



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-301991-18

Strategic Housing Development

Construction of 413 no. apartments, neighbourhood centre, crèche, road improvement works including upgrades to the Mahon Link Road (R852) to the North of the N40 interchange to incorporate a dedicated bus lane and all site development works.

Location

Jacobs Island, Ballinure, Mahon, Cork.

Planning Authority

Cork City Council.

Applicant

Montip Horizon Limited.

Prescribed Bodies

Irish Water
National Transport Authority
Transport Infrastructure Ireland

Department of Culture, Heritage and
the Gaeltacht

An Taisce – the National Trust for
Ireland

The Heritage Council

Irish Aviation Authority

The Operator of Cork Airport

Observer(s)	18 submissions – see Appendix I.
Date of Site Inspection	30 and 31 August 2018.
Inspector	Stephen Rhys Thomas.

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The proposed development is located within the South Mahon area of Cork City, south of the Mahon Shopping Centre and N40 ring road and comprises a peninsula into Lough Mahon. The site is relatively flat with large areas of the site already disturbed from earlier phases of construction activity. There are four existing apartment blocks between six and eight storeys in height, wrapped around by the proposed development. These blocks are known as blocks 1 (Falcon), 2 (Kestrel), 5 (Heron) and 6 (Kingfisher). The remainder of existing development in the vicinity is characterised by two storey and three storey duplex units arranged around a conventional cul-de-sac roads layout.
- 2.2. The site is accessed via a single carriageway road from a junction off the N40 dual carriageway. A bus terminus is located within the site at the entrance to the existing apartment blocks. Lough Mahon, a large and expansive tidal waterbody is located to the east of Jacob's Island. A large expanse of tidal mudflats are exposed at low tide. A small portion of the site is located to the west and incorporates cycle and bus lane improvements on the Mahon Interchange.
- 2.3. The location of block 3 is at the northern apex of the site adjacent to the N40 and block 4 is north of existing blocks 2 and 5. The ground is almost level with the N40 at this location and an embankment gradually rises southwards along and combines to form the alignment of the access slip road to Jacob's Island and Mahon. Characteristic of disturbed ground, the area is colonised by scrub vegetation and a large depression has filled with water to form a pond. The boundary to the waterfront walkway is a combination of earth banking, fencing and informal mature hedging.
- 2.4. The location of blocks 7, 8 and 9 is mostly comprised of ground that has been excavated to form the underground car park area of previous development.

Consequently, the ground of this area is roughly level with the existing underground car park to blocks 1, 2, 5 and 6. The balance of land on this site is arranged in heaps of earth and some hardstanding. A small number of semi-mature trees have been planted along the southern boundary behind hoarding.

- 2.5. Block 10 is positioned on land that is slightly lower than the access road to Jacob's Island. The western side of the site slopes upwards to meet the Mahon Interchange infrastructure. The site has a large area of hardstanding, some fencing in poor condition and colonised by semi-mature shrub and tree species throughout.

3.0 Proposed Strategic Housing Development

The proposed development is the construction of 413 apartments with ancillary tenant amenity and management facilities, neighbourhood centre consisting of a crèche and 3 retail units, landscaping, road improvement works and substation on a site of 3.43 Hectares. The detail of the proposed development is as follows:

- Six apartment blocks ranging from 6 to 25 storeys; blocks 8,9 and 10 six storey, block 7 seven storey, block 4 eight storeys and block 3 twenty five storeys.
- 25 studio apartments (6.1%)
- 70 one-bedroom apartments (16.9%)
- 298 two bedroom apartments (72.2%)
- 20 three bedroom apartments (4.8%)
- Retail space in three units 861 sqm
- Crèche 392 sqm
- Upgrades to a section of the Mahon Link Road (R852) north of the Mahon Interchange to incorporate a dedicated bus and cycle lane.
- Communal Open Space 1.27 Hectares (37% of site area)
- 409 car parking spaces and 754 bicycle parking spaces.
- Net residential density 137 units per Hectare
- Plot ratio 1.21

4.0 Planning History

Subject site

TP00/24609 – Permission granted for a mixed residential development of 431 units (stated to be at a density of 26 units per/ha) comprising 271 apartments in 8 blocks (blocks 1-8) and 160 houses and duplexes in a total of 9 phases with phases 1, 2, 4, 6 and 7 comprising dwellings and duplexes and phase 3, 5, 8 & 9 comprising the apartments. The permission was extended and is still active. Of the 8 permitted apartment blocks, 4 have been constructed which were all subject to modification.

TP05/29340 – modified Blocks 1 & 2 previously permitted providing 2 additional floors to each block and 28 additional apartments increasing the number of units on site from 431 to 459 (28 units per/ha). It is stated that Blocks 1 & 2 (those blocks closest to the south ring road) are known as the Falcon and the Kestrel comprised Phase 3 of the parent permission and were constructed under the modification.

TP05/29373 – modified blocks 5 & 6 as permitted under the parent permission providing 2 additional floors to each block and 28 additional apartments increasing the number of units on site from 459 - 487 (increasing the density to 30 units per/ha). It is stated that Blocks 5 & 6 (those blocks to rear of those closest to the south ring road) are known as the Heron and the Kingfisher comprised Phase 5 of the parent permission and were constructed under the modification.

TP14/36170 – permission to replace 8 dwellings with 7 dwellings.

There are a number of other amending permissions which were not implemented and have now expired.

The Planning Opinion from Cork City Council states that to date 343 units of those permitted have been constructed with 143 units still permitted. If all permitted units were constructed, the residential density would amount to 30 dwellings per Hectare.

The site of the neighbourhood centre has been subject of three applications, all have been refused, the most recent proposal was refused on the basis that the need for a neighbourhood centre rather than a local centre had not been justified and the proposal would have an adverse effect on traffic congestion. The detail is as follows:

TP13/35575 and ABP ref **PL28.242701**, permission refused a two-storey neighbourhood centre consisting of discount retail store, off licence, office units and car parking.

TP08/33526 and ABP ref **PL28.232675**, permission refused for mixed use development: 40 no. apartments, 1250 sqm retail space, restaurant, bar, medical practice and 183 car parking spaces.

TP07/32647 and ABP ref **PL28.228153**, permission refused for mixed use development; 36 no. apartments, creche, restaurant, bar, medical practice, pharmacy, retail and 283 carparking spaces.

The planning authority have referenced the following permission on lands to the south east of the site adjoining the neighbourhood centre site which was granted permission under **TP07/32686** (PL28.232275) which related to a mixed use development of c. 58,000 sq.m comprising blocks between 2-21 floors in height including 325 residential apartments, 184-bed hotel, crèche and local retail services. The Board omitted the hotel blocks and a six storey block comprising 20 units and 'truncated' a ten storey block omitting 16 apartments. It is noted that this permission remains active until 2020.

5.0 Section 5 Pre Application Consultation

5.1.1. A section 5 pre-application consultation took place at the offices of Cork City Council on the 4 May 2018 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-301345-18. In addition, the applicant was advised of specified information to be submitted with the application under articles 285(5)(b) and 298(1) of the Regulations. Matters discussed as part of the consultation meeting between the applicant, planning authority and officials of An Bord Pleanála are summarised as follows:

- Visual Impact, Design of Tall Building and Detail of Finishes - tall building strategy and supporting policy background, details concerning optimal architectural/design solution for a proposed tall building, treatment of

threshold space between buildings and parkland, design details and finishes and a life cycle report.

- Traffic Impact, Access and Sustainable Parking – detail existing transport serving the area, traffic impact on N40, parking, go cars and the proposed improvements to the road network between the site and the City Centre and sequencing, road safety audit, intentions for taking in charge. Reference was also made to the need to respond to submissions sought from the NTA and TII.
- Pedestrian/Cycle Connectivity - connections to Mahon Shopping Centre and bus services in the vicinity, signage to pathways and proposed uses in the tenant amenity area.
- Residential Amenity – provision of documentation addressing residential amenity in terms of overlooking, overshadowing both externally and internally within the site, noise impacts and wind tunnelling.
- Water and Foul Services and Surface Water Management/SuDS – a clear outline of the proposals for the site particularly in the context of items to be taken in charge and the potential to incorporate SuDS measures into the proposed design for the site.
- EIA and AA - address the proposal in the context of EIA and the requirement to address AA having regard to proximity of the Cork Harbour SPA.
- In relation to any other matters details should be clarified in relation to proposals for lands adjoining site and density to be expressed in net values.

Copies of the Inspector's Report and Opinion are on file for reference by the Board. A copy of the record of the meeting is also available on file.

5.1.2. The Board considered that the documentation submitted by the applicant constituted a reasonable basis for an application to be made. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that specific information should be submitted, a summary of which is as follows:

- Notwithstanding that the proposal constitutes a reasonable basis for an application, the prospective applicant should satisfy themselves that the

proposed tall building provides the optimal architectural solution for this strategic landmark site and in this regard, the proposed development shall be accompanied by an architectural report and accompanying drawings which outlines the design rationale for the proposed tall building having regard to inter alia, National and Local planning policy, the sites context and locational attributes.

- A report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the strategic location and visibility of the site and to the long term management and maintenance of the proposed development.
- A life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
- In the context of the information required above, a detailed photomontage report which includes the detailing of the proposed structure rather than an outline of same.
- The Transport and Transportation Assessment and other documentation related to Traffic and Transportation shall respond to the comments raised by both the National Transport Authority and Transport Infrastructure Ireland in the responses received by the Board which are attached.
- A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically how the development will limit the potential for overlooking and overshadowing. The report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units and adjoining traffic routes. Details in relation to noise impact and mitigation for same shall also be included. Furthermore, landscape and architectural drawings that clearly detail the relationship between wind impact mitigation measures and the design of pedestrian pathways and public and private open spaces shall be included.
- Prospective applicant should satisfy themselves that a Stage Two Natura Impact Statement is not required for the proposed development.

- Additional documentation relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') with specific reference to a Justification Test (if necessary) and should take account of any highly vulnerable development proposed.
- Details of the uses proposed for the tenant amenity space.
- A layout plan that details the location and appropriate quantity of bicycle parking spaces.

5.1.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

1. Irish Water
2. National Transport Authority
3. Transport Infrastructure Ireland
4. Department of Culture, Heritage and the Gaeltacht
5. An Taisce – the National Trust for Ireland
6. The Heritage Council
7. Irish Aviation Authority
8. The Operator of Cork Airport

5.2. Applicant's Statement Under Article 297(3)

Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation submitted would constitute a reasonable basis for an application for strategic housing development. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is not required.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities - 2018
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009)
- 'Design Manual for Urban Roads and Streets' (2013)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').
- 'Childcare Facilities – Guidelines for Planning Authorities' (2001)

6.2. Development Plan

Cork City Development Plan 2015-2021

6.2.1. The site includes a number of zonings. Most of the site is zoned ZO 20 – Mixed Use Zoning Jacob's Island with the objective to provide for mixed use development to accommodate up to 15,000 sq.m of business and technology offices and residential uses. A liner part of the site adjacent to Lough Mahon is zoned ZO 14 Public Open Space. Part of the site is zoned ZO 9 neighbourhood centres with the objective to protect, provide for and/or improve the retail function of neighbourhood centres and provide a focus for local services. Paragraph 15.16 of the plan states that convenience, lower order comparison and residential uses and local services are acceptable in this zone.

6.2.2. Para 4.19 relates to neighbourhood centres and states that anchor stores in these centres should not exceed 1500 sq.m net and should normally serve a pedestrian catchment of c. 800m.

Objective 14.1 refers to the Mahon Local Area Plan and states that the LAP vision will be achieved by:

- Expanding the population and improving residential amenity;
- Gradually replacing low density industry with height density employment accessible to those living in the area;
- Creating strong focal places and Mahon Point and neighbourhood centres providing local services and a physical focus for their areas;
- Supporting a shift to non-car modes for transport, environmental, social and health reasons: and
- Conserving landscape, building heritage and environmental assets;

6.2.3. Chapter 6 relates to residential strategy and includes residential strategic objectives. Chapter 16 of the City Plan refers to development management and outlines the qualitative and quantitative standards against which it is proposed to assess proposals. These include urban design (objective 16.3). Density is addressed in section 16.40 and 16.41. Densities of greater than 50 per ha will normally require a mix of houses and apartments with densities higher than this baseline level appropriate in other types of location such as along bus routes, at larger development sites and major development areas and mixed use areas.

6.2.4. Section 16.46 deals with residential design. Section 16.49 refers to proposals for new residential developments which it is stated will be assessed having regard to density, plot ratio, accessibility, statement of housing type, access to neighbourhood facilities, design and quality of proposed layout, orientation, overlooking and overshadowing, adequate public and private open space and provision of waste storage facilities.

6.2.5. Tall buildings are addressed in paragraphs 16.25 and paras 16.34-38 with objectives 16.7 stating that the City Council will aim to protect the special character of Cork City which have been identified as having potential for tall buildings with these areas the South Docklands and South Mahon. Objective 16.8 relates to Tall Building in South Mahon and notes that a tall building to mark the gateway into the city from the Harbour, the Jack Lynch tunnel exit and the Dublin Road N8 should be provided in the location identified in Volume 2/Map 8.

It continues that this apex tall building must be located to be the focus for the following strategically significant views:

- From Lough Mahon/Cork Harbour as a signpost when viewed from the River
- From the N8 Dublin Road/Glanmire Road
- When emerging from the Jack Lynch tunnel on the N25

The tall building should be located at the apex of the Jacob's Island Lands at its eastern side and the tall building should be:

- Of high design quality and designed to be seen from the Harbour, the Dunkettle roundabout, the Dublin Road and Southern Ring Road (westbound from tunnel);
- Maximum height of 64m high approx. 67.5m OD or equivalent of approximately 16-20 storeys;
- Either a slender point building with a slenderness ratio of at least 3:1, a sail like building or an apex building in design;
- In residential use, the possibility of ground floor commercial use to provide for the needs of residents and users of the Mahon walkway;
- Tall building should be approx. twice the height of its adjacent building;
- Particular consideration should be given to daylight/sunlight/amenity impacts on adjacent blocks and public space;
- Proposals to re-orientate the buildings so that it addresses the sites context in a positive fashion (i.e. the apex of the river) will be considered on its merits providing they do not result in significant loss of area to the proposed park;

Mahon Local Area Plan 2014

- 6.2.6. The subject site is located within this LAP area and is within Sub-Area 9: Jacob's Island. The overall vision (section 3.1) states that Mahon will develop into a coherent mixed use suburb that meets the needs of the community and make it an attractive place to live with the objectives for achieving same as per objective 14.1 above in the City Plan. Section 3.2.2 and Table 3.3 provide the population targets for the LAP area and the proposal falls within 'tranche 1' (2011-2021). Precinct objectives or specific sub area objectives are set out in the LAP including objectives relating to residential density with indicative additional population targets, a new neighbourhood

centre, a tall building and providing that the area provides a development opportunity.

7.0 Applicant's Statement of Consistency

7.1.1. Section 8(1)(a)(iv) of the 2016 Act provides that the applicant is to submit a statement setting out how the proposal will be consistent with the objectives of the relevant development plan or local area plan. A Statement of Consistency with local and national policy has been submitted with the application, summarised as follows:

- National Planning Framework – relevant policy objectives regarding population growth, regional accessibility, improving air quality, reducing car dependency and promoting sustainable forms of travel such as walking cycling and public transport are all highlighted and the applicant states that these objectives are met by the proposed development.
- Rebuilding Ireland: Action Plan for Housing and Homelessness – the applicant states that the proposed development will assist the achievement of Pillar 3 of the Action Plan, that seeks to increase the delivery of housing units.
- Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities 2018 – the applicant states that the site is located at a Central and Accessible Urban Location and therefore is suitable for a higher density scheme comprising solely apartment units. It is stated that the development is in accordance with Specific Planning Policy Requirement (SPPR) 1, regarding unit mix as follows: studio units 6%, 1-bedroom units 16.9%, (Combined 1-bed – 23%), 2-bedroom units 72.2% and 3-bedroom units 4.8%. The floor areas meet the requirements of SPPR3. Regarding the amount of single aspect units, over 60% of the units are dual aspect and ground floor apartments have floor to ceiling heights in excess of minimum requirements, thus meeting SPPR 4 and 5.
- Urban Design Manual: A Best Practice Guide – the applicant has provided responses to each of the 12 criteria that should guide good urban residential development.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas – the applicant states that these guidelines were developed by a team led by O’Mahony Pike Architects, the lead architects on this application. The principles of the guidelines are incorporated into the design of the scheme.
- Design Manual for Urban Roads and Streets (DMURS) – the applicant accepts that the road infrastructure on Jacob’s Island predates DMURS, and notes the existing traffic calming measures already in place. Given the low volumes of traffic, carriageway widths will be narrowed in places and shared surfaces provided where appropriate. The site is well connected and car parking will be provided in basements.

The applicant also outlines how the development meets the policies and objectives outlined in the City Development Plan and Mahon Local Area Plan.

8.0 Third Party Submissions

8.1. The submissions were primarily made by or on behalf of local residents, particularly residents of Kingfisher and Kestrel apartment blocks, Longshore Drive and Avenue, Jacob’s Island and Blackrock. A summary of each submission is set out at appendix 1 of this report. The main points made relate to the following issues:

- The scale, density and design of the proposed development will impact negatively on existing residential amenity, by way of overshadowing, overlooking and overbearing appearance.
- The architectural design of the proposal and specifically the provision of a 25 storey tower is not acceptable and will be out of context with existing development.
- The overdevelopment of the site will lead to significant traffic problems and congestion on a junction that is already under pressure.
- The housing mix and apartment size will not be attractive for families and will lead to shorter term occupants and impact negatively on the existing community.

- The lack of adequate environmental and ecological assessment of the potential impacts of the development on the local environment and adjacent Natura site.
- Car parking, cycle parking and waste storage and disposal are all inadequate and not in accordance with relevant guidelines.
- The proposal contravenes the Cork City Development Plan, the Local Area Plan and takes no account of previous planning decisions to refuse permission in the area.
- Public transport in the area is poor, cycle and walking facilities are not up to standard and this will lead to more dependence on private car transport.

I have considered all of the documentation included with the above third party submissions.

9.0 Planning Authority Submission

- 9.1. The Chief Executive's report in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 27 August 2018. The report states the nature of the proposed development, the site location and description, noteworthy planning history and details the relevant Development Plan policies and objectives. The report also included a summary of the points raised by observers, and various internal reports.
- 9.2. A summary of the views of relevant elected members expressed at the South-East Electoral Area meeting of 13 August 2018, is outlined as follows:
- Part V social housing should be distributed throughout the scheme.
 - A dedicated entrance off the southbound slip from the N40 should be provided to Jacob's Island or/and a dedicated bus entrance.
 - Improvements at the Dunkettle roundabout may alleviate problems at the Mahon Interchange, an additional in bound lane should be provided to Jacob's Island from Mahon.
 - Concerns with regard to fire safety and tall buildings.

- Car parking should align with the maximum required under Development Plan standards, from 409 to 571.

An additional submission was made by Cllr Chris O’Leary and it raised similar issues in addition to safety, pedestrian access, environmental concerns and lack of consultation.

9.3. The following is a summary of issues raised in the assessment section of the report:

- **Principle of Development** – given the strategic gateway location to the city, that the site is zoned for mixed, neighbourhood centres and public open space development and the contribution to addressing the housing shortage in the city, Cork City Council is supportive of the application to that accords with zoning objectives.
- **Residential Density** - There are no objections to the proposed density and quantum of development proposed. The planning authority note the net density of the proposed development, however, the proposal will result in an acceptable density of 46 dwellings per Hectare across the area.
- **Scale, height, design and visual impact** – there are existing 6 and 8 storey buildings across the site and extant permissions for similar heights and quantum. The site is identified as a location for a tall building up to 20 storeys subject to design criteria. Objective 16.8 *Tall Building at South Mahon* in the City Development Plan and 16.3 are relevant. Despite the proposed tower of 25 storeys, it is considered to fulfil the design criteria for the site and is not a ‘material’ contravention of the Plan. The City Architect compliments the design of the tower and the overall urban design proposal.
- **Impact on residential amenity** - The planning authority note that the original planned development for the area included additional blocks. There will be impacts upon daylight and sunlight but these are balanced against the achievement of additional housing units.
- **Traffic and transport issues** – Traffic congestion at the Mahon junction is acknowledged. The submissions from TII and NTA are noted and the findings of the Councils Transportation Division is included in appendix B. Traffic

volumes will continue to build with or without the proposed development and there is support for the bus lane improvements proposed in the application.

- **Parking** – the proposed development provides for 409 spaces and this is in line with the Council’s aim of achieving a switch to sustainable transport modes.
- **Part V** - 41 units are proposed in a single block (10), above the proposed neighbourhood centre uses.
- **Environmental screening** – given the nature and scale of development, the location and context of the site it is not considered that the proposal warrants a sub threshold EIA. The findings of the AA screening report submitted by the applicant are noted.

9.4. The planning authority’s conclusion considers that the proposal is in accordance with the City Development Plan and the Mahon Local Area Plan, address the housing shortage, provide a landmark building at a strategic location and provide a more sustainable residential density. The planning authority recommends permission subject to conditions.

9.5. A total of 35 conditions are recommended should permission be granted. Of note are:

Condition 8 refers to specific car parking details and requirements.

Condition 18 refers to detailed design issues in connection with the provision of bus lane alterations on the Mahon Link Road.

Other standard conditions relate to Part V requirements, archaeology, boundary treatment, public open space, surface water requirements, technical road and footpath standards, management of construction works, waste management, noise management, and a financial contribution.

10.0 Prescribed Bodies

10.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- Irish Water
- National Transport Authority
- Transport Infrastructure Ireland
- Department of Culture, Heritage and the Gaeltacht
- An Taisce – the National Trust for Ireland
- The Heritage Council
- Irish Aviation Authority
- The Operator of Cork Airport

The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 2 July 2018, and a summary of comments are included as follows:

- **Irish Water (IW)** - Based upon the information submitted and the Confirmation of Feasibility, that subject to a valid connection agreement being put in place the proposed development can be facilitated.
- **National Transport Authority (NTA)** - express concerns at development at this location on the Mahon Interchange and detail their previous submission in relation to the production of the Mahon LAP and further reiterated in their submission on the section 5 pre-application consultation. In addition, the NTA highlight the emerging Cork Metropolitan Area Transport Strategy (CMATS), which will provide a long term strategic planning solution for the Cork Metropolitan area. A draft CMATS will be published in September 2018 and NTA recommend that development should be informed by its publication.

The NTA note the inclusion of improved public transport measures in the applicant's Traffic and Transport Assessment, but are not aware of any committed investment or conformation by any relevant authorities to deliver same. No discussions have taken place between the applicant and the NTA to deliver the proposed mitigation measures outlined by the applicant.

- **Transport Infrastructure Ireland (TII)** – the submission includes a copy of their submission on the section 5 consultation (dated May 2018) and a copy of the National Roads Network Indicators 2017.

The submission stresses the strategic importance of the N40 and the volume of traffic it carries. The submission also echoes the concerns raised at the consultation phase in terms of proposals to intensify development and consequential impacts upon the level of service. Firstly, TII express significant concern that the applicant's Traffic and Transport Assessment (TTA) still refers to extensive queuing on the N40 off-ramps and this is not acceptable, unless managed by committed and confirmed measures.

With reference to the Mahon Local Area Plan and Strategic Transport Assessment, the TII highlight the importance of phasing and infrastructural improvements, specifically reference to tranche 1 and 2 (BRT). TII are unclear that the proposed development will conform to the evidence based research prepared for the LAP, especially with regard to non-residential development. TII wish to make the Board aware that the National Transport Authority (NTA) are in the process of preparing the Cork Metropolitan Area Transport Strategy (CMATS) and advise that the assessment of the current proposal would conflict with the evidence based assessments that informed the LAP. TII remain concerned that the proposed development will compound existing traffic conditions on the critically important N40 and associated Mahon junction.

Finally, notwithstanding TII's comments in relation to the proposed development, should the development be approved TII will not entertain any future claims with regard to impacts such as noise and visual aspects. Appropriate noise mitigation measures should be included in the development.

A second submission was lodged by TII, in order to highlight points of clarification. Firstly, reference is made to the pre-application minutes and the supply of bus service from the N40 to be investigated by the applicant. TII point out this is a function for the NTA not the developer. In addition, the proposed future road infrastructure improvements designed by the applicant have not been discussed with either TII or the City Council. TII state that the consideration of such mitigation measures at a strategically important location would not be appropriate.

- **Department of Culture, Heritage and the Gaeltacht Development Applications Unit (DAU)** - The DAU advise that given the scale of the development site and the proximity to the shore that both unrecorded land based and marine archaeology may exist and therefore an appropriate condition should be attached to ensure appropriate archaeological assessment and mitigation.
- **Irish Aviation Authority** - The applicant should be required to clarify crane height, type and height prior to the commencement of development and suitable markings and lighting as appropriate in order to ensure aviation safety.

No comments were received from An Taisce – the National Trust for Ireland, The Heritage Council or the Operator of Cork Airport

11.0 Assessment

11.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by any observations on file, under relevant headings. Finally, the issue of appropriate assessment also needs to be addressed. The assessment is therefore arranged as follows:

- Principle of development
- Density
- Traffic and Transport
- Building Height and Visual Impacts
- Residential Amenity
- Public Open Space
- Childcare and Part V Social Housing Provision
- Flood Risk and Infrastructure
- Wildlife Habitat
- Archaeology
- Environmental Impact Assessment (EIA)
- Appropriate Assessment (AA)

11.2. Principle of Development

11.2.1. The subject site is located on lands that are zoned 'Mixed Use Jacob's Island', '9 Neighbourhood Centres' and a liner portion along the eastern boundary '14 Public Open Space'. The Mahon Local Area Plan (LAP), Sub-Area 9, Precinct objectives or specific sub area objectives are set out in the LAP including objectives relating to residential density with indicative additional population targets, a new neighbourhood

centre and a tall building. The proposed development is predominantly residential comprising apartments, along with some ancillary childcare and small scale retail uses that are compatible with the main residential use. The site adjoins existing residential development on Jacob's Island; conventional houses and apartment blocks. It is serviced by a public water supply and foul sewer. It has access to a public road within a speed limit zone, and is adjacent to a bus terminus. The proposed development includes improvements to the local road network including a cycle and bus lane in the direction of Mahon Shopping Centre and employment hub. The proposal would not represent a car dependent form of development, given the proximity of public transport and local services, retail and employment. The planning authority and the Board have previously granted permission for residential development on this site. The development would not be contrary to objectives of the National Planning Framework in terms of making stronger urban places and planning for urban growth. In these circumstances, the principle of the proposed development is acceptable.

11.3. Density

11.3.1. Net residential density is stated as 137 dwellings per hectare. The planning authority note that taking into account the existing residential density of Jacob's Island, the proposed development will result in 46 dwellings per hectare across the area, in line with LAP residential yield objectives. Given the location of the development in the context of the facilities, services and employment opportunities of Mahon and Cork City Centre, the combination of high density and extremely low density residential development in the vicinity, I am satisfied that the applicant has satisfactorily increased residential density to an acceptable and sustainable level.

11.4. Traffic and Transport

11.4.1. With respect to traffic and transport issues The Notice of Pre-Application Consultation Opinion issued by the Board advised the preparation of a response to comments raised by the National Transport Authority (NTA) and the Transport Infrastructure Ireland (TII), and also identify bicycle parking spaces quality and quantity. The applicant has prepared a response to the concerns raised by the NTA and TII, addressing each point and building on the findings and conclusions of the Traffic and Transport Assessment submitted with this application.

11.4.2. Both the NTA and TII express serious concerns about the quantum of development and its likely impacts on the N40, additional congestion to the Mahon Interchange,

the deficiencies in public transport in the area and that proposed mitigation measures to the local road network have not been discussed or agreed. NTA and TII highlight the emerging draft Cork Metropolitan Area Transport Strategy (CMATS) due for publication in September 2018 and urge that development should be informed by its findings.

- 11.4.3. Local residents highlight the existing traffic problems associated with the N40, Jack Lynch Tunnel and specifically congestion associated with the Mahon Interchange. Nearly all observers raise concerns about the scale of the development and the likely impact to an already frustrating traffic situation in the area.
- 11.4.4. The Planning Authority note the TII and NTA concerns in addition to the observations of local residents. However, based upon the LAP, their own roads engineers and planned local road improvements, the proposal is acceptable.
- 11.4.5. The applicant has prepared a Traffic and Transport Assessment (TTA) and other supporting material that takes account of the existing and projected traffic volumes, the switch away from private car to walking and cycling and the future provision of improved bus services. The proposed development will double the amount of residential units on Jacob's Island, from 340 to 753 units and provide a small amount of local retail and crèche facilities. To summarise, the applicant's TTA states that of the five junctions assessed, only the southern junction of the Mahon Interchange will be above the threshold outlined in the TII Transport Assessment Guidelines. The Mahon Interchange already experiences queuing on the eastbound diverge lane and that projected queuing from the proposed development can be accommodated and will not impact upon the carrying capacity of the N40. The mainline traffic volumes on the N40 will increase by 1% in both directions and a new northbound bus lane will improve journey times for the 215 and 215A bus services.
- 11.4.6. I see that the site is zoned for residential development at increased densities and an LAP has been prepared to accommodate the planned growth of the Mahon area. The policies and objectives of the LAP were informed by key background documents including strategic transport and traffic assessments and modelling reports. In addition, there is a history of planning permissions for development in the area as well as refusals of planning permissions for development anticipated to cause destination traffic to Jacob's Island. At a very basic level the proposed development

will inevitably increase traffic movements on an already busy junction on a road that carries large volumes of traffic. However, the applicant has demonstrated that the increases in traffic can be accommodated on existing junction infrastructure without impacting on the mainline of the N40. I also note that a number of the elements of the proposed scheme such as a new bus lane on the Mahon Link Road, new pedestrian access points to the Lough Mahon Public Walkway and Passage Greenway, a future proof design to enable public transport vehicle access the site directly from the N40, a mobility management plan, a large amount of bicycle parking spaces and car parking provision below the City Development Plan standards; all serve to address traffic and transport issues.

11.4.7. Significantly, and in relation to the carrying capacity of the N40, I note that TII show concern for extensive queuing on the N40 off-ramps without committed and confirmed measures. I too share the TII concerns, that without all the features of the proposed development in relation to traffic and transport the impacts to the national road network could be undesirable. However, I am satisfied that the development together with the traffic and transport features proposed would be satisfactory and in the interests of sustainable transport. It is therefore appropriate to attach a condition that requires the delivery of all the Traffic and Transport Assessment recommendations prior to the occupation of any units.

11.4.8. Road Hierarchy – The applicant accepts that the existing road that provides access to the site from the Mahon interchange is not up to the standards and requirements of the Design Manual for Urban Roads and Streets (DMURS). The applicant states that no changes are proposed to the existing access road, however, all new road infrastructure will be designed in accordance with DMURS. The existing access road is of a typical design standard prior to the guidelines advocated by DMURS. I do note that the minor local streets are still in the region of 6 metres in width and this is not in accordance with the requirements of DMURS. Specifically, around block 10, road widths are too wide, even considering the maneuverability requirements for perpendicular parking layouts. In addition, the road width adjacent to blocks 3 and 4 is 6 metres. This is acceptable, given the future possibility of this road accommodating a dedicated public bus route from the N40. Incidentally, I note that this 'possible future bus link road' terminates short of the site boundary, it would be

preferable to continue this road up to the site boundary without leaving a 'ransom strip', an appropriate condition can address this.

11.4.9. The road dimensions should be in accordance with the Design Manual for Urban Roads and Streets (DMURS). The corner radii at the two junctions with block 10 have been designed to comply with DMURS and this is acceptable. The vehicular entrance to the under-croft/podium car park of blocks 3 and 4 lacks any great detail, specific attention is drawn to junction design in accordance with DMURS standards and ensuring that pedestrian priority is maintained across vehicular entrances. This issue can be addressed by condition. Footpath linkages throughout the development are acceptable and provide good permeable access to the wider road network and onward pedestrian walkways to the city centre. In broad terms, the road layout is satisfactory; however, where future road connections are proposed, the road or footpath edge should meet the site boundary without interruption by grass or other planted verges.

11.4.10. **Building Height and Visual Impacts**

11.4.11. With respect to building heights and visual impact, the Notice of Pre-Application Consultation Opinion issued by the Board advised the preparation of a design rationale for a tall building, in addition to details of building finishes and photomontage images. The scale, massing and overall height of the proposed development has elicited surprise and disappointment from the majority of observers, most of whom reside locally. Issues revolve around the discordant feature and highly visible nature of a tall building and the entire development being out of context with the existing character of the area have all been raised by observers. The applicant has prepared a variety of material to demonstrate that their development of the scale proposed is acceptable at this location, including: a tall building strategy and design statement; a comprehensive photomontage study that includes existing development, permitted development, permitted but now expired development and proposed development and a landscape and visual impact assessment.

11.4.12. Firstly, in terms of the scale and massing of the proposed development. The existing character of Jacob's Island is a combination of conventional houses and duplexes with four apartment blocks of up to eight storeys. There is a history of

planning permissions for apartment development across the area. Irrespective of permitted development, the proposed development before the Board has been designed to maximise the efficient use of land and provide a significant quantum of residential units. In terms of design and height; apartment blocks 4, 7, 8, 9 and 10 are comparable to existing blocks 1, 2, 5 and 6, I see no issues here. With respect to block 3, a combination of a 9 storey block with a 25 storey tower, this is a significantly different scale of development but not entirely unexpected. The Mahon LAP identifies this spot on Jacob's Island to provide a landmark tall building denoting the significance of this specific location of importance in the urban structure of Cork and the wider harbour area. The City Development Plan also identifies this location for a tall building of between 16 and 20 storeys and subject to a variety of measures to ensure a quality of design befitting this key and visually strategic location.

11.4.13. The planning authority note that the proposed design of the 25 storey tower meets the design criteria set down by Objective 16.8 of the Development Plan and that an additional five storeys is not seen as a material contravention of the plan. I note the City Architect's comments in relation to the design of the tall building, the detail with respect to building finishes and window treatment, the comments are positive. My own view is that waterfront locations provide an ideal context for tall buildings and in this case the strategic gateway location to Mahon and Cork City beyond is opportune. I am satisfied that the building meets the design criteria set down by both the LAP and City Development Plan. Situated at the northern tip of Jacob's Island and acting as a punctuation mark for development to the south, I am satisfied that the scale, massing and most importantly height is acceptable. In addition, given the proportions of the ancillary nine storey block to the south of the tower, I would advise against any attempts to reduce the overall height. Any reduction in height, would in my opinion, injure the architectural integrity of the composition and result in a sub-standard tower building that would not meet the design criteria set out by the planning authority with respect to this site.

11.4.14. Secondly, in terms of the visual impact of the overall development including the 25 storey tower. Some observers have raised concerns that the proposed development will be visible from several vantage points and as such would be a discordant feature on the landscape. In some respects, I agree with the substance of the observations insofar as the development will be highly visible from a number of

viewpoints and will change the landscape of the east of Cork City. However, I see this as an advantage and a bold design statement creating a visual gateway to Mahon. There are no protected views in the vicinity that will be impacted by a building of the height proposed and I am satisfied that the massing of apartments and a tower at this location and of the design quality exhibited by the Architect is appropriate and acceptable.

11.5. Residential Amenity

- 11.5.1. With respect to residential amenity the Notice of Pre-Application Consultation Opinion issued by the Board advised the preparation of a response to overlooking and overshadowing issues, individual units and traffic routes, noise impact mitigation, landscape and wind, as well as detail concerning the tenant amenity space use and purpose. The applicant has submitted a full suite of architectural drawings and reports and I am satisfied that sufficient detail has been submitted.
- 11.5.2. Future occupants – The proposed development comprises 413 apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on design and minimum floor areas. In particular, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The applicant has included a Housing Quality Assessment that sets out a detailed floor area schedule.
- 11.5.3. Firstly, I note that the planning authority raised no particular issues with regard to the proposed internal and design standards of the apartment units. In addition, I also note the concerns raised by some observers in relation to amenity, open space and general mix of units. In my assessment of the internal floor and private amenity standards of the residential component of the proposal I have had regard to the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’. The total combined floor area of apartments is 31,159 sqm, this is significantly in excess of the minimum floor area, plus 10% required by the guidelines (28,940 sqm) for the proposed scheme unit mix. In addition, I note that the majority of apartments are adequately above the minimum floor area even after the additional 10% minimum floor area is distributed (1,311 sqm). Unsurprisingly, all studio apartments are either in accordance with the recommended minimum floor areas or just above, given the nature of these units this is acceptable. In relation to

all apartments, the floor areas are therefore satisfactory in terms of the minimum floor areas required by the guidelines. All apartment units are provided with private amenity space comprising a garden, terrace or balcony, that either meet or exceed the local development plan standards and apartment guidelines.

- 11.5.4. Specific Planning Policy Requirement 4 of the guidelines relate to dual aspect apartments and requires that a minimum of 33% of dual aspect units will be required in more central and accessible urban locations, such as the subject application. In this instance, the applicant has stated that 240 of the 413 apartments are dual aspect, this would amount to greater than a minimum of 33%. However, I note that block 10 would accommodate 59 units, 24 (32.2%) of those would be single aspect. Given the northwest/southeast orientation of these units and the only marginally below minimum requirement target, I am satisfied that these units will provide an acceptable level of living standards in accordance with the guidelines.
- 11.5.5. The floor to ceiling heights associated with apartment blocks range from between 2.7 metres and 3.0 metres at ground floor to 2.7 at upper floors. This would meet the requirements of SPPR 5 of the guidelines, where ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres. I note that the ground floor apartments associated with blocks 3 and 4 are at the minimum of 2.7 metres. However, I note that a number of these ground floor units are located on a podium level and that most of the ground floor/podium level units either face east or west. I am satisfied that the necessary standards have been achieved and exceeded.
- 11.5.6. The Apartment Guidelines, require the preparation of a building lifecycle report regarding the long term management and maintenance of apartments. A document has been submitted titled "Building Lifecycle Report". The document sets out the design approach, energy usage and car parking over the lifespan of the development. The report states that the development will be a more efficient use of land, internal communal areas have been minimised to reduce ongoing maintenance costs, at least A3 BER building efficiency will be achieved, car parking quantum and go-car options will seek to reduce car usage. It is not set out in this document that the developers will appoint a management company to look after the apartment development. In any case the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the

constitution of an owners' management company should be attached to any grant of permission.

- 11.5.7. I note that the Board's Opinion in relation to the pre-application consultation required specific information in relation to the proposed tenant amenities, drawings illustrate adequately the type of amenities provide and this is satisfactory.
- 11.5.8. Existing Amenity – The proposed development will adjoin the existing apartments at The Sanctuary and housing at Longshore Avenue and Drive. A number of the residents of houses and apartments in the existing schemes have made observations and objected to almost all aspects of the proposal; specifically, with regard to overlooking, overshadowing, overbearing appearance, overdevelopment and of a scale out of character with existing development. I note that the Board's Opinion in relation to the pre-application consultation required specific information in relation to these issues. In this regard, the applicant has designed the layout to preserve the existing residential amenities for residents and demonstrated this by the submission of a Daylight, Sunlight and Overshadowing Study.
- 11.5.9. The proposed development will build upon and replicate the urban form characteristics of the existing apartment blocks at the Sanctuary. The front elevation of existing houses to the south of blocks 8 and 9 will be located more than 26 metres to the south. There will be no overshadowing impacts from these apartment blocks and the likelihood of overlooking is reduced because of the distance between opposing windows at first floor level and above. Inevitably the outlook from the existing houses in a northerly direction will change and the design proposal has sought to minimise overbearing appearance by proposing a four storey block with a fifth storey set back. I consider that the residential amenities associated with existing houses to the south of blocks 8 and 9 will not be severely impacted upon and the position and design of the proposed apartments are satisfactory.
- 11.5.10. The most sensitive homes to the impact of the proposed development are those located on the north eastern elevation of block 2 (Kestrel) and blocks 5 and 6 (Heron and Kingfisher). From the perspective of overlooking and loss of privacy, given the separation distances of at least 14 metres and the oblique offset angles of windows associated with opposing habitable rooms, I anticipate no serious impacts. With regard to loss of light and overshadowing, I note the findings of the applicant's

Daylight, Sunlight and Overshadowing Study. The study concludes that with reference to blocks 5 and 6, the windows affected are smaller, higher level windows associated with secondary spaces (not living/bedrooms) and so have a reduced need for light and secondary glazing associated with dual aspect living rooms. In addition, the study notes that even where rooms are affected the impacts are only just beyond the requirements of BRE guidelines. The north eastern elevation of block 2 receives a degree of early morning sunlight and this will be interrupted by the imposition of block 4. However, I note that the south eastern elevation of block 2, has balconies and larger windows facing south east, their aspect, outlook and ability to receive light remains largely unchanged.

11.5.11. I find that adequate separation distances and offset angles between opposing first floor windows and above have been applied by the applicant. The planning authority are also satisfied, that separation distances between buildings are acceptable. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants. In addition, I note the concerns expressed by observers, however the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance the residential amenities associated with the existing Jacob's Island environs.

11.6. Public Open Space

11.6.1. It is stated that the proposed development will provide communal open space of 1.27 Hectares or 37% of the site. The spaces are arranged around four main landscaped areas connected by linear green spaces and complimented by smaller local spaces associated with each apartment block. The planning authority and the Council's Parks Department are satisfied with the provision and design of the public open spaces, access to the waterfront walkway is welcomed and caution is advised with respect to landscape planting and the influence of wind tunnelling.

11.6.2. The public open spaces are designed to complement and build on the existing landscape features associated with blocks 1, 2, 5 and 6. This is achieved successfully and there is a good balance between landscaped margins and usable lawn areas. Of specific concern at the pre-application consultation stage was to

ensure that any landscape design addressed the issue of wind tunnelling from taller buildings and the exposed location adjacent to Lough Mahon. This has been achieved by locating dense planting of semi mature trees at the base of the tower building, in combination with building canopies that seek to reduce wind funnelling and discomfort. Significant built up areas associated with podium levels are screened from view by raising a planted berm. The landscape design provides a generous buffer between the built up elements of the layout and the Lough Mahon walkway. In addition, good access to the walkway is provided by three separate public access points. These access points should not be controlled by security gates, but should remain open to the public. Allowing the integration of the development and promoting permeability through the site. I am satisfied that all open spaces are well overlooked, are safe, convenient and will provide a suitable level of residential amenity.

11.7. Childcare and Part V Social Housing Provision

- 11.7.1. Childcare - The applicant has proposed a childcare facility with a floor area of 392 sqm. The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings, i.e. 110 spaces for the development. The proposed creche facility will cater for 60 children and the applicant considers this to be of an adequate size for the overall development. The crèche is located on the ground floor of block 10.
- 11.7.2. The applicant makes a case for the provision of childcare space below that advised in the guidelines. In this instance, it is stated that given the preponderance of studio, one and two bedroom apartment units, a large scale facility will not be needed. In addition, the applicant utilises census data to demonstrate the age profile of the existing areas and the likelihood that future population trends will result in a similar distribution of families. Consequently, the applicant states that a crèche of the scale proposed is acceptable.
- 11.7.3. The planning authority raise no particular concern with regard to the provision of a crèche of the size and scale proposed. Likewise, given the information provided by the applicant, the composition of the apartments and likely demand for crèche places, the proposed facility is acceptable. The crèche should provide adequate

space for local users and should not in itself present a childcare facility of such a scale that would attract a significant volume of destination traffic.

- 11.7.4. Part V Provision – The applicant has proposed a 30 year lease arrangement with the planning authority or approved housing body for 41 dwelling units, an approach discussed with the Council prior to the lodgement of the application. The proposed units will be located in block 10 and comprise a combination of 20 one bedroom apartments and 21 two bedroom apartments. This broadly accords with the requirement to provide 10% social housing. I note that the planning authority have not raised issues in relation to the provision of Part V housing, in any event any matters can be resolved by condition as necessary.

11.8. **Flood Risk and Infrastructure**

- 11.8.1. The specific information regarding Flood Risk Assessment (FRA) requested in the Board's notice of pre-application consultation opinion, has been submitted by the applicant. The site is located adjacent to Lough Mahon, a tidal estuary environment. The FRA submitted by the applicant states that the site is not located in either Flood Zones A or B and is in Flood Zone C. Given the location of the site within Flood Zone C, there is no requirement to carry out a justification test for the development. The FRA states that subject to good construction and maintenance processes any residual risks of flooding can be managed. The planning authority raise no issues with the applicant's FRA and recommend standard conditions with relation to surface water management.
- 11.8.2. No element of residential development is proposed within Flood Zone A or B and having regard to the information before me and including the guidance contained within the relevant Section 28 guidelines on flood risk management, surface water and flood risk issues can be dealt with by condition.
- 11.8.3. I note that Irish Water (IW) confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated. In the context of the information contained in the application, the proposed development can be satisfactorily serviced subject to technical conditions.

11.9. **Wildlife Habitat**

- 11.9.1. A number of observers have raised issues with regard to the loss of wildlife habitat that will result from the construction of the proposed apartments. In this regard, I

note that the majority of land that will be turned over for development has been significantly disturbed by previous phases of construction activity and now colonised by grasses, low shrubs and semi-mature trees. I also note that the applicant has submitted an EIAR Screening Report and Appropriate Assessment Screening Report that outline the effects associated with the proposed development. Though large parts of the site may provide a variety of habitats for wildlife as a consequence of a lack of use and active management, the site is not protected by any specific designation. I am satisfied that the use of the lands for residential development will not impact upon the wildlife that may be associated with the site.

11.10. Archaeology

11.10.1. The Development Applications Unit (DAU) of the Department Due state that due to the extent of previous ground disturbance of the site during the previous phases of development, the likelihood of subsurface archaeological may be comprised. However, it is recommended that an appropriate condition be attached to ensure that archaeological monitoring or testing of the site is maintained during construction. I concur with the comments of the Development Applications Unit, who advise that given the scale of the development site and the proximity to the shore that both unrecorded land based and marine archaeology may exist and therefore an appropriate condition should be attached to ensure appropriate archaeological assessment and mitigation.

11.11. Screening for Environmental Impact Assessment (EIA)

11.11.1. The applicant has submitted an Environmental Impact Assessment Report (EIAR) Screening report, in which they conclude that the proposed development does not trigger any requirement for an EIAR. The planning authority note the submission of same and concur with the contents and conclusion.

11.11.2. The current proposal is an urban development project that would be in the built up area but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposal is for 413 dwellings on 3.43 Hectares which is below the threshold, the site is significantly below the stated threshold of 10 Hectares. The proposed development would be located on

brownfield land between existing development. The site is not designated for the protection of a landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Screening Report that concludes no direct physical impacts on habitat or significant increased disturbance impacts to the Cork Harbour SPA.

11.11.3. The development would result in the recommencement of works on an existing brownfield site. The majority of the development would be in residential use, which is the predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. On the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

11.12. **Appropriate Assessment (AA)**

11.12.1. The applicant has submitted an AA Screening report that states there is no potential for direct physical impacts to habitats because the site is not located in a designated site. There is unlikely to be a disturbance impact from the development to waterbirds due to the existing level of disturbance from the Mahon Walkway. The development will discharge surface water to Lough Mahon, significant water quality impacts are unlikely due to the scale and characteristics of the receiving waters. Wastewater will discharge to the Carrigrennan Wastewater Treatment Plant. The Special Conservation Interests of the Cork Harbour SPA are not sensitive to moderate levels of eutrophication. The Qualifying Interests of the Great Island SAC are sensitive to increased nutrient inputs, but outputs from the proposed development will be negligible.

11.12.2. The majority of the site is located adjacent to the Cork Harbour Special Protection Area (SPA), site code 004030 and close to the Great Island Channel Special Area of Conservation (SAC) site code 001058, 3.7 kilometres to the east. Surface water from the application site drains to Lough Mahon that contains the SPA and SAC sites. The proximity and hydrological connection between the application site and the Natura 2000 sites means that an appropriate assessment screening

process should be carried out to determine if the proposed development would be likely to have significant indirect effects upon them. The potential effects arise from a possible impact on water quality, and thus the aquatic habitats that are protected in the SPA and SAC, or from the disturbance due to noise or light of bird species that are protected in the SPA.

11.12.3. The conservation objectives for the Great Island Channel SAC are

- Maintain the favourable conservation status of Mudflats and sandflats not covered by seawater at low tide (1140) and
- To restore the favourable conservation status of Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) (1330)

11.12.4. The conservation objectives for the Cork Harbour SPA are –

To maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the regularly-occurring migratory waterbirds that utilise it, and to maintain the favourable conservation condition of the following species –

A004 Little Grebe *Tachybaptus ruficollis*

A005 Great Crested Grebe *Podiceps cristatus*

A017 Cormorant *Phalacrocorax carbo*

A028 Grey Heron *Ardea cinerea*

A048 Shelduck *Tadorna tadorna*

A050 Wigeon *Anas penelope*

A052 Teal *Anas crecca*

A054 Pintail *Anas acuta*

A056 Shoveler *Anas clypeata*

A069 Red-breasted Merganser *Mergus serrator*

A130 Oystercatcher *Haematopus ostralegus*

A140 Golden Plover *Pluvialis apricaria*

A141 Grey Plover *Pluvialis squatarola*

A142 Lapwing *Vanellus vanellus*

A149 Dunlin *Calidris alpina alpina*

A156 Black-tailed Godwit *Limosa limosa*

A157 Bar-tailed Godwit *Limosa lapponica*

A160 Curlew *Numenius arquata*

A162 Redshank *Tringa totanus*

A179 Black-headed Gull *Chroicocephalus ridibundus*

A182 Common Gull *Larus canus*

A183 Lesser Black-backed Gull *Larus fuscus*

A193 Common Tern *Sterna hirundo*

11.12.5. There is a potential for the proposed development to have an effect on the habitats and species to which the conservation objectives of the SAC and SPA refer arising from impacts on water quality. The foul effluent from the proposed development would be drained to the public sewer and onwards to the wastewater treatment plant at Carrigrennan. Irish Water have reported that the development can be facilitated. It is therefore unlikely that the foul effluent from the proposed development would have a significant effect on water quality in the SPA or SAC. Stormwater runoff from the proposed development would discharge to Lough Mahon via an outfall with a non-return valve north of the site. The volume of stormwater runoff will not be attenuated by tanks on the site due to the unlikelihood of downstream flooding. The runoff would be diverted through hydrocarbon interceptors, which would be sufficient to ensure that the stormwater effluent did not have a negative effect on water quality downstream. The operation of the development would not be likely, therefore, to have a significant effect on the quality of waters in the SAC or SPA. The application includes an Outline Construction Management Plan which describes methods to avoid the discharge of sediments and chemical pollutants to waters during construction with respect to the movement and storage of soils, fuel and lubricants. These are standard procedures that represent good construction practice. They would ensure that the construction of the development would not be likely to have a negative effect on water quality in the SAC or SPA.

11.12.6. The proposed development would provide housing on a site within the boundaries of an established settlement which is separated from the SPA by a well used public walkway and significant landscape buffer. The use of the development would not give rise to significant additional noise or light pollution in the SPA, given the physical features between the SPA and the application site and the predominantly residential use that is proposed, which would not involve processes or activities that would cause impulsive sounds. The noise of the additional vehicular traffic generated by the development would be negligible compared to that which already occurs along the N40 that runs adjacent to the SPA to the north. The emissions of noise emanating from the construction of the proposed development would be subject to standard limits to protect residential amenity, along with restrictions on the hours of work. Compliance with these limits would ensure that no noise emissions were likely to occur that would have caused disturbance to birds in the SPA.

11.12.7. Therefore, upon consideration of the particular circumstances of the application site in relation to the SPA at Cork Harbour and the SAC at Great Island Channel, and of the characteristics of the proposed development, it is apparent that it would not be likely to have significant effects on the Natura 2000 sites due to the disturbance of birds or its impact on water quality or otherwise. Significant effects are not likely to arise from the proposed development in combination with any other plan or project either. It is therefore reasonable to conclude, on the basis of the information available on the file, which is adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the Special Protection Area at Cork Harbour sitecode 004030 or the Special Conservation Area at Great Island Channel sitecode 001058 or any other European site in view of the site's conservation objectives, and a Stage 2 Appropriate Assessment and the submission of an NIS is not therefore required.

12.0 Recommendation

12.1. Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.

- (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

12.2. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission is GRANTED for the development, for the reasons and considerations and subject to the conditions set out below.

13.0 Reasons and Considerations

Having regard to the site's location within the boundaries of Mahon as defined in the Mahon Local Area Plan 2014, to its proximity to public transport, the employment opportunities of Mahon Point Shopping Centre and adjacent commercial and business premises at City Gate and the proposal to provide bus lane upgrades, to the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, and to the provisions of the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in March 2018 and the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Prior to commencement of development, full details in respect of the Bus Lane Works Mahon Link Road and upgrades to the signals and traffic controllers associated with the Mahon Interchange (Junction 10 N40) shall be submitted to and agreed in writing with the planning authority. These works shall be completed in full and to the written satisfaction of the planning authority at the expense of the applicant prior to commencement of construction on any residential unit.

Reason: To ensure the timely and orderly development of the site for housing with the required supporting infrastructure.

3. Car parking and cycle parking shall comply with the requirements of the planning authority as follows:

- A suitable number of high quality covered bicycle parking spaces in accordance with advice issued by the Design Guidelines for New Apartments 2018,
- A maximum of 409 car parking spaces and inclusive of 22 clearly marked out disabled spaces, at least 43 car spaces with facilities for/or ducting for future electric vehicle charging points and 43 motorbike parking spaces.

Revised plans showing compliance with this condition shall be submitted to the planning authority prior to the commencement of development.

Reason: To protect public safety and to provide adequate bicycle parking in line with the applicable standards, including that set out in section 4.17 of the Design Guidelines for New Apartments issued by the minister in March 2018.

4. The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.

Reason: In the interests of proper planning and sustainable development

5. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

6. A Mobility Management Plan shall be submitted to the planning authority for their written agreement, within one year of the occupation of the first apartment and completion of the childcare facility. It shall be updated annually thereafter for a period of five years and submitted to the planning authority for their written agreement.

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable transport.

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) all boundary railings shall be powder coated and black in colour;

(b) proposed locations of street trees and additional street trees at appropriate intervals, other trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed play equipment and street furniture, including bollards, lighting fixtures and seating;

(d) access to the linear park shall provide for residents with disabilities and incorporate a universal design approach.

(e) the three access points to the development from the Mahon Walkway shall not be closed off by security gates but shall remain open to allow permanent public pedestrian/cyclist access.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

9. (a) The internal road network serving the proposed development, including turning bays, junctions, sight distances, footpaths and kerbs shall be in accordance with the

detailed requirements of the planning authority for such works, and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets.

(b) To facilitate connectivity and permeability, the finished surface of all roads and footpaths that are shown as future possible access shall meet up to site boundaries without the provision of a grass verge or ransom strip.

Reason: In the interest of pedestrian and traffic safety, and in order to comply with national policy in this regard.

10. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Housing Estate Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: In the interest of the amenities of the occupants of the proposed housing.

11. Public lighting shall be provided in accordance with a scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

12. Proposals for an estate/street name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

13. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

15. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

16. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

17. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

18. Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July, 2006. This shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.

Reason: In the interest of orderly development and sustainable waste management.

19. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing

with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, construction traffic management plan and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

20. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

Stephen Rhys Thomas
Planning Inspector

26 September 2018

15.0 Appendix I - Third Party Submissions

Individual Submissions

Karen Hegarty – Kingfisher

The density of development will impact upon existing residents and present problems for drainage.

The tall buildings will be out of character and result in overlooking and loss of privacy. The observer is critical of tall buildings in terms of energy use.

There is not sufficient road space to accommodate the proposed level of traffic and the Mahon Junction is already problematic. The creche and retail units will attract even more traffic and worsen the present situation. The lack of commitment by Cork City Council and the NTA to plan for and deliver necessary infrastructure makes the traffic situation worse. There are also concerns about the design of the access to the new underground car park through the existing one.

Concern is raised around safety, both in terms of the construction phase and the pedestrian permeability that will result from completed development.

Open boundary treatments proposed may result in anti-social behaviour because of greater accessibility.

An EIS has not been carried out or consultation with the community of how the proposed development would impact upon the existing area. The planning process has been bypassed at the local level.

The observer quotes extensively from submissions in relation to the Mahon LAP, in terms of the health impacts of development and sustainability.

Stephanie Casey – Kestrel

The density of the development is out of character with existing and previously permitted development. The development will result in overlooking, overshadowing

and overbearing appearance. Specifically, block 4 will negatively impact on morning light to block 2.

Car parking has been poorly designed, with large areas of surface car parking that will impact upon visual amenity and safety of pedestrians.

The housing mix is poorly conceived with only 4.8% being three bedroom units. The provision of public open space is deficient and poorly designed.

The observer is critical of the TIA prepared by the applicant, in terms of traffic volumes and noise generation. The proposed development will generate greater levels of noise, at present noise mitigation measures at block 2 have little or no impact on the noise levels of the N40.

The development will require the removal of land that has become overgrown and supports wildlife. This may impact upon the integrity of the adjacent Natural 2000 Site.

M Lee - Kestrel

Concern at the scale and density of the proposed development, the tower element is particularly out of context. The amount of disruption during construction will impact on the quiet environment. The observer shares many of the concerns already expressed by other residents in the area.

Longshore Avenue Residents

The amount of development proposed will add to the already serious traffic problems in the area, especially in terms of a junction that serves both the Mahon Shopping Centre and Jacobs Island.

A 25 storey tower building will impact the area and stand out as unlike any other building in the area. In addition, a building of such height appears to go against the planning policies contained in the Cork City Development Plan.

Climate change and coastal flooding may be an issue for the development and requires assessment. Wildlife will be displaced by the proposed development. The high rise buildings will overlook our property.

The observation is accompanied by an aerial image, map and photographs.

Claire O'Callaghan – Longshore Drive

The proposed units are not suitable for long term living, they are too small. This will impact negatively on the community spirit of the area, because new residents will only live in the area for a short time.

The amount of car parking is deficit for the number of apartments proposed and the amount of people who drive to avail of the estuary walk. Cork city does not have a good public transport system that can offer alternatives to car based commuting and access to services.

The proposed tower is too high, of little architectural merit and will dramatically change the skyline of the area.

The existing Mahon Junction is congested, a new vehicular entrance to the site should be considered nearer to the tunnel.

Alastair and Tara Dunne - Longshore Drive

In addition to concerns already expressed by other residents to do with the scale and density of the development, the observer raises issues with regard to the phasing of the development. There are concerns too about the environmental and ecological impacts during construction and how this relates to legislative deficiencies. The proposal contravenes the Cork City Plan and the applicant has failed to address section 8 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

Iain and Triona Mulcahy - Longshore Drive

This submission reiterates the issues raised above in a similar format to the Dunne submission.

Jacob's Island Residents, care of James O'Driscoll – Longshore Drive

This submission reiterates the issues raised above in a similar format to the Dunne submission. However, considerable detail and analysis has also been presented as follows:

The development of the Mahon area has been developer led not plan led and this has resulted in infrastructural deficiencies.

Criticism is levelled at the applicant's assessment of noise impact from the N40 and doubts are expressed as to the effectiveness of noise mitigation measures.

The development will impact negatively on residential amenity in terms of overshadowing, overlooking and overbearing appearance.

The proposal has not been assessed to take into account environmental and ecological issues. The applicant did not request EIA screening from the Board and any public participation in this process has been excluded. The observer is critical of the AA Screening report conclusions and casts doubt over the requirement to have scientific certainty about impacts without a detailed construction management plan amongst other things.

The site is not suitable for additional retail functions, as demonstrated by previous refusals of retail based development on Jacob's Island.

The lack of a phasing plan and accompanying construction management strategy will impact negatively on the existing residents.

The applicant has not provided a statement detailing that the proposed development will materially contravene the Development Plan. The proposal contravenes the Plan in terms of dwelling mix, size and house type, building height and mixed use zoning.

The visual impact assessment submitted by the applicant is flawed as it relies on previously permitted development, now lapsed.

The traffic and connectivity issues of Jacob's Island are stressed as problematic. The observer notes that there are no greenways in the vicinity of the site and public transport is poor. The submission echoes concerns raised by the NTA and TII at the pre-application stage.

The density of development is based on the assumption that it is an accessible urban area, it is not. The proposal is overdevelopment of the site. Insufficient car parking is provided and the proposed design of cycle parking is not satisfactory.

Sarah Buckley - Longshore Drive

The observer reiterates issues already raised by other Longshore residents including type of residential units, parking, access and the tower building.

Donna Brown - Longshore Drive

The observer reiterates issues already raised by other Longshore residents including housing mix, overdevelopment, lack of a construction management plan and contravention of the Development Plan.

Annette and Graham Manning - Longshore Drive

The observer reiterates issues already raised by other Longshore residents and resembles the issues raised by D Brown above.

Jean Roberts - Longshore Drive

The observer reiterates issues already raised by other Longshore residents.

Stephen Stack - Longshore Drive

The observer reiterates issues already raised by other Longshore residents in a format similar to a standard formatted letter.

Patrick Punch - Longshore Drive

The observer reiterates issues already raised by other Longshore residents in a format similar to a standard formatted letter.

Ian Wheelock and Caroline O’Leary - Longshore Drive

The observer reiterates issues already raised by other Longshore residents, but provides detail in relation to traffic management, possible flooding, lack of an adequate number electric car charging points, implausible shift of car users to cycling, greenway proposals are substandard in terms of width,

Ben Shorten – Jacobs Island

Traffic – the Mahon interchange is not capable of coping with existing traffic volumes, the proposed development would lead to gridlock. Given the existing volume of traffic on the N40 and in the vicinity of the Mahon Interchange, traffic management and driver behaviour is impacting upon the safety of the junction. The NTA’s position is highlighted and reference is made to a previous appeal (PL28.244860) in which the NTA voiced concerns and the development was ultimately refused permission. Issue is raised with the applicant’s statistical assumptions and contention that the development will not impact upon the Mahon

Interchange. Use of the local bus service is low and local walking journeys are only undertaken by a few of the Jacob's Island residents.

Underground car park access – concern is expressed that the proposed development will result in shared ramp access to underground car parks and lead to overdevelopment and unsafe traffic conditions.

Construction phase – access to the site during the construction phase is of a concern, so too is the ten year timespan for building works.

Residential Amenity – concern is raised in relation to the overshadowing that would result from the proposed development. The observer cites infringement of their rights under Article 8 of the European Convention on Human Rights (ECHR).

Abandonment of Development – the observer states that given the passing of 10 years since development last occurred, the existing site should be considered abandoned notwithstanding speculative planning applications.

Based upon the issues submitted by the observer, a refusal of planning permission is requested on the basis that there would be a traffic hazard, human rights would be breached, over intensification of the site and that the site has been abandoned.

Aoideen Hickey – Jacobs Island

The observer reiterates issues already raised by Longshore residents.

Liam McCarthy – Blackrock

The observer has broad concerns about development along the system of walkways through Blackrock, Mahon, Passage-Rochestown, Douglas and Marina. Specific conditions are requested to ensure amenities are protected and improved. A call is made for the establishment of a body or trust to oversee the management of such walking amenities.

The existing and proposed development could be better integrated with the existing walkway and McHugh Park. Tree replacement is often not carried out in amenity areas. The creation of three new entrances from the site to the adjacent walkway will be a negative, as the full impact of the proposal will be readily visible.

The observer concludes that with appropriate commitments made by the developer, the Blackrock to Rochestown walkaway can be improved in terms of amenity and management. The submission is supported by colour photographs.