



Case Reference / Description	258 no. residential units (6 no. houses, 252 no. apartments), creche and associated site works. Ballinure, Blackrock, Co. Cork.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	9 th June, 2020	Start Time	2.30 pm
Location	Via Microsoft Teams	End Time	4.25 pm
Chairperson	Tom Rabbette	Senior Executive Officer	Cora Cunningham

Representing An Bord Pleanála:

Tom Rabbette, Assistant Director of Planning
Sarah Moran, Senior Planning Inspector
Cora Cunningham, Senior Executive Officer

Representing Prospective Applicant:

Peter Heffernan, Wilson Architecture
John Cronin, John Cronin & Associates
Ross Loughnane, AECOM
Richard Pratt Jr, Applicant
Harry Walsh, HW Planning

Representing Planning Authority

Kevin O'Connor, Senior Planner
Lucy Teehan, Planner
Tony Duggan, City Architect
James Culhane, Roads/Transportation
Ciara Brett, City Archaeologist
Pat Ruane, Conservation

Introduction

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant, Planning Authority (PA) via Microsoft Teams having regard to the Covid-19 virus.

The procedural matters relating to the meeting were as follows:

- The written record will be placed on the pre-application consultation file and will be made public, along with that file, should an application arise following the conclusion of this consultation process,
- ABP received a submission from the PA on 18th May, 2020 providing the records of consultations held pursuant to section 247 and its written opinion of considerations related to proper planning and sustainable development that may have a bearing on ABP's decision,
- The consultation meeting will not involve a merits-based assessment of the proposed development,
- The meeting will focus on key site-specific issues at strategic overview level, and whether the documents submitted require further consideration and/or amendment in order to constitute a reasonable basis for an application.
- Key considerations will be examined in the context of the statutory development plan for the area and section 28 Ministerial Guidelines where relevant,
- A reminder that neither the holding of a consultation or the forming of an opinion shall prejudice ABP or the PA concerned in relation to any other of their respective functions under the Planning Acts or any other enactments and cannot be relied upon in the formal planning process or in legal proceedings.

The ABP representatives acknowledged the letter dated 26th March, 2020 formally requesting pre-application consultations with ABP. Prospective applicant advised of the need to comply with definition of SHD as set out in the Act of 2016, in relation to thresholds of development. It was also noted that the Inspector dealing with the pre-application consultation request would be different to who would deal with the application when it was submitted. Recording of the meeting is prohibited.

Agenda

- 1. Principle of development of ZO12 lands with regard to SE4 objectives including Building Height**
- 2. Conservation Issues:**
 - **Impacts on the historic setting of Bessborough House and associated Folly**
 - **Impacts on Trees and Historic Landscape**
 - **Legacy of Mother and Child Home**
 - **Archaeological Issues**
- 3. Impacts on Landscape and Visual Amenities**
- 4. Design and Layout of Residential Development**
- 5. Roads layout, pedestrian and cycle connections, car and cycle parking provision**
- 6. Any Other Matters**

1. Principle of development of Z012 lands with regard to SE4 objectives including Building Height

ABP Comments:

- Two zoning objectives apply to the proposed site - ZO4 'Residential, Local Services & Institutions' on the northern part of the site and ZO12 'Bessboro House Landscape Preservation Zone SE4' with site specific objectives at the southern end of the site. The site is also within a designated Area of High Landscape Value.
- Development may materially contravene site Development Plan objectives, as discussed in the PA submission.
- ABP queried whether the Development Plan provides for residential development on ZO12 lands. This is relevant with regard to the SHD as ABP can not materially contravene the zoning of the land.
- The applicant is advised to consider these matters
- ABP can only Materially Contravene certain aspects of the statutory plan but not in relation to land use zoning
- ABP notes that roads and site services have been permitted at the site under a now expired LAP, however no residential development has been permitted.
- ABP would have concerns and highlight section 9(6) of 2016 Act, site specific issues of SE4 and issues raised by PA.
- ABP queried whether the PA considered the development to materially contravene development plan policy on building height in suburban areas.

Prospective Applicant's Comments:

- Development open for consideration under the ZO12 zoning objective does not specifically refer to residential, prospective applicant considers it meets objective
- Development Plan takes precedence over the LAP, considers the discrepancy to be a mapping error, notes that permission has been previously granted on the site
- Proposed development would Materially Contravene the development plan if taking rigid interpretation of zoning objective
- Will review zoning and may seek legal advice on the matter
- Light industry was previously permitted at this site
- Prospective applicant does not have control over other adjacent lands, will include details in application
- Notes issues relating to building heights in suburban areas, specific objective in Development Plan, potential for Material Contravention

Planning Authority's Comments:

- Accept principle of residential development
- The ZO12 lands in the southern part of the site are subject to SE4 – Landscape Preservation Zone
- Residential development should only be north of Bessborough House and not permitted in the ZO12 lands at the southern part of proposed site
- Proposed development will Materially Contravene land use zoning if these lands are developed.
- PA view set out in Opinion, queries whether ABP can accept an SHD application on this portion of the site.
- PA can confirm that the zoning objectives are not a mapping error

- PA states that a reasonable interpretation of the Development Plan would be clear that development is only permitted north of Bessborough House
- The Mahon LAP expired in March 2020, relevant zoning is as per Development Plan
- There are other Landscape Preservation Zones at other sites across city but each site has unique Development Plan objectives
- PA does not consider height to be Material Contravention issue

2. Conservation Issues:

- **Impacts on the historic setting of Bessborough House and associated Folly**
- **Impacts on Trees and Historic Landscape**
- **Legacy of Mother and Child Home**
- **Archaeological Issues**

ABP Comments:

- Address above issues, also PA comments in relation to same.
- Applicant to consider potential impacts on the setting of Bessborough House protected structure
- Notes that the existing buffer of trees at the development site is to be incorporated into proposed landscaping. A detailed tree survey and detailed tree protection measures and landscaping scheme will need to be submitted with the application
- Clear details also required in application in relation to protecting sensitive landscape
- Applicant to ensure that proposed landscaping is consistent with trees protection measures, SUDS measures, roads / pedestrian / cycle design, site levels, etc.
- Mother and Child Home, PA have given details including possible burials at the development site. PA may be able to advise prospective applicant on approach to take in order to sensitively deal with this issue. Prospective applicant may also wish to discuss proposals with the Mother and Baby Homes Commission of Investigation, Cork Survivors and Support Alliance and other key stakeholders.
- Prospective applicant to consider how to proceed in context of dealing with and assessing the site, set out clearly proposed remediation measures.
- Prospective applicant should engage in further discussions with PA in relation to public realm.

Prospective Applicant's Comments:

- View from house shielded by trees.
- Tree assessment included landscape report, will submit supplementary report with application
- Cognisant of root protection areas having regard to layout, only footpaths proposed so will not impact on roots
- Prospective applicant happy to engage in further discussions with PA and meet with Cork Survivors and Support Alliance. Have to have regard to legacy and how to deal with same.
- Archaeological Licence granted but subsequently revoked, ground previously heavily disturbed, geophysical survey carried out
- Prospective applicant will contact Commission to discuss further.
- Soil removal could be monitored during construction by archaeologist, work to date came under archaeology excavations
- Proposed site is heavily disturbed. There is a possibility that there may be remains in site, applicant has experience of dealing with similar issues at the Good Shepard site in Cork City.

Planning Authority's Comments:

- Conceptual approach is appropriate
- Intensification and change accepted
- Have regard to appropriate intervention into historic landscape
- Proposed development reads as a continuous contour of buildings along the estuary
- City Architect agrees that proposed development should sweep up towards Folly and South Link Road
- Development should relate to South Link Road
- PA Opinion refers to protected structure and its curtilages
- PA concerns with amount of building on proposed site, landscaping to be considered
- PA has no jurisdiction in relation to unconfirmed burial, unprecedented, no planning legislation to address this issue. Burials during the relevant era don't fall under archaeology. Notes testing on site but there may be remains, further research required.
- Issue of Mother and Baby Home may fall under Cultural Heritage considerations.
- Advise prospective applicant should engage in discussions with the Commission
- Final report due from Commission
- Clear sensitivities with proposed site, Cork Survivors and Support Alliance willing to talk to prospective applicant, might be correct approach to liaise with group
- PA don't definitively know where/if there are remains on this site, interim report from Commission leaves questions over possibility of remains on site
- The documentation submitted does not acknowledge sensitivity of the site
- Marry archaeological evidence with Mother and Baby Home and sensitivity around it
- Commission will only get involved if there is compelling evidence

3. Impacts on Landscape and Visual Amenities**ABP Comments:**

- Bessborough House has a prominent location and is visible from various sensitive locations including protected Views and Prospects
- PA may have particular views they wish to be included in Visual and Landscape Impact Assessment
- LVIA to include summer and winter vegetation in relation to visual impacts
- Applicant to address wider landscape impacts

Prospective Applicant's Comments:

- Prospective applicant to consider modifications suggested by PA in their Opinion
- Scoping Assessment submitted with number of views
- Acknowledge PA Opinion
- Acknowledge historic woodland
- Acknowledge protected views from south

Planning Authority's Comments:

- 2 protected views need to be assessed,
- Bessborough house visible particularly from south
- Landscape important and needs to be sensitively handled

4. Design and Layout of Residential Development

ABP Comments:

- Public realm in proposed development uses existing and new roads layouts
- Change in levels across proposed development. Applicant to consider how levels interact and submit detailed cross sections.
- Consider removal of some surface carparking to create improved public realm within the scheme.
- Address issues raised in PA Opinion
- Address if units that have pop outs are considered dual aspect with regard to the Apartment Guidelines
- Applicant to address circulation routes around proposed site and connections with greenway

Prospective Applicant's Comments:

- Details of pop out units submitted, development complies with Apartment Guidelines
- Public realm addressed in Landscaping Design Report, sets out hierarchy of open spaces
- Eastern and western boundaries are set back from existing vegetation
- Community garden proposed on northern part of proposed site
- Arrival plaza provides access to proposed development
- Levels worked out in conjunction with Part M, details in landscape report
- Will look at car parking provision and try to remove from central courtyard
- Car parking strategy to be submitted in application

Planning Authority's Comments:

- PA have serious concerns with main courtyards, consider removal of car parking from main arrival plaza area and instead provide more landscaping
- Parking management and strategy to be submitted
- Electric vehicle and disability parking to be included in application
- Proposed houses need to be more formalised and better integrated and refined into scheme

5. Roads layout, pedestrian and cycle connections, car and cycle parking provision

ABP Comments:

- Car parking rationale to have regard to public transport provision in the area
- Proposed development adjacent to greenway
- Have regard to CMATS

Prospective Applicant's Comments:

- Will address issues raised in PA Opinion
- Traffic and Transport Assessment, Quality and Road Safety Audit to be submitted

Planning Authority's Comments:

- PA have issues relating to podium area, levels and pedestrian access
- Independent Quality Audit to incorporate Road Safety Audit, etc.

- Have regard to quantity of parking in central area and how pedestrians can be accommodated
- No Traffic and Transport Assessment submitted
- PA cannot comment on car parking provision until impact on road network is assessed
- Junctions need to be incorporated into proposed works having regard to possible impact
- Have regard to creche and undercroft parking
- Address issues raised in PA Opinion
- Skehard Road has reasonable bus connections
- Provision of pedestrian access to greenway will open up site
- Bessborough area heavily trafficked
- More detail required in relation to greenway while construction taking place
- Submit Mobility Management Plan, bicycle parking details
- Consider bicycle parking near greenway

6. Any other matters

ABP Comments:

- Rationale in relation to childcare provision to be submitted with application

Prospective Applicant's Comments:

- Childcare provision to be updated and submitted

Conclusion

The representatives of ABP emphasised the following:

- There should be no delay in making the planning application once the public notice has been published
- Sample notices, application form and procedures are available on the ABP website
- Irish Water would like prospective applicants to contact Irish Water at cdsdesignqa@water.ie **between the Pre-Application Consultation and Application stages**, to confirm details of their proposed development and their proposed design.
- The email address to which applicants should send their **applications** to Irish Water as a prescribed body is spatialplanning@water.ie

Tom Rabbette
Assistant Director of Planning
July, 2020