from work, thereby greatly increasing the commute time with adverse effects on quality of life and time spent with family and friends etc.

16. The EIA authors claim that there is ample off-street parking availability within proximity to the site. This is not borne out by the reality where it is increasingly difficult for business users, employees, residents etc. to find parking.

17. The EIA authors also state that there are dedicated pay and display on street parking facilities on most of the streets within the town centre. The writer is not aware of any on street pay and display parking meters for on street parking in Limerick. Instead, on street parking is via disc parking or e-parking, not Pay and Display as claimed in the EIA report.



Figure 9 : Photograph showing disc parking sign on Glentworth Street, Limerick, not pay and display parking meter

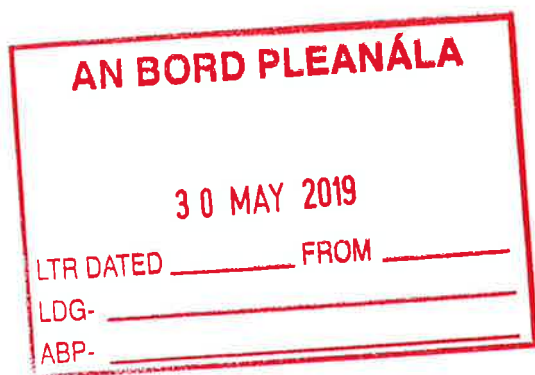




Figure 10 : Photograph from different disc parking location at lower height

18. Also at Chapter 13 of the EIA report, the authors predict that 246 Opera Centre employees will use public transport to access the workplace and refer to Colbert Station which has both bus and rail services as being only 5 minutes walk from the development site. It actually takes 15 to 20 minutes to walk from the proposed development site to Colbert Station depending on ambulatory speed and the route taken, which is not "as the crow flies".
19. The cumulative effects of other developments granted planning permission upon traffic congestion and consequential reduced car parking availability have not been considered or properly considered in the EIA traffic impact assessment. For example, the Rugby Experience will bring considerably more visitors to the city centre, all competing for rapidly diminishing car parking spaces. Events in hotels such as the Savoy or the Strand cause chaos with the unavailability or the lack of sufficient car parking spaces. The new high rise development at Bishop's Quay will also create major pressure on reduced car parking spaces, both on street and off street.

19. Material Contravention Of Project 2040 Objectives 59 and 60

Project Ireland 2040 - National Planning Framework in relation to Biodiversity states:

"Biodiversity

"At a national level, certain habitats and species are legally protected within the Natura 2000 network incorporating Special Areas of

Conservation (SACs), with additional Special Protection Areas and Marine SACs. The majority of our habitats that are listed under the Habitats Directive were considered to be of "inadequate" or "bad" conservation status by the National Parks and Wildlife Service (NPWS) in 2013, with 9% being in a "favourable" state. Clearly, there is significant scope for improvement."

"The importance of our biodiversity is not restricted to legally protected areas and there are a range of measures in place to protect species and habitats more broadly. In this regard, the Habitats Directive contains obligations to protect certain species wherever they occur, while the Birds Directive contains protections for all birds, and they may only be disturbed or controlled subject to licence or derogation, as appropriate."

"The Environmental Impact Assessment Directive also requires that the direct and indirect significant effects of a project on biodiversity, with particular attention to species and habitats protected under the Birds and Habitats Directives are identified, described and assessed as part of the consent process. The diversity of our biological communities is also important for the quality of our water, soils and as a source of food. Land use change, including in particular pressures from urbanisation, can have a direct and indirect impact on Ireland's habitats and species."

National Policy Objective 59:

"Enhance the conservation status and improve the management of protected areas and protected species by:

"Implementing relevant EU Directives to protect Ireland's environment and wildlife;

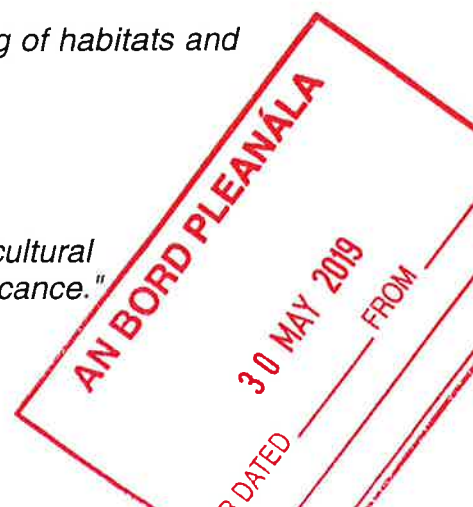
"Integrating policies and objectives for the protection and restoration of biodiversity in statutory development plans;

"Developing and utilising licensing and consent systems to facilitate sustainable activities within Natura 2000 sites;

"Continued research, survey programmes and monitoring of habitats and species"

National Policy Objective 60 aims to:

"Conserve and enhance the rich qualities of natural and cultural heritage of Ireland in a manner appropriate to their significance."



The proposed development is not in keeping with the Biodiversity provisions of Project 2040 and materially contravenes Objectives 59 and 60 of the National Planning Framework.

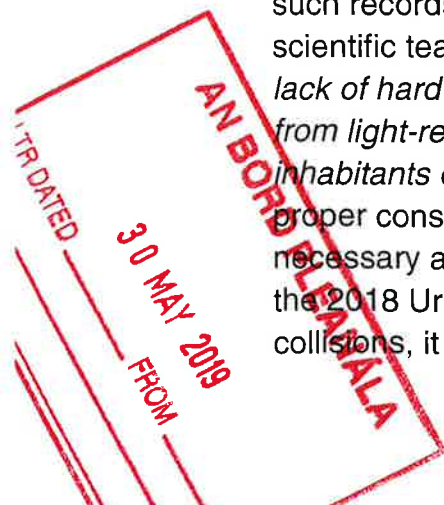
20. BIRDS:

All bird species are protected under the Wildlife Acts including protection from disturbance during the breeding season. The proposed development will have two distinct, separate and adverse effects on birds, namely:

- (i) The prospect of bird collisions with the new buildings and in particular, the tower block facing the Abbey River
- (ii) The adverse effects on existing birds inhabiting the proposed development site

21. The Biodiversity Chapter of the Environmental Impact Assessment conducted by the developer refers to a nesting bird survey of the proposed development site in response to a request by the Heritage Officer of Limerick City and County Council. The Heritage Officer also requested an AA Screening Report and if necessary, a Natura Impact Statement (NIS) should be completed in order to inform the screening determination of the Council as the competent authority (Section 16.2.5 of the developer's Environmental Impact Assessment Report). It is not clear from the Environmental Impact Assessment report submitted by the developer if this was ever done.

22. The Environmental Impact Assessment is not very comprehensive in parts relying heavily on desktop surveys and email queries to others with only minimal and insufficient field studies conducted. The report writers sought records of Bird collisions from the Heritage Officer who had not provided any records when the report was written, possibly because there were no such records. Likewise, Birdwatch Ireland, after consultation with its scientific team stated in relation to bird collisions "*There is historically a lack of hard data on this, while accounts and anecdotal information stems from light-related strikes from situations such as light houses whose inhabitants often had an interest in recording and rarities.*" However, proper consideration of the impact of high buildings on bird collisions is a necessary and essential part of compliance with the 2040 Framework and the 2018 Urban Building Height Guidelines. Without records of bird collisions, it is not possible to reliably predict impact of high buildings on bird

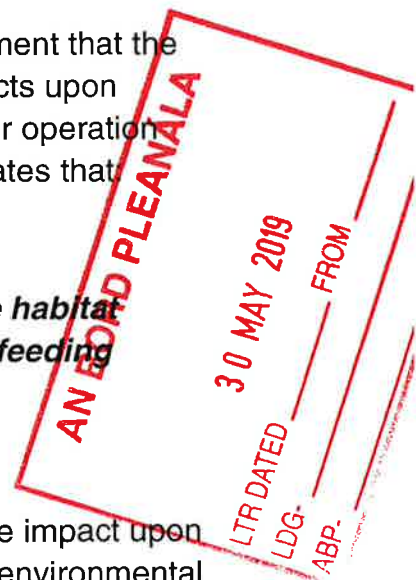


collisions and in consequence not possible to comply with either national planning policies and guidelines or with European legislation on bird protection.

23. As part of the EIA conducted for the developer, a limited nesting bird survey was conducted on the same dates as the Bat survey. Potential nesting sites were identified by walking the proposed development site *"so that a surveyor came within 50 m of all potential nesting features"*. It is submitted that this is inadequate and a distance of 50 metres from a potential nesting site on the proposed development site is too great to accurately identify all nesting features on the proposed development site visually. Notwithstanding the limitation of the survey conducted, *"a minimum of 13 nests, from seven species were confirmed within the boundary of the proposed development site"* (16.3.7) which included bird species which were red-listed and amber listed for conservation purposes.
24. It is conceded throughout the Environmental Impact Assessment that the proposed development could have a range of potential impacts upon significant ecological features during the construction and / or operation phase. During the Construction phase, the EIA at 16.4.3 states that

"Significant potential impacts to biodiversity include habitat loss, noise and visual disturbance to hibernating or feeding populations"

24. In respect of nesting birds, there will be considerable adverse impact upon legally protected bird species including red-listed species of environmental and conservation concern
25. Proposed mitigation measures do not address or properly address the environmental concerns raised by the proposed development and do not take properly take into account any adverse impacts of such proposed mitigation on other protected species or populations. For example, it is proposed to use lighting to mitigate against bird collisions with the tower building, yet the adverse negative impact of this introduced lighting upon nesting swifts or bats has not been properly addressed. Mitigation measures in respect of one species or population cannot be considered in isolation from the impact on other species or populations. This is a fundamental flaw in the EIA conducted. At 16.4.5.3 of the EIA in relation to nesting birds, it is stated:



"If nesting birds remain within the proposed development site during operation, operational lighting of previously unlit areas, noise and increased human presence could disturb or displace several species of conservation interest from favoured nesting sites."

These adverse effects are permanent.

26. The importance of swift which is an amber listed species is acknowledged in the Limerick City Biodiversity Plan and Birdwatch Ireland has nationwide swift conservation projects. Herring gull which was also found on the proposed development site is red listed as of high conservation concern. The EIA report authors conclude at 16.8.5 that *"potential impacts to swift from cumulative impacts are raised from Local scale for the proposed development alone, to Local-County scale taking account of in-combination effects."*

27. **Bird Collisions:**

Draft Guidelines for Irish Planning Authorities on 'Urban Development and Building Heights' (Department of Housing, Planning and Local Government, 2018a), which state (p.9): *"In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision"*

The Environmental Impact Assessment states at paragraph 16.4.5.1:

"There is potential for the proposed 71.6 m high tower at Bank Place, to pose a collision risk to birds in flight."

No scientific study of bird flight paths in the area has been conducted, which would necessarily involve surveying over a long period of time. Instead, the authors of the EIA rely upon a European survey of migratory birds in support of the contention that the **typical** flight height for migratory birds exceed 600 m above ground level. No comparable data is provided for the Shannon region where birds may be flying at very different and lower heights due to their stage in the migratory process, different climate conditions and several other variables. Likewise, no analysis of the migratory pattern of different bird species has been furnished. It is submitted that such analyses are an

essential pre-requisite in order to comply with the Birds Directive and the national planning guidelines.

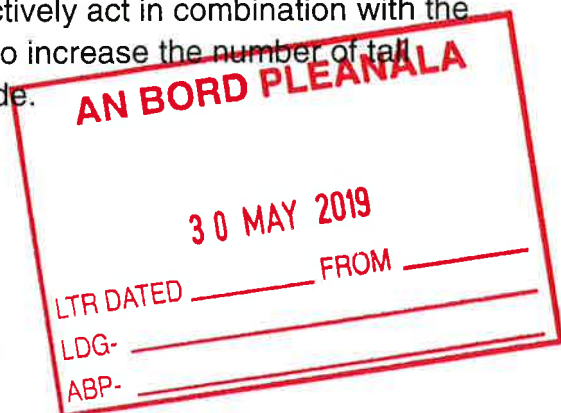
28. The EIA report authors conjecture that the bird populations and species most likely to be affected are local populations using the Shannon or Abbey rivers for feeding and roosting sites and suggest that since the River Shannon and Fergus Estuaries SPA is located 0.7 km downstream of the proposed development, it is unlikely that significant populations would be at risk of collision. Once again, no scientific evidence has been forwarded in support a claim. The report authors fail to appreciate that a bird in flight can cover very large areas in a very short space of time.
29. The EIA states that "*Collisions are most likely to occur at night and / or in poor light conditions.*" and then further states that the potential for collision "*is significantly reduced by the location of the tower c. 38.5 m from the Abbey River and c. 116.5 m from the River Shannon.*" It is submitted however that these distances are miniscule to a bird in flight. Nonetheless, the EIA proceeds to conclude that:

"potential impacts are predicted to be significant at international geographic scale due to the value of the River Shannon and River Fergus Estuaries SPA."

Accordingly, it is submitted that the proposed development site is completely unsuitable for the proposed development and in particular, the 71.6 metre tower block at Bank Place.

30. All mitigation proposals are completely inadequate and in themselves create further conservation concern issues for other protected species.

In a review by the EIA authors in the context of a bird strike of the Riverpoint building and the Clayton Hotel, both tall buildings in the Dock Road area, the authors were unable to obtain any relevant information on potential bird collisions. There appears to be a clear absence of record keeping in existence in relation to same which means there are no comparison figures available in the Limerick area for tall buildings. As noted by the EIA authors, these tall buildings will collectively act in combination with the proposed development, if permitted, to increase the number of tall structures into which birds could collide.

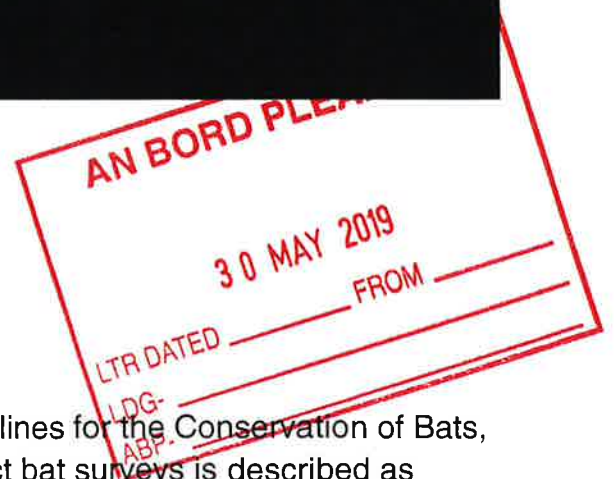


31. BATS:

Bats are legally protected under the EU Habitats Directive (92/43/EEC) and under domestic legislation. It is an offence to disturb, injure or kill bats or to disturb or destroy their roosts. The lesser horseshoe bat is found in the Republic of Ireland only and areas important for this species are designated as Special Areas of Conservation (SAC). EU law requires that other bats are strictly protected. The Habitats Directive provides protections for the habitats and roosts of all bat species as well as the bats themselves.



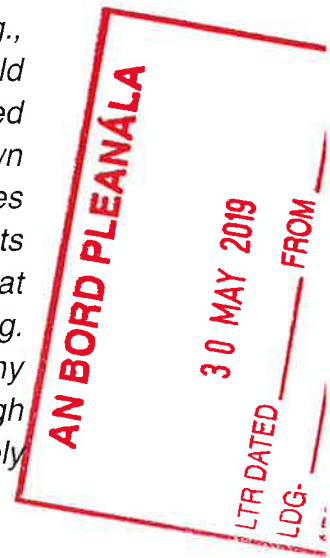
Figure 11: Lesser Horseshoe bat in roost



32. Inadequacy of bat surveys:

In the NRA document - Best Practice Guidelines for the Conservation of Bats, the requirement for a bat specialist to conduct bat surveys is described as follows:

"It is essential that individuals involved in surveying bats are competent in identifying bats and their respective habitat, e.g., roosts, areas with potential for feeding. A bat specialist should be capable of capturing and handling bats and must be licensed to do so by the NPWS. In addition, they must consider their own health and safety, this may extend to tetanus and rabies vaccinations for full protection. The capture and handling of bats may be essential to confirm identification of certain species that are difficult to distinguish from each other in flight (e.g. Whiskered, Brandt's, Natterer's or Daubenton's bats). Any individual undertaking bat survey work should have a thorough understanding of the life cycle of bats, the various species likely to occur in Ireland, and their ecological requirements."



33. It is noted that a licensed ecologist conducted the hibernation survey in December 2017 and January 2018; basements of 5 buildings were inspected (not including 9 Rutland Street), two of which were considered suitable for hibernating bats. However, all the other bat surveys appear to have been conducted by non-licensed individuals relying heavily on equipment use. It is noted that limited bat surveys were conducted on selected dates in May and June 2017, the same dates as the bird surveys, presumably by the same two people. It appears that the visual bat emergence and re-entry survey inspections were not at close range making identification very difficult. Indeed, paragraph 16.2.7.3 of the EIA states: *"Buildings identified during the daytime visual inspections as being suitable for bat roosts were watched and if any bats emerged or entered, the surveyors attempted to pinpoint the roost entrance location, and identify and count the number of bats emerging / entering where light conditions allowed."*
34. According to the NRA document, it is possible to detect the social calls of males of some species of bats in the autumn, notably Leisler's and pipistrelles. It is noted that the bat surveys were conducted in May and early June so the number of species and size of population detected is likely to be under-represented. It is noted that bat detectors were used as a means of recording bat echolocation calls and thereby identifying species present. The NRA document states: *"The most effective detector survey period is June, July and August. This will provide information on maternity roosts. Earlier studies (April and May) and later studies (September) will provide some information on alternative roosts and mating roosts."*
35. The NRA documents also prescribes in relation to examination of buildings:

"In general, several surveys are recommended to confirm the absence of bat summer roosts in inaccessible buildings. Recent best practice for internally surveying inaccessible buildings recommends a minimum of three emergence surveys between May and September, one of which should be in June or July."

36. Notwithstanding the defects in surveying techniques making the results obtained unreliable and probably a gross under-representation of the bat population and species diversity on site, three species of bat were clearly identified. Common pipistrelle bat was repeatedly observed feeding and roosting within existing buildings on the proposed development site. Other species observed and recorded were soprano pipistrelle and Leisler's bat. However, this list cannot be regarded as exhaustive.



Figure 12 : Leisler's Bat

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37. It is accepted in the Environmental Impact Assessment that the proposed development will result in permanent loss of the bat roost at 9 Rutland Street of a near threatened species. It is further accepted that a range of habitats and protected species will be negatively impacted by the proposed development. In addition, some bat species including lesser horseshoe bat are completely intolerant to light. Bat boxes are completely unsuitable for this particular species whose presence is a very significant indicator of a special area of conservation (SAC). Proposed mitigation measures are inadequate to deal with the serious detrimental effects of the proposed development upon bat species and populations resident therein.

38. **Failure to comply with mandatory statutory requirements:**

Insufficient Site Notices erected

Article 17 of the Planning and Development Regulations 2001 (as amended) provides that an applicant for planning permission "*shall within the period of two weeks before the making of a planning application(b) give notice of the intention to make the application by the erection or fixing of a site notice in accordance with article 19.*"

Article 19 provides that a site notice shall be "*.....securely erected or fixed in a conspicuous position on or near the main entrance to the land or structure concerned from a public road, or where there is more than one entrance from public roads, on or near all such entrances, so as to be easily visible and legible by persons using the public road, and shall not be obscured or concealed at any time.*"

Article 19 imposes a further requirement that "*a site notice shall be erected or fixed in a conspicuous position on the land or structure so as to be easily visible and legible*"

39. In this regard, the Judgment of the then President of the High Court, Mr. Justice Kearns in **Kelly V Cork County Council and Kelleher** - 22nd March 2013 imposed a requirement that site notices must be posted at **all** entrances to lands, the subject of planning applications. Indeed, this reinforced the Judgment of Mr. Justice Peart in **Marshall V Arklow Town Council and Ni Donnachar and Dempsey**. In **Kelly**, although a site notice had been posted at the main entrance to the property from the public road, and was known to have been so erected by all parties in the case, the Court nonetheless held that this was not sufficient and that a second

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site notice should have been erected and quashed the decision to grant planning permission.

40. The developer's Planning Report, prepared by TOM PHILLIPS + ASSOCIATES TOWN PLANNING CONSULTANTS specifies that only 6 site Notices were erected and describes the position of the site notices erected as follows:

"6 no. Site Notices have been erected at the following locations:

- 1 No. Notice on Bank Place;
- 2 No. Notices on Michael Street;
- 1 No. Notice on Ellen Street;
- 1 No. Notice on Patrick Street; and
- 1 No. Notice on Rutland Street."

The number of site notices erected is not in compliance with planning legislation whereby each structure is required to have a site notice affixed to it. Of the several buildings in Ellen Street affected, only one site notice was erected. Likewise, although several building structures are affected by the proposed development on Rutland Street, only one site notice was erected on this street. The location of the site notice on Bank Place (see figure) was erected in a position where pedestrians on foot would not be aware of the site notice.

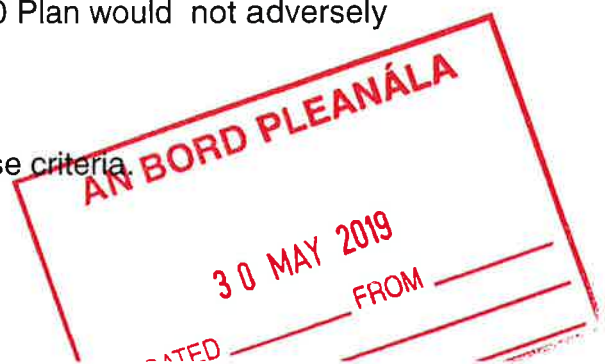




Figure 13 : Showing site notice erected on grass near road for Bank Place
Pedestrians moving between Rutland Street and Michael Street or Charlotte Quay
through Bank Place would use the inner path and not see the notice

41. One of the key objectives of the Limerick 2030 Economic and Spatial Plan (LCCC, 2015; hereafter 'the Limerick 2030 Plan') is to "*establish a unique tourism offer that takes full advantage of the City Centre's special heritage and environmental characteristics*". Further protections within the plan include the commitment to complete "*improvements to the physical environment*" (p.11). An AA Screening Statement produced by LCCC (LCCC, 2014) concluded that the Limerick 2030 Plan would not adversely affect the integrity of any European sites.

The proposed development does not meet these criteria.



42. The document "**Urban Development and Building Heights**

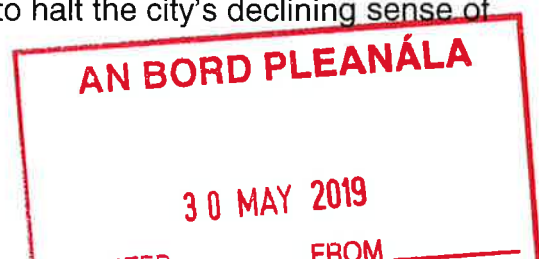
Guidelines for Planning Authorities December 2018" states:

"In driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy. Mechanisms such as block delivery sequencing in statutory plans² could be utilised to link the provision of new office, commercial, appropriate retail provision and residential accommodation, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities.

The proposed development is in material contravention of the Guidelines as it does not contain the required appropriate mixtures of uses.

43. **BACKGROUND TO DEVELOPMENT PROPOSAL:**

The long decline of the district that encompasses this site (the Opera site) and on-going uncertainty as to its ownership and planning status had unfortunate consequences, not least the emergence of the notion that somehow this part of Limerick city had been abandoned, that its decline was inevitable and unstoppable. However, the purchase of the site from NAMA by the local authority in 2011 with the aid of the Department of Housing, Planning and Local Government had the potential, in the long term, to be a turning point in the site's history. Central and Local government were in clear agreement that the purchase of the site could be justified in the context of on-going attempts to ensure systematic regeneration of both the city's King's Island and Newtown Pery districts. Such a project would require due attention to strategies for realising economic and social goals. The subsequent publication of *Limerick 2030: An Economic and Spatial Plan for Limerick* (June 2013) and its characterisation of the Site as 'a critically important site' and the strategy adopted by the local authority, as outlined most recently in *Design Brief: Opera site, Limerick City* (February 2018) reinforced that belief. Taken together, those documents suggested that attempts were underway to develop a vision for the city as a whole; a determination to address the issue of decline and decay; and to link the future of the Site (and other sites) to economic growth and the need to halt the city's declining sense of social cohesiveness.



Unfortunately, the plan, as submitted to An Bord Pleanála, gives cause for concern regarding three key aspects (1) Mix of Use (2) Protection, care, and integration of its historic fabric, views, and buildings (3) Sustainability.

44. MIX of USE

The Design Brief highlighted the principle that sustainable urban design requires a cohesive master plan based on the 'key' urban design principles as set out in Department of Environment, Heritage and Local Government, *Urban design manual: a best practice guide*, (2008). These principles include that of an appropriate 'mix' of uses (4.2.3. Page 37). What that mix might be in this context is specified as 'a varied mix of uses, in support of the primary use on the site as envisaged in *Limerick 2030: An Economic and Spatial Plan*, specifically an indicative 60:40 split between quantum of office and non-office use. It suggests that the northern half of the site might have 'cultural uses' and that the southern half of the site would have 'retail, restaurant, cafe, educational and hotel use.' (4.3.2. Page 42).

45. Culture and education

An Taisce submits that the range of cultural or educational uses should include sporting and recreational uses including perhaps a public swimming pool and gym. Such facilities need not be large in scale and even the provision of a small 'mini' outdoor court for ball games could do much to enliven and enrich. A large number of people will work at the Opera Centre; hopefully many will live there or nearby. It is vital that at a time when life/work balance and poor public health is of growing concern that such relatively low cost means of promoting healthier lifestyles.

Consideration should also be given to the provision of both a creche and a nursery school within the site; Given the large number of persons - presumably many of them parents - who will spend a significant part of their day in one or other of the project's many buildings such facilities should be deemed essential.

The Limerick 2030 Economic and Spatial Plan proposed that a significant element of the Site be dedicated to higher education use, an aspiration frequently expressed by the local authority. Such provision requires the cooperation of various higher education bodies and it is regrettable that that might be less likely now than heretofore. The phrase 'the potential for higher education accommodation' in the Design Brief should be explored further. If one or more of the three university level institutions in the region does not

avail of the site's potential, other possibilities might be fruitfully explored. A diverse range of other higher and further education facilities, many of them under the direction of the Limerick and Clare Education and Training Board, are housed in various parts of the city. The possibility of bringing some of these together on the Site, perhaps those currently housed in inappropriate temporary accommodation, should be explored.

46. Housing

The earliest iteration of plans for this site made no provision for housing. As that deficiency became apparent considerable disquiet was voiced publicly by diverse interest groups including housing trusts, public representatives, and religious leaders as well as An Taisce Limerick. Subsequently, the 2018 Masterplan made provision for the provision of housing on the site:

The mix of uses envisaged in this masterplan is in compliance with the Design Brief as a business led, mixed-use development. The masterplan provides 66% office use, 15% residential use, 9% civic/ cultural use, and 10% public retail/ food/ beverage use

(Masterplan Opera Site, Limerick City. December 2018, page 37)

Unfortunately, this is a highly misleading account.

The documentation makes clear that the greater part of the 15% allocation to residential use will be given over to hotel accommodation. A total of 57 bedrooms will be provided in the hotel while the total provided for in the apartments and townhouses will be 33. The comparison could not be starker; 65% of the sleeping accommodation would be given over to temporary guest accommodation, but only 35% to individuals and families who would hope to make a home for themselves at Opera Centre.

The application of the term 'Residential Quarter' on pages 23, 26,28 to one of project's four 'quadrants' (sic) also serves to exaggerate to role of genuine housing in this project:

1. Civic and cultural quarter to the north west
2. Commercial quarter to the north east



3. Residential quarter to the south west.

4. Commercial quarter to the south east.

With two-thirds of this so called residential quarter being given over to short-term visitor accommodation part of it, at least, might be more accurately described as an hotel or visitor district.

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By any reckoning an aparthotel cannot be considered residential and certainly not in the sense intended here. (The documentation defines an apart hotel as a facility offering 'short-term residential use'. Masterplan, p. 24)) The provision of beds for temporary occupancy does not make an hotel part of a city's residential fabric, any more than the provision of beds make hospitals part of a city's housing stock. The same point has been clearly made in the past by Limerick City and County Council in the context of its guidelines 'Residential Development Area' when it states that in some circumstances hotel developments might be considered appropriate for a residential area. While not considered inappropriate within a residential area, and allowed in certain circumstances, they are not in themselves, residential.

The master plan reveals part of the reason for making provision of an apart-hotel as an element that in its city centre location would '*support the bars and restaurants to ensure a vibrant evening use*' (Masterplan Opera Site, Limerick City. December 2018, page 24).

The provision of an apart-hotel might well broaden the range of accommodation options for the city's visitors but it would contribute little if anything to forming a socially integrated urban neighbourhood.

An Taisce request that the term 'residential' be used only in relation to long-term living accommodation governed and protected by landlord tenant legislation or to owner-occupied residential units, and that the applicant ceases to categorise 'apart-hotel accommodation as 'residential.

In previous submissions on the Opera Centre to Limerick City and County Council, An Taisce argued for a significant increase in the quantum of space provided for long-term residential accommodation. It made its case in the context of the prevailing housing shortage and in knowledge of the Council's policy goal of promoting an increase in the numbers living in the city centre.

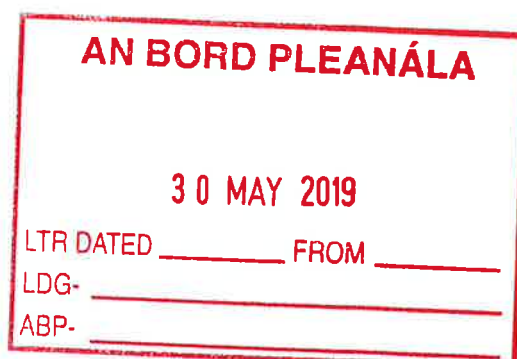
Consequently, the Council's decision not to include a housing element in the initial proposals for the site seemed inexplicable. In subsequent proposals it seemed that this defect might be remedied. However, the present plan reveals that just somewhere between 5% and 10% of the total is given over to housing.

More information is needed but it would seem that the provision of just so few housing units, yielding a total of just 33 bedrooms is grossly inadequate

An Taisce believes that the standards stipulated in *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (Department of the Environment, December 2015) and *Sustainable Urban Housing* provides a different approach to determining the number and size of apartments in city housing developments with a view to ensuring social and household diversity. In a City where housing provision is fragmented and social segregated the norm, such a goal should be a priority. The policy stated in 2018 by Government is as follows:

The inclusion of a significant element of housing on the Opera site would better facilitate the realisation of three of the seven 'key principles' namely, 'density and diversity and mix of uses'; and 'provision of daily living needs within walking distance', 'active participation of community members at all scales'. At a time of acute housing shortage, the opportunity to include an extensive range of dwelling types that would fairly represent the demographic profile of the city, should be taken further. This development is an unrivalled opportunity to bring life back into what after 6.00 each evening becomes a desolate place, as bleak as any night-time industrial site.

An Taisce requests that An Bord Pleanála seek a revision in the application to ensure a substantial increase in the quantum of long-term housing provided and that the range and type of housing conforms to the stated Department of the Environment guidelines in Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities and in Sustainable Urban Housing for a range of representative household forms.



47. PROTECTION, CARE, and INTEGRATION OF HISTORIC FABRIC



The Commercial Buildings, Dame Street Dublin

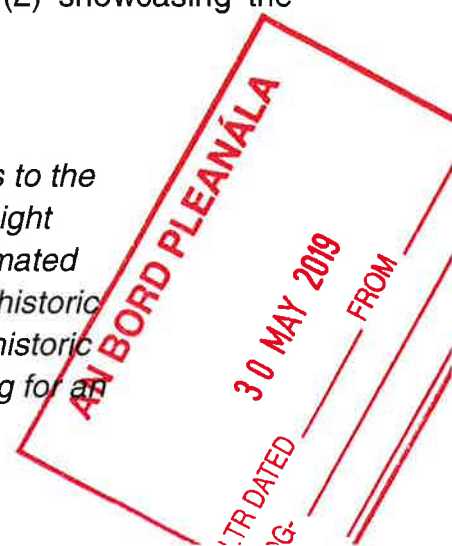
The Commercial Buildings, Rutland Street Limerick

The treatment of the South East Facade of the old Town Hall

The Town Hall or City Hall, commissioned in 1809 as the Commercial Buildings by the city's merchants, followed the precedent of a similar Dublin project of 1799. The building is included in the City's list of protected structures. Notwithstanding the Brief's stated aim to restore and repair buildings of conservation value (as identified initially in the City Development Plan), the proposal is that the Town Hall will undergo significant alteration.

The intention is that the distinctive south east facade (facing on to the Plaza) will be given a 'highly-glazed triple height' extension. Two reasons for this intervention are given as ; (1) the production of 'an animated' space in front, and (2) 'showcasing' the historic facade (3) part of the creation of an 'elegant symmetry'.

'This is achieved by removing later returns and additions to the rear of the buildings and adding a highly glazed triple height extension which faces onto the Plaza, producing an animated space whilst showcasing the existing rear façade of the historic buildings. The accommodation provides a rich blend of historic and contemporary architecture, and a spectacular setting for an



important public amenity. In addition it also creates an elegant symmetry to the rear elevation attractively balanced by the large central bow window.'



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An Taisce submits that the present proposal will not result in the attainment of any of its three stated goals and instead would militate against their attainment:

1. The creation of an 'animated' plaza will not be achieved by encasing the south east facade of the Town Hall in a 'highly glazed triple height extension'. A vibrant plaza will be a function of how the space is inhabited and used by workers, residents, and visitors and it should be clear that some of the most vibrant public spaces in other European cities are those that celebrate the historic buildings that surround them. The public seek out such atmospheric spaces: they are more likely to be drawn to historic character than to a repetitive, run-of-the-mill glass and steel facade that reflects corporate rather than humane values.
2. The proposed highly glazed triple height extension will not showcase the facade as the designers claim. What is proposed is encasement rather than showcasing. Enclosing the south east facade within a glass container might facilitate the provision of some services on the site, but it will only serve to place an impenetrable visual and psychological barrier between this key building and the public in the adjacent Plaza.

(3) It is far from clear what is meant by the statement that the proposed south east facade will create an *'an elegant symmetry to the rear elevation attractively balanced by the large central bow window.'* This might mean that the designer believes that the centring of the historic bay window (incorrectly referred to as a 'bow' window through the planning documents) might provide a centred focal point within its glass container. Whether the creation of a false sense of symmetry by a blanket use of glass encasement can be achieved in this instance is highly debatable. One way or the other, the survival of a distinctive bay window, running the full length of the site's most significant protected structure (the best example of this unusual building form from this period in Limerick) is something to be celebrated and not obliterated in pursuit of a spurious symmetry.

An Taisce is forced to conclude that the stated reasons for treating the south east facade in the manner described would rob a key public space of precisely the sort of element that would give it character and historical resonance. Do the designers of the Plaza really believe that the loss that would follow the encasement of the building's distinctive, elegant, rhythmic facade could be made good by the insertion of 'a mirror pool water feature'? Is their hope that the 'elegant symmetry' that might follow the imposition of a three story glass container, just another way of saying that its distinctive shapes and profile will have to be ironed out? The aim should be to emphasise the unique characteristics of one the district's most distinctive buildings; to leave it exposed and renewed, and stand in contrast with its modern neighbours rather than reducing it, alongside its newly built neighbours, to a repetitive sameness.

Another similarly regrettable element of the proposed scheme is the removal of the ashlar limestone doorway of the former Bruce Bank from its present position on Rutland Street to the gable wall of number 8 Rutland Street, which in turn will be enclosed within a glazed atrium. In noting the survival of the doorway into the twenty first century the National Inventory of Architectural Heritage commented 'While the loss of the structure is regrettable the re-insertion of the doorcase is a pleasant feature on the streetscape.' This is a view shared by An Taisce. The removal of the doorway from the public street and its encasement would be an unacceptable decontextualisation of a significant element of the public space.

An Taisce asks that the proposal to encase the south east facade of the Town Hall and the proposal to remove and encase the Bruce Doorway in glass be withdrawn and also asks that the proposal should not be conceptualised, as it has been in the planning documents, as a 'significant new build opportunity.'

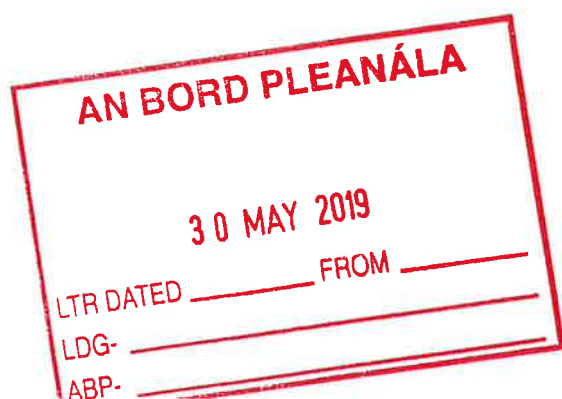
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48. The destruction of rere returns, ancillary buildings and historic paving

An Taisce notes the statement that ‘the redevelopment of the Opera Site provides an opportunity to upgrade buildings of architectural and heritage significance to contemporary standards, while retaining salvageable historic fabric to be repaired to conservation best practice’. It submits that any such works or interventions should adhere to the principles enunciated in the Limerick Development Plan, in various other statutory documents and protections, and in international conservation charters.

Thus it is particularly worrying to note the intention that ‘the ground level relationship of the rear of the existing buildings to new buildings and public spaces is likely to require the removal of small outbuildings and/or returns which would, if retained, limit their successful integration’ This suggests that a highly selective approach to conservation and retention of historic fabric is being taken, an approach that will result in a wholesale demolition of all buildings not within the main block of a protected or listed building. The intent revealed is to privilege the design and building of new elements over the conservation of the old. Conservation will be conditional; if it suits the design intent of the new elements on the site it can be retained but if not it should be demolished.

The statement that ‘existing historic structures and ancillary structures which are in poor condition and unsuitable for reuse are identified for removal’ is particularly worrying. The intention, it would seem, is to take an easy way out, to go for the soft option of removing *all* returns and ancillary building regardless of age, heritage significance, distinctiveness of material, or condition. It is certainly the case that a satisfactory integration of such structures with proposed new buildings but surely it is the remit of the designer and architect to face those challenges and provide creative solutions. The alternative is the creation of a series of bland, featureless facades, homogeneous surfaces, deaf to historical context and heritage.





Rere Patrick Street William Street mews lane

The documentation publicly available and the inaccessibility of most of the site militates against good planning; while plans and elevations of what is to be swept away have in most cases been provided such documents do not offer a detailed inventory of historical door, window and other openings, distinctive building features, nor a survey of surviving stonework. Without such data, it becomes impossible to make rational, fair, informed decisions.

The *Masterplan* notes how lanes and bows provide a distinctive element of the streetscape. Unfortunately, it has not noted the extent to which these lanes have drawn much of their character from the setts and cobblestones used to pave them: surprisingly, what remains of these characteristic surfaces, does not seem to have been mapped. Few of these once extensive surfaces remain but some beautifully worked examples survive off Rutland Street and off Ellen Street. These surfaces are integral to the history of the place, a palimpsest of times past. For the designer and the planner an indication of how they could be integrated within a modern paving scheme might be taken from the project by Peter Zumthor at the Allmannajuvet Zinc Mine Museum completed in 2016 in Sauda, Norway. There, distinctive historic surfaces were made safe and secure and incorporated into the site's routeways.

Nearer home, the use of traditional setts and cobbles in Trinity College or at the Guinness Hop Store shows how they contribute to a distinctive sense of place.



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Sett paving stones in Rutland Street Bow.

An imaginative approach to the integration of existing elements with new materials comes to the fore in the critical area of public space design. Outdoor spaces are often bland and impersonal where there is nothing much to experience. The use of historic paving, the integration of historic openings (such as the Town Hall bay window) enliven in a way not possible by the imposition of slick or twee public 'art' the public realm equivalent, perhaps, of a garden gnome. Ultimately public space should facilitate informal recreational activities, chance social interactions and large scale communal events.

‘To be able to move about easily and confidently, to be able to linger in cities and residential areas, to be able to take pleasure in spaces, buildings, and city life, and to be able to meet and get together with other people – informally or in more organized fashion – these are fundamental to good cities and good building projects today, as in the past. People are not out in public spaces because they have to, but because they love to. If the place is not appealing they can go elsewhere. That means the quality of public spaces has become very important. There is not a single example of a city that rebuilt its public places with quality that has not seen a renaissance.’

Jan Gehl, *Life between Buildings* (2011)

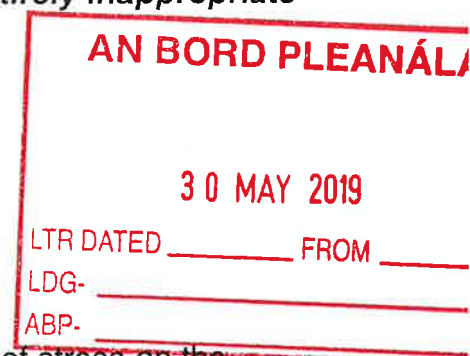
An Taisce requests that the Council or its consultants should undertake a mapping of whatever historic pavement remains within the site and that it complete a detailed survey of surviving historical structures - whether they form part of a protected or listed building or part of an historical building without that designation - and that it facilitates an assessment of how such surviving elements might be integrated within adjacent public spaces.

An Taisce notes the proposal to repave the streets bounding this site in concrete aggregate paving. The applicant gives the public footpath on William Street as an example of the type of material proposed. William Street was remodelled over the period 2010-2012 but since then the paving has not proven to be particularly durable. It is highly prone to staining and weathering which in turn necessitates frequent deep cleaning. Many of the paving flags have cracked and broken, particularly on Sarsfield Street where ugly cement has been used to patch and repair.

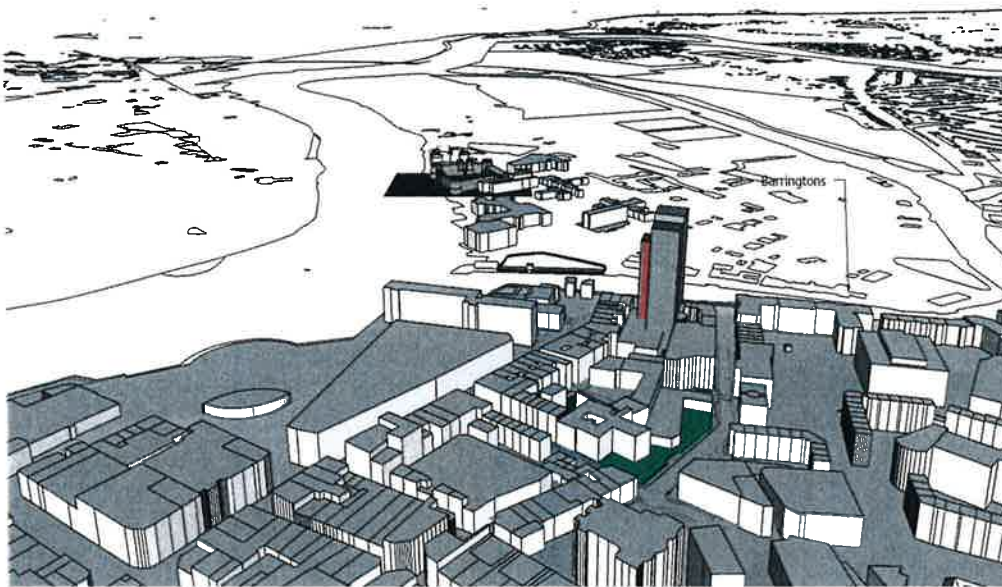
An Taisce is of the view that such poor quality paving is entirely inappropriate and that natural stone should be used instead.

49. Prospects and Views

Successive Limerick Development Plans have laid a great deal of stress on the importance of the city's prospects and views. A fifteen story tower proposed as an integral and central part of this project will have as its immediate protected neighbours particularly the Granary (1787) and the houses of Bank Place (1769). The proposal would have a significant and irreversible impact on existing views and prospects towards these buildings.



As well as the protected structures within the Site, other protected structures, two with the rare designation of 'national' significance and several of 'regional' significance, adjoin the site or are close by, namely St Mary's Cathedral (1169), The Custom House (1765), The Court House (1809), the Potato Market (1843), and Matthew Bridge (1844). Thus, within a relatively small area are five of the city's key historical buildings, each representative of a specific style and era: Romanesque and early Gothic; Palladian and Classical; Victorian infrastructural. In heritage terms this site is pivotal, arguably the most important in the city.



General (bird's-eye) view of the site looking northwards



The proposed development should do nothing to compromise the setting of these buildings, whether individually or collectively. Instead it should seek to increase their attractiveness and accessibility for visitors and locals alike. However, by failing to take sufficient account of the scale, siting, and materials of these historic structures, the proposed development, and especially its voluminous high-rise elements that will dominate the site as well as much of the city will diminish their heritage value and attractiveness to visitors irrevocably. While each of these protected structures is an important part of the city's architectural heritage, what gives them a particular significance in this location, is the manner in which they relate and interact with each other. This is a case where the sum is greater than the component elements. Those complex relationships reflect successive waves of the city's development when one

building followed another but always with due regard to the character of what had gone before.

The application foregrounds the argument set out in the *Limerick 2030 Plan* that Bank Place is an appropriate location for a monumental tower block in steel and glass ('principally' fourteen stories, with a 'fifteen story element providing for a plant room' and with provision for solar panels on its roof), that would 'serve as a visual landmark in the city'. The proposal is rhetorical: a striking new building, it suggests, would convey the idea of progress and project an image of forward-looking modernity. However, in so doing, the proposed building would be directly contrary to a key policy in the *Limerick City Development Plan* (2106) that seeks to protect key views and prospects within the city:

It is the policy of Limerick City Council to preserve and enhance Limerick's Landscape Assets and Key Landscape Sites; to preserve and enhance Limerick's Views and Prospects of Special Amenity Value; Limerick has a unique and distinctive landscape that forms a key aspect of the City's character. Within cities, such as Limerick, landscape character involves the combination and interplay of many elements, including: the landscape; built environment; riverscape and natural heritage. (11.2)

50. SHADOWS.

Given its orientation, at critical times of the day, the proposed building will cast an impenetrable shadow over its immediate open spaces including Bank Place (the city's late eighteenth century financial quarter) as well as those outside the site; the two quays - Charlotte and George - that frame the river and, crucially, the Abbey River itself.

The proposed New Square would receive a paltry two hours sunlight a day, the absolute minimum under BRE guidelines. The result would hardly be a compelling or attractive place of warmth, light, and friendly interaction. We submit that the durations given are unclear and may in some instances be misleading. (Fig 78) - March 21 at 3pm shows but a small fraction of the extent of shadowing on that day from tower. Barringtons Hospital would be overshadowed through the evenings. From mid-morning until lunchtime, The Locke Bar would be overshadowed, damaging for ever, the attraction of what is one of Limerick most active and popular outside socialising spaces.

At midday the sun is at its zenith, it is at its most intense and powerful, casting its least shadow on those below. Thus, we would respectfully submit that presenting midday shadow data is a waste of both time and ink.

Wording and images for residential shadow study are also deceptive. Fig 79-81 on residential on Michael St is a 3 hour study. These properties will receive no sun after 3 pm throughout the year. Such a significant characteristic should be described accurately and are not "minimal" as frequently described throughout this documentation

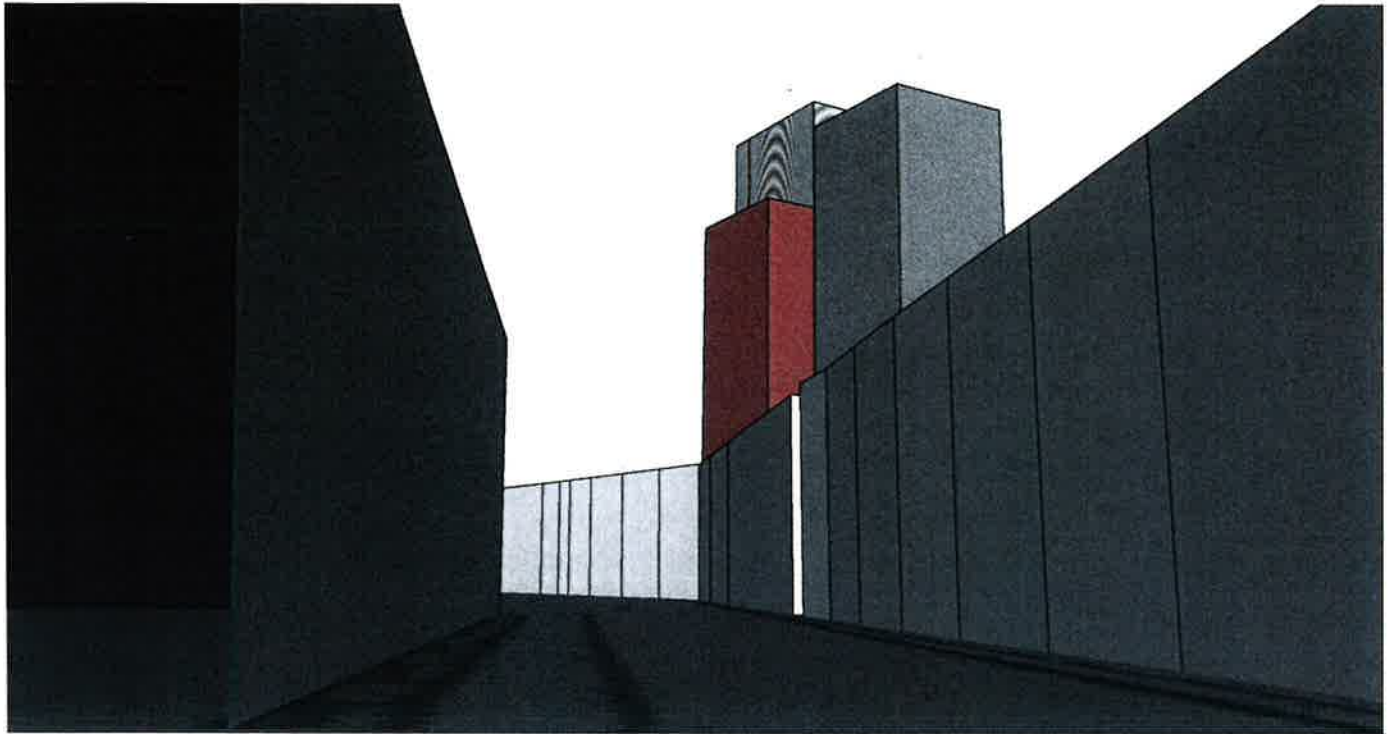
A BRE Guidance document is frequently mentioned, and states its recommendations are 'generously met', but no specific publication or standard is stated and no instance of specification of such generosity given. Most importantly, as in Fig 35 and 36, illustrating the massing of the tower to the Granary, seventy five per cent (75%) of the tower is not shown in either image.

51. DESTRUCTION OF UNIQUE VIEWS:

The monumentalist tower block will act as an impenetrable visual barrier in the interplay of vistas and public spaces in question. Much of the work done by the local authority between 1970 and 2000, including the renovation of the Granary, the Potato Market, the Custom House (with the Office of Public Works); Charlotte's and George's Quays, and Merchants' Quay, was directed towards affirming and protecting the unique potential of these interlinked spaces. The insertion of a monumental structure - alien in massing, location, and materials - will undo all that.

The proposed building at Bank Place would obliterate forever the delicate interplay between the city's key historic structures and streetscapes, while also dominating the retained historic structures in Rutland Street and Patrick Street.



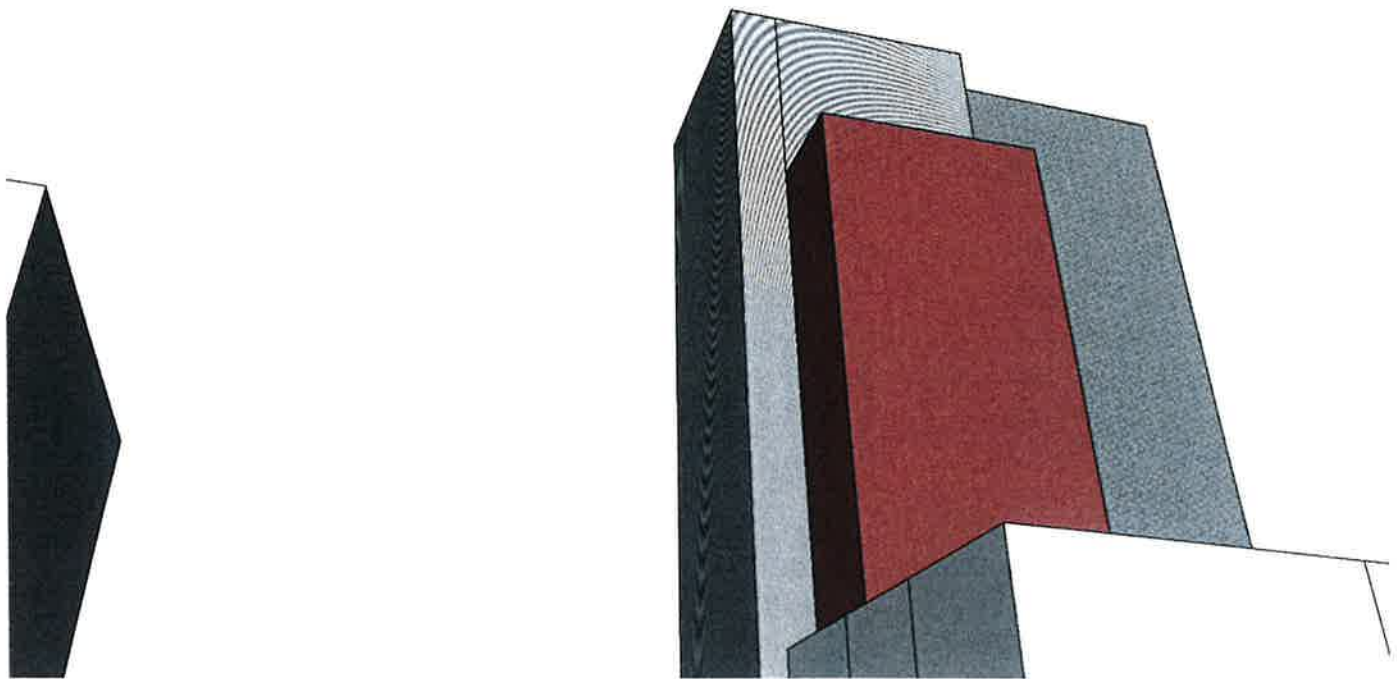


Scaled rendering showing view north from Patrick Street towards Rutland Street with tower blocks beyond.

52. **INCONGRUITY:**

If ever there was a building 'out of place' this is it. Standing alone, isolated from the city's other high rise buildings, specifically those located between Shannon Bridge and the Docks, the proposal seems incongruous and eccentric. (It might be suggested that in that high rise quarter, where publicly owned building land has recently become available, that the proposed tower might be more appropriately sited.)



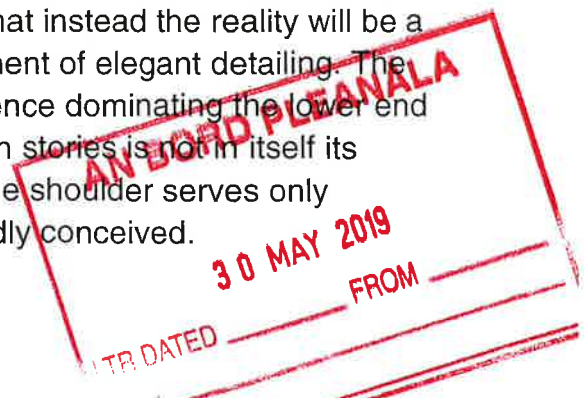


Scaled rendering view from human eye-level at Hunt Museum to Bank Place houses and proposed tower blocks

53. **ARCHITECTURE OR ACCOUNTING?**

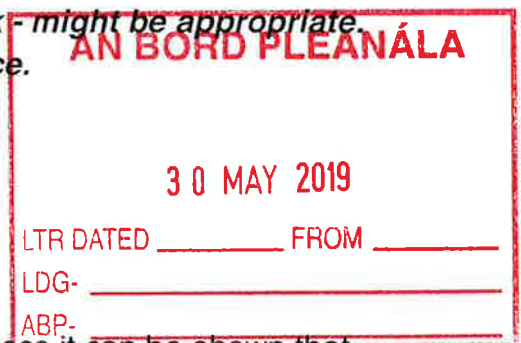
If they are to convince and succeed, bold physical statements require careful and thoughtful architecture. If they do not succeed at a design level they will never enter the popular imagination as something worthwhile, a building that merits respect and affection. Unfortunately, it has to be said that the massing - the tower's salient feature - lacks elegance and sensitivity and it is impossible to discern any other feature that might help separate this tower from countless other corporate and speculative towers that proliferated in the western world from the 1960s. Landmark buildings require landmark design, not vacuous beige blocks.

The design brief hinted that something significant might be in the offing; the tower would be of 'simple form with consideration of slenderness in its external expression.' Unfortunately, the material presented so far suggests that instead the reality will be a functional glazed box, lacking finesse, without any element of elegant detailing. The result will be a faceless building, an impenetrable presence dominating the lower end of the city for the foreseeable future. Ironically, its fifteen stories is not in itself its main failing. Its massing serves only to make it look. The shoulder serves only to remove any attempt at a slender elegance as supposedly conceived.



Limerick citizens take justifiable pride in their many distinguished buildings some of them, such as St. John's Cathedral, built by its parishioners in much harsher times. On this occasion the citizens are being offered a bleak impoverished symbol suggesting low aspiration in a time of relative plenty. we are being presented with a building that offers nothing; it bears testimony to the skills or accountants and financial planners while showing little of what the county's (and the city's) many talented architects could do if called upon. Arguably, this whole project - the individual elements and the integrated ensemble - is of such significance that a case can be made for an international competition that would attract the best of native and overseas design talent.

An Taisce states unequivocally that for the reasons advanced above (others may put forward different reasons too) that permission should not be granted for an ensemble of tall buildings whose monumentalism will combine to undermine several of the Council's stated policy goals. In other circumstances it might well be that such a building - in height or bulk - might be appropriate. However, here is the wrong building in the wrong place.



54. SUSTAINABILITY

An Taisce submits that this project should not proceed unless it can be shown that both in their method of construction and their long term operation, the buildings that occupy this site will be sustainable, that is, environmentally responsible and resource-efficient. Given the extent to which it is a public project - one initiated and funded through public agencies - such a goal should be paramount.

In its 2018 submission to Limerick City and County Council, An Taisce Limerick welcomed the intention to adhere to best practice sustainability accreditation methodologies such as LEED and BREEAM in any new buildings on the site. (4.6.2.page 49) The cost effectiveness of such measures is well established.

Similarly, it submits that compliance with the recently adopted Nearly Zero Energy Buildings (NZEB) standard should be set as an absolute minimum standard. There is an unprecedented opportunity with this project to go further in promoting sustainable technologies including renewable energy systems for heat and electricity generation, rainwater harvesting, and grey water systems. The Council is uniquely well placed to provide leadership in this field and the overall project is a unique opportunity to

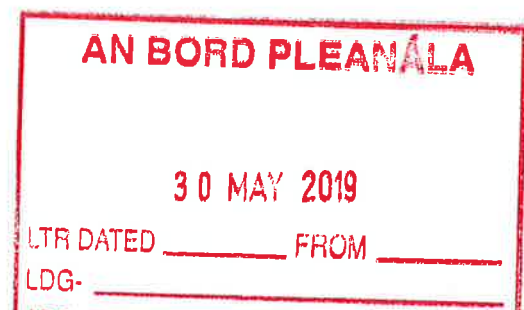
demonstrate best practice; the project should set a high standard for building construction and not allow room for dilution.

However, An Taisce wonders how some of the buildings proposed for the site will work in practice. This is particularly the case in relation to the tower blocks where the proposal is for a very deep building and this suggests that it will depend to a very great extent on high cost, carbon inefficient, artificial lighting, even during the hours of daylight. This is a publicly funded building, its design managed by local government professionals and as such much might be expected of it. Yet, we are forced to ask whether this building provides a good model of sustainability for other public bodies or for private citizens who look to their planning authority for guidance and direction.

Conclusion

Uniquely, this project will be *of* and *for* the citizens of Limerick. Some should be able to look forward to working, living, and visiting, to find there new forms of economically, socially, and culturally fulfilled lives. Though the project has been visualised, commissioned, and managed by public servants, ultimately it is the citizens who will own, inhabit, and pay for the Opera Centre. Thus it should reflect humane, civic values, in its scale, its details, in its respect for historical elements that have been part of the site and its neighbourhood for hundreds of years. Thus its architecture should not be predicated solely on a desire to reflect corporate values, the sort that resulted in the gigantism of the decades since 1960.

The success of this project will be measured, not by its size, pristine finish, or monumental impact, but by the quality of its design, judged by the criteria of respect for place, history, and people. Its design should draw on the very best architectural talent available today. Limerick will not be flattered or satisfied by corporate pattern book massing, repetitive fenestration, or ostentatious materials. Any new project in this part of the city, particularly one that claims regeneration and renewal as its goals, should forge a respectful relationship with an historic neighbourhood and, above all, by an open and sensitive relationship attuned to the city's social, cultural, and economic needs.




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