



An
Bord
Pleanála

Inspector's Report ABP-302677-18

Development

To erect a pedestrian walkway and viewing platform over the existing Titanic Pier with sail style canopies, associated conservation works to the original pier structure and to install a kiosk structure, turnstile and glass screen on the south west corner of the Parade Grounds.

Location

Titanic Pier, adjacent to 20 Casement Square, Ballyvoloon, Cobh, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

17/7029

Applicant(s)

Titanic Experience Cobh Ltd

Type of Application

Permission

Planning Authority Decision

Grant, subject to 19 conditions

Type of Appeal

Third parties -v- Decision

Appellant(s)

Cobh Tourism Ltd

Cobh (Great Island) Historic
Preservation Group

	Cllr Cathal Rasmussen
	Glen Barry
	Cobh Tidy Towns
Observer(s)	None
Date of Site Inspection	13 th December 2018
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site encompasses the Titanic Pier and the south eastern corner of the Victorian era public park variously known as The Promenade/The Parade Grounds/John F Kennedy Park, which are adjacent to one another on the sea front at Cobh. This site also over sails the sea between these two items and around the said Pier.
- 1.2. The footprint of the Titanic Pier and the area of sea that would be over sailed is 350 sqm and the area of the aforementioned corner of the public park is 100 sqm. This Pier is composed of timber and its structure only remains in-situ. The said corner is paved and enclosed by means of railings on its southern seaward side and walling to a raised flower bed on its eastern side. This bed abuts a wall with railings on top of it that denotes the western boundary to the yard at the rear of the former White Star Line ticket office building, both of which lie to the rear of the Titanic Pier. The yard and the ground floor of this building are in use as the Titanic Bar and Grill, while the upper floor is in use as the applicant's visitor centre, which is known as The Titanic Experience Cobh. Forward of this building is Casement Square in Cobh's town centre and on its eastern side lies a single storey building that is in use as Tregan Craft Centre and beyond it lies a slipway into a harbour, the centre piece of which is a T shaped pier in plan view known as originally the Admiralty Pier and now as the J F Kennedy Pier.

2.0 Proposed Development

- 2.1. The proposal would entail the erection of a pedestrian walkway and viewing platform over the existing Titanic Pier with sail style canopies and associated conservation works to the original pier structure. This walkway would be supported by circular hollow steel piles driven into the seabed.
- 2.2. The proposal would also entail the installation of a kiosk, turnstile and glass screen on the south eastern corner of the public park. This kiosk would function as a ticket office and the entrance way to the pedestrian walkway.
- 2.3. Under further information, the proposal was redesigned. Thus, amongst other things, the pedestrian walkway would be accompanied by a Corten steel column/spire and

the kiosk would be a triangular structure in plan view and it would be finished in stainless steel.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted, subject to 19 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested with respect to the following: the need for a conservation architect, the concept, the relationship between the old pier and the new walkway, the scale and detail of plans, a visual impact assessment, the siting, size and design of the kiosk and omission of turnstiles, the relationship between the proposal and existing park uses, the need to encroach on the park, complete versions of the submitted archaeological and historical backgrounds, an Underwater Archaeological Impact Assessment (UAIA), including a visual and underwater survey, and accompanying method statement, a flood risk assessment, and water protection measures in accordance with CIRIA best practice.

3.2.2. Other Technical Reports:

- Environment: No objection, subject to conditions.
- Area Engineer: No objection, subject to conditions.
- DoCHG: Further information requested, following the receipt of which no comments received.
- Conservation Officer: Following receipt of further information, no objection raised, subject to conditions, including one omitting the proposed spire from the project.

3.3. Prescribed Bodies:

- Failte Ireland: Supports from a tourism perspective.

3.4. Neighbours;

See grounds of appeal

4.0 Planning History

None

5.0 Policy Context

5.1. Development Plan

Under the Cobh Town Development Plan 2013 (TP), the pier is zoned town centre mixed uses and the parade grounds are zoned open space/sports/recreation/amenity. Likewise, the former is shown indicatively as being in Zone A for the purposes of flood risk assessment and the latter as being in Zone B. The entire site lies within the Town Centre ACA and an amenity walk objective applies to the sea front.

Objective TCW-12 of the TP, states the following:

It is an objective of this Plan to seek to optimise the potential of the Waterfront and its contribution to the revitalisation and future development of the town and to support the implementation of the various projects outlined in the Cobh Urban Design Feasibility Study where these are compatible with the sustainable development of the town, the requirements of flood risk management and the protection of the natural and built heritage of the area.

One such project is the “Refurbishment of Kennedy Park to deal with the difference in ground levels between it and Westbourne Place that will allow the park to be connected directly to the town squares and harbour.”

Objective TCW-20 states the following:

It is an objective of the Council to protect and enhance the quality of public open spaces, such as parks and squares within Cobh.

Chapter 8 of the TP addresses heritage. Objectives are set out and relevant extracts from these are set out below:

HE-13: It is an objective to protect and enhance Cobh's unique landscape and seascape character and views and prospects.

HE-14: It is an objective of this plan to preserve...the views and prospects available throughout the town, including views of the harbour...and protect them from inappropriate development. It is a general objective to preserve and enhance Cobh's town centre views which are identified in Figure 8.1.

HE-16: It shall be an objective of the Plan to restrict development that would impair views of the harbour from the town's public roads and specifically to restrict any development that would impair views of the harbour from the lower waterside roads.

HE-18: It shall be a particular objective to preserve existing and create new public viewing points of the harbour.

The former White Star Line ticket office building is a protected structure (RPS 10014006). As the Titanic Pier is adjacent to this building, the following objective is relevant:

HE-25: It is an objective of the Plan to ensure a high quality architectural design of all new developments relating to or which may impact upon buildings listed in the RPS.

HE-27: It is an objective of the Plan to conserve and enhance the special character of ACAs included in this Plan.

HE-28: It is an objective of the Plan to ensure that all new development located within...designated ACAs will respect the established historical and architectural character of that area and will contribute positively to the existing built environment in terms of design, scale, setting and material specifications.

5.2. Natural Heritage Designations

Cork Harbour SPA (site code 004030)

6.0 The Appeal

6.1. Grounds of Appeal

(a) Cobh Tourism Ltd

- While support is expressed for the applicant's approach to the presentation of the pier and the Planning Authority's condition to omit the spire, the siting of

the kiosk in a public park is objected to as it would create an adverse precedent, impinge upon/eliminate existing uses, e.g. the triathlon and the siting of a carousel, and remove harbour views, all of which would be contrary to the TP. Furthermore, the formal three-sided layout of this park, which is in an ACA, would be disrupted.

- Under Objective EDT-01 of the TP, the kiosk aspect of the proposal would not represent sustainable tourism development as it would alienate the public who are otherwise supportive of tourism in Cobh. Other Objectives of the TP would likewise be contravened.

The case planner's report is critiqued insofar as the likening of the kiosk to one that would normally be in a park is contested on the grounds of its size and the fact that it would not be meeting the needs of park users. While the applicant does not control the quayside to the rear of the pier, it likewise does not control the portion of the public park upon which the kiosk would be sited. Furthermore, to consign a decision on siting of the kiosk to the Cobh Municipal District Council is seen as unfair when it would be in contravention of TP objectives.

(b) Cobh (Great Island) Historic Preservation Group

This appeal is accompanied by a petition of opposition to the proposal, which bears 1360 signatures. The following grounds of appeal are cited by the appellant:

- The siting of the proposed kiosk would be seriously injurious to the amenities of the public park and so contrary to its zoning objective.
- Alternative means of access were not explored by the applicant, i.e. through its own premises, or through the Tregan Craft Centre, or via the passageway beside the Titanic Bar.
- The siting of the proposed kiosk would be contrary to the TP's objectives for the ACA.
- The applicant's building at No. 20 Casement Square is a protected structure (RPS 10014006) and the view is expressed that the pier lies within its curtilage.
- The park is formally laid out as a three-sided one, i.e. with Westbourne Place to the north, the applicant's premises to the east, and the Sirius Arts Centre to

the west. Within this space seaward views are available, and these would be interfered with by the siting of the proposed kiosk.

- The proposed minimal conservation work to the pier would not ensure its long-term preservation. Instead of its retention as a “wreck”, it should be restored to its former glory.

(c) Cllr Cathal Rasmussen

- While no objection is raised to the proposal in principle, the siting of the proposed kiosk is considered to be problematic for similar reasons to those cited above.
- An alternative means of access is suggested, i.e. a boardwalk could be constructed from the slipway beside the applicant’s premises around these premises to the pier. A kiosk could be sited on the same close to the pier.

(d) Glen Barry

- The view is expressed that the pier forms part of the curtilage of the adjacent protected structure and so in failing to recognise this, the Planning Authority has not properly assessed the proposal. Similarly, the view is expressed that the adjoining Kennedy Park is attendant grounds to this structure.
- The involvement of the conservation architect at the further information stage only meant that the approach adopted was heavily constrained by the original application.
- Alternative means of access exist, and the view is expressed that they have not been pursued as resulting footfall may not be as great. In this respect, three alternatives are identified and discussed, i.e. as the applicant owns the upper floor of the premises (The Titanic Experience) only but the Tregan Craft Centre too, these would entail either use of this Centre or the slipway beside it.
- The siting of the proposed kiosk would be in the direct line of sight of the entrance to the park and so it would be seriously injurious to its amenities. Furthermore, the relationship that would result between the proposed walkway and this park would divert attention from the historic relationship between the pier and the former White Star Line ticket office building on its

landward side, the upper floor of which is presently in use as The Titanic Experience Cobh.

- Concern is expressed that the juxtaposition of the proposed walkway with the pier would make the future repair and maintenance of this pier more difficult.
- Concern is also expressed that the formal three-sided setting to the park would be seriously damaged by the siting of the proposed kiosk and as such it would be contrary to advice set out in the Architectural Heritage Protection Guidelines, the Planning Authority's own Guide to ACAs and objectives of the TP.
- Under Objective EDT-01 of the TP, the proposal would not constitute sustainable tourism.

(e) Cobh Tidy Towns

- Exception is taken to the reasons and considerations for the Planning Authority's draft permission, as sustainable tourism should not include the siting of the proposed kiosk in a public park and the consequent loss of sea views.
- Objective HE-16 of the TP undertakes to protect harbour views from lower waterside roads. The siting of the proposed kiosk would contravene this Objective. It would also obscure views of the pier from within the park and limit the sweep of views available from a high-quality telescope that has been installed in this park.
- Objective SCF-16 of the TP undertakes to protect existing areas of open space from inappropriate development. Kennedy Park/The Promenade serve as the town's principal park and so the access and spatial needs of existing users should be respected by any new development.
- Objectives HE-01, 14 & 27 of the TP would also be contravened by the siting of the proposed kiosk. Attention is also drawn to Section 7.2.2 of the Architectural Heritage Protection Guidelines.

6.2. Applicant Response

The applicant begins by setting out the **background** to its project as follows:

- The applicant purchased the Titanic Pier in 2014 and immediately undertook temporary bracing works to secure it. Further emergency stabilisation and strengthening works were undertaken in 2015/2016. On-going works will be required and so the Pier needs to become viable in its own right.
- While the Pier is famous for its association with the Titanic, it was also used by many emigrants and so the applicant is committed to presenting this association, too, under the concept of “Last Step First Step”.
- The design approach of the project would entail the construction of a contemporary structure which would contrast with and be clearly distinguished from the existing pier. This structure would include a spire, which under condition 5 of the draft planning permission would be omitted. As this spire would be integral to the structure and its intended iconic status on the sea front, the applicant is keen that it be retained, albeit at a reduced height if the Board considers this to be necessary.
- The proposed kiosk would be more than a ticket and access control point, as it would comprise an inter-active interpretative centre with respect to emigration, too. This centre would thus be separate from The Titanic Experience.
- The applicant has already considered the other access options that have been suggested. It explains that the ground floor of the building and its rear yard are a licensed area that requires to be under the control of a single entity and the slipway further to the east is in private ownership and any walkway over it would restrict boating. Consequently, access from the public park is needed, i.e. over an area of 37 sqm out of a total of 3900 sqm, and a concession in this respect would be sought.
- Concessions are given at present to traders who use the public park. Elsewhere concessions are extended, too, e.g. Fitzgerald’s Park in Cork, which has a museum and restaurant. Typically, they result in greater use of public parks, as can be anticipated in the present case, where 30,000 visitors per annum are anticipated.
- Two existing users of the public park would be affected by the proposal, i.e. the farmer’s market and the annual triathlon. The former would be required to

be relocated. However, as this proposal would attract greater numbers of visitors/potential customers to the park, no objection is raised. The latter would be facilitated by the proposal remaining closed on the day in question.

- Attention is drawn to a petition bearing 800 signatures, which was submitted as further information, and to letters of support, which are appended to the applicant's response.

The applicant responds to **appellant (d) Glen Barry** as follows:

- While the former White Star Line ticket office building is a protected structure (reg. no. 10015006) in the TP and a building of regional importance in the NIAH (reg. ref. no. 20827344), the Titanic Pier is not a protected structure, but only in the town centre ACA. The proposal would not detract from this ACA and it would serve to secure the future of this Pier.
- The proposal has benefitted from the input of a conservation architect, the grade of which is not a material planning consideration.
- Historically, when what is now the public park was in use as the Royal Naval Pier, there was a relationship between this Pier and the Titanic Pier.
- Far from failing to protect the Titanic Pier and access for its future maintenance and repair, the proposed walkway would facilitate inspection and early intervention.
- The applicant dissents from appellant (b)'s description of the public park as a powerful formal spatial composition. In this respect, it draws attention to the children's playground that was added in the 1980s and the enclosure of the Royal Naval Pier by means of railings. The proposed kiosk would be of contemporary design and it would attract further visitors to the park.
- The proposal would fulfil the following TP objectives:
 - EDT-01, 02, 05, 07, 11 & 16 with respect to increased expenditure in the local economy, the maintenance and creation of employment, the promotion of tourism related businesses, the development of Cobh's tourism potential, the enhancement of existing tourism attractions, and the promotion of Cobh as a gateway to other tourism attractions.

- TCW-03 with respect to the preservation of a heritage asset in the town centre.
- The appellant's grounds imply that the proposal would contravene certain TP objectives. This is contested as follows:
 - HE-01, 13, 14, 15, 16, 17, 18 & 20 – 26 with respect to the protection of built heritage, the enhancement of the town's seascape, the preservation and enhancement of town centre views (Figure 8.1), the promotion of restoration, the protection of harbour views from waterside roads, new build to contribute to visual amenity, the provision of new public viewing points, and respect for the setting of a protected structure.
 - TCW-20 with respect to the protection and enhancement of POS.
 - SCF-16 with respect to POS from inappropriate development.
 - HOU-05 with respect to housing, which is not relevant to the current proposal.

The applicant responds to **appellant (a) Cobh Tourism Ltd** as follows:

- Beyond several points already raised and responded to above, the appellant expresses the view that the pier should be restored. The applicant responds by stating that it favours the proposed conservation approach, which safeguards the remaining artefact.

The applicant responds to appellant **(b) Cobh (Great Island) Historic Preservation Group** by noting that the points raised have been responded to above.

The applicant responds to **appellant (e) Cobh Tidy Towns** as follows:

- Beyond several points already raised and responded to above, the appellant expresses the view that the proposal would fail to accord with the Architectural Heritage Protection Guidelines. The applicant responds by stating that, as the structure is not a building within an ACA, these Guidelines are not relevant.

The applicant responds to **appellant (c) Cllr Cathal Rasmussen** by noting that the points raised have been responded to above.

The applicant concludes by submitting a correct image of the proposed kiosk when viewed from the vehicular entrance to the public park. It expresses surprise over the concerns of appellants as to the visual impact of this kiosk. Nevertheless, if the Board is so minded, then the following condition is suggested:

To, for a period of 5 no. years, temporarily allow the kiosk element as designed to be constructed on site in order to establish movement patterns in the park and determine a more optimum longer-term access solution.

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Further Responses

Three of the appellants have responded to the applicant's response:

(b) Cobh (Great Island) Historic Preservation Group

The applicant's contention that its proposal is supported by the majority of people in Cobh and Cork Harbour is contested on the basis of the previously submitted petition.

- The applicant's proposal to reduce the height of the spike rather than to remove it is opposed on the basis that this spike would be out of sympathy with Cobh's Victorian architecture.
- The applicant's suggestion that the kiosk could be the subject of a 5-year trial period, to enable patterns of pedestrian movements to be established and to allow time for a long-term access solution to be identified, is opposed on the basis that it would be tantamount to a permanent permission.
- The applicant's position that the proposal would not be an extension of The Titanic Experience is not accepted as being plausible.

(d) Glen Barry

The appellant stands over his original submission. In addition, he responds to points raised by the applicant's response:

- The suggested scaling down of the landmark feature would not avert its visual intrusiveness within the ACA.
- The proposed 5-year trial period would establish a precedent for the kiosk in the public park, which would be very difficult to reverse.
- Attention is drawn to the applicant's archaeological report, which, troublingly, has not been submitted in completed form.
- Attention is also drawn to alternative approaches to the proposal, which have been prepared by the appellant and his fellow designers.

(e) Cobh Tidy Towns

Opposition is expressed to the proposed 5-year trial period and the proposed spire.

- Letters from three users of the public park express opposition to the proposal. If tourism is to be sustainable, then the support of the local community is necessary.
- The proposed kiosk would be an interpretive centre in its own right, which would cater for 30,000 visitors. As such it would not be an extension of The Titanic Experience Cobh. Given projected visitor numbers, pressure for its extension would be likely to ensue.
- The big issue is the use of the public park and specifically the loss of 13.5m of sea frontage. In this respect, the applicant has failed to engage with suggested alternatives that would either avoid or minimise the use of this park.
- The view is expressed that the Titanic Pier lies within the curtilage of the former White Star Line ticket office, a protected structure. The view is also expressed that this pier should be a protected structure in its own right.
- The applicant states that the public park was developed on lands used as the Royal Navy Pier, whereas it was actually developed from the Columbine

Quay. This park only has two permanent buildings within it and the park and the Titanic Pier have always been separated.

- TP Objectives are revisited. Objective HE-14 is discussed insofar as the proposal would remove some views of the Titanic Pier from the public park, while creating new ones for customers of the proposed walkway.

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of national planning guidelines, the CDP and the TP, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use,
- (ii) Archaeology and conservation,
- (iii) Amenity and access,
- (iv) Water,
- (v) EIA, and
- (vi) AA – screening.

(i) Land use

7.2. Under the TP, the Titanic Pier is shown as lying within an area that is zoned town centre mixed uses and the site of the proposed kiosk is shown as lying within an area that is zoned open space/sports/recreation/amenity. The former area encompasses the adjacent former White Star Line ticket office building, within which the applicant's The Titanic Experience Cobh is accommodated, and the latter area encompasses the public park known variously as The Promenade/The Parade Grounds/John F Kennedy Park.

7.3. Maps 1, 2 & 2B of the TP show an Amenity Walk along the sea front, which includes that portion of the site that abuts the sea front within the public park. Notwithstanding the visual depiction of this Walk in the said Maps, it does not appear to be the subject of any discussion elsewhere within the Plan.

- 7.4. The proposal is essentially one that would enable the Titanic Pier to be viewed at closer quarters than at present by means of a walkway to and a viewing platform over this Pier. These items would be accompanied by a kiosk, which would be used for the sale of tickets and as a space wherein the emigrant experience would be interpreted. The corner of the public park within which this kiosk would be sited would be enclosed to allow access to the walkway and viewing platform to be controlled.
- 7.5. The proposal would be a tourism use, which would sit comfortably within the town centre mixed use zone. Its presence within the open space/sports/recreation/amenity zone is less clear cut. As discussed below under the heading of amenity, this proposal would erode some of the existing amenities of the public park, while providing an opportunity for these amenities to be extended at the same time. This is illustrated by the Amenity Walk objective, which would at once be set back by the restriction in access to the corner of the public park, described above, and promoted by the extension of access over the Titanic Pier, in a manner perhaps not previously anticipated. In these circumstances, I consider that the proposal would be compatible with the open space/sports/recreation/amenity zone.
- 7.6. I conclude that the proposal would not prompt any in principle land use objection.

(ii) Archaeology and conservation.

- 7.7. Under further information, the applicant submitted an Underwater Archaeological Impact Assessment of the seabed beneath the Titanic Pier. This Assessment was based upon a visual and metal detection survey of the seabed. It concluded that this survey did not produce any material of archaeological significance. While the possibility exists that such material may be buried in the underlying sediment, under the proposal, the seabed would only be disturbed to the extent that a small number of piles would be inserted and so the applicant judges that the risk arising to any archaeological material would be imperceptible.
- 7.8. Several appellants draw attention to the Titanic Pier and to its physical proximity to and historical relationship with the former White Star Line ticket office building, which is a protected structure. They state that this Pier should be regarded as lying either within the curtilage or the attendant grounds of this building and so be included within its protected status.

- 7.9. The applicant does not accept this categorisation of the Titanic Pier, although it does accept that this Pier lies within an ACA and that it is of conservation interest.
- 7.10. I am not persuaded of the said categorisation either, as I consider that when the Titanic Pier was functioning as such, its use would have been distinguishable from the ticket office and, arguably, not ancillary to this office. Thus, while historically they would have functioned in conjunction with one another, I do not consider that this means that they were within one another's curtilages or attendant lands.
- 7.11. Several appellants express the view that rather than being retained as a wreck the Titanic Pier should be restored. They therefore take exception to the applicant's approach to the conservation of the Pier. The applicant has responded by stating that its approach ensures the survival of the actual Pier rather than its augmentation/ replacement with a replica. Clear historical continuity would thereby be maintained with its evocative connotations for the descendants of emigrants who would have used it.
- 7.12. I recognise that different approaches exist as to how the conservation of the Titanic Pier could be pursued. The approach selected by the applicant is a valid one in terms of conservation and it has the benefits outlined above by the applicant. Furthermore, the proposal in its revised form would ensure that the exposed timber structure of the Pier remains legible and distinct from that of the contemporary design of the proposed walkway and viewing platform and so the risk of confusing old and new, which may arise with a restoration approach, would be avoided.
- 7.13. The applicant reports that emergency works to stabilise the Titanic Pier have been undertaken and that further works are anticipated on an on-going basis. I recognise that the retention of the Pier requires funding and so, in principle, the commercial basis of the proposal is necessary to ensure that this objective can be fulfilled, and an important part of Cobh's heritage secured thereby for the future.
- 7.14. I conclude that the approach of the proposal would pose little risk to any seabed archaeology that may exist, and it would represent good conservation practice.

(iii) Amenity and access

- 7.15. The appellants emphasise that the public park has been designed and laid out to ensure that views over Cork Harbour are readily obtained. They also emphasise the array of uses to which this park is put by different groups over the calendar year.

Due to the size and siting of the proposed kiosk and its associated enclosed space, some of the said views would be either encroached upon or obstructed and some of the said uses would be restricted. The amenities of the public park would thereby be curtailed, and TP objectives intended to safeguard the same would be contravened.

- 7.16. The applicant has responded by drawing attention to the reduction in size and change in design of the proposed kiosk that was brought forward under further information and to the increase in the number of visitors that would be attracted to the public park as a result of the proposal. It goes on to state that these visitors would boost support for other uses of the park, such as the weekly farmers market. Synergies are thus envisaged. Where difficulties would occur, as in the case of the annual triathlon, the applicant offers to close the proposal for the day in question.
- 7.17. As originally submitted, the proposed kiosk would have been of robust rectangular form and it would have been sited in a position further to the west and abutting the railings to the sea front. This kiosk would have been accompanied by a turnstile and a glass panel wall, which would have enclosed the south easternmost corner of the park. Under further information, the kiosk was reduced slightly in size and redesigned as a triangular form, which would be sited in a position set back from the said railings and closer to this corner. It, too, would be accompanied by a glass panel wall.
- 7.18. In the corresponding north eastern corner of the park lies the gated vehicular entrance, which is enclosed to the east by the former White Star Line ticket office building and to the west by a single storey building that accommodates toilets and a public shelter. Pedestrian access to the park is available through a separate gateway to the west of this single storey building and at other gateways further to the west, i.e. at roughly the mid-point of the park's frontage onto Westbourne Place and in the north western corner. During my site visit (Thursday lunchtime 13th December 2019), the gates to the vehicular entrance were closed and the google maps street view (January 2016), likewise, shows them closed. I, therefore, consider that pedestrian users of the park do not normally use this entrance, but rather the dedicated pedestrian gateways further to the west.
- 7.19. As the revised proposed kiosk would be sited in a position whereby it would be directly opposite the vehicular entrance gates to the park, I consider that it is

significant that this entrance is used mainly by drivers as distinct from pedestrians. Thus, the first views of Cork Harbour available to pedestrians entering the park would be ones that would be less affected by the presence of the proposed kiosk. The re-siting of this kiosk and its redesign would also assist in reducing its encroachment upon views of the Harbour.

7.20. The proposed kiosk and the adjoining enclosed space would have the effect of removing from the park some clear and uninterrupted close-up views of the Titanic Pier from within its south eastern corner, which are presently available to park users for free.

7.21. In the light of the foregoing discussion, I have established that the proposed kiosk would encroach upon existing views of Cork Harbour and the Titanic Pier. Thus, some erosion of the existing amenities of the park would thereby occur. However, under the proposal, new close-up views of the Titanic Pier and new perspective views of Cork Harbour would be made available. The key difference is that, while the existing situation is free to park users, the proposed one would only be available to customers of the applicant. That said, my comments under paragraph 7.13 on the need to ensure that the on-going conservation of the Pier is a viable proposition need to be borne in mind, too.

7.22. Beyond the planning process, I understand that members of the County Council will be required to decide upon any request to grant a concession to the applicant, under which the required south eastern corner of the park could be used for the current proposal. Given the value judgement that is inevitably entailed in allowing a portion of a public park to become commercialised space, the member's decision-making role in this respect is an important and welcome one.

7.23. Several appellants explore in some detail the possibility that the walkway to the proposed viewing platform could be routed differently from that proposed, i.e. alternatives that would obviate the need to use the public park. Thus, the following potential options are discussed:

- By means of a raised gangway, which would connect to first floor of the former White Star ticket office building to either the restored Titanic Pier or a viewing platform to the east of the Pier. The first floor accommodates the applicant's Titanic Experience Cobh and the gangway would over sail the

area to the rear of this building, which is in separate use as the Titanic Bar and Grill.

- By means of a walkway between the rear of the Tregan Craft Centre to a viewing platform to the east of the Pier. This walkway would pass over part of the quayside that is used by the Titanic Bar and Grill, before running westerly as a projecting element off the front of the sea wall to this quayside.

7.24. (Another option is proposed, too, that would entail the need to access the walkway from the south easternmost corner of the park, but which would entail the inclusion of a ticket kiosk as a projecting element off the front of the sea wall to this quayside).

7.25. The applicant has responded to the potential options set out above, by drawing attention to the fact that it is a lessee of the first floor of the said building only and so it has no control over the ground floor or the area to the rear. The second option may also affect the functioning of an adjacent slipway and the associated harbour mouth.

7.26. I note the applicant's response. I note, too, that the gangway would conceivably pose conservation issues with respect to the building, which is a protected structure, and the projecting ticket kiosk would encroach unduly upon views of the Pier from the west. This kiosk would be of insufficient size, too, to accommodate the interpretative experience that the applicant proposes.

7.27. Returning to the applicant's proposal as revised, under condition 5 of the draft permission, the spire is to be omitted on the basis that it is an unduly prominent feature of the proposal. The applicant dissents from this view and requests that if the Board shares it that the spire be reduced in height rather than omitted.

7.28. The spire would be of tapered form and it would be composed of Cor-ten steel, i.e. corrosion resistance and tensile strength steel, as would some of the decking to the proposed walkway and viewing platform. (The other material in this respect would be glass to facilitate downward views of the Pier). The applicant explains that this material has been chosen to echo the shipbuilding heritage, which forms a backdrop to the Titanic connection. The spire would project c. 15m above the quayside and its height would "balance" the length of the tilted viewing platform. I consider that while this spire would work aesthetically its presence would be unduly eye-catching and so it would be inclined to compete with and thus detract from the spectacle of the Pier itself. Accordingly, I consider that from a conservation perspective its omission would

be important. In this respect, while I have considered the applicant's request, I am concerned that any reduction in height would be less successful aesthetically and so I am not minded to accede to it.

7.29. I conclude that the proposal would be compatible with the maintenance of the amenities of the public park when taken together with the amenities that would be afforded by the proposal itself. I consider that the access arrangements comprised in the proposal would be satisfactory from an amenity perspective and that the identified alternatives would "in the round" not be demonstrably preferable.

(iv) Water

7.30. The proposal would be sited partly over an existing pier in the sea and partly in the south eastern corner of a public park. Under the TP, the site is identified indicatively as being at risk of coastal flooding, i.e. it would lie within Zones A and B.

7.31. Under further information, the applicant addressed the potential flood risk pertaining to the site. It drew attention to localise uncertainties that pertain to the indicative flood maps in the TP. Instead, reliance is placed upon the OPW's Irish Coastal Protection Strategy Study Phase III (Figure no. S/RA/EXT/32 revision 1). This Study identifies 4 no. node points in Cork Harbour at which the water level for 1 in 10, 1 in 200, and 1 in 1000-year flood events is given. The highest of these points is to the west of Haulbowline Island and it records corresponding water levels of 2.45, 2.73, and 2.88m AOD Malin for these flood events.

7.32. The applicant estimates that the quayside is c. 3m AOD Malin and so the finished floor level of the proposed kiosk would be above this level. Accordingly, this element of the proposal would not be at risk of being flooded. The proposed walkway and viewing platform would initially dip below the level of the quayside and so at their lowest levels it would be susceptible to flooding under 1 in 200 and 1 in 1000-year flood events. However, I do not anticipate that there would be any likelihood of the proposal being open to the public during such events.

7.33. I conclude that the proposal would be likely to be at risk of coastal flooding only under the most extreme of flood events, when it would, presumably, be closed to the public on safety grounds.

(v) EIA

- 7.34. The proposal is for a walkway and viewing platform over the Titanic Pier and for an associated kiosk. As discussed under the first heading of my assessment it is essentially a tourism project. However, it does not fall within any of the types of tourism and leisure projects cited under Item 12 of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2018, and so this proposal is not a potential candidate for either EIA or sub-threshold EIA.
- 7.35. I, therefore, conclude that no EIAR or preliminary examination of the proposal is required.

(vi) Screening AA

- 7.36. The site lies neither in or near to any Natura 2000 sites. The nearest such site is the Cork Harbour SPA (site code 004030). This site comprises several sites scattered on the far shores of Cork Harbour from Cobh. Its features of interest comprise a considerable array of sea birds and wetland and water birds.
- 7.37. The site is an urban one within the centre of Cobh and next to the town's harbour. It is thus not a suitable habitat for the bird species, which constitute the features of interest of the said SPA.
- 7.38. Having regard to the nature and scale of the proposal and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. That permission be granted.

9.0 Reasons and Considerations

Having regard to the Cobh Town Development Plan 2013, it is considered that the proposal would, subject to conditions, be consistent with the land use zoning objectives for the site and its design approach would represent good conservation practice. The proposal would entail some loss of amenity to a public park and some inherent gain of amenity. Taken together, this proposal would be compatible with the

amenities of the area. The proposed kiosk would not be susceptible to any identified flood risk and the proposed walkway and viewing platform would be susceptible, but only under extreme conditions when they could be anticipated to be closed to the public. No EIA or AA issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

10.0 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 25th day of July 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. The proposed development shall be amended as follows:
 - (a) The spire shall be omitted in its entirety.
 - (b) Details of all proposed signage and external interpretative boards.
 - (c) Details of all external lighting.

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

Reason: In order to respect the conservation interest attendant upon the historic pier.

3. A schedule and appropriate samples of all external materials to be used in the development shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure an appropriate standard of development/conservation.

4. Prior to commencement of development, a construction methodology statement shall be submitted to and agreed in writing with the planning authority. This statement shall indicate the means proposed to ensure the protection of the structural stability of the historic pier during the construction period. It shall also provide details of the works to be undertaken to the quayside wall to facilitate the attachment of the proposed walkway.

Reason: In the interest of safeguarding the historic pier, as a heritage asset, and in the interest of good conservation practice.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (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) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (e) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (f) 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;
- (g) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (h) 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.

6. Prior to the commencement of development, a construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of good traffic management.

7. Apart from the signage and external interpretative boards agreed under condition 2(b), no signage, advertising structures/advertisements, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. The developer shall pay to the planning authority a financial contribution of €262 (two hundred and sixty-two euro) 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. The application of any indexation required by this condition 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.

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.

9. The developer shall pay to the planning authority a financial contribution of €1447 (one thousand four hundred and forty-seven euro) in respect of the

Cobh/Midleton – Blarney Suburban Rial Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Hugh D. Morrison
Planning Inspector

8th February 2019