



Case Reference / Description	Demolition of buildings, construction of 309 no. residential units (197 no. houses, 112 no. apartments), creche and associated site works. Cork GAA Lands, Old Whitechurch Road, Kilbarry, Cork City.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	4 th January 2022	Start Time	3:30 pm
Location	Remotely via Microsoft Teams	End Time	5:00 pm
Chairperson	Stephen O'Sullivan	Executive Officer	Hannah Cullen

Representing An Bord Pleanála:

Stephen O'Sullivan, Assistant Director of Planning
Conor McGrath, Senior Planning Inspector
Hannah Cullen, Executive Officer

Representing Prospective Applicant:

Michael O'Flynn, O'Flynn Group
Tom O'Driscoll, O'Flynn Group
Dave Coakley, Coakley O'Neill Town Planners
Kieran McDonogh, DMN Architects
Stephen Doyle, DMN Architects
Ken Manley, MHL & Associates Consulting Engineers
Ray Sheehan, J.B. Barry and Partners Limited Engineering Consultants

Representing Planning Authority

Martina Foley, A/Senior Executive Planner
Fiona Redmond, Senior Planner
Tony Duggan, City Architect

Áine McGrath, Executive Engineer
Deirdre Kiernan, Assistant Planner
Brian O'Flynn, Senior Executive Engineer

Introduction

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant, Planning Authority (PA) and introductions were made. 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 once the Opinion has issued,
- ABP received a submission from the PA on 8th December 2021 providing the records of consultations held pursuant to section 247 of the Planning and Development Act, 2000, as amended 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 11th November 2021 formally requesting pre-application consultations with ABP. The prospective applicant advised of the need to comply with the definition of SHD as set out in the (Housing) and Residential Tenancies Act of 2016, as amended, in relation to thresholds of development. The representatives of ABP advised that the Inspector dealing with the pre-application consultation request would be different to the Inspector who would deal with the application when it was submitted. Recording of the meeting is prohibited.

Agenda

- 1. Land use and Development Principle, including compliance with zoning objectives and definition of SHD.**
- 2. Transportation and Access, including Relationship with proposed Northern Distributor Route.**
- 3. Design and Layout, including density, open space, residential amenity.**
- 4. Soils and potential contamination / hazards**
- 5. Screening for EIA.**
- 6. Any Other Business**

1. Land use and Development Principle, including compliance with zoning objectives and definition of SHD.

ABP Comments:

- Clarity sought on the calculation of net site area and in relation to any residential zoned lands excluded from this calculation.
- There are 3 zoning objectives relating to the site lands and compliance with the land use objectives should be further demonstrated.
- Regard should be had to previous judgments in relation to contravention of zoning objectives.

Prospective Applicant's Comments:

- An area of steeply sloping / unusable land has been excluded from the net site area.
- All lands in the applicant's ownership have been included. Precedent elsewhere in Cork, for example in Blackrock, indicates that the development will meet the definition of SHD.
- Submissions on the Draft City Development Plan have been made and it is anticipated that the zoning objectives in the new plan would have more coherent and useful boundaries.
- Encroachment of residential uses onto public open space is minor and the planning authority do not deem it to be a material contravention. Such encroachment is justified on design grounds.

Planning Authority's Comments:

- Currently preparing material amendments on the county development plan and the Chief Executives report is to be published early April
- There is a minor element of encroaching onto public open space however the council would not regard it as a material contravention.

2. Transportation and Access, including relationship with proposed Northern Distributor Route.

ABP Comments:

- Clarity / further commentary in relation to progress on route selection for the Northern Distributor Road is required.
- The status or requirement for the link road on the southern site boundary identified in the current LAP should be clarified.
- Ensure that application documentation is clear with regard to the scope of the application.
- The design rationale for the proposed link road should be elaborated upon including its role as a street and adherence to the principles of DMURS.

Prospective Applicant's Comments:

- The proposed southern link road responds to the LAP objective and provides access to the proposed Northern Distributor Road from Old Whitechurch Road.
- The development does not propose upgrading or development of the eastern access road from Dublin Hill.

- The eastern end point of the proposed Link Road is fixed and the route runs through the industrially zoned lands.
- Routing through the centre of the site would potentially sterilise more residential lands within the scheme.
- The rezoning of the overall lands to residential would offer more scope to reconsider the design and layout of this route.
- It should be noted the route of the proposed link / distributor road creates a natural buffer between the residential development and industrial lands to the south.

Planning Authority's Comments:

- A route option is likely to go out to public consultation next month and the route is likely to be similar to that referenced within the applicants MHL documentation.
- This will likely cross the northern edge of the proposed park and will not interfere with the housing development.
- There should be no significant issues of encroachment or interference with the proposed road.
- Junctions on the NDR have not yet been defined or analysed to date, including any potential junction with the proposed link road.
- The road from Dublin Hill to east is not in ownership of the PA or taken in charge.
- There is an objective for a Framework Plan for the Kilbarry Expansion area.
- Dublin Hill is a priority bus corridor; it is important to have a link in this area and the proposed southern link road is still a requirement.

3. Design and Layout, including density, open space and residential amenity.

ABP Comments:

- Address compliance with the Medium B Residential Density zoning objective.
- The intent with regard to the management / ownership of the public open space/ park requires clarification.
- A higher level of documentation should be submitted in relation to elevational and contextual drawings/ plans.
- Concern in relation to the quality of the duplex units at the public plaza in particular the ground floor units' access to daylight.
- Daylight assessments will be required as part of any application.
- Encourage further discussion between the applicant and PA in relation to design layout based on urban design principles and advice in DMURS

Prospective Applicant's Comments:

- The proposed density is not a material contravention of the development plan, this will be clear within the application documentation. The development plan should be read as a whole.
- Regard is had to the objectives of the Draft City Development Plan in this regard, and the scheme is in compliance with national policy guidance.
- It is assumed that the City Council will take over the open space and keep it is a city park.
- An attenuation tank will be located in the linear piece of grass/walkway. Very steep areas will be reserved as biodiversity areas for rewilding.

- All required assessments will be carried out and submitted as part of the application to the Board.
- The PA's comments with regard to design of the units have been noted and are under review.
- Photomontages will be produced for the application, including views from the west.

Planning Authority's Comments:

- The report submitted represents the views of the PA. The density range identified in the development plan can go higher in exceptional circumstances.
- The proposed density of development should not go higher than already proposed.
- It is an objective of the Draft City Development Plan to provide for public access to the open space lands.
- There are concerns in relation to access to the upper floor units of the duplexes from proposed parking areas to the rear.
- The elevations of the stand-alone apartment blocks should be reviewed given their elevated position and as they will be viewed as pavilions in the park.
- Ensure DMURS concerns identified in technical reports are addressed and further discussion in this regard is welcome.
- Recommend coordination with adjoining landowners, in particular to the north-east of site (LDA) who are progressing plans for their development.

4. Soils and potential contamination / hazards

ABP Comments:

- Further information required in relation to the status of potential contamination of soils, what assessments have been carried out and where.
- The extent of site works and cut and fill required across the site should be fully addressed at application stage.

Prospective Applicant's Comments:

- Two separate investigations of materials on the site have taken place. They are satisfied there is no contamination / hazards on-site. Some localised hydrocarbons were identified.
- A detailed cut and fill exercise has not been undertaken yet. The intent is to leave imported fill in place as much as possible. Levels will transition gradually across the site, west to east.
- Any rock works will be addressed in a construction management plan.

Planning Authority's Comments:

- If there is contamination on the site this should form part of the EIAR or if not, a report should be submitted to clarify this.
- The traffic management plan should account for the cut and fill works.

5. Screening for EIA

ABP Comments:

- Screening documentation to be submitted. In terms of mandatory threshold, the documentation identifies the site as falling outside the definition of a built-up area.

- Ensure that all documentation and assessments consider the full scope of works proposed in the application.

Prospective Applicant's Comments:

- Of the opinion the site is not within a built-up area, the necessary supporting documentation will be submitted at application stage.
- It is intended to submit an ecology report.

Planning Authority's Comments:

- If no EIAR is being submitted, then a robust ecology report should be submitted. Note that badgers have been spotted on the adjoining lands.
- There is public interest in the amenity and biodiversity aspects of these lands.

6. Any other business

ABP Comments:

- The treatment of the east west Link Road and it's relationship to the scheme will need to be further addressed.
- Extent of proposed site works should be fully addressed at application stage.

Prospective Applicant's Comments:

- ABP and PA's comments are noted.

Planning Authority's Comments:

- Emphasise interaction between proposed development and the adjoining GAA club lands to provide a more natural / softer edge.
- Site specific bespoke reports/ assessments should be prepared.
- The provisions of the Water Framework Directive may be relevant.

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.
- A Schedule of Documents and Drawings should be submitted with the Application.
- 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.

Stephen O'Sullivan
Assistant Director of Planning
March, 2022