

Gerard Carty
31a Pembroke Lane
Dublin 4

Date: 10th June 2019

Re: 10 year permission for opera site re-development including a mixed use scheme of primarily offices, supported by a range of retail and non-retail services, cafes/restaurants, licenced premises, apart-hotel, civic/cultural uses (including a city library in the existing town hall), residential, refurbishment of existing protected buildings and open space.
Site bounded by Michael Street, Ellen Street, Rutland Street, Patrick Street and Bank Place, Limerick.

Dear Sir,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter. A receipt for the fee lodged is enclosed.

Please note that the proposed development shall not be carried out unless the Board has approved it or approved it with conditions.

If you have any queries in relation to the matter, please do not hesitate to contact the undersigned officer of the Board.

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Kieran Somers
Executive Officer
Direct Line: 01-873 7107

The Secretary
An Bord Pleanála
64 Marlborough Street, Dublin 1

29th May 2019

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|--------|-------------|------------|
| LDG- | 016 277-19. | |
| ABP- | | |
| | 29 MAY 2019 | |
| Fee: € | 50 | Type: Cash |
| Time: | 14:20 | By: Henel |

RE: LIMERICK CITY AND COUNTY COUNCIL: SECTION 175 PLANNING APPLICATION TO AN BORD PLEANÁLA FOR THE OPERA SITE RE-DEVELOPMENT, INCLUDING A MIXED USE SCHEME OF PRIMARILY OFFICES, SUPPORTED BY A RANGE OF RETAIL & NON- RETAIL SERVICES, CAFES/ RESTAURANTS, LICENCED PREMISES, APART-HOTEL, CIVIC/CULTURAL USES (INCLUDING A CITY LIBRARY IN THE EXISTING TOWN HALL), RESIDENTIAL, REFURBISHMENT OF EXISTING PROTECTED BUILDINGS AND OPEN SPACE. THE 2.35 HA SITE IS LOCATED ON A CITY BLOCK BOUNDED BY MICHAEL ST, ELLEN ST, RUTLAND ST., PATRICK ST. AND BANK PLACE, LIMERICK

Dear Sir/Madam

I, Gerard Carty FRIAI, of 31a Pembroke Lane, Dublin 4 wish to make a submission on the Section 175 planning application to An Bord Pleanála (ABP Ref. No. 304028) by LCCC on the 22nd March 2019 for a proposed development at a city block bounded by Michael Street, Ellen Street, Rutland Street, Patrick Street and Bank Place, Limerick City .

While I am very much in favour of the rejuvenation of Limerick City Centre in principle, this site presents a unique opportunity to create a mixed use live-able city centre. I argue that LCCC as a Local Authority needs to re-assess its own Masterplan in the context of the proper provision of housing, the protection of the culture of its historic city centre and the provision of more sustainable development that reduces commuting allowing citizens to live near where they work.

I urge An Bord Pleanála to consider these proposals as submitted very carefully in the context of the issues that we place before it in this submission. I urge An Bord Pleanála to reject these proposals and the Masterplan upon which they are based for the reasons set out in this submission.

My grounds of objection are as follows:

- A The EIAR is incomplete
- B The Masterplan upon which these proposals has been submitted need to be re-assessed.
- C Other Matters raised in the various Reports Submitted with this application to An Bord Pleanála.

Each of these grounds is elaborated in the pages attached to this letter. As part of the adjudication of this scheme we request that an Oral Hearing be conducted.

Yours Sincerely



Gerard Carty FRIAI
29th May 2019

1

Grounds for appeal.

- A The EIAR is incomplete
- B The Masterplan upon which these proposals has been submitted need to be re-assessed.
- C Other Matters raised in the various Reports Submitted with this application to An Bord Pleanala.

A The main points for first ground relate to the EIAR and are are follows:

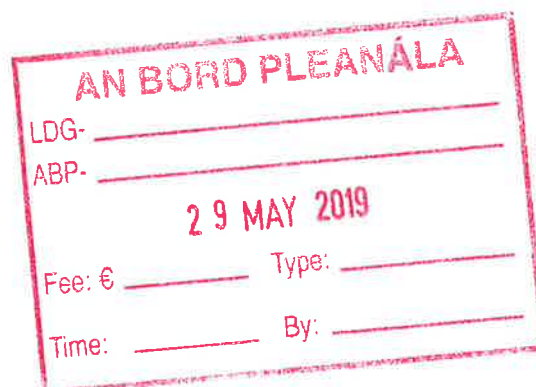
- 1 No significant alternative options for the Masterplan have been explored, represented or submitted in the EIAR report. Section 4 of the EIAR is deficient in that it does not explore a range of options in terms of Urban Form which prove or disprove how the density demanded could alternatively be achieved. There is no real examination alternative uses eg Residential use on the site combined with offices or other uses for that matter.
- 2 The justification for the significant amount of office accommodation on site 65% of the total as opposed to 4% Residential has not been clearly articulated. A rationale as to how dwelling will be accommodated elsewhere when the scale of this site at 2.4 Ha in the city centre could readily accommodate a good balance of housing and offices.
- 3 The office space provided will accommodate approximately 1500 persons. There is no argument presented as to why this amount of space is required from market testing and as a consequence where this growth in the working population will be accommodated in the city. Currently there are other significant office schemes being constructed in Limerick City Centre. The EIAR ignores the wider developments in the city which will impact this site and which will in turn be impacted by the scale of this development.
- 4 There is no justification by LCCC, as current owner, explaining why it is not proposing a proportion of the social and affordable dwellings on this site . LCCC had used this justification as grounds for the original purchase of this site from NAMA in 2011.
- 5 While there are images and screen shots from a 3d model and verified views from various points at mid-range and at a distance to show the 14-16 storey tower element, there is no convincing architectural or conservation argument put forward as to why this is appropriate in an Historic Georgian context.
The VIAs do not form part of the EIAR document and are only referred to in Section 12. There is no proper assessment of these verified images which if anything prove the significant, negative impact of a 14-16 storey tower in the context of Limerick's historic city centre.
- 6 The real comments, objections, queries, concerns raised by members of the public at stakeholder meetings and submissions made by the public have not been issued to An Bord Pleanala. These have been incorporated in a redacted format. We argue that these should have been incorporated in full in the form of an appendix in the EIAR as the Part 8 process does not show these on record making individual submissions effectively silenced.



2
B

The mains points for the second ground relate to the Masterplan which in our view is insufficient to meet the needs of a growing sustainable city.

- 1 Before An Bord Pleanála comments on the proposed scheme, it first needs to satisfy itself that the Masterplan upon which it is based is a valid mixed use development. To legitimately see how public comment has been adopted so that a transparent process has been undertaken.
- 2 The conservation report describes the Hunt museum as one of the most important historic monuments in the city. The impact and bulk of a stand-alone 14-16 storey tower in the context of the historic quarter of Limerick city centre is inappropriate and will have a negative and significant impact on the Hunt Museum, the adjacent Granary, reputed to be one of the oldest warehouse buildings in the city dating back to 1700s. and the historic setting of both buildings and the setting of St Mary's Cathedral.
- 3 A public laneway currently running along the west elevation of the library extension has been removed in the proposal, removing access to the interior of the urban block. If permeability is a key factor, the closing of this public laneway and its conversion into a "private" pedestrian route will impact the permeability of the block and adversely affect the proposed public space located in the centre of the block.
- 4 The negative micro - environmental impact of the tower element on Bank Place as a source of wind currents along with its scale, will cause significant overshadowing and will destroy and detrimentally affect Bank place.
The urban space is further eroded with proposals for undulating landscaping and significant planting of evergreen trees to mitigate the micro climate and wind effects of the tower, effectively robbing this place from the city. The mitigation measures although described have no guarantee offered of their success, will make Bank Place unusable as a legitimate public space for a living city.
- 5 The wider historic context adjacent to the site and the impact of this development on it particularly that of the tower will be significantly impacted. We refer here to the setting of King Johns Castle, St Mary's Cathedral and the Hunt Museum. The tower has not been formally discussed in a way that a convincing architectural or conservation argument has been made in the wider context of these civic monuments to prove its appropriateness. While the tower is intended as a Landmark, its scale and expression will adversely affect the Georgian quarter and its attractiveness to tourism, a significant economic player in the city. We would argue that the Hunt Museum is already the Landmark that addresses the Point where the Abbey River meets the Shannon and that no further emphasis is required. We also argue that A landmark building does not need to rise to 14-16 storeys to be considered as such and that this can be achieved at a more modest and sympathetic scale relating more to its surroundings.



C The mains points for the third ground relates to the matters raised in the various reports and documents submitted with the application.

Before concluding its decision on this submission An Bord needs to satisfy itself of the following:

1.0 THE PLANNING PROCEDURE

The following are concerns that we wish to raise in relation to the Planning Procedure that is being followed in relation to this submission to An Bord Pleanála.

1.1

It is submitted that this application is being made under Section 175. The application is submitted by Limerick City and County Council, who purchased the site in 2011 from NAMA, on foot of a Masterplan which utilised a Part 8 planning process to seek approval for the Masterplan. The Bord need to satisfy itself that LCCC are the current owners of the site or if the ownership of the land has been vested in a private company, namely Limerick Twenty Thirty, which is envisaged to take charge of what is essentially a speculative commercial development. If LCCC are not the current owners, then the submission should be made by the entity in which the land is vested or alternatively a letter of consent submitted granting consent to make the application.

1.2

The scheme being presented to An Bord Pleanála is based on this Masterplan and while it is proposed by LCCC. It will not be developed by LCCC but by a private entity established for this purpose, Limerick Twenty Thirty. The Part 8 procedure can only be utilised by a local authority for a development that it is proposing to undertake itself and is not intended to be utilised by a local authority and then passed on to a private entity for the commercial development.

1.3 Conclusion

An Bord Pleanála needs to satisfy itself that the correct planning procedure and methodology is being applied by the applicant prior to its assessment of the submitted proposals.



2.0 The MASTERPLAN

OPERA SITE, LIMERICK CITY DECEMBER 2018

The following are concerns that we wish to raise in relation to the Masterplan as submitted with this application, upon which the proposals are entirely based.

2.1

An Bord Planeala will need to satisfy itself that the Masterplan upon which this proposal is based is appropriate for a 2.4 Ha site in the heart of a historic Georgian city quarter, before it can adjudicate on the submitted scheme which is based entirely on the Masterplan.

2.2

We would argue that the Masterplan is inappropriate for this site as it is not a "mixed use scheme" in the proper sense. It is mostly comprised of Office accommodation 65% and commercial / retail and only 4% Residential. While there is a Cultural component in the form of a new Library, this Library already exists on the site in the Granary and is to be moved to the Town Hall. No additional Cultural area is provided. The Library remains almost identical in terms of floor area at 4000 m2 approx.

2.3

An Bord Planeala is not presented with an argument as to why such a high proportion of office accommodation is required, or why it is being developed by a local authority such as LCCC.

2.4

Information exists in the Public domain which confirms that LCCC sought permission from Government to purchase this site in 2011 using the argument that the Opera site would be used to restore residential and commercial activity to the heart of Limerick. Yet there is no argument put forward in this submission as to why a greater proportion of the accommodation does not provide for new social, or affordable dwellings or simply new housing.

2.5

The proportion of office accommodation at some 29,000 m2 will provide space for approximately 1500 workers based on standard space allocation. The report takes no account of other major office developments either planned or under construction in the city, again without any housing provided. While the planning Report states that as a city centre site it is well served by a public transport system, it is clear that while a proportion of workers may use this currently inadequate system, a vast proportion will be consigned to commuting given that no option to live on the site is provided.

In this context the Masterplan goes against all current thinking and policy on Carbon emissions, liveable cities and sustainable development.

2.6

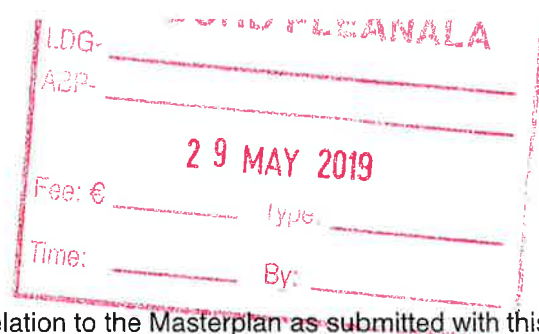
In Section 9 of the Masterplan we are advised that "a number of building heights for each new building element have been modelled and assessed for appropriateness, and for their impact on adjoining and historic structures" While it can be argued that new buildings of 4-6 storeys or perhaps a bit higher may be appropriate on the grounds that our cities need to become denser and more sustainable. It is not possible to understand why a jump to 14-16 Storeys can be considered appropriate in the context of "their impact on adjoining and historic structures"

2.7

The Masterplan proposes two public spaces which would potentially contribute to the public realm of Limerick City. However the proposals for a 14-16 storey tower on Bank Place effectively make this space redundant due to issues of overshadowing, and the requirements of substantial planting as described in Section 11 of the EIAR as submitted. It is clear that this space will be overwhelmed by the Tower element and that it will impact negatively on Lock Quay on the opposite side of the Abbey River due to its scale, bulk and height. Lock Quay is a south facing social gather place in the city and has a unique character and quality as an urban space.

The civic space proposed for the centre of the block is shown connecting to the surrounding urban fabric. However the east west connection between Michael St and Rutland st is too far North to become a new east west route through the block connecting Arthurs Quay to the Milk Market. Citizens will simply use Ellen st to the south consigning the square from a more civic minded space as is the aspiration to one that is corporate.

The restaurants and cafes will more than likely serve only the office use as the area will close down after hours leaving this space empty and underused. The library which given on to this square may encourage some activity, however its main entrance appears to be from Rutland st.



2.7 Conclusion

We ask An Bord Planeala to reject this Masterplan or if it cannot do so, condition that the scheme be re-assessed and that an appropriate amount of housing be provided as part of the Masterplan.

We ask An Bord Planeala to condition the removal of the tower element on the grounds that it is inappropriate in this historic setting, If An Bord decides that a landmark element is appropriate in this context, we ask An Bord to recommend that the tower be reduced significantly in scale.

3.0 THE ARCHITECTURAL REPORT

LDG- _____
 ABP- _____
 29 MAY 2019
 Fee: € _____
 Time: _____ By: _____

The following are concerns that we wish to raise in relation to the Architectural Report.

The Architectural Report sets out the arguments for the architectural responses to the site, citing how these respond to the brief established by the Masterplan and the requirements established by Limerick Twenty Thirty. If LCCC are the applicant, it remains unclear as to what role Limerick 2030 have. If they are the developer, should they not be making the application?

3.1

The architectural proposition mirrors the aspirations of the masterplan without a proper evaluation of alternative solutions, which could essentially meet the same aspirations and yet be more sympathetic to the context of Limerick's historic City centre. This is clear from the options considered in Section 4 of the EIAR (refer to comments in the next section)

3.2

Design Proposal describes the aspirations it intends to meet as follows:

The Limerick 2030 An Economic and Spatial Plan for Limerick (2014) identifies the Opera Site as "a critically important site" with an urgent need to bring it back into full and productive use, making a major contribution to strengthening the city centre, and it also recognises the site as one of the main city centre transformational projects.

The plan set out in this Planning Application proposes a sensitive regeneration of Opera Site to provide a business led mixed use development, combining appropriate refurbishment and reuse of existing important buildings and sensitive integration of new modern buildings, to provide contemporary functional facilities to support the rejuvenation of this area of the city.

Comment: We argue that there should be more mixed uses which include more housing to make Limerick a living city centre.

In accordance with the Limerick 2030 An Economic and Spatial Plan for Limerick (2014) and the Opera Site, Limerick City Development Framework (2014), the proposals main aims are to: Contribute to a vibrant city centre economy with a new mix of economic uses, and ensuring the city centre is at the heart of the region's future, acting as both a "shop window" for Limerick and a positive enabler of 'quality of life' factors so important to investors.

Comment: We cannot see how this aspiration can be met by only providing commercial and office uses.

Restore the existing Georgian streetscapes at Rutland Street, Patrick Street, Michael Street, Ellen Street, and promote the Spatial Plan's desire to 'capture the rich heritage, protecting and enhancing it where appropriate and complementing it with a world class design for any new development';

Comment: this is a very important aspect and while we support this fundamentally, we are concerned that the treatment of the existing Georgian properties should maintain their integrity. It appears that returns which are part of the curtilage and a fundamental part of this character are being removed. Other heritage aspects are also being removed such as stone boundary walls which are part of the historic aspect of the site connected with the origins of this site and association with the Custom House now the Hunt Museum.

Provide a positive architectural addition to Limerick City with appropriate treatment of this sensitive and important location, which is fitting in terms of materiality and quality of detailing and finish.

Comment: We support this aspiration.

Create a world class office campus for the city with supporting facilities, which will become a major economic force in the Irish and European economy, and a leading centre for commercial investment.

7

Comment: While we support the economic development of Limerick City centre, we consider that single uses in substantial quantities rob the city of a sustainable future for a living city. We object to the premise that mono use commercial, office and retail will deliver a liveable city, as it will increase commuting and encourage only retail offerings that support this use at the times when these buildings are only in use.

Provide a new high quality public realm, linking the city to Abbey River. As identified in the Spatial Plan, 'the site is a critical part of the public realm strategy with the proposed public square forming part of a new formal integrated network of such areas providing accessibility, connectivity and legibility across the city'.

Comment: It is our considered opinion that the two public spaces created by these proposals will not meet the civic aspirations that LCCC are hoping to achieve. The new public space at the centre of the block will be Corporate in image, character, use and atmosphere and because of the way it is connected with the perimeter, will not engender casual through-pedestrian traffic. Bank place will not be evident as a Public Space due to excessive amounts of planting required to reduce impacts from down draughts and gusts generated by the 14-16 storey tower proposed for this part of the block.

3.3

In the Architectural Design Report under the section entitled Conservation and built heritage, the conservation report describes the heritage and context of the site as follows:

The streets of Georgian Limerick represent a unique example of 18th and 19th century town planning in Ireland that remains to a large extent intact. The hierarchy of streets and buildings with fixed proportions and ordered symmetry forms a notable townscape heritage that gives Georgian Limerick a special sense of place. Bank Place formed part of a once grand development of Georgian terraces along Charlotte's Quay facing the Abbey River of which the terrace of three buildings at Nos. 7-9 Bank Place survive. The urban space is larger today than recorded in the 1888-1913 25 inch OS Map. The Hunt Museum, originally the Custom House, is described by the NIAH as probably the most important mid eighteenth century classical building in Limerick city. Whilst its principal frontispiece with arcaded wings faces the River Shannon to the west, the setting of the Hunt Museum also relates to Bank Place visually on approach from west along the river and from across the bridge to the north.

Comment:

It is our considered opinion that the proposals ignore the heritage assets of this important site in the historic Georgian centre of Limerick. This is a unique context and the introduction of a 14-16 storey building is inappropriate and will damage the setting of *"The streets of Georgian Limerick represent a unique example of 18th and 19th century town planning in Ireland"* and furthermore will damage the setting of the Hunt Museum, the original Custom House of the Pery Plan. This is the point from which the Pery plan for the Georgian Quarter originated and it is our view that a denser development handled in a more sympathetic way should support rather than damage this setting as described in the conservation report as *"The Hunt Museum, originally the Custom House, is described by the NIAH as probably the most important mid eighteenth century classical building in Limerick city. Whilst its principal frontispiece with arcaded wings faces the River Shannon to the west, the setting of the Hunt Museum also relates to Bank Place visually on approach from west along the river and from across the bridge to the north"*

Conclusion

We urge An Bord to consider this Conservation report and condition the removal of the tower or if not its significant reduction as a means to protect the setting of historic monuments that are located in the vicinity of the site such as The Granary, The Hunt Museum, The Cathedral of St Mary's located opposite the site beside the Potato Market.

3.4

Section 6 of the Architectural Report refers to Scale and form and goes on to say:

"The Opera Site is a 2.35 hectare site within the heart of Limerick city, and gives a fantastic opportunity not only to provide much needed accommodation, but also to challenge and inform the scale of future development in the city centre"

Comment: It is our considered opinion that if this development were to proceed in full as described in this submission, that this would set a damaging precedent for the future sustainable development of the historic core of Limerick. There would be nothing to prevent any speculator or developer from adopting the same approach given that it has been endorsed by the Local Authority itself in this submission and could potentially mean that 16 storey towers would become the norm in this part of the historic city centre.

Conclusion

We urge An Bord to condition the re-assessment of the Masterplan upon which these proposals are based. We urge An Bord to reject the tower element of this scheme and if not to significantly reduce its scale to allow for a more appropriate response to the historic context.

3.5

Section 6 goes on to say:

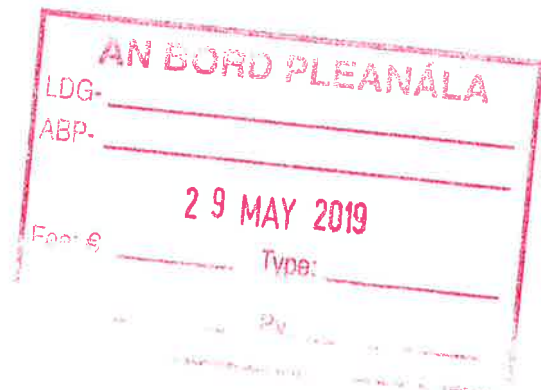
"The Limerick City Development Framework (2014) supports the use of increased scale on the site, and states "In order to optimise the potential of the city centre, and to accommodate the range and scope of uses envisaged, it will be necessary to develop a building form that will be larger in scale than its immediate surroundings";

However, it also states that "The relationship between the existing and new will need to be carefully considered in the proposed architectural treatment to ensure that the scale of development does not overwhelm the surroundings, while achieving a contemporary design that reinforces the regeneration objectives for the city", and it is important that the existing buildings read as equal partners within the overall scale and mass of any proposal"

Comment: all of the above statements are contradictory and mutually incompatible in the context of what is presented. While there is no disagreement that the city can and will become denser and that this will require a change of scale. It is the quantum of this scale of change that is proposed that we oppose. The tower element is 4-5 time higher than its Georgian neighbours, this is exaggerated by the requirement for Cat 4 office space to have increased floor to ceiling heights. There is no precedent in Ireland or elsewhere for this scale and bulk of a 14-16 storey element in the heart of an historic core.

Conclusion

We urge An Bord to reject the tower element of this scheme and if not to significantly reduce its scale to allow for a more appropriate response to the historic context.



4.0 THE EIAR REPORT (Environmental Impact Assessment Report)

The following are concerns that we wish to raise in relation to the EIAR.

Mixed Use Development - Opera Site, Limerick

Limerick City and County Council

Dated March 2019

4.1

Section 2.4 of the EIAR deals with The Need for the proposed Project and describes the need arising as follows:

"The proposed development has been based on the Design Brief which was prepared for the site in order to fulfil the requirements of the Limerick 2030 Plan.

In line with the Design Brief the proposed development for the site seeks to provide "A New Business Offer" for the City, tying into the heart of the City's shopping offer. The Plan envisages a business-led

Comment : While we have no issue in principle with the development of this 2.4 Ha site as part of the rejuvenation of Limerick, it is our considered opinion, given the fact that LCCC are the developer and are proposing this development that it should have a more considered view of the type of development that would be appropriate to this city centre site. Having procured the site on the grounds that it would be a suitable site for housing, in 2011, LCCC are proposing that only 4% of the accommodation would be residential.

In a time when carbon emissions are a huge consideration, when there needs to be a switch to public transport, when our cities need to become more sustainable, when there is a huge demand for housing, we cannot understand why a local authority would not expect to provide a higher percentage of housing on this site to compliment the office use proposed. The demand for housing will increase in Limerick and its environs on the foot of this development. A liveable sustainable city will not emerge from this highly speculative and commercial approach which only makes assessment on an economic level and ignores the benefits of social capital that would ensue from a higher proportion of people actually living and working together on this site.

Conclusion

We urge An Bord to reject these proposals for such a substantial level of office accommodation on this site and to condition that more residential dwellings be provided as part of the mixed set of uses to reduce the carbon footprint of the site, minimise congestion, mitigate the high level of commuting that the site will produce and make a more liveable urban environment for the centre of Limerick.

4.2

In Section 2, the EIAR states:

"The Limerick City Development Framework supports the use of increased scale on the site" and states "In order to optimise the potential of the city centre, and to accommodate the range and scope of uses envisaged, it will be necessary to develop a building form that will be larger in scale than its immediate surroundings".

Comment: While we do not disagree that our city centres need to become denser and this will impact scale, we do not consider this to be sufficient justification for a Landmark building 14-16 storeys high, in an important historic city centre site such as this. The density can be achieved in a variety of ways. In addition the quantum of development on this site has been set by LCCC itself, from a brief of its own making. From what we can see in the EIAR, there are no options examined as part of the masterplan proposals for different approaches as to how to achieve density. One option only is presented for the masterplan in terms of urban form and layout and this is what is mirrored exactly in the developed architectural response which forms the basis of this submission.

Conclusion

We urge An Bord to reject the Masterplan and condition the removal of the tower element of this scheme and if not to significantly reduce its scale to allow for a more appropriate response to the historic context.

4.3

Section 3.2.4 of the EIAR deals with Conservation and Built Heritage. The introduction is quite clear about the value of the built heritage on the site and adjacent to the site and goes on to describe this as follows:

“There are 3 No. buildings within the site included on the Record of Protected Structures. The Town Hall, Rutland Street, was built in 1805 and is currently vacant and in a state of serious disrepair. The Granary, Michael Street, is one of the earliest known multiple storey warehouses to be built in Limerick, dating from the late 1700s. The Bruce House Doorway, on Rutland Street, is a carved limestone Venetian door case, dated 1806, re-assembled on the façade of an infill neo-Georgian building, c. 1990.

The location of the Opera Site is an area of particular importance in the historic development of Limerick City Centre. After Limerick was declared in 1760 to be no longer a fortress, it underwent a period of rapid expansion southwards of the city centre. George’s Quay was constructed and lined with fine townhouses, and a new bridge on the site of the present Matthew Bridge was commenced. From the mid-18th century, the Georgian quarter of Newtown Pery was developed, and during the 1760s the Custom House (now the Hunt Museum), Lock Quay and Charlotte’s Quay were completed.

Rutland Street played an important role in this period of rapid development, linking the new bridge from King’s Island and the Quays to either side of the Abbey River to Patrick Street. It was lined with an impressive sweep of redbrick terraces with the fine civic buildings of the Custom House and the Town Hall at either end.

The streets of Georgian Limerick represent a unique example of 18th and 19th century town planning in Ireland that remains to a large extent intact. The hierarchy of streets and buildings with fixed proportions and ordered symmetry forms a notable townscape heritage that gives Georgian Limerick a special sense of place.

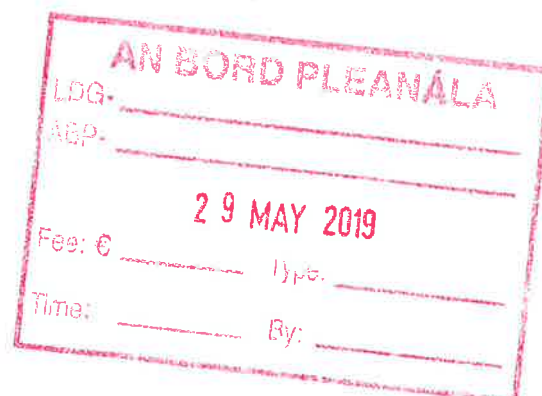
Bank Place formed part of a once grand development of Georgian terraces along Charlotte’s Quay facing the Abbey River, of which the terrace of three buildings at Nos. 7-9 Bank Place survive. The urban space is larger today than recorded in the 1888-1913 25 inch OS Map.

The Hunt Museum, originally the Custom House, is described by the NIAH as probably the most important mid eighteenth century classical building in Limerick City. Whilst its principal frontispiece with arcaded wings faces the River Shannon to the west, the setting of the Hunt Museum also relates to Bank Place visually on approach from west along the river and from across the bridge to the north”

Comment: In the context of the above description in the EIAR we cannot understand why a tower on this site of the scale proposed with its significant scale and bulk, some 4-5 times higher than the buildings in its setting can be permitted. This element will significantly alter the setting of the historic buildings so dearly valued in the above statement. The tall element will not be justifiable on the grounds that it will be a landmark building. The Hunt Museum is already a landmark building at 3 storeys high. Landmark has to do with quality, character, and not just scale!

Conclusion

We urge An Bord to reject the tower element of this scheme and if not to condition that its scale be significantly reduced to allow for a more appropriate response to the historic context.



4.4

In Section 3.2.7 ref the EIAR elated to Building Form and Urban Spaces it states:

"The proposed public square forms the centre piece of this development, providing a space for urban life to flourish and acting as an artery through which residents, workers and tourists alike can access the range of uses facing onto it."

Comment:

This space as proposed is largely surrounded by Office accommodation and some cafes. The residential component does not participate in this space, housed as it is, in the perimeter facing a courtyard internally generated by the Aparthotel.

In the end this space will have a corporate rather than civic identity. The route through, while a welcome feature connects a very quiet residential Michael st. to Rutland st. and would not make access to the Milk market area any more convenient. The route north towards Bank place is not directly connected into this space where currently there exists a direct laneway which in these proposals has been removed. We see an opportunity lost in the detail of how this connectivity is envisaged which may serve to affect the open space detrimentally from a security point of view, becoming unused after hours.

Conclusion

We urge An Bord to condition that more dwellings be provided as part of the mixed uses proposed and that these contribute to the life of this square transforming it from a private corporate character to a more identifiable living city public space.

"The re-development of Bank Place, including an upgraded and enlarged public plaza and the proposal to locate the scheme's landmark tower at this location, establishes a strong identity for the scheme and also highlights the importance of this location as a nodal point in the city between the medieval core to the north of the Abbey River and the Georgian centre to the south"

Comment: We fundamentally disagree with the above commentary. While the aspirations are good, the Tower fronting this space at 14-16 storeys will destroy its very viability. The space will be overshadowed, will suffer down drafts and gusts generated by the tower and the mitigation measures proposed in the Micro Climate Section require significant planting of trees changing the nature of Bank Place from a potentially usable space which contributes to city life in the future, to a landscaped in accessible garden.

Conclusion

On the grounds of the above damage that will be caused to Bank Place, we urge An Bord to reject the tower element of this scheme and if not to significantly reduce its scale to allow for a more appropriate response to the historic context.

4.5

Section 4 of the EIAR relates to examination of alternatives.

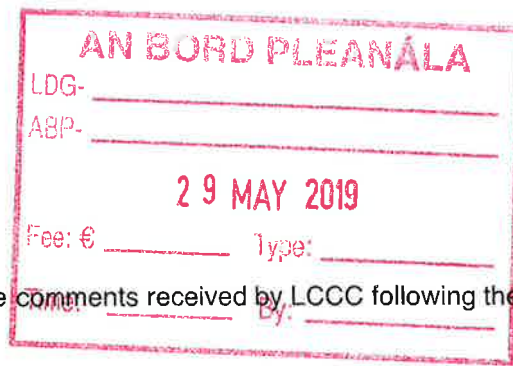
This section is by far the weakest section of the EIAR. There are no really urban-form alternatives explored which would provide a similar density to what is being proposed and in a manner which would avoid the need for a tall tower. There are no alternatives explored for residential and offices combined. There are no alternatives for routes through the site that might better facilitate access and through pedestrian traffic.

The only options discussed relate to the proportions of the tower, as an assumed given, relies on the Masterplan to determine the need for a Landmark tower without any questioning as to its appropriateness in this location.

In this context the masterplan is working from a weak foundation in that it has not been fully tested through explored alternatives and these discounted with reasons described. For an urban plan not to explore alternatives in a context such as this, is a fundamental weakness in this EIAR.

Conclusion

We urge An Bord to request that alternative options for urban form be explored on this site to fulfil the requirements of an EIAR and that the rationale as to why these options are being rejected to be presented in the EIAR in order to ensure that the scheme as proposed is the best solution for this site.



4.6

Section 5 of the EIAR summarises the comments received by LCCC following the Part 8 displays and consultations.

Key points raised in the responses received are summarised by theme in Table 5.1 of the EIAR.

It is our considered opinion that all submission should be made available in an Appendix attached to the EIAR in order to allow An Bord to establish its own view as to the importance of the concerns raised. Given that these comments have not been made available in full to An Bord with this submission, we hereby place emphasis on those that are most crucial and which should be given special consideration by An Bord.

A

The large element of commercial proposed has led to concern regarding the viability of the scheme.

This comment relates to the substantial amount of Office accommodation provided and how the scale of this single use on this site may affect not only its own viability but also potential in other parts of the city. It should be noted that to attract workers will require places for workers to live. This scheme does not provide sufficient residential accommodation to accompany the proposed office accommodation and will therefore be detrimental to the schemes overall sustainability.

B

It was suggested that the scheme be designed to avoid anti-social behaviour

This concern arises in relation to the Public space proposed in the centre of the block which due to the largely single use of offices proposed, will remain empty after hours.

C

There was some concern raised about the visual impact of the tall building on Bank Place on the Granary Building and The Hunt Museum.

We would propose that this concern is more widespread than is suggested in this summary.

D

It was felt that more residential on the site would make the area more vibrant from 7am to midnight.

We propose that this comment be given more weight and the scheme does not currently address this, even though we are told that comments and contributions have been taken on board.

E

A constant theme within the submissions is the idea of making Limerick a liveable city and to increase night-time and weekend activity in the area.

The proposed scheme does little to meet this very important aspiration and these grounds alone An Bord should reject this proposal.

F

It was felt that there was too much commercial on the site and queried the use of apart-hotel for satisfying housing need.

An Aparthotel cannot be described as residential accommodation and cannot be added to the small number of dwellings (16 Apartments) currently proposed.

G

Concern was raised that the scale and bulk of the tall building was out of character with Limerick City,

This is a significant concern and is understated in this summary. We urge An Bord to reject the proposal for a 14-16 storey tower on this site on the grounds that it will damage the historic city centre and the setting for some of the city's most historic monuments.

4.7

In Section 11 of the EIAR relates to Micro-Climature where the proposed assessment for microclimate is split into two separate assessments:

- Pedestrian Wind Comfort and Distress; and,
- Sunlight, Daylight and Shadow Analysis

The results of each assessment are reported within the chapter.

We are concerned that the tower will generate overshadowing of Bank Place to the extent that it will render this public space unusable.

It has been proven in Section 11 that the tower will generate its own down draughts and gusts, again rendering this public space unusable.

In section 11.2 (pedestrian wind comfort and distress) in order to mitigate the negative impacts of winds generated by the tower, extensive tree planting is proposed. Even with this significant degree of planting which the report concludes will be required to be evergreen and as such inappropriate in an urban setting, there is no guarantee that a hostile micro climate will be generated by the tower.

Conclusion

On the grounds of the above damage that will be caused to Bank Place, we urge An Bord to reject the tower element of this scheme and if not to significantly reduce its scale to allow for a more appropriate response to the historic context.

4.8

In Section 12 of the EIAR relates to Landscape and Visual Assessment:

The landscape and visual impact of the scheme is discussed in this one section by a fully qualified Landscape Architect. It is disappointing that the visual impact and urban form of the proposals are not also discussed and evaluated by an Architect or Urban Designer in order to make a professional argument as to the appropriateness of the street-scape proposed, heights of buildings and the urban forms and their relation to the existing urban context.

This chapter considers and assesses the potential effects of the Opera Site development on the townscape and visual resource of the study area. It identifies the mitigation measures that will be implemented to prevent, reduce or offset potential

COMMENT

Photomontages 1-23, which informed the townscape and visual impact assessment are enclosed in the booklet of 'Planning Application Photomontages' by Pedersen Focus Ltd, which is included in the submission but not evaluated and discussed in this section. In this regard we view this section of the EIAR as incomplete. A detailed examination of these VIAs or verified images can only lead to the conclusion that this tower element of the Masterplan and the proposed scheme is damaging and detrimental to the setting of the historic monument of the city and to the historic Georgian core in general.

This Section of the Report states that:

"Limerick City Development Plan 2010-2016 (LCDP) provides the overall strategy for the proper planning and sustainable development of the city. In September 2014, the Planning Authority proposed not to commence the review of the Limerick County Development Plan 2010 - 2016 and the Limerick City Development Plan 2010 - 2016. Therefore, the City and County Development Plans will continue to have effect until a new Development Plan for Limerick City and County is prepared.

The City of Limerick does not include a specific townscape character assessment to date; however, the Limerick City Development Plan contains a description of 'Area Profiles' which give details about the character of each area. A number of policies in relation to the protection of the city's landscape character and key landscape assets are also included in the plan. Relevant policies are listed below: Policy LBR.1 - It is the policy of Limerick City Council to ensure that Limerick's landscape, biodiversity and recreational facilities are preserved and enhanced, and that the overall combined potential and value of the network of open spaces and related assets within the City is recognized, retained and enhanced."

This Section of the Report also states that:

“Policy LBR.2 - It is the policy of Limerick City Council to:

- preserve and enhance Limerick’s Landscape Assets and Key Landscape Sites;*
- preserve and enhance Limerick’s Views and Prospects of Special Amenity Value.*

It acknowledges that the city landscape character “involves the combination interplay of many elements, including: the landscape; built environment; riverscape and natural heritage. Landscape is largely a non-renewable resource and therefore it is in the City’s interest to ensure that the City’s Environmental Impact Assessment Report Limerick City and County Council

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landscape assets that remain are protected for future generations for their visual, functional, natural heritage and other values”.

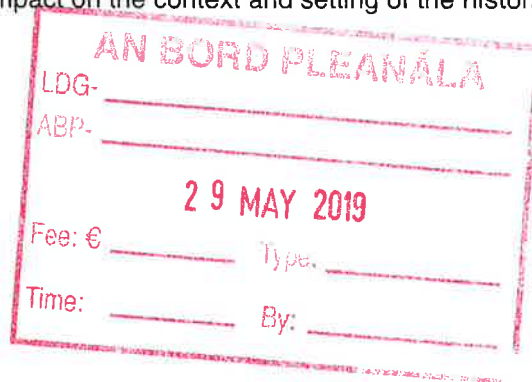
Policy LBR.5 - It is the policy of Limerick City Council to protect the intrinsic character and scale of the City and the City skyline.

Policy LBR.6 - It is the policy of Limerick City Council to protect key views and vistas and the visual prominence of important city landscape and townscape features such as areas of woodland, important tree groupings and areas of special architectural or heritage value.

The LCDP also states that: “Limerick City Council will have a presumption against development that threatens to obstruct strategic views or compromise the quality or setting of these views. In addition to these strategic views and prospects of special amenity value which are enjoyed by large numbers of people, local views of significance are also very important to the character and legibility of areas within Limerick. Local views will be identified on a case-by-case basis through the planning process. There will also be a presumption against proposals that would cause unacceptable harm to local views of significance and their settings”.

Conclusion

It is our considered opinion that the development as proposed by LCCC contravenes the city’s own guidelines and that on these grounds alone, An Bord Pleanála should reject the Masterplan as contravening these protocols, or alternatively, should condition the re-assessment of the Masterplan and the reduction in height of the tower element due to the damaging impact on the context and setting of the historic city.



Section 5 Urban Development and Building Heights,

Guidelines for Planning Authorities 2018

The Masterplan and the EIAR in the context of recent legislation in relation to Urban Development and Building Heights, Guidelines for Planning Authorities 2018. We enclose our comments on these guidelines indicating where in our opinion the Masterplan and the Proposals are non-compliant with the spirit and intent of this new legislation.

Section 12 of the EIAR goes on to state:

“While the Masterplan has been developed prior to the coming into being of the Urban Development and Building Heights, Guidelines for Planning Authorities 2018, which permits taller buildings in urban areas. Section 12 of the EIAR refers to the new legislation in relation to Urban Development and Building Heights – Guidelines for Planning Authorities, published in December 2018, which sets out national planning policy guidance on building heights with regard to urban areas. Under these guidelines, it is considered that by consolidating and strengthening existing built up areas, more sustainable development patterns can be achieved by limiting the expansion of towns and cities outwards. These guidelines build upon the strategic policy framework set out in Project 2040 and the National Planning Framework. With regard to the building heights of new developments, relevant aspects of these guidelines are extracted and listed as follows:

- Increased building height is a significant component in making optimal use of the capacity of sites in urban locations where transport, employment, services or retail development can achieve a requisite level of intensity for sustainability;*
- Taller buildings can assist in reinforcing and contributing to a sense of place within a city or town centre;*
- In some cases, statutory development plans have tended to set out overly restrictive maximum height limits in certain locations and crucially without the proper consideration of the wider planning potential of development sites. Regional (Limerick City & County):*

Comment

We have examined this legislation and while we agree that higher density and proper sustainable mixed-use developments are necessary to create liveable cities and respond to carbon emissions, we argue that the Masterplan contravenes the spirit of this legislation on a number of fronts. We consider that the proposal for a singular tall building in an historic city core is not compliant with this legislation. We also consider given the scale of this site at 2.4 Ha that the Masterplan with only 4% residential accommodation contravenes the requirements of this legislation for mixed use sustainable urban centres. On both of these counts we urge An Bord Pleanála to reject this proposal and the Masterplan upon which it is based and if not, to condition a re-assessment of the Masterplan and these proposals to increase the Residential Content and to reduce the scale of the tower element.

We would ask An Bord Pleanála to reject the EIAR on the grounds that it has not sufficiently examined sustainable alternatives for the development of this 2.4 Ha site which could do significantly more than proposed to create a truly living city. While it could be argued by LCCC that Limerick 2030's vision is to provide dwellings elsewhere in the city, there is no guarantee without concrete proposals put forward that this will happen as it is outside LCCC control and will lead to an imbalance of development in the city. Currently there are several other proposals for mono use office developments in the city centre, again without provision for dwellings. This site is unique in the city in terms of its scale at 2.4 Ha and presents a significant opportunity for a proper mixed use development of offices and dwellings which when combined will attract workers who commit to the city, will demand other services that single uses cannot demand and so contribute long term to the sustainability and liveability of Limerick's city centre. The current proposal is purely economical in nature and ignores the social capital which although difficult to measure that would ensue if a proper mixed-use scheme were to be proposed. What is challenging about these proposals is that they present a vision by the city authorities which is purely commercial and speculative in a context where its remit should be broader and more sympathetic towards its own city. We have tested the scheme against these guidelines and make the following comments and raise the following concerns:

Urban Development and Building Heights

Guidelines for Planning Authorities December 2018 states at:

AN BORD PLEANÁLA

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Section

1.16 *The first of the 10 National Strategic **Outcomes in the National Planning Framework** that the Government is seeking to secure relates to **compact urban growth, with the associated objective that at least half of the future housing growth of the main cities will be delivered within their existing built-up areas through infill and brownfield development** and 30% in other key towns. The Government is determined to ensure that the realisation of this objective is a shared priority across Government, the wider public sector and through private investment and it will therefore be a key driver for investment and policy delivery at national, regional and local levels.*

1.19 *Meeting the scale of the challenge set out in NPO 13 above requires new approaches to urban planning and development and securing **an effective mix of uses**. In particular, there is a need to support the development of a balance of uses within our urban centres (e.g. **living**, working, leisure), **rather than focusing on just one or two uses that we are seeing in the development of some parts of our city centres, where offices are more frequently constructed than the homes that communities and economies also need**, or in our suburbs that are predominantly residential and whose development in ever-extending outward arcs will necessitate more and longer travel to work, car-based mobility and a loss of quality of life as a result.*

Comment: This balance of uses is not achieved. The focus is entirely on commercial, retail. The cultural aspect already exists on the site and there is no provision to increase this over and above what is already on site. It is simply being moved to another part of the site.

1.20 *A key objective of the NPF is therefore to see that **greatly increased levels of residential development in our urban centres** and significant increases in the building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels.*

2.1 *Implementation of the National Planning Framework requires increased density, scale and height of development in our town and city cores, including an appropriate mix of both the **living**, working, social and recreational space we need in our urban areas.*

Comment : this is a development proposal by Limerick City and County Council, via Limerick 2030. The proposal does not provide any significant quantum of residential development (current provision at 4%) to be considered a mixed use development. Nor is there any mention of social and affordable dwellings being provided.

2.3 *While achieving higher density does not automatically and constantly imply taller buildings alone, increased building height is a significant component in making optimal use of the capacity of sites in urban locations where transport, employment, services or retail development can achieve a requisite level of intensity for sustainability. **Accordingly, the development plan must include the positive disposition towards appropriate assessment criteria that will enable proper consideration of development proposals for increased building height linked to the achievement of a greater density of development.***

Comment: the masterplan provide for some 29000m² of office space which will accommodate approximately 1500 persons working in the city. There is no provision for dwellings on the site except for 13 apartments. Where these workers are to live has not been properly described. Without a plan for residential development on this site or adjacent sites to support the proposed uses the reliance remains with the market to supply, which is not guaranteed, consigning workers to unsustainable commuting patterns which will contribute to the carbon foot print of this site. Public transport in limerick is poor and not a preferred option. This site cannot be considered as a Nexus for transport intensity. The only option is car transport, leading to further congestion and carbon emissions.

- 2.7 *To give effect to these broad policy directions and a more active land management-centred approach as set out in the NPF, the preparation of development plans, local area plans and Strategic Development Zone (SDZ) Planning Schemes and their implementation in city, metropolitan and wider urban areas must therefore become more proactive and more flexible in securing compact urban growth through a combination of both facilitating increased densities and building heights, while also being mindful of the quality of development and balancing amenity and environmental considerations. **Appropriate identification and siting of areas suitable for increased densities and height will need to consider the environmental sensitivities of the receiving environment as appropriate, throughout the planning hierarchy.** The Environmental Sensitivity Mapping online tool, developed by the EPA, can be a useful guide in this regard.*

Comment: While a local masterplan was prepared for the site, It ignores the impact of a single mono use which will create a dead zone in the city centre after hours. The impact on sensitivities of the civic and cultural monuments of the city has not been addressed and the further impact of car commuting and congestion as a result of the increased focus of one use in an urban block in the city from a sustainable cities perspective has not been addressed.

- 2.8 *Historic environments can be sensitive to large scale and tall buildings. In that context, Planning Authorities must determine if increased height buildings are an appropriate typology or not in particular settings. An Initial assessment of the existing character and setting of a place will assist in a robust framework for decision-making that will facilitate increases in building height and involve an integrated understanding of place. With regards to large-scale and tall buildings in historic urban areas, an examination of the existing character of a place can assist planning authorities, and others to:*
establish the sensitivities of a place and its capacity for development or change and;
define opportunities for new development and inform its design.
- 2.9 *In order to consider proposals in an integrated and informed way, an urban design statement addressing aspects of impact on the historic built environment should be submitted along with a specific design statement on the individual insertion or proposal from an architectural perspective addressing those items outlined above.*

Comment: Tourism is an important economic driver, promoted through the sensitive and imaginative conservation of the historic quarters of our cities, including the historic civic and cultural monuments that are located there, their surroundings and settings. The Masterplan and the EIAR in its conservation section, recognises the Hunt Museum located adjacent to this site as one of the most significant, cultural and historic monuments in the city. There is no attempt to justify the appropriateness of a 15 storey tower which will overshadow and dominate the setting for the Hunt Museum, St Marys Cathedral and its historic graveyard. This plan proposes to set out a Roadmap for the future development of the city. If this plan as proposed serves as a precedent, the historic centre will be exposed to the likely food of taller buildings which will erode the Georgian fabric and scale of Limericks Historic Core.

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- 2.10 **Notwithstanding the above, the provisions contained within Part (IV) Planning and Development Acts 2000, as amended, regarding architectural heritage and associated character/setting remain in place.** Planning Authorities are the primary consent authority in establishing if proposals align with best practice in this area and which design standards are to be used in certain circumstances. Planning Authorities can reference *Architectural Heritage Protection – Guidelines for Planning Authorities (DEHLG)* and *Shaping the Future – Case Studies in Adaptation and Reuse in Historic Urban Environments (DAHG) 2012*.

Comment : It is our view that the considerations required in 2.10 have not been addressed in the Masterplan upon which these proposals are based. The local heritage and conservation scales are completely ignored. We would urge An Bord Pleanala to condition that the tower element be scaled back to an appropriate height. There is no appropriate level of independently assessed detail of this Tower in its context through independently verified views to permit An Bord Pleanala to decide whether it is appropriate.

- 2.11 Taking the matters outlined above and the broad policy directions into account, it is therefore critically important that development plans identify and provide policy support for specific geographic locations or precincts where increased building height is not only desirable but a fundamental policy requirement. Locations with the potential for comprehensive urban development or redevelopment (**e.g. brownfield former industrial districts, dockland locations, low density urban shopping centres etc**) should be identified where, for example, a cluster of higher buildings can be accommodated as a new neighbourhood or urban district or precinct. **Such areas, particularly those in excess of 2 ha (approx. 5 acres) in area, should be accompanied by appropriate master-planning exercises** and local planning frameworks to deal with movement, public realm, design and other issues that are best addressed at a neighbourhood level rather than at an individual site scale.

Comment: A Masterplan was prepared for this site as it extends beyond the 2 ha limit. While the site is described as a Brownfield site, this is only partly the case. Up until 2005 all perimeter buildings were occupied by mixed uses and the current library facility located on Michael St. Only the central part, approximately 30-50% can effectively be described as Brownfield, given the industrial and storage and car park uses that previously or currently occupy only part of the site.

The Masterplan provided no alternative options, the EIAR does not show any alternative options of any significance that would allow them to be considered alternative proposals. While there is a discussion about optional uses, these are quickly discounted without major reasoning, all pointing to essentially one considered proposal off which the current proposals are based.

At a minimum it should be expected that alternative urban forms be tested, on the unbuilt sections examining, height options, use options, differing densities and scales. Where best to provide public open space or indeed none? Alternative options for the tower should have been examined as part of the EIAR, instead what is presented is an argument for elegance justifying the final height of the tower without any argument supporting its appropriateness in an historic urban context. Alternative options for access to and through the block, including North South as well as East West should have been examined. Options to keep the Library where it currently is for example, rather than move it to a new location and only then allocating it the same floor area. There are no options to examine a balance of housing with offices on the site.

2.14 **Certain urban locations often attract strong demand from other land uses, particularly of a commercial (non- residential) nature, which can result in a relative deficit in the supply of new residential development as part of appropriate mixed use neighbourhoods.** This can militate against achieving the objective of increased proximity of new homes and employment which is a central theme of the National Planning Framework. Accordingly, in the interests of achieving national policy objectives for significantly increased urban housing delivery, there is a need for planning policy to ensure that an appropriate quantum of residential developments is included as part of significant development proposals for individual sites and urban neighbourhoods. In recognition of this need the following SPPR shall apply:

Comment: LCCC bought the site from NAMA on the grounds that housing would be a driver on this site. We argue that LCCC have avoided its public remit to provide such housing on this site and that its mission to purchase has not been realised.

The Public Open spaces provided in these proposals do not contribute to Urban Life which will demand that sustainable urban densities can only be realized with supporting public spaces of quality which provide opportunities for organized as well as improvised activities.

Bank Place is removed from the public realm of the city as it is overwhelmed by Landscaping proposals designed to mitigate the micro environmental impacts of winds and shadowing created by the 15 storey tower which is proposed.

The Public open space provided in the centre lacks focus and coherence. The routes through while opening it to the outside may not be widely used given their locations only on the East and West sides as proposals for what will happen on the East side are unclear, currently occupied by low density housing. Dominated by Office Space and An Apart Hotel the only shared city function is provided by the Town Hall extended to provide a Library. This space will have a largely corporate rather than civic sense, and will probably remain in charge of the developer rather than local authority, thus remaining open to the potential of privatization, and dominated by security measures as the activities proposed for the perimeter have little or no after hours content.



Yours Sincerely


Gerard Carty FRIAI
29th May 2019