



An
Bord
Pleanála

Inspector's Report ABP 302596-18

Development	Mixed use development
Location	Wilton Shopping Centre, south of Bishopstown Road, east of Cardinal Way and west of Sarsfield Road, Wilton, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	18/37794
Applicant	Montlake QIAIF Platform ICAV-York Property Fund II
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	<ol style="list-style-type: none">1. Wilton Residents Association2. The Wilton Traders Association3. Reel Picture4. Tesco Ireland Ltd.
Observer	National Transport Authority

Date of Site Inspection

01/03/19

Inspector

Pauline Fitzpatrick

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1.0 Site Location and Description

The proposed development is located in the suburb of Wilton c. 5km to the south of Cork city centre. The existing shopping centre on the site was constructed in the late 1970s. It has been extended and modified in the intervening years. The initial centre was single storey, centrally located on the site, with a substantial addition in floor area with the construction of the Tesco store and a number of smaller units to the south and south east. There is also a freestanding Bank of Ireland premises to the east of the main building. The centre is served by surface parking on all sides.

The site is bounded by Bishopstown Road to the north with Cork University Hospital directly opposite. Sarsfield Road bounds the site to the east. Cardinal Way which provides access to St Joseph's Church, Wilton/SMA House and outbuildings, Wilton Library, public house and other retail units forms the western boundary. The ESB district depot and headquarters which is accessed off the Sarsfield Road is to the south.

The Wilton Road roundabout is located to the northeast of the site. The roundabout serves traffic from the Wilton Road to the north and Glasheen Road to the east, both of which are important arterial routes serving the area and linking the city centre with the southwestern suburbs. It also serves Sarsfield Road to the south, a two lane road (in each direction) with a central median with access to the N25 Southern Ring Road c. 400 metres to the south of the appeal site. The roundabout also serves the Bishopstown Road to the west which is an important arterial road serving the suburbs of Wilton, Bishopstown and Curraheen.

Access to the shopping centre site is via a signalised junction onto Sarsfield Road and a signalised junction onto Bishopstown Road via Cardinal Way.

Residential development predominates to the east, west and southwest of the commercial area.

2.0 Proposed Development

The application was lodged with the planning authority on the 28/02/18 with further plans and details submitted 29/06/18 following a request for further information dated 23/04/18.

The proposal, as amended, entails the redevelopment of the northern portion of the shopping centre comprising:-

- Partial demolition of existing shopping centre including Penneys anchor store and unit 56 (4222 sq.m.) and removal of 420 surface car parking spaces.
- Construction of extension ranging in height from 1 to 7 storeys consisting of:
 - Retail and retail services including café/restaurant use over 3 levels - 21,015 sq.m. gross floor area (GFA)
 - 14 screen (1555 seat) cinema – 4516 sq.m. GFA
 - Offices – 4883 sq.m. GFA
 - 190 bedroom hotel – 9397 sq.m. GFA
 - Public plaza and outdoor seating area
 - Multi-storey carpark with 6 levels providing 874 spaces.
 - Surface car park on roof of 2nd storey accessed from multi-storey car park providing 257 spaces.
 - Replacement of 178 surface car park spaces, 227 bicycle parking spaces and 70 motorbike parking spaces.
 - Dedicated floor space for landlord areas, including food court seating, toilets, shared cores, general circulation area and service corridors.
- New vehicular entrance/egress from Sarsfield Road
- Relocation of existing pedestrian crossing on Sarsfield Road
- Ancillary works including works to existing accesses, plant areas, ESB substations, mechanical and electrical switch rooms and landscaping.

The overall floor space including multi-storey car park, service yard etc. is stated to be 81,252 sq.m. Details of construction and phasing are provided over an estimated period between 24 to 30 months.

A 10 year permission is being sought.

The application is accompanied by:

- Covering statement
- Planning Statement
- Retail Impact Assessment
- Architectural Design Statement
- Proposed Drainage and Potable Water Supply Report
- Environmental Impact Assessment Report
- Architectural, Engineering and Landscape Architecture and Urban Design Drawings
- Specification of Softworks Report
- Wilton – Public Realm Design Report
- Photomontages
- Road Safety Audit Stage 1

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 44 conditions including:

Condition 1(c): comprehensive list and timeframe for delivery of all mitigation measures and other information or details specified in the EIAR to be submitted and agreed.

Condition 2: permission granted for 10 years.

Condition 3: setback requirements from Sarsfield Road and Bishopstown Road.

Condition 4: Provision of public plaza to north of existing library and omission of proposed surface parking. Vehicular access may be facilitated through part of this space and some limited parking may be provided to serve the library.

Condition 11: Layout design for the left in left out junction on Sarsfield Road to be submitted and agreed and shall undergo a full Road Safety Audit.

Condition 12: Car park entrance to be managed and operated as a free flow entry. The installation of control barriers or similar not permitted. Traffic will not be permitted to queue from the entrance to Sarsfield Road.

Condition 13: Maintenance of an internal vehicular access between the multi-storey carpark and existing Tesco entrance.

Condition 14: Relocation of pedestrian crossing on Sarsfield Road to be at applicant's expense and shall be operational in advance of the operation of the new entrance.

Condition 15: Pedestrians and cyclists to have continuous dedicated safe infrastructure across the new entrance.

Condition 16: Access from Wilton Court to be provided and aligned with the relocated pedestrian crossing.

Condition 19: Provision of maximum of 711 parking spaces inclusive of 35 disabled parking spaces for the full development.

Condition 23: Submission of mobility management plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Executive Planner Planning Policy Section in a report dated **18/04/18** recommends further information in order to validate the potential impact of the proposal on existing retail centres, in particular its impact on the city centre. RIA to be amended including population growth rates and details of methodology of choosing the defined catchment area. Details also required on major space users and clarification of intention of food and beverage units in terms of convenience, comparison or restaurant use in order to calculate the quantum of retail floor space

proposed. The **2nd report** dated **15/08/18** following FI notes that the additional comparison floor space is 7166 sq.m. which is 48% of the Southside allocation until 2022. The retail provision is in line with the provisions of the Retail Strategy and is acceptable.

The **1st Senior Executive Planner's** report dated **20/04/18** includes AA Screening and EIA. The general principle of a major redevelopment of the shopping centre was established under PL28.238279. The overarching strategic development objectives in the 2009 City Development Plan are similar in broad terms to those in the current 2015 plan. The 'requirements' or 'ambition' for total redevelopment ignores the unique features of the existing centre, that it acts like a village main street with many smaller independent retailers operating in the centre. Whilst references to comprehensive redevelopment are noted they must be taken in context. Although the proposal will be a major redevelopment key features of the existing centre will remain in situ, primarily most of the existing stores. The principle of the development is acceptable within the context of the relevant development objectives and the context nature of the centre itself. While not a complete redevelopment it is of an urban format in that it creates new street edges along two main roads, provides a focal building, new public spaces and mix of uses. The enclosed nature of the retail element is counteracted by the live frontage along Bishopstown Road and the built fabric elements. Much of the connectivity is provided along the lines of the existing pattern in the centre, with additional entrances and routes proposed. The proposal may act as a catalyst for future development which may then further the ambitions of the Bishopstown Wilton Action Area Plan (BWAAP). The development in principle does not defeat the ambition of the BWAAP considering the interpretation of the BWAAP applied in PL28.238279. Several aspects of the BWAAP are delivered. On balance it is considered that the proposal would not contravene materially or otherwise frustrate the development objectives of the City Development Plan or BWAAP. Further information in line with that recommended in the Planning Policy report regarding retail recommended. The overall scale and massing can be accommodated on the site. The width of Bishopstown and Sarsfield Roads can absorb the proposed building heights and massing without resulting in a development that is out of character in terms of its context or which would be visually obtrusive. The design quality is considered to be of a high standard. The multi

storey car park is the least desirable element of the proposal but the design and materials are appropriate and should mitigate some of its visual impact. The proposal lacks in terms of accessibility and connectivity. The main retail element of the mall will have no new access points save for an entrance at the cinema block by Cardinal Way and entrance onto Sarsfield Road that links to the mall via a narrow corridor. Further information to address this recommended. Omission of surface car parking to the north of the church and replacement with public plaza recommended. The content of the Roads report noted. The applicant proposes 1716 spaces (including Tesco) a net increase of 710 spaces. A request for further information recommended. The **Senior Planner** endorses the recommendation for FI in a note dated **20/04/18**

The **2nd report** from the Senior Planner dated **22/08/18** following FI notes that CMATS is at draft stage and, as such, has no statutory footing. The arguments against the provision of a public plaza to the north of the library are not accepted. Improved connectivity has not been provided as requested. A grant of permission subject to conditions recommended.

3.2.2. **Other Technical Reports**

3.2.3. **Roads Design** in a report dated **10/04/18** notes that it is intended to proceed with the replacement of the Wilton roundabout with a signalised junction in the near future. A special contribution towards same required and development not to be occupied until the junction upgrade is complete. The new access from the Sarsfield Road is not supported on the grounds that the additional junction could give rise to vehicular conflict, would compromise the existing/future cycle and bus lanes and would endanger pedestrian safety due to its proximity to the existing pedestrian crossing. Although the access is shown in BWAAP the proposal is not consistent with the overall terms of the plan. The applicant should be requested to provide a strip of land for the provision of a dedicated cycle lane on Sarsfield Road. Stage 1 / 2 Road Safety Audit required. The **2nd report** dated **22/08/18** following FI considers that the provision of the left in/left out entrance remains a concern. Mitigation measures required including car park entrance to be managed and operated as a free flow entry. In the event that queueing occurs on a regular basis the City Council reserves the right to close the entrance in order to preserve the capacity of Sarsfield road. The applicant will be required to maintain an internal

route between the multi-storey car park and the existing Tesco entrance. The information provided by the NTA is significant and the proposal must not compromise the ability to deliver a future quality public transportation network along Sarsfield and Bishopstown Roads. No objection subject to conditions. A **further report** dated **26/07/18** sets out the development contributions calculations.

Transport and Mobility in a report dated **17/04/18** recommends further information seeking revised Chapter 8 of EIAR to reflect any requested changes in the Road Design report. The **2nd report** (undated) following FI considers chapter 8 of the EIAR to be adequate. The specifics regarding the detailed location of the left in/left out access as well as the relocation of the signalised pedestrian crossing will need to be redesigned in accordance with DMURS. The submissions from TII and NTA are noted. The proposed replacement of the Wilton roundabout with a signalised junction will not impact on the capacity of the junction but will make it more attractive to vulnerable road users. An improved public transport offer will also improve overall traffic conditions. The provision of extensions within established shopping centres does not result in pro-rata increase in traffic. The mixed use scheme encourages persons to carry out trips between different uses. Not all of the uses will generate peak parking demands at the same time. The projected volume of traffic by the proposal is significantly less (>50%) than that of the permitted development. A mobility management plan and construction traffic management plan will be required. No objection subject to conditions.

Environment Report dated **27/03/18** has no objection subject to conditions.

Drainage Division in a report dated **10/04/18** includes AA Screening Report which concludes that an AA is not required. Further information recommended on foul and storm drain locations, oil interceptor location and diversion of foul sewer. Conditions detailed should further information not be requested. The **2nd report** dated **01/08/18** considers the response to be satisfactory. No objection subject to conditions.

Conservation Office in an email dated **29/03/18** considers the application documentation to be satisfactory both for what it covers and for the approach being taken to the urban design, in particular as it relates to the SMA church and avenue of trees.

Heritage Officer in a report dated **05/04/18** has no objection subject to a condition.

Archaeologist in a report dated **05/04/18** has no objection.

3.3. Prescribed Bodies

Irish Water in a report dated **17/04/18** has no objection subject to conditions.

National Transport Authority in a letter dated **20/07/18** states that whilst not opposed in principle to the development it has serious concerns. Further to the preparation of a Metropolitan Area Strategic Plan for Cork it is working closely with Cork City and County Councils in the preparation of a draft Cork Metropolitan Area Transport Strategy (CMATS). It is at draft stage and includes specific recommendations in relation to bus infrastructure for Sarsfield and Bishopstown Roads. CMATS, when adopted, will be followed by a Bus Connects project for Cork as set out in the National Development Plan. The estimated completion date is 2027. NTA has allocated funding to the Council to advance two substantial transport corridors to progress the above projects. These include the Wilton Road Transport Corridor (including Bishopstown Road, Leeslie's Cross Junction/Wilton roundabout and continuing on R641 to the city) and the Sarsfield Road Transport Corridor (R641 from Leeslie's Cross Junction to the N40 underpass). The proposal does not provide sufficient setback to allow for the creation of an enhanced public transport system through the provision of bus lanes as set out in the draft CMATS and as required by the NPF and the Cork BusConnects project contained in the NDP. A refusal of permission is recommended. If deemed appropriate a condition should be attached requiring sufficient setback to be provided (minimum of 4 metres). The proposal to locate a significant additional junction on the R641 in close proximity to the Wilton roundabout is not recommended. It would deliver substantial negative impacts on both the current and planned movement of traffic. Should the proposal be granted the access and egress should be accommodated within the existing provisions available to the site. The internal layout is not in accordance with DMURS.

Transport Infrastructure Ireland in a letter dated **09/08/18** considers that the proposal is at variance with official national policy to control development on/affecting national roads. It would be contrary to policy which seeks to affect modal shift and would generate a high level of car dependency. It is of the opinion that in the absence of a final commitment to the proposed enhanced public and

sustainable transport system, there have been no appropriately agreed sustainable transport mitigation measures to facilitate the development. The trip generation estimates supplied imply a high level of turnover of parking spaces. Therefore it appears that there is an over-provision of parking spaces. An over provision of parking spaces will attract additional trips. On this basis the traffic analysis presented in the EIS may underestimate the impact of the proposal on the N40 Sarsfield Road roundabout. Taking into consideration the nature of the N40 and junctions serving the site together with existing traffic levels and the absence of delivery of agreed sustainable transport mitigation measures, it is considered that the additional traffic volumes likely to be generated at this location would impact on the operational safety and efficiency of the N40 corridor and undermine the benefits of public investment in same.

3.4. Third Party Observations

Submissions received by the planning authority are on file for the Board's information. The issues raised are comparable to those in the 3rd Party appeals summarised in section 6 below. A submission in favour of the proposal also noted.

4.0 Planning History

The planning history in the area is set out in the planning statement accompanying the application. Of particular relevance is:

PL28.238279 (09/34919) – permission granted for the redevelopment of the shopping centre in 2001. The permission expires in 2021.

5.0 Policy Context

5.1. Development Plan

5.1.1. *Cork City Development Plan 2015*

Most of the site is zoned ZO 8 District Centre, the objective for which is to provide for and/or improve district centres as mixed use centres with a primary retail function which also acts as a focus for a range of services.

A small portion of the site at the south-western corner to the north of the chapel and burial ground at St. Joseph's Church is zoned ZO 4 Residential, Local Services and Institutional Uses.

Section 14.22 - the vision for the redevelopment of the Wilton Shopping Centre and related lands as outlined in the Bishopstown and Wilton Action Area Plan, 2007, is to seek the comprehensive redevelopment of the Wilton Shopping Centre and related lands and the creation of a new city precinct which includes a mixed use urban format district centre that is the commercial and community focus for the south-west of the city, and also a new residential neighbourhood with a new city park to serve the needs of the development and the wider area.

Objective 14.6 Wilton District Centre:

To seek the regeneration of Wilton District Centre and related lands as a vibrant mixed use precinct, according to the zoning objectives and development objectives outlined in this plan, and supplemented by the Bishopstown and Wilton Action Area Plan (BWAAP). In particular proposals for the development of the sites will be required to:

- Be comprehensive in nature
- Be urban-format development of the highest standards of urban design and building design
- Provide traffic-controlled junctions and access to the lands in accordance with section 14.27
- Provide for the following public spaces as illustrated in the BWAAP
 - a. The Wilton Neighbourhood Park, incorporating passive and active facilities.
 - b. The Wilton Public Square
 - c. Key primary and secondary streets outlined in the Development Objectives diagram
 - d. A 15 metre River Glasheen Corridor
- Support the continued use of the Church, Community Centre and Bishopstown Library particularly in terms of access and parking

- Preserve and enhance protected structures
- Preserve key tree and key tree groups identified in the BWAAP

The site is within Zone 3 in terms of Parking Standards.

A small portion of the site in the north-western corner is within the Cork Airport Public Safety Zone.

5.1.2. ***Bishopstown and Wilton Action Area Plan 2007***

The Wilton shopping centre and adjacent lands are identified as a key sub-area.

Policy S25 B includes several of the provisions of Objective 14.6 of the City Development Plan.

It proposes indicative building heights. Generally these are 5 storeys along Sarsfield and Bishopstown Roads with 6+ storeys adjacent to the roundabout.

5.2. **Natural Heritage Designations**

The site is c. 4.8km to the closest point of the Cork Harbour SPA (site code 004030) and c. 11.5km from Great Island Channel cSAC (site code 001058).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. **Wilton Residents Association**

The submission, which is accompanied by supporting detail, can be summarised as follows:

- The road infrastructure surrounding the proposal is operating close to or substantially above capacity. This is identified in the EIAR
- Having recognised the extent and scale of the current problems the EIAR offers little by way of solutions or mitigation. It does not take account of further increased traffic volumes and expected population increase due to continued economic progress and does not take account of the substantial developments proposed for the Curraheen area.

- Congestion is a daily occurrence and the proposal will exacerbate same. Such congestion has and will have economic consequences resulting in long delays, increased business costs and health implications. Public transport is being adversely affected.
- The high traffic volumes have a material impact on air and noise pollution with health implications.
- The construction phase will generate a further increase in HGV vehicles.
- The projected increase in traffic volumes and congestion will exacerbate current safety issues and will impact negatively on emergency services accessing and leaving CUH.
- The Clifton Scannell Emerson (CSEA) report on the upgrade of the Wilton corridor is not a solution as claimed by Cork City Council. It is flawed as it fails to address the current or future traffic volume, congestion, pollution or safety problems. Many of the proposals will exacerbate the problems.
- Whilst the development of Wilton Shopping Centre was flagged in the City Development Plan and the Wilton LAP no plans were included either to sustainably deal with the increase in traffic and congestion which will ensue.
- Before permission is granted the following are required:-
 - A detailed traffic management and time scale to address the issues of traffic volumes and congestion
 - A detailed independent impact assessment safety audit
 - 7 day kerb side continuous comprehensive pollution audit on Wilton and Bishopstown Roads by the EPA or other independent body.
 - 7 day noise surveys on Wilton and Bishopstown Roads. Completion of new road surface on Wilton Road to reduce noise levels.
 - Detailed construction plan to outline the impact and number of supply and demolition HGV movements on surrounding roads.

6.1.2. The Wilton Traders Association

The submission by Cunnane Stratton Reynolds, which is accompanied by supporting detail, can be summarised as follows:

Roads and Traffic

- The signalisation of the Wilton roundabout is a mitigation measure for the proposal. There has been no progress on the required upgrade and the timeline for same is unclear. The proposed works on Wilton Road and all associated public transport provisions need to be reviewed in light of NTA proposals and the BusConnects project. The proposal is premature.
- The impact assessment has been based on the replacement of the existing Wilton roundabout with traffic signals. No assessment has been made of the current roundabout scenario. There is no certainty that the Part 8 will be advanced. The EIAR is deficient in this respect.
- The interfaces of the Mall/Hotel and Office entrance and the public realm works to northern, north eastern and eastern boundaries all overlap with the proposed Part 8 arrangement. There does not appear to be a letter of consent from the Council with respect to these lands and the deliverability of the public interface of the scheme with Part 8 lands appears to be premature.
- The review of the Transportation Assessment by NRB Consulting Engineers (copy attached) considers that there is a very significant underestimation of the traffic generated by the proposal and no scientific reasoning or justification provided for the reduced traffic generation rates applied within the study. It is believed that the traffic generation has been underestimated by approx. 28% for the key critical weekday PM peak hour.
- It is queried how the applicant can justify applying a 30% increase in traffic generated when there is a proposed 71% increase in parking.
- The RIS and EIAR contain differences in design year assumptions
- The conditions identified by the City Council that support and promote setbacks do not go as far as the conditions that addressed this matter in the previous consent. However, given the potential for the development to generate significant volumes of traffic, the general vagueness around public

transport enhancements, the nature of the development and the manner in which it relies on significant public transport provision so as to address retail demands, creates a general perception of uncertainty that undermines the content of the EIAR.

Impact on Existing Centre

- The proposal will adversely impact on the centre's vitality and viability.
- Proposed access to the centre will diminish access to the core. The older mall areas are being denuded of their carparking and attractiveness. A lift core should be located adjacent to the southern stair core of the multi-storey car park to enhance connectivity to the existing centre.
- Carparking changes will see the overall centre facing a lower provision than may be demanded by customers. A major increase in floorspace is proposed without the parallel increase in carparking. There is already pressure on car parking and it is regularly congested at peak times.
- The proposal diminishes the north south spinal linkage sought by the Bishopstown Wilton Action Area Plan. The proposal is a piecemeal solution to the regeneration of the centre. It fails to demonstrate how the comprehensive redevelopment of the overall centre can be achieved in the future in a manner that will comply with the Action Area Plan. The proposal is a typical suburban format which the plan says will not be considered appropriate. The permission under ref. PL28.238279 offers a design solution that is more in line with the objectives of the plan.
- The lengthy construction period is likely to have an adverse impact on the retail trading environment of the existing centre. The information given with respect to construction is generally vague.
- There are concerns about the RIS and the impact on local and neighbourhood retailing. The fundamental modal shift arguments in the EIAR are not reflected in the RIS. There are inaccuracies that require correction. It is considered that the RIS is deficient.

Other Issues

- Alternatives need to be examined. The section of the EIAR is weak.

- The visibility of St. Joseph's which is a protected structure will be reduced as the church spire will no longer be a prominent feature in the local landscape.
- The proposal will substantially alter the existing character of views in the vicinity.
- Consideration of cumulative impact should have regard to the Strategic Masterplan of CUH.
- The content of the further information in terms of survey of traders is misleading.

6.1.3. **Reel Picture**

The submission by Denis O'Sullivan & Associates on its behalf states that it considers the inclusion of a cinema complex in the proposal would represent an oversupply of this type of facility in the western suburbs which are presently more than adequately served by the complex in Ballincollig. The proposal will render both complexes financially unviable. It is requested that it be excluded from the development.

6.1.4. **Tesco Ireland Ltd**

The submission by GVA Planning & Regeneration Ltd. on its behalf can be summarised as follows:

- It welcomes investment in the centre.
- The site has an existing car parking provision of 1006 spaces including 408 in the control of Tesco Ireland. The proposal intends to provide a net increase of 711 spaces which would result in a total number of 1717 spaces.
- Condition 19 of the permission restricts the number of parking spaces at the centre below that which already exists. This condition may contravene existing legally binding agreements in relation to car parking provision thus potentially rendering the permission unimplementable.
- It is not clear in the planning reports why the total number has been reduced. It can only be assumed that the condition intended to outline the maximum net number of spaces to be provided as part of the permission. However a literal interpretation could result in only 711 spaces being provided for the entire

development including Tesco's car park which would be a significant shortfall from the maximum number of spaces that are permissible under the Development Plan standards. The condition should be amended to ensure that the number of spaces originally applied for is the total number of spaces that can be provided at the site save for the requirements of other conditions. Suggested rewording of the condition provided.

- The condition as it stands could result in large numbers of customers attending other facilities at the centre parking in Tesco's car park thus reducing the spaces available to Tesco customers and would lead to a negative impact on the store.
- The importance of the proposed junctions, as permitted, are noted. If the permitted left in/left out junction was to be removed as sought in the further information it would lead to additional traffic using the entrance to the Tesco store and parking at this location. Such an outcome would have a detrimental impact on Tesco's operations and would also result in potential traffic conflicts. It is requested that the junctions be retained as permitted.
- The Board is requested to review the provision of directional signage within the car park and the entrance points. The use of variable messaging systems would improve the ability of customers to access the correct car park and navigate the site in an efficient way thus reducing the potential for traffic congestion.

Note: The above submissions were circulated to the other 3rd Parties for comment.

One response was received from Tesco Ireland which reiterates comments made in its appeal submission

6.2. Applicant Response

The submission by Butler O'Neill Total Planning Solutions can be summarised as follows:

- There is an extant permission on the site which includes a cinema. Its suitability was accepted by the planning authority and the Board.

- The shopping centre is currently serviced by 1006 surface car parking spaces. As such 1066 plus 711 (figure quoted in condition 19) gives a total of 1,717 spaces. There does appear to be an ambiguity in the wording of the condition as it does not explicitly state the total number of spaces permitted or that the proposal will replace/relocate some of the existing parking supply and accommodate them in the proposed development. An amended condition would be helpful.
- The left in/left out entrance is in the same location as previously permitted. The previous proposal was subject of extensive assessment. The scale of the previously granted permission was significantly larger than what is now proposed.
- The projected increase in traffic on a Saturday for Wilton Road is 9% and not 18% as presented in one of the appeals.
- The EIAR clearly presents the methodology associated with estimated future traffic flows on the surrounding road network including the application of TII's growth rates for the Cork region and the inclusion of traffic associated with neighbouring planning schemes.
- The extension should be seen as a phased programme to deliver further redevelopment of the existing centre at a later stage.
- The new main entrance will be an addition to the existing entrances.
- The proposed scheme includes sufficient set back to allow for the proposed signalisation of the Wilton roundabout. It was at the request of the City Council that the signalised roundabout did not form the base of the drawings submitted but that the signalisation was accounted for in the design.
- The EIAR presents the impact the proposed development will have on the existing Wilton roundabout. The junction is expected to remain with capacity following the completion of development. The assessment recognises that the removal of the existing Wilton roundabout and its replacement with traffic signals does result in a loss of vehicular capacity but with a corresponding increase in pedestrian accessibility.

- The proposal has included boundary setbacks (as part of the planning conditions) to assist and support the delivery of additional public transport priorities. The transport assessment did not provide for any reduction in modal split as associated with the provision of future public transport measures and is therefore not reliant on their delivery.
- The proposed parking aligns with Development Plan and National Strategy. Due to the mixed nature of the development sufficient parking has been provided.
- Increase in traffic is non-linear as the additional floor space provides an opportunity for the shopping centre to improve its offer to existing shoppers increasing their length of stay which does result in increased parking demand but no increase in external traffic demand.
- The use of LINSIG and other macro-simulation traffic software such as PICADY are industry standard. The traffic analysis indicates that the surrounding road network has sufficient capacity to accommodate the projected increase in traffic.
- The design details associated with the new junction configuration for the roundabout have not been agreed and are subject to both further analysis and public consultation. Under the current junction operation (roundabout) the proposal does not impact negatively on its current operation.
- The transportation assessment was based on the recorded 2016 traffic flow data rather than those recorded in 2017 as it provided for more robust traffic flow data.
- The majority of the traders in the centre are in favour of the development.

6.3. Planning Authority Response

The response can be summarised as follows:

Compliance with BWAAP

- The BWAAP, while a non-statutory document, is referenced in the City Development Plan.

- Comprehensive redevelopment may not be practical or realistic and would ignore the unique feature of the existing centre in that it acts like a village main street.
- Comprehensive redevelopment must be taken in context. The proposal will be a major redevelopment but key features of the existing centre will remain.
- The proposal is of an urban format in that it creates new street edges along two main roads, provides a focal building, new public spaces and a mix of uses. The enclosed nature of the retail element is counteracted by the live frontage along Bishopstown Road.
- Connectivity is provided along the lines of the existing pattern in the centre with additional entrances and routes proposed.
- The proposal does not defeat the ambitions of the action area plan considering the interpretation of the plan in PL28.238279.

Impact on Existing Traders

- The impact would be significantly less than should PL28.238279 be carried out.
- Impacts will be managed by phasing and construction management plans and by stipulated working/construction hours.
- In relation to retail footfall the existing shopping centre is to remain and access is proposed to the existing mall from the proposed new development.

Cinema Use

- The assessment on the previous appeal for a larger cinema provision was satisfied that the proposal would not have a detrimental impact on other cinemas.
- The use is supported by the relevant objectives in the City Development Plan and the BWAAP.

6.4. Further Responses

The applicant's response to the appeal submissions was circulated for comment.

6.4.1. **Tesco Ireland** (submission by GVA Planning on its behalf) reiterates comments made in its appeal submission.

6.4.2. **Wilton Traders Association** (submission by Cunnane Stratton Reynolds on its behalf). In addition to reiterating a number of points made in its appeal submission the following are noted:

- The Traders survey submitted is misleading and not an accurate representation of the traders' views on the proposal.
- The northern entrance, currently known as CUH entrance will be effectively made redundant in favour of a new entrance facing the regional hospital. The same is true for the entrance known as the SMA entrance (also on the western side of the centre). The downgrading of these entrances servicing the existing centre is a direct consequence of the plan to direct all traffic-pedestrian and vehicular to the benefit of the new part of the centre. This will diminish the core which is at odds with Section 3.2 of the EIAR which states that the applicant wants to retain the existing centre as it acts as a core for the community, operating like a main street of a town and to build upon the strengths of the district centre.
- The elimination of all but rudimentary parking spaces on the west side and lack of a provision of a lift on the south-eastern side of the existing centre redirects effectively 90% of all pedestrian ingress and egress to the extension. This will have an adverse impact on the viability and vitality of the old centre.
- Whilst a new stair core is proposed from the multi-storey car parking to facilitate access to the existing centre (Bank Entrance) a lift core is required. It is unlikely that customers will use the stairs where access to the new centre can be achieved through the lift core the car park.
- The extension would be poorly integrated with the existing shopping mall.
- Their carparking concerns have not been addressed. The proposed provision is not sufficient. It requires parking over and above the standards set out in the Development Plan.

Note: response from Wilton Residents Association received outside the notified period.

6.5. Observations

The observation from the National Transport Authority can be summarised as follows:

- While not opposed to the principle of the development there are serious concerns with regard to the design. The concerns relate to:
 - Bus infrastructure requirements including provision for setback onto Sarsfield Road, Wilton roundabout and Bishopstown Road and the development's consistency with sustainable transport objectives relating to the wider area.
 - Car parking and car parking access including provision for an additional left in left out entrance onto Sarsfield Road, and
 - Provision for pedestrians and cyclists on the local road network and within the site including the relocation of the pedestrian crossing on Sarsfield Road, and
 - Conditions addressing the concerns attached by the planning authority.
- Condition 3: rewording recommended.
- Condition 11: It reiterates its opposition to the provision of the left in/ left out access onto Sarsfield Road. The argument against its provision is further strengthened given the substantial reduction in car parking as per condition 19. Should the Board be minded to allow its provision or an alternative solution, rewording of condition recommended.
- Condition 12: There are serious concerns with the provision for a free flow entry to the car park for reasons which are related, in general, to concerns arising from the provision of the left in/ left out access. If it is to be provided any associated condition should preclude any negative impact on pedestrian and cyclist safety and bus movements along Sarsfield Road with a requirement to demonstrate how such can be achieved as part of a car parking management strategy.

- Condition 14: It reiterates its opposition to the pedestrian crossing relocation. Should the Board be minded to accommodate the proposal revised wording of condition recommended.
- Condition 15: Whilst in support of the objective providing for continuous dedicated safe infrastructure across the new entrance it is unclear how this condition could be reconciled with the provision for free flow entrance at the car parking entrance as required by condition 12. A new condition is recommended which incorporates the apparently competing issues arising in conditions 12, 14 and 15.
- Condition 19: It supports the reduction in car parking.
- Condition 20: Amended wording recommended.
- Condition 21: Amended wording recommended.
- Condition 22: Matters referenced in regard to a Stage 1 Road Safety Audit would have more appropriately been addressed as part of the design and decision making process prior to permission being granted. The road safety audit process should take into consideration anticipated pedestrian and cyclist movement patterns arising not just from the development but also arising from the implementation of proposed and committed sustainable transport/road improvement schemes in the surrounding area.
- Condition 23: It supports the inclusion of the condition. The scope of the condition should be extended to include reference to the development and implementation of a car parking management strategy. Amended wording recommended including reference to paid parking.

7.0 Planning Assessment

I consider that the issues arising in the case can be assessed under the following headings:

- Context and Existing Permission
- Compliance with Policy Provisions
- Traffic, Access and Parking
- Suitability of Design and Scale
- Cinema Provision
- Other Issues

7.1. Context and Existing Permission

- 7.1.1. At the outset I consider that it is beneficial to set out a comparative analysis of the current proposal and the mixed used development that has permission under PL28.238279 (09/23191).
- 7.1.2. The development under PL28.238279 comprises the demolition of units nos. 1-44 including Penney's Store with the extent of the demolition stated to be 9,981m². The existing Tesco store and 10 units attached to same are to be retained. The proposal was granted in May 2011 with permission given for 10 years.
- 7.1.3. The scheme, as permitted, entails 4 distinct blocks up to 7 storeys in height comprising a mix of uses including retail/retail services, medical services centre, hotel, conference centre, offices, student accommodation, cinema and bowling alley. Two levels of basement parking are to serve the scheme. The permitted development provides for the ten retail units to the north of Tesco to open onto the pedestrian access to the site from Sarsfield Road south of new block C. The existing access to the Tesco car park from Sarsfield Road is retained. The scheme also entails a new access/egress from Sarsfield Road providing access to the basement parking. Access to the basement is also to be from Cardinal Way.
- 7.1.4. The development now before the Board entails the demolition of Penney's store and unit 56, the stated area of which is 4,222 m². The structure to be erected reads as a

single entity from the adjoining roads and is up to 7 storeys in height. In summary it comprises:

Ground floor: Retail units, café/restaurant, carparking, mall areas connecting to existing shopping centre, hotel lobby

1st floor: retail units, café/restaurants, office, mall area connecting to existing shopping centre, 1st level of multi-storey car park.

2nd floor – multi-storey carpark

3rd to 6th Floors – Cinema, Offices, Hotel and Levels 4-6 multi storey car park

The building arrangement allows for the existing internal circulation road in the shopping centre to be maintained.

7.1.5. Access to the multi-storey carpark is proposed from a new left in/left out entrance from Sarsfield Road.

7.1.6. In terms of the quantum of floorspace the following table provides a comparison of that permitted relative to that proposed. That permitted takes account of the reduction in floorspace resulting from condition 2 attached to the permission.

	Permitted	Proposed
Demolition	9,981m ²	4222 m ²
Retail including retail services, café/restaurant	22,380 m ²	21,015 m ²
Hotel	133 bedrooms, 7,144m ²	190 bedrooms, 9397 m ²
Student Accommodation	33 no. bed spaces, 1337m ²	None
Offices	9,811m ²	4883 m ²
Medical Services	5,363m ²	None
Cinema	9 screens (2,034 seats), 6028 m ² .	14 screens (1550 seats), 4516m ²
Bowling Alley	761m ²	None

Conference centre	8176 m ²	None
Car parking	1822 spaces (2 basement levels)	1309 spaces (multi-storey 6 levels, roof level and replacement surface)
Plaza and Outdoor seating	Yes	Yes

**Figures given – gross floor space*

Note 1: Figures given for permitted retail and student accommodation are approx. taking account of requirements of condition 2 omitting level 1 of Block C

Note 2: Source of figures for proposed development taken from further information submission. Figures differ marginally from those cited in section 4.4.1 of the EIAR.

Excluding the parking, service yards and open space provisions I estimate that the scheme as permitted has an approx. gross floor area of 72,000m². The proposed scheme would equate to approx. 39,800 m².

7.1.7. Thus, in comparative terms the proposal currently before the Board constitutes a materially smaller scheme in terms of floor space, though on a somewhat smaller footprint.

7.2. Compliance with Policy Provisions

7.2.1. Since the assessment of the previous application and appeal a new City Development Plan has been adopted. Albeit a different reference code, the site retains the district centre zoning, the objective for which is to provide for and/or improve the district centre as a mixed use centre with a primary retail function which also acts as a focus for a range of services.

7.2.2. Objective 14.6 refers to the Wilton District Centre seeking its regeneration (with related lands) as a vibrant mixed use precinct, according to the plan's zoning objectives and development objectives, and supplemented by the Bishopstown and Wilton Action Area Plan (BWAAP). In particular, proposals for the development of the site will be required to be comprehensive in nature with an urban format of the highest standards of urban and building design. The objective also requires the provision of traffic controlled junctions and accesses to the lands in accordance with

section 14.27 and to provide for a series of public open spaces as illustrated in the BWAAP.

- 7.2.3. The BWAAP 2007 to which the Development Plan refers is a non-statutory document which sets out a number of development objectives for the area which includes the subject site and provides for a network of primary and secondary streets, public squares and a corner landmark building overlooking the Wilton roundabout. Three access points are delineated, one from Bishopstow Road onto Cardinal Way to the west of the existing Wilton roundabout and shopping centre, and two off Sarsfield Road to the east.
- 7.2.4. In the context of the lands covered by the plan the application site essentially comprises the northern portion of the overall shopping centre and, therefore, can be considered as a partial redevelopment of the site, only. I note that the extant permission, albeit for the larger scheme, in itself, did not constitute a comprehensive redevelopment with the retention of a number of retail units and the Tesco store.
- 7.2.5. Whilst the comprehensive redevelopment of the centre as referenced in the above policy documents is not being realised I would submit that the stringent adherence to the requirement could prejudice plans which would realise a phased programme of regeneration and which may provide for a more realistic proposition in which the centre could continue operate. I would also concur with the Council Planning Officer's view that the key feature of the existing centre is that it acts like a village main street with smaller, independent retailers operating from it. The larger units anchor the centre at either end (Tesco and Penneys). In this context the proposed scheme could be considered to be the 1st phase of the said overall redevelopment retaining the key feature of the existing centre.
- 7.2.6. The proposal in terms of its design and configuration adheres to a number of the aims of the objectives in that it is of an urban format with new street edges to the main roads with a focal building at the corner with new public spaces and mix of uses. The issue of site permeability in terms of the realisation of the primary and secondary streets envisaged in the BWAAP and referenced in the City Development Plan are not delivered in the current format. Notwithstanding, connectivity is provided along the lines of the existing pattern of the centre with additional entrances and routes proposed. In this regard I note the emphasis to be given to the entrance

at the junction of Cardinal Way and Bishopstown Road, and the development of a plaza in the vicinity of existing access from Cardinal Way providing for enhanced pedestrian accessibility and permeability.

- 7.2.7. On balance, I submit that the proposal, providing for a mix of uses, with a landmark feature onto the Wilton roundabout could effectively be considered as the 1st Phase in the redevelopment of the centre and which would not compromise the intent and purpose of the Development Plan objectives and Action Area Plan. I therefore consider that the proposal is acceptable in principle and would not frustrate the realisation of the stated policies and objectives.

7.3. Access, Traffic and Parking

Overview

- 7.3.1. I consider that the description of the road environment in the vicinity of the site as given in the Inspector's report on the previous appeal largely describes the current environment and is as follows:
- 7.3.2. The site is bounded by the two major traffic routes of Sarsfield Road and Bishopstown Road and is in close proximity to Wilton Road roundabout which is a major intersection. Since the construction of the initial shopping centre the traffic patterns of the area have evolved and the construction of the N25 Southern Ring Road has significantly altered journey patterns with consequent impacts on the appeal site.
- 7.3.3. Bishopstown Road is a key distributor road serving the western suburbs and provides access to Cork University Hospital to the north and Wilton Shopping centre to the south in addition to several established housing estates. It comprises of a single lane in each direction save for a short stretch of dual carriageway opposite the hospital and shopping centre (via Cardinal Way) with a shared signal controlled junction to both.
- 7.3.4. Wilton roundabout (also referred to as Bishopstown Road roundabout) is located at the eastern extent of Bishopstown Road and forms a four arm roundabout junction between Wilton Road to the north, Glasheen Road to the east and Sarsfield Road to the south.

- 7.3.5. Sarsfield Road bounding the site to the east has two lanes in each direction with an additional right turn and left turn lane provided on the northbound approach to the shopping centre junction. The Sarsfield Road entrance to the site is a signalised junction with a defined sequence permitting traffic to enter and exit the site in both northbound and southbound directions with dedicated lanes to facilitate these movements
- 7.3.6. Internally site traffic movement is one way, in a clockwise direction, along a single distributor road with the car parking areas accessed from same.
- 7.3.7. Sarsfield Road is bisected c.620 metres to the south of the appeal site by the N25 South Ring Road. Since the previous appeal the interchange has been upgraded.
- 7.3.8. As noted previously the development as permitted is significantly larger than that subject of the current appeal. As evidenced from the Inspector’s report and summary of the oral hearing proceedings access and traffic was a material consideration. The Board in its decision by way of condition 3 required the conversion of the Bishopstown Road (Wilton Roundabout) to a signalised junction prior to the scheme becoming operational and the upgrading of the Sarsfield Road interchange as part of the approved South Ring Road Interchanges (Bandon and Sarsfield Road). As yet the former remains as a roundabout whilst works on the latter project have been completed.

Trip and Traffic Generation

- 7.3.9. In terms of the traffic generation of the permitted scheme relative to that proposed I note the following:

	Friday Evening	Saturday Afternoon
Permitted Development	1373 vehs/hr	1469 vehs/hr
Proposed Development	612 vehs/hr	448 vehs/hr

- 7.3.10. Appellants have queried the basis and robustness of the figures provided. In terms of trip generation the TRICS database was interrogated and comparison of similar sized retail developments showed that a typical retail expansion comparable to that proposed would result in a trip rate of 74% of the existing retail development. This non-linear change in the trip rate takes cognisance of the fact that increasing the size

of the development does not necessarily lead to a direct increase in new trips but provides greater retail choice for existing visitors, facilitating longer duration of stay per visitor. The use of TRICS is an industry standard and the justification given is considered reasonable.

7.3.11. The same concerns have been raised in terms of future traffic flows. In this regard I note that the EIAR in section 8.2.3 presents the methodology associated with estimated future traffic flows on the surrounding road network including the application of TII's growth rates for the Cork region in accordance with accepted practice. I also note that in terms of the base year the recorded traffic flows for 2016, which were higher than 2017, were used to provide for a more robust assessment. In addition, no account has been taken of proposed public transport improvements which may also have a positive impact.

7.3.12. The projected increase in traffic on the immediate surrounding road network is in the region of 5%-6% on Bishopstown Road, Wilton Road and Glasheen Road while an increase of around 10% is expected on Sarsfield Road. On the South Ring Road (East) the expected increase is 2%. The assessment notes that 9 junctions in the vicinity were identified for assessment and of the 8 presented only 2, namely Dennehy's Cross and Wilton Roundabout were identified as being at capacity under 2020 traffic conditions with or without the development. The addition of the development traffic at these locations only has a slight impact on traffic conditions. I would also submit that as the public transport options improve the overall traffic conditions would improve.

Wilton Roundabout

7.3.13. The existing roundabout is currently operating within capacity but does not provide for pedestrian and cyclist facilities. As noted during the assessment of the previous appeal the signalisation will, in effect, manage but not increase capacity and will offer an improved environment for non- vehicle users. The existing permission by way of condition 3 precludes the opening of the centre until the signalisation of the roundabout. The said works have not yet been undertaken. To date the Part 8 application for the carrying out of the necessary works has not been advanced and no detail is available as to the timescale for same. However as noted in the Roads Design report it is still the intention of the City Council to pursue this course of action.

Wilton Traders Association in its appeal submits that the said Part 8 works are subject to fundamental review due to the Bus Connects proposals. The NTA in its submission to the planning authority and its observation to the Board does not explicitly reference same although there is merit in the view that the proposals would be subject to review in the light of the emerging preferred public transport corridors. This is tacitly acknowledged in section 8.8.2.5 of the EIAR which notes that the junction to which regard is had in the assessment does not have approval and may be subject to future amendments to improve its operational capacity and provision for pedestrian/cyclists.

- 7.3.14. The said transportation assessment that accompanies the application recognises that the removal of the existing Wilton Roundabout and its replacement with traffic signals would result in a loss in vehicular capacity and the upgrade junction is expected to operate either at or above capacity both 'with' and 'without' the proposed development in 2020. The impact of the additional traffic associated with the proposed development would only have a slight impact on traffic conditions. Under the current junction operation (roundabout) the proposal does not impact negatively on its current operation.
- 7.3.15. Contrary to its previous decision, specifically condition 5, the planning authority does not see fit to limit the opening of the development until the said works have been carried out, notwithstanding the recommendations of the Roads Design Section. As noted by the Inspector on the previous appeal the proposed signalisation, in addition to addressing the management of traffic on the roads approaching the roundabout, also provides for an improved environment and management of other modes of travel including pedestrian and cyclists who are not currently catered for at this intersection. I am of the opinion that if the district centre is to achieve its overall objective of attaining a wider function of meeting the needs of the area, provision for improved and safer accessibility for pedestrians and cyclists must form part of any improved mobility plan. In this context, therefore, a condition comparable to that as attached to the extant permission is considered appropriate.
- 7.3.16. I also note that the Board by way of condition 22 sought a special contribution towards the cost of replacing the roundabout with a signalised junction. The Roads Design section reiterated the need for such a requirement. I submit that the proposed improvement works, whilst benefitting the proposed development, would

not be specific to the current scheme or exceptional and will benefit development in the immediate vicinity and the wider community. As noted the proposal would not impact on the current operating capacity of the existing roundabout (although with no pedestrian or cyclist facilities). I also note that the project has been in the public realm for a period of in excess of 8 years. On this basis it is not unreasonable to assume that the works have been included in estimated costs for roads/transportation infrastructure and facilities as set out in Appendix 1 of the current Cork City Council General Contribution Scheme 2017-2021. On this basis I would not advocate such a special contribution requirement in this instance.

Public Transport Provision

- 7.3.17. I consider that the approach in terms of traffic management has evolved somewhat since the adjudication of the previous appeal with an emphasis on the provision of quality public transport options. This is clearly endorsed in the National Planning Framework which specifically requires the development of a much enhanced citywide public transport system. It also requires the development of a Metropolitan Area Strategy Plan for Cork. Following on from same the National Transport Authority both in its submission to the planning authority and its observation to the Board notes that a draft Cork Metropolitan Area Transport Strategy is being drawn up which will be followed by the BusConnects project for Cork. The strategy will be making specific recommendations in relation to bus infrastructure including two transport corridors along both Sarsfield Road and Bishopstown Road. As yet a draft of the plan is not in the public realm and a timeline for its completion is not available.
- 7.3.18. To ensure that adequate space is available so as to provide a continuous bus lane the NTA requires a setback of between 3.0 and 4.0 metres at four locations along Bishopstown Road and Sarsfield Road. The Planning Authority in its notification of decision attached these requirements. By the absence of a 1st party appeal it is not unreasonable to conclude that the alterations are acceptable to the applicant. The NTA in its observation notes the requirements of condition 3 in this regard and recommends an amendment to the wording requiring consultation with itself. I consider that this could be appropriately included should the Board be disposed to a favourable condition. I propose to address the issues of access and parking in further detail below.

Proposed Vehicular Access

- 7.3.19. The current proposal replicates the access provisions as permitted under ref. PL28.238279 and provides for 3 no. vehicular entrances including the retention of the existing Cardinal Way /Bishopstown Road and Sarsfield Road entrances with a new left in/ left out entrance proposed onto Sarsfield Road.
- 7.3.20. *New Access Arrangement - Sarsfield Road*
- 7.3.21. The proposed left in/ left out entrance to the multi-storey car park reflects the arrangement to the underground parking in the permitted scheme and follows on from the specific objective of the BWAAP. This arrangement was assessed by the Board which retained the provision. The applicant states that the primary function is to provide access to the proposed multi-storey car park, alleviating the impact on the existing two entrances, in particular the existing Sarsfield Road (Tesco) entrance such that they operate within capacity. It will also assist in allowing for an improved pedestrian environment on the Cardinal Way side of the development.
- 7.3.22. However, both the Roads Design Section and the NTA consider that such provision would have negative impacts on both the current and planned movement of traffic and that existing and proposed bus lanes would be undermined as there would be conflict created with the potential for vehicles queuing to enter the car park. Tesco Ireland holds a different view and in its submission requests the Board to retain the additional entrance on the basis that its omission would put an inordinate pressure on the existing signalised entrance to the south. The applicant in response states that the removal of the entrance will require all cars within the site to circulate to find parking spaces. Any car using the multi-storey car park will need to circulate through at least 50% of the road network within the site. It is also stated that the scheme was largely designed around such provision.
- 7.3.23. I consider that the issue is appropriately examined in the context of the extant permission on site which allows for a materially larger scheme, albeit served by basement parking via the left in/ left out access. As noted above a setback will be required to ensure adequate space for provision of bus lanes and I consider that the layout and priority given to cycle and pedestrian users can be ensured by way of conditions. In terms of the proposal undermining the ability to provide a high quality bus corridor and ensuring consistent journey times, the issue of vehicles queuing to

enter the multi-storey car park is of material concern in this regard. The planning authority in its decision requires free flow access and precludes against barriers which may result in queuing of vehicles. The NTA does not agree with this approach in that it seeks a significant reduction in car parking and that a charge for same be applied. Again, in the context of that permitted on the site I consider that the condition as applied by the planning authority is a reasonable measure and will aim to protect the capacity of the bus lane. Linked to this new vehicular provision is the relocation of the pedestrian crossing which, I consider, can also be addressed by way of condition. Any such provisions will be required to have regard to DMURS.

Parking

7.3.24. On-site parking is currently surface parking and, in the Tesco section of the site, this position will remain unaltered. The proposal intends to effectively eliminate surface parking to be replaced by a multi-storey facility with direct access from Sarsfield Road.

7.3.25. From the details on file the following is noted:

Current total number of existing car parking spaces (including Tesco)	1006
Total spaces to be removed	598¹
Spaces proposed	1309
Total spaces proposed on site (including Tesco)	1717

This equates to a net increase of 711 spaces.

7.3.26. There is a level of confusion as to the meaning and interpretation of condition 19 and whether the limit of 711 spaces pertains to the additional maximum parking allowed on the site or to the total number of spaces to be provided. I would concur that the condition is somewhat ambiguous with no reasoning identified in the planning or supporting technical reports on the file. On this basis I would suggest that the condition maybe incorrectly worded. Were the upper limit of 711 to be imposed this would equate to a net increase of 113, only, for an additional gross floor space of over 35,000 sq.m.

¹ Whilst the public notice refers to the removal of 420 spaces this is a net figure. The entire surface parking provision of 598 is to be removed to facilitate the development with a number of surface spaces replaced in a different configuration in the proposed scheme.

7.3.27. As per the current City Development Plan the site is within Zone 3 in terms of parking standards. The standards as detailed are maximum allowances and are not to be exceeded. With reference to Table 16.8 of the plan and having regard to the schedule of floor areas given in the further information response I submit that the maximum provision would be:

		Parking Requirement
Retail/Retail Services	21,015 m2 gross floor space	1050
Hotel	190 bedrooms	190
Offices	4883	98
Cinema	1550 seats	155
Total		1493

Note: These figures differ from those set out in the City Council Planning Officer's report in which the retail requirement appears to be calculated on a net:gross ratio of 80%.

7.3.28. The above figures do not take account of the provision for the existing retail floorspace to be retained within the centre. As per section 8.5.1.1 of the EIAR there is approx. 16,354 m² of retail in the existing centre with a net increase proposed of 10,048m². Taking into consideration the floorspace to be demolished that remaining would equate to in the region of 600 spaces. Thus the overall maximum provision for the proposed and existing would be in the region of 2100 spaces.

7.3.29. The multi storey facility will provide for 874 spaces with a further 434 surface and 2nd floor roof spaces, inclusive of approx. 71 surface parking spaces to the north of Wilton Library in the vicinity of the proposed 'Wilton Square'. This gives a total of 1308. As I will address below this latter provision of 71 spaces is considered to be unacceptable in design terms. The said omission would bring the provision to in the region of 1237. Taken with the 408 spaces adjacent to Tesco to be retained this gives an overall provision of 1645.

- 7.3.30. I note no objection to this provision in any of the Council technical reports on file although the objection by the NTA is noted. I consider that a car parking management plan as advocated by it is a reasonable request and would be appropriately inserted into the mobility management plan
- 7.3.31. On balance I consider the parking provision to be satisfactory, does not exceed the maximum allowable as set out in the current City Development Plan. Condition 19 could be worded appropriately to ensure clarity as to the acceptable provision.

Conclusion

- 7.3.32. Overall, I consider that the proposal is acceptable in terms of access and traffic and subject to the recommendations as detailed above would not have an adverse impact on the surrounding road network or proposed public transport measures. I note that the mitigation measures include the preparation of a mobility management plan which would include car park management measures, car sharing, public transport and cycling initiatives with the appointment of a travel co-ordinator to oversee the plan and assist in the implementation of measures.

7.4. Suitability of Design and Scale

- 7.4.1. I refer the Board to Chapter 7 of the EIAR and the photomontages in Appendix D which were supplemented by way of further information.
- 7.4.2. The existing single storey shopping centre surrounded by surface car parking is synonymous with such suburban centres, has little design merit and does not engender a sense of place. This, in my view, is exacerbated by the busy road network which bounds the overall site to the north and east.
- 7.4.3. The nearby CUH building is a key reference in the immediate vicinity and the proposed development, including the corner treatment, has been influenced by same in terms of mass, scale and finishes. The buildings in the hospital campus range in height from single storey to 7/8 storeys.
- 7.4.4. I submit that the existing permission on the site has set a precedent for a scheme ranging in height from 4 to 7 storeys. The current proposal is comparable in height and at its highest will be approx. +53.60m OD at seven storeys in the north-eastern corner. It provides for direct frontage onto both Bishopstown Road and Sarsfield

Road in line with current policy requirements. A street edge is established around the perimeter of the site by locating office units and a hotel at street level.

- 7.4.5. A substantive difference in terms of the proposal relative to that permitted is the manner in which site car parking is to be provided. The permitted scheme entails basement parking over two levels. The issue of cost and feasibility of its provision is cited as one of the reasons for not pursuing the scheme as permitted. The current proposal entails a multi-storey car park with frontage onto Sarsfield Road served by the left in/left out entrance. I would concur with the City Council planner that this is the least satisfactory element of the scheme in design terms in presenting a strong presence to the road. However in view of the step back from the dominant building line at the corner allowing for landscaping along the footpath edge and subject to high quality finishes (brick plinth with upper levels to be clad in perforated aluminium) the proposal is acceptable.
- 7.4.6. Certainly, the proposal will have a material impact on the existing street and townscape but this is to be expected in view of the nature of development envisaged for the site as set out in the BWAAP and the current City Development Plan. That as proposed is considered acceptable.
- 7.4.7. Wilton Traders express concern as to the connectivity to the existing shopping mall especially from the multi storey carpark. I note that the four existing entrance points to the shopping centre are to be retained albeit from a different pedestrian environment in that the surface parking areas (save that in the vicinity of Tesco) will be removed. Two new access points to the centre are proposed. The main entrance to the development is to be via a raised podium at the junction of Bishopstown Road and Cardinal Way and will tie in with the proposed public plaza from where access to the existing mall will be retained. This arrangement provides for an enhanced pedestrian environment. The 2nd entrance is proposed from Sarsfield Road. In terms of connectivity the new scheme is to connect directly and facilitate pedestrian movement between the existing mall and the proposed development with a link via stairs to the multi-storey car park. I therefore consider that the concerns as expressed in this regard are unfounded.
- 7.4.8. In accordance with objective 14.6 of the City Development Plan a new open space is proposed in the south-western corner of the scheme and takes due cognisance of

St. Joseph's Church and grounds. However I would share the Council Planner's concerns in terms of the nature and extent of the proposed surface parking provision at this point and consider that it would unduly detract from the purpose of the space. The omission of the said parking provision save for a limited number of spaces to serve adjoining community facilities is entirely appropriate.

7.5. Cinema Provision

- 7.5.1. Whilst the number of screens proposed in the current proposal at 14 is greater than that previously granted (9 no.) it entails 484 less seats and a smaller floor area (by approx. 1100 sq.m.). Both the City Development Plan and the BWAAP allow for the consideration of cinemas in such a district centre. As such there is both a precedent and no policy basis for preventing a cinema in the redevelopment scheme. Matters relating to competition between cinemas is not a matter for comment by the Board.

7.6. Other Issues

Retail Impact

- 7.6.1. The application is accompanied by a Retail Impact Assessment which is supplemented by way of further information.
- 7.6.2. The existing retail floor space in the shopping centre is 16,354 m². The proposed development would result in an overall retail floor space of 26,402m² equating to a net increase of 10,048m² of which 7,166m² is comparison. No convenience floorspace is proposed
- 7.6.3. As noted in the Retail Strategy in the City Development Plan the allocation of additional comparison floor space in the southside of the city is 14,976 m². The additional comparison floorspace of 7166 m² equates to 48% of this southside allocation until 2022.
- 7.6.4. The Wilton district centre is the only centre identified for major expansion in the current City Development Plan with no significant expansion of Mahon and a 'modest increase' for Douglas envisaged. The docklands zoned district centre is linked with commensurate population growth. I therefore consider that the proposed level of retail provision is in line with the provisions of the Retail Strategy and is acceptable.

Residential Amenities

- 7.6.5. The site is bounded by Tesco/car parking to the south, shops to the west, a hospital to the north and Sarsfield Road to the east. The only substantial residential area lies on the opposite side of Sarsfield Road to the east of the shopping centre. Wilton Manor is a series of three storey apartment blocks set substantially below the level of the adjoining Sarsfield Road/Wilton roundabout/Bishopstown Road. South of these is Wilton Court, a two storey residential estate. Whilst the proposed development will materially alter the streetscape along this road I submit that there is a substantial separation distance between the proposal and the said nearest properties with 4 lanes of traffic in between.
- 7.6.6. As noted above the proposed development would equate to an increase in traffic on the immediate surrounding road network is in the region of 5%-6% on Bishopstown Road, Wilton Road and Glasheen Road while an increase of around 10% is expected on Sarsfield Road. Such increases would not have a material impact on the existing noise and air environment.
- 7.6.7. A phasing programme has been provided with construction to take up to 2.5 years. Certainly, the construction period will introduce additional HGV vehicular movements with potential for additional noise and dust emissions but the phase would be temporary. The preparation of a Site Traffic and Construction Management Plan will address the measures to be incorporated to limit the impact on the nearest sensitive receptors.

Construction and Existing Centre

- 7.6.8. Whilst the construction phase will have an impact on existing traders as noted above it is proposed to be managed by a phasing plan and a construction management plan and by stipulated working/construction hours.

8.0 Environmental Impact Assessment

8.1. This section of the report comprises an environmental impact assessment of the proposed development. A number of the matters to be considered have already been addressed in the Planning Assessment above. This section of the report should therefore be read, where necessary, in conjunction with relevant section of the Planning Assessment.

8.2. Overview and Statutory Provisions

- 8.2.1. The application was lodged with the planning authority on the 2nd day of February 2018. Having regard to the provisions of Circular Letter PL1/2017 the subject application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017. It does not, however, fall within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as the application was lodged prior to these regulations coming into effect on 1st September 2018.
- 8.2.2. The proposed development was assessed with regard to the classes of development listed in Schedule 5 of the Planning and Development Regulations 2001, as amended. Part 2, Class 10 of Schedule 5 lists the thresholds for Infrastructure Projects.
- (iii) Construction of a shopping centre with a gross floor space exceeding 10,000 sq.m.
- 8.2.3. The development as proposed exceeds this threshold.
- 8.2.4. The EIAR contains one volume and includes a Non-Technical Summary. Chapters 1, 2, 3, 4 and 5 set out an introduction and background to the project, description of the proposed development, planning and policy context and alternatives considered. The likely significant direct and indirect effects of the proposed development are considered in the remaining chapters which collectively address the headings, as set out in Article 3 of the EIA Directive 2014/52/EU. Chapter 17 gives a summary of the impacts and mitigation measures
- 8.2.5. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the appeal. A

summary of the results of the submissions made by the planning authority, prescribed bodies, appellants and observers, has been set out at Section 6 of this report. The main issues raised specific to EIA can be summarised as follows:

- The effect of traffic emissions on human health
- The effect of noise, dust and traffic during construction on human health
- The effect of construction works on air arising from dust
- The effect of the proposed building on the landscape (townscape)

8.2.6. These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation including conditions.

8.2.7. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct and indirect effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2000, as amended.

8.3. Alternatives considered

8.3.1. Section 3 of the EIAR addresses the alternatives considered.

8.3.2. The site is the only one available to the applicant in Cork city and which matches their requirements. Therefore no alternative sites were subject to consideration. In view of the site specific nature of the project proposing the upgrading and extension of an existing shopping centre on appropriately zoned lands, I consider that the applicant's reasoning for not considering alternative sites to be reasonable.

8.3.3. Due consideration is given to the alternative of implementing the permitted development granted permission under ref. PL28238279 but it is submitted that there are issues arising in terms the provision of the basement parking which would interfere with the water table and consequent impacts in terms of financial and environmental factors which renders the option unviable. Issues of costs associated with buying out all the existing trader leases also arise.

- 8.3.4. Alternative configurations and uses considered are also detailed in the EIAR with a separate document accompanying the application analysing alternative design and internal layout options including alternative mix of uses.
- 8.3.5. I am satisfied that the EIAR has provided a description of the reasonable alternatives studied by the applicant which are relevant to the proposed project.

8.4. **Likely Significant Direct and Indirect Effects**

- 8.4.1. The likely significant direct and indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

Population and Human Health

- 8.4.2. Chapter 15 of the EIAR addresses population and human health with reference made to other chapters of the document.

Population

- 8.4.3. There will be an average of 500 construction jobs during the construction period.
- 8.4.4. The proposal will secure the part redevelopment of a district centre and once operational will create additional employment and generate increased economic activity in the area, with positive outcomes for local business, residents and the wider community.
- 8.4.5. Operational impacts in terms of landscape (townscape) are dealt with below.

Human Health

- 8.4.6. Chapter 9 of the EIAR addresses noise and vibration. It sets out baseline noise data and details of monitoring carried out. The nearest noise sensitive receptors are 90 metres distant. Noise during the construction phase arises from demolition and

construction activities including works and equipment and construction traffic. The construction daytime noise limit of 70dB LAeq can typically be complied with for the scenarios assessed. Mitigation measures include adherence to Codes of Practice and Best Practice including limiting the hours of activities likely to create high levels of noise or vibration and erection of noise barriers if deemed necessary. Construction hours are to be between 0700 and 1800 Monday to Friday and 0800 to 1600 Saturday. Impact arising during the construction phase are, by their nature, temporary. Mitigation measures include a construction environmental management plan, an outline of which is attached in Appendix C. Following mitigation no significant residual impacts are envisaged.

- 8.4.7. In terms of the operational phase noise impacts would arise from traffic accessing the site. In the context of the prevailing traffic environment the impacts are not considered material. Air quality is dealt with below.
- 8.4.8. No mitigation measures are proposed for the operational stage.
- 8.4.9. I consider that the assessment of impacts on population and human health is adequate and reasonable. Whilst there may be impacts during construction, these will be temporary and short term.
- 8.4.10. I have considered all of the written submissions made in relation to population and human health and the material set out in the EIAR. I am satisfied that impacts on population and human health are positive or would be avoided, managed and mitigated by measures that form part of the proposed scheme, the proposed mitigation measures and with suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on population and human health.

Biodiversity

- 8.4.11. Chapter 11 of the EIAR refers to biodiversity
- 8.4.12. The proposal is within the site of the existing Wilton Shopping Centre. No part of the site is designated for nature conservation and the entire site comprises built ground and landscaped areas including some established trees and amenity grassland. There are no natural or semi-natural habitats within this site. The ecological impacts by this proposal are minimal as it is already a developed site and has low ecological interests

8.4.13. Mitigation Measures include protection of trees left in situ during construction. Replacement planting is recommended to include a proportion of native trees and shrubs in the landscaping. Following mitigation no significant residual impacts are envisaged.

8.4.14. I have considered the material set out in the EIAR in relation to biodiversity. I am satisfied that impacts identified would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on biodiversity.

Land, soil, water

8.4.15. Chapter 13 EIAR addresses land, soils, geology, surface water and groundwater. Appendix H comprises a series of figures delineating land, soils and geology features.

Land

8.4.16. The site is an existing shopping centre in a developed suburban area. The proposal entails its partial redevelopment. There are therefore no impacts in terms of land take.

Water

8.4.17. The site consists of buildings and hard surfaces and is impermeable. There are no water courses crossing the site.

8.4.18. During construction potential impacts relate to groundwater including contamination and lowering of the watertable. The maximum depth of excavation is c.2.5 metres for foundation works. No changes in groundwater flow or contamination of surface water bodies is predicted. Mitigation measures include best practice construction methods to protect against accidental spillage and contamination of water. Following mitigation no significant residual impacts are envisaged.

8.4.19. The site is not within Flood Zones A or B.

8.4.20. In terms of the operational phase the site is fully serviced and water will be supplied by public mains. Whilst the proposed development will generate more effluent than currently from the site, the provision of on-site storm water attenuation will restrict the

volume of storm water entering the public drainage network during periods of extreme rainfall.

- 8.4.21. It is not envisaged that there will be any significant impacts on water following the completion of the development. No remedial or reductive measures are, therefore, required during the operational stage of the proposed development.

Soil

- 8.4.22. The site consists of buildings and hard surfaces, part of which are to be demolished and removed to facilitate the development.
- 8.4.23. Potential impacts relate to excavation works during the construction phase. The predicted maximum excavation depth is 2.5 metres and no significant impacts on soil are predicted. Mitigation measures include best practice construction methods to protect against the risk of accidental spills and contamination of soils. Following mitigation no significant residual impacts are envisaged.
- 8.4.24. It is not envisaged that there will be any significant impacts on soil following the completion of the development. No remedial or reductive measures are, therefore, required during the operational stage of the proposed development.
- 8.4.25. I have considered the EIAR in relation to land, soil and water. I am satisfied that impacts identified on land, soil and water would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on land soil and water.

Air and Climate

- 8.4.26. Chapter 7 sets out the expected impacts on air quality and climate.

Air

- 8.4.27. There is the potential for a number of emissions to the atmosphere during the construction of the development. In particular, the construction activities may generate quantities of dust. Construction vehicles, generators etc., will also give rise to some exhaust emissions. Mitigation measures to reduce impacts on air include a dust minimisation plan, spraying of exposed earthworks activity, stockpiled material and site haul roads during dry weather, provision of wheel washes at exists and

sweeping of roads. Vehicles using site roads would be subject to speed restrictions, enclosure of vehicles delivering material with dust potential. A hoarding around the site will also be installed with location of plant likely to generate emissions away from sensitive receptors. Dust deposition monitoring at a number of locations is also to be undertaken. Should an exceedance of the T.A. Luft limit occur additional mitigation measures will be implemented. These measures would be considered to be best practice in terms of the construction phase. Following mitigation no significant residual impacts are envisaged.

8.4.28. Road traffic is expected to be the dominant source of emissions in the region of the site in the operational phase. An air quality model was used to assess air quality for a number of pollutants for the operational phase for 2020 and the design year (15 years after). Two scenarios were modelled – do nothing and do something. Under the do-something scenario all predicted pollutant concentrations will comply with the relevant limit values. A comparison of the results of the do nothing and do something scenarios show imperceptible differences in impact from air pollutants. I accept the conclusions reached in the EIAR that the operation of the proposed development will result in negligible impacts on air quality and climate. No mitigation measures are proposed.

Climate

8.4.29. In terms of climate the projected increase of CO₂ in 2035 by the proposed development is 0.004% of Ireland's non ETS greenhouse gas emissions commitment under the EU Climate Change and Renewable Energy Package.

8.4.30. I have considered the EIAR and all of the written submissions made in relation to air and climate. I am satisfied that impacts identified on air and climate would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on air quality and climate.

Material Assets

8.4.31. The proposal entails the partial redevelopment of the existing shopping centre. The construction materials will be locally sourced where possible and the construction

phase managed to reduce resource consumption and waste generation. The buildings are to be designed to be environmentally and economically efficient.

- 8.4.32. No additional external infrastructure will be required for the proposal. The proposal will result in additional traffic in the area increasing the demands on the road network in the area and I refer the Board to the planning assessment above. The projected increase in traffic on the immediate surrounding road network is in the region of 5%-6% on Bishopstown Road, Wilton Road and Glasheen Road while an increase of around 10% is expected on Sarsfield Road. On the South Ring Road (East) the expected increase is 2%. The assessment notes that 9 junctions in the vicinity were identified for assessment and of the 8 presented only 2, namely Dennehy's Cross and Wilton Roundabout were identified as being at capacity under 2020 traffic conditions with or without the development. The addition of the development traffic at these locations only has a slight impact on traffic conditions. A mobility management plan is to be prepared with an emphasis on modal shift and which will include a car park management plan. I would also submit that as the public transport options improve the overall traffic conditions would improve.
- 8.4.33. I have considered the EIAR and all of the written submissions made in relation to material assets. I am satisfied that impacts identified on material assets would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on material assets.

Cultural Heritage

- 8.4.34. Chapter 12 of the EIAR addresses archaeological, architectural and cultural heritage.
- 8.4.35. There are no recorded archaeological sites within or in the vicinity of the site. In view of the fact that the site has been subject to considerable disturbance in the past it is unlikely that archaeological remains are present.
- 8.4.36. There are no protected structures within the site and it is not within an Architectural Conservation Area. There are two protected structures in close proximity – St. Joseph's Church and Wilton/SMA House and outbuildings to the north-west. Mitigation measures include physical separation and choice of materials that will not conflict with the materials of the church and the retention of key views of the church.

A landscaped area between the SMA buildings and the proposed development will create a physical separation. No mitigation measures are proposed in that the design has evolved with due cognisance of and regard had of the site parameters.

8.4.37. I consider that whilst impacts on views of the protected structures will arise I do not consider that they will be significant in view of their existing context.

8.4.38. I have considered the EIAR and all of the written submissions made in relation to cultural heritage. I am satisfied that impacts identified on cultural heritage would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on cultural heritage.

Landscape

8.4.39. I refer the Board to my assessment under the heading of suitability of design and design in the planning assessment above.

8.4.40. Chapter 7 of the EIAR relates to landscape. The term townscape is used due to the urban setting of the proposal. The photomontages in Appendix D were supplemented by way of further information.

8.4.41. There will be some construction phase impacts however these will be temporary and are typical of large construction projects.

8.4.42. There are not protected views that directly affect the proposal. The site is visible from the wider context. The proposed development will alter the existing townscape character mostly from the surrounding areas with a significant impact from a number of viewpoints assessed. No specific mitigation measures are proposed beyond the quality of architectural and urban design and finish materials and how the design was influenced by the EIA process.

8.4.43. As I have stated above the proposal will have a significant impact on the townscape of the area and will be a dominant feature. The impacts will generally reduce in significance with distance from the site. Whether it should be regarded as negative requires the exercise of judgement. The existing shopping centre does not have any positive urban design features dominated by a low rise building surrounding by surface carparking. In view of the policy considerations and the identification of the

site for redevelopment to a certain scale and strong presence to the public realm I consider that the impacts are positive and acceptable.

- 8.4.44. I have considered the EIAR and all of the written submissions made in relation to landscape. I consider that the proposal development would have a positive impact on the landscape. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on landscape.

Interaction of the Above and Cumulative Impacts

- 8.4.45. I have considered the interrelationships between factors and whether these may, as a whole, affect the environment, even though the effects may be acceptable when considered on an individual basis. Chapter 16 and Table 16.1 address impact interactions.
- 8.4.46. The potential arises for air and climate to interact with population and human health. Landscape has the potential to interact with population and human health, cultural heritage and material assets.
- 8.4.47. Cumulative impacts were assessed by looking at all previous and current developments for which planning/approval has been sought/will be sought notably the extension to the Cork University Hospital and the Wilton Roundabout Part 8. The latter is subject to further consideration with a definite timescale for its realisation not yet available. Should construction on the CUH site be undertaken at the same time as the subject site the cumulative effects would be temporary and slight.
- 8.4.48. I am satisfied that effects as a result of interactions, indirect and cumulative effects can be avoided, managed and / or mitigated by the measures which form part of the proposed development, the proposed mitigation measures detailed in the EIAR, and with suitable conditions. There is, therefore, nothing to prevent the granting of the development on the grounds of significant effects as a result of interactions between the environmental factors and as a result of cumulative impacts.

8.5. Reasoned Conclusion

- 8.5.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies, appellants and

observers, in the course of the application and appeal, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct effect on the landscape. The proposal would make a positive contribution to the urban character of the area. Given the development plan policy considerations and the identification of the site for redevelopment to a certain scale and strong presence to the public realm this effect would not have a significant negative impact on the environment.
- Effects on population and human health arising from noise, dust, traffic, excavation and demolition impacts during construction which will be mitigated by a Construction Management Plan including traffic management measures.
- Potential effects on air arising from dust during construction will be mitigated by measures incorporated into a construction management plan including a monitoring programme.

8.5.2. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

9.0 **Appropriate Assessment**

9.1. The application is accompanied by an Appropriate Assessment Screening report and is set out in Appendix E of the EIAR.

Project Description and Site Characteristics

9.2. The site location and proposed development are as described in sections 1 and 2 above.

Natura 2000 Sites, Qualifying Interests and Conservation Objectives

9.3. The site is c. 4.8km to the closest point of the Cork Harbour SPA (site code 004030) and c.11.5km from Great Island Channel cSAC (site code 001058). Table 1 of the AA-Screening report referred to above sets out the qualifying interests for the sites. Detailed conservation objectives have been drawn up for the sites, the overall aim being to maintain or restore the favourable conservation status of the habitats and species of community interest.

Assessment of Likely Effects

- 9.4. As the site is not within a designated site no direct impacts will arise.
- 9.5. In terms of indirect effects the construction stage of the project will involve excavation below ground level, the storage of stockpiled material etc., which has the potential to release sediment, contaminated material/water, hydrocarbons and other polluting material to the drainage system that discharges into Cork Harbour creating the potential for indirect impacts on the Natura 2000 sites associated with same.
- 9.6. The proposal is designed to ensure that demolition and construction will be undertaken in a manner that will allow potential impacts to be managed to prevent impacts on the water environment. The measures to be used entail best practice measures in terms of construction and would be integral components of the construction phase. I would concur with the conclusions of the screening report submitted that no indirect impacts are envisaged.
- 9.7. During the operational stages of the development surface water attenuation will be provided on site. The site is fully serviced.
- 9.8. In terms of cumulative impacts I have regard to the location of the site within the south-western suburbs of Cork City on serviced and zoned lands. I note the proposed development on the CUH campus in the vicinity. As in the current proposal construction methods would be required to comply with best practice.

Screening Statement and Conclusions

- 9.9. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site and in particular Cork Harbour SPA (site code 004030) and Great Island Channel SAC (site code 001058) or any other European site, in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not required.

10.0 Recommendation

Having regard to the documentation on file, the grounds of appeal, the responses thereto, a site inspection and my assessment above I recommend that permission

for the above described development be granted for the following reasons and considerations subject to conditions.

Reasons and Considerations

Having regard to:

- (a) The District Centre zoning of the site in the current City Development Plan
- (b) Objective 14.6 of the City Development Plan seeking the regeneration the Wilton District Centre,
- (c) The provisions of the Bishopstown Wilton Local Area Plan
- (d) The nature and extent of existing and permitted development on the site and in the vicinity,
- (e) The proposed improvements to the road network and public transport infrastructure in the area,
- (f) The nature, scale and design of the proposed development including the public realm provision and enhancements

it is considered that subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form of development, would not be contrary to the retail policy as set out in the City Development Plan, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 29th day of June, 2018, 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.

Reason: In the interest of clarity.

2. Permission is hereby granted for a period of ten years from the date of this order.

Reason: In the interest of clarity

3. The mitigation and monitoring measures set out in Chapter 17 'Summary of Impacts and Mitigation Measures' of the environmental impact assessment report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

4. The development shall not become operational until the Bishopstown Road Roundabout has been converted to a traffic signal controlled junction.

Reason: In the interest of traffic safety and convenience and to make provision for non-motorised road users.

5. The proposed development shall be amended as follows:

(a) A minimum setback of 4 metres on Sarsfield Road from the Wilton Roundabout for a distance of 100 metres south,

(b) A minimum setback of 3.5 metres on Sarsfield Road from immediately south of the new left in/left out entrance for a distance of 50 metres south.

(c) A minimum setback of 3 metres on Sarsfield Road from the existing Tesco entrance for a distance of 100 metres north,

(d) A minimum setback of 4 metres on Bishopstown Road for the full length of the proposed development site on Bishopstown Road.

(f) The proposed surface car parking to the north and north west of Wilton Library shall be omitted. A public plaza shall be provided at this location.

(g) The total number of car parking spaces to be provided within the entire site as delineated in red on the site layout plan accompanying the application shall not exceed 1,700 (inclusive of the 408 no. surface spaces to be retained in the southern section of the overall site).

(h) Provision shall be made in relation to allocating a minimum of five per cent of parking spaces for users with impaired mobility.

(g) A minimum 70 no. motorcycle parking spaces and 300 no. covered bicycle parking spaces shall be provided.

Revised plans and drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority following consultation with the National Transport Authority prior to commencement of development.

Reason: In the interest of visual amenity, to facilitate the provision of future public transport infrastructure and to make provision for alternative modes of transport and sustainable patterns of travel.

6. Access to the multi-storey car park shall operate as a free flow entry. No control barriers or other entry constraining techniques shall be installed. Details of the proposed entry system and measures to ensure that the access arrangements do not impact on pedestrian and cyclist safety and bus movements on Sarsfield Road shall be submitted for the written agreement of the planning authority following consultation with the National Transport Authority prior to commencement of development.

Reason: In the interest of maintaining road capacity and traffic and pedestrian safety.

7. The following details and specifications shall be submitted to an agreed in writing with the planning following consultation with the National Transport Authority

- (a) New Left in/Left out junction on Sarsfield Road and the pedestrian and cyclist provisions in the vicinity. The layout shall be subject of a Road Safety Audit.

- (b) Relocation of the pedestrian crossing to the south of the new left in/left out junction on Sarsfield Road. The relocation of the pedestrian crossing shall be carried out at the developer's expense and shall be operational prior to the operation of the new entrance.

- (c) Access from Wilton Court to provided and aligned with the relocated

pedestrian crossing.

Reason: in the interest of traffic and pedestrian safety

8. An internal vehicular route between the multi-storey car park and the existing Tesco entrance shall be developed and shall be operational prior to the operation of the multi-storey car park. Details of the proposed route and associated signage shall be submitted to the planning authority for written agreement.

Reason: In order to maintain road capacity and safety

9. A Mobility Management Strategy Plan shall be submitted to and agreed in writing with the planning authority within nine months from the date of this order and shall include a car park management strategy. The following measures shall be undertaken;
 - (a) The Strategy shall set a target to achieve an improved modal travel split propose specific measures, including any necessary physical interventions on the site or changes to car park management/policies, to achieve the revised modal split target.
 - (b) A Mobility Manager shall be appointed to oversee and co-ordinate the implementation of the plan.
 - (c) A follow-up survey of the modal travel split for all users of the site shall be carried out and submitted to the planning authority within 12 months of the completion of the overall development hereby permitted.

Reason: In the interest of encouraging the use of sustainable modes of transport.

10. The development shall be carried out in accordance with the phasing plan as outlined in the documentation submitted with the application.

Reason: In the interest of clarity and to provide for a structure schedule of construction works on the site.

11. A servicing plan for the development shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: To provide for the appropriate servicing of the building.

12. Water supply and drainage arrangements, including the 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.

13. 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.

14. Details of all shopfronts and signage on elevations facing onto public roads and public spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

15. No external security shutters shall be erected on any of the commercial premises fronting onto public roads and public spaces unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

16. No retail units shall be extended, sub-divided or merged internally without the prior agreement of the planning authority.

Reason: In the interest of clarity and to provide for the orderly regulation of retail development in accordance with the stated retail policies set out in the current development plan for the area.

17. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

18. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be 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. [The plan 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 in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

19. The construction of the development shall be managed in accordance with a Site Traffic and 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:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) Measures to obviate queuing of construction traffic on the adjoining

road network;

(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

(j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

20. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 [residential] amenities of property in the vicinity.

21. Prior to commencement of development, the developer shall submit to, and obtain the written agreement of the planning authority, a plan containing details for the management and safe disposal of all waste (and, in

particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

22. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before [the proposed development] [any of the commercial units] are made available for occupation.

Reason: To provide for the future maintenance of this private development in the interest of visual amenity.

23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, sewers, watermains and public lighting required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. 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: To ensure the satisfactory completion and maintenance of the development until taken in charge.

24. 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.

Pauline Fitzpatrick
Senior Planning Inspector

April, 2019