



An  
Bord  
Pleanála

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

## Inspector's Report ABP-305779-19

### Strategic Housing Development

Construction of 201 no. build-to-rent apartments, cafe, pub/restaurant and associated site works.

### Location

Site of Carey Tool Hire and the former Sextant Bar, Albert Quay, Cork City

### Planning Authority

Cork City Council

### Applicant

Progressive Commercial Construction Ltd.

### Prescribed Bodies

An Taisce

Department of Culture, Heritage and the Gaeltacht

TII

**Observer(s)**

Eleanor Hunter

Stephen O' Callaghan

Brian O' Dwyer

Donal Sullivan

Cllr Kieran Mc Carthy

Cork Chamber

John Corkery

**Date of Site Inspection(s)**

16th January 2020

**Inspector**

Erika Casey

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## 1.0 Introduction

1.1 This is an assessment of a proposed Strategic Housing Development submitted to the An Bord Pleanála under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application was received by the Board on the 29th of October 2019 from Progressive Commercial Construction Ltd.

## 2.0 Site Location and Description

2.1 The site is brownfield in character and located to the east of Cork City Centre, on a docklands site, generally bounded by Albert Quay East to the north, Albert Road to the south, Albert Street to the west and the site of Navigation Square, a commercial development, to the east.

2.2 The site has a stated area of c. 0.38ha and accommodates a number of existing structures including a 2-storey trade warehouse building occupied by Carey Tool Hire, a 3-storey former pub (The Sextant) on the north-western corner and a 2-storey former ticketing office that served the adjoining single storey Cork Blackrock and Passage West Railway Station. The ticket office and station building are protected structures. The site is accessed directly off Albert Quay and there is a secondary access off Albert Street (N27).

2.3 The surrounding area is generally commercial in nature, with the nearest residential uses located on the opposite side of Albert Road to the south. The site is located 400m from the Bus Eireann Bus Station at Parnell Place and approximately 800m from Cork (Kent) Rail Station.

## 3.0 Proposed Strategic Housing Development

3.1 The proposal comprises the construction of a Build to Rent apartment scheme of 201 no. units consisting of 93 no. 1 bed, 104 no. 2 bed and 4 no. 3 bed apartments in a building ranging in height from 8 to 11 to 24 storeys over ground floor.

3.2 The development will accommodate a range of resident support facilities including concierge management facilities, post and parcel areas, laundry and waste management facilities as well as resident services and amenities including a lounge area, library, workspace, meeting rooms, coffee dock, games room, dining area, gym, 2 no. rooftop terraces and an internal amenity area on Level 24.

- 3.3 The development also proposes a ground floor café, public plaza, rooftop plant, canopies and 2 basement levels to accommodate 402 no. cycle spaces, 62 no. car parking spaces, plant services and storage; all associated site development, ancillary development, including 2 no. ESB substations, landscaping and public realm works.
- 3.4 The proposed development also proposes the reuse and renovation of 2 no. protected structures, the two storey former Cork, Blackrock and Passage Railway offices and the adjoining single storey former ticket office which are to be retained and refurbished as part of the proposed development for a private rented office and public bar/restaurant use respectively. The development proposes the demolition of the existing Carey Tool Hire building and the three storey former Sextant Pub. It is proposed to reuse the former tracks and cobble sets of the former Cork, Blackrock and Passage Railway as part of the landscape strategy for the proposed development. The surviving gate piers and wrought iron railings will also be salvaged and reinstated as part of the landscape strategy. The development also involves the retention of the Albert Road Post Box which is a protected structure. The existing eastern stone boundary is to be demolished and the stone reused in the ground level eastern elevation of the proposed development.
- 3.5 It is proposed to rationalise vehicular access to the site by removing the existing access off Albert Street and maintaining access for cars and cyclists to the basement via a ramp from Albert Quay.

**Table 1: Key Parameters**

<b>Site Area</b>	0.3822 hectares
<b>Buildings to be demolished</b>	1,914 m <sup>2</sup>
<b>No. of residential units</b>	201 build-to-rent apartments (93 no. 1 bed, 104 no. 2 bed and 4 no. 3 bed)
<b>Density</b>	526 units/ha
<b>Plot ratio</b>	5.6:1
<b>Site coverage</b>	69%
<b>Parking</b>	62 car spaces/402 bicycle spaces
<b>Resident Services/Amenities</b>	1,187 m <sup>2</sup>
<b>Resident Support Facilities</b>	616 m <sup>2</sup>

<b>Other facilities</b>	1,126m <sup>2</sup> office and bar/restaurant
<b>Dual Aspect</b>	51%
<b>External Amenity Space</b>	2,560m <sup>2</sup>
<b>Part V</b>	20 units (10 no. 1 bed, 7 no. 2 bed (3 person) and 3 no. 2 bed (4 person))

3.6 A signed deed/agreement has been submitted with the application stating that agreement is given that the residential units shall be used as rental accommodation for a minimum period of 15 years from the date of practical completion of the development.

## 4.0 Planning History

### Subject Site

4.1 There is no planning history on the site of particular relevance. There have been two previous applications relating to the beer garden of the former Sextant Public House, both of which were granted permission by the Planning Authority (11/34873 & 10/34431). There is an historical application which relates to the retention of ancillary retail services at Carey Tool Hire, which was granted permission by the Planning Authority (TP86/13057).

4.2 There are a number of relevant applications in the surrounding area which are of note and are detailed below.

### Surrounding Area

#### ***Navigation House and adjoining warehouses, Albert Quay, immediately east of the site***

##### PA Register Reference 19/38429

Permission granted by Cork City Council in July 2019 for the construction of 1 no. office building, 4 storeys over ground floor with setbacks of the top floors including provision for a roof terrace, as well as the change of use from office to café/restaurant on the ground floor and general offices and/or business & technology uses and/or office based industry uses on all floors above ground floor.

PA Register Reference 16/36773

Permission granted by Cork City Council in September 2016 for 4 no. office blocks ranging from three to six storeys over ground floor with set back of the top floors and roof terraces as well as demolition of existing structures including the part demolition of Navigation House and part of the former Cork, Blackrock, Passage Railway structure. Permission was subsequently granted under 17/37514 for the demolition of an existing warehouse and construction of an office building. The proposed development provides for a new Block B, as part of the Navigation Square development.

PA Register Reference 11/34944/ABP Register Reference PL28. 240487

Permission was granted by An Bord Pleanála in July 2013 for the construction of a multi-purpose events/ convention centre with an overall gross floor area of 8,425 sq. m., including the demolition of all existing buildings on site, accept for the façade of Navigation House.

***Location: One Albert Quay***

PA Register Reference 14/36015

Permission granted in June 2014 for the demolition of existing buildings to allow for the construction of a mixed use development consisting of office development on 6 floors over ground to provide for business and technology based industry uses.

***Location: Victoria Road***

PA Register Reference 18/38012

Permission granted in January 2019 for a mixed use residential and commercial development with buildings ranging in height from 6 to 10 storeys.

***Location: Penrose Dock***

PA Register Reference 19/38338

Permission granted in October 2019 for a 6 to 7 storey office development.

PA Register Reference 19/38216

Permission granted in March 2019 for a roof top terrace.

PA Register Reference 18/37909

Permission granted in September 2018 for a 6 to 8 storey office development.

***Location: Custom House Site at North Custom House Quay and South Custom House Quay, Custom House Street (c.70m north of the site)***

PA Register Reference 19/38589 –

Current Application for 240-bedroom hotel, 25 no. hotel serviced suites and a range of commercial uses. The proposal includes a 34 storey tower (approximately 140m high). Further information requested.

***Location: Horgan's Quay, Railway Street, Lower Glanmire Road (c.250m to the north-east of the site)***

An Bord Pleanála Reference PL28.305278

Permission granted by the Board in November 2019 for alterations to 4 no. residential over ground floor blocks containing 216 Build to Rent units to provide for a single conventional apartment building ranging in height from 7 to 10 floors over ground floor and which is an increase in height from the 6 to 10 floors permitted and an increase of 86 apartments to a total of 302 apartments.

PA Register Reference 17/37563

Permission granted for mixed use development up to 11 storeys.

***Location: Clontarf Street, Deane Street, and Oliver Plunkett Street Lower (c220m to the north-west of the site)***

PA Register Reference 18/37894/ABP Register Reference PL28.302923

Permission granted by An Bord Pleanála in May 2019 for a 15 storey over ground level office building.

***Location: South Docks***

PA Register 08/32919

10 year permission granted in March 2009 for a mixed use development of residential uses, offices, local services, retail use and events centre including three residential towers of 10, 20 and 27 storeys.



## **Other relevant applications**

***Location: Jacob's Island, Ballinure, Mahon, Cork***

ABP Register Reference PL28.301991

SHD Application – Permission granted in October 2018 for 413 no. apartments including blocks ranging in height from 6 to 25 storeys.

***Location: Site bounded by South Link Road (N27), Rockboro Road and Gasworks Road, Cork***

ABP Register Reference PL28.305173-19

SHD Application – Permission granted in November 2019 for 118 build to rent apartments and associated site works.

## **5.0 Section 5 Pre Application Consultation**

### **Notice of Pre-Application Consultation Opinion – Ref. ABP-304987-19**

- 5.1.1 A notice of pre-application consultation opinion was issued by the Board on 26<sup>th</sup> of September 2019 under Section 6(7) of the Planning and Development (Housing) and Residential Tenancies Act 2016 following the submission of the application request on the 26<sup>th</sup> July 2019.
- 5.1.2 The notice of Pre-Application Consultation Opinion states that the Board has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the Planning Authority, is of the opinion that the documents submitted with the request to enter into consultations **constitutes a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

### **Specified Information**

- 5.1.3 The following specific information was requested:
1. Notwithstanding that the documentation submitted would constitute a reasonable basis for an application, further clarity and/or justification of documents as they relate to the proposed private and communal amenity spaces, having regard to the criteria as set out in SPPR 8 of the Design Standards for New Apartments - Guidelines for Planning Authorities (2018). In

particular, clarity is required as to the nature of the private amenity spaces that are provided, and greater definition of same is required on the drawings.

2. A Wind Study Analysis, in respect of the functionality of the communal spaces provided at 9th floor and 12th floor levels.
3. Further justification within the application documents as they relate to the level of car parking provision proposed, having regard to criteria (iii) as set out in SPPR 8 of the Design Standards for New Apartments – Guidelines for Planning Authorities (2018). Clarity as to the allocation of parking for users (commercial/residential) should also be provided.
4. Additional CGIs/visualisations/3D modelling showing the proposed development relative to existing, permitted and proposed taller buildings should be provided, and related assessment of same provided, having particular regard to (i) the cumulative impact of the proposal on protected and key views (ii) the cumulative impact of the proposed building and permitted tall buildings on the setting of the Albert Quay, Albert Road and Victoria Road Architectural Conservation Area, and on the setting of surrounding Protected Structures, including those on the Custom House Quay site and (iii) the impacts on surrounding residential development.
5. Additional details/additional CGIs/visualisations/3D modelling of the proposed public realm at ground floor level, with particular regard to the quality of the public realm provided, proposed links through the public realm to adjoining sites, and how this will increase permeability through the site, and serve as an amenity for the wider area.
6. Additional detail and/or justification is required for the non-provision of childcare facilities, having regard to the views of the Planning Authority in relation to the possible shortfall in childcare capacity in the area. If justification is not possible, a childcare facility should be provided on the site. Particular regard should be had to the criteria as set out in Childcare Facilities – Guidelines for Planning Authorities (2001).
7. A site layout plan indicating what areas, if any, are to be taken in charge by the Planning Authority.
8. Waste Management details.

9. A Justification Test should be submitted, noting that the majority of the site would appear to be in Flood Zone B and partially in Flood Zone A.
10. Site Specific Construction and Demolition Waste Management Plan.

## 5.2 Applicant's Response

5.2.1 In response to the specified additional information requested by the Board the following is provided:

### 1. Private and Communal Amenity Spaces

- Storage Space: 83% of residential units have individual storage space in accordance with the standards set out in the Apartment Guidelines. Compensatory storage is provided in Basement Level 1 in lieu of the shortfall in individual storage space.
- Private Open Space: 64% of the units have private open space in accordance with the standards set out in the Apartment Guidelines. Compensatory roof terraces and a top floor amenity area are proposed in lieu of the shortfall in individual private open space.
- Communal Open Space: Communal amenities of 1,376 sq. metres provided including works space, reception, lounge/library/dining/games/cinema room, gym and top floor amenity area. A 1,035 sq. m. ground level communal plaza is also proposed. Communal amenities such a laundry and management suite also provided. Additional amenities in the form of a café and bar/restaurant are also proposed.
- The apartments are designed with fully open plan living areas and have floor to ceiling glazed façade to ensure generous natural light.

### 2. Wind Study Analysis

- A Wind Study Analysis for the proposed development is included with the planning application. This specifically assesses wind impacts in relation to the functionality of the communal spaces proposed.

### 3. Parking

- A total of 62 car parking spaces are proposed equating to 0.3 spaces per

residential unit and 30% of the maximum car parking requirement of the Cork City Development Plan 2015. Full justification for the level of parking provision is provided in the context of SPPR7 of the guidelines.

**4. CGI's/Visualisations/3D Modelling**

- The development has been subject to a cumulative assessment with existing, permitted and proposed development in the vicinity. A Visual Impact Assessment from 48 no. views undertaken.

**5. Public Realm**

- Additional CGI's and visualisations provided. The public realm has been designed to be practical in terms of use and function. The soft landscaping strategy aims to create a series of generously greened spaces that feel insulated from the traffic and noise. Quality materials and finishes will be used throughout the development.

**6. Childcare**

- An assessment of the need for a crèche has been undertaken and is included in the application.

**7. Taken in Charge**

- The development will not be taken in charge.

**8. Waste Management Details**

- Outline Operational Waste Management Plan submitted with the application.

**9. Justification Test**

- A Flood Justification Test is incorporated into the Flood Risk Assessment and included with the planning application.

**10. Site Specific Construction and Demolition Waste Management Plan**

- An Outline Construction Management Plan prepared by PJ Hegarty and Sons is included with the planning application.

## 6.0 Relevant Planning Policy

### 6.1 National Planning Policy

#### Project Ireland 2040 - National Planning Framework

6.1.1 The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### Section 28 Ministerial Guidelines

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual').
- Design Manual for Urban Roads and Streets (2019).
- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Childcare Facilities – Guidelines for Planning Authorities.
- Urban Development and Building Heights – Guidelines for Planning Authorities 2018.
- The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009).
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011).

## 6.2 Local Planning Policy

### Cork City Development Plan 2015-2021

6.2.1 The Cork City Development Plan 2015-2021 is the operative Development Plan. The site is located on lands zoned Z02 ‘City Centre Commercial Core Area’ where the objective is ‘to support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area (apart from comparison uses)’. Paragraph 15.8 states:

*“The Commercial Core Area reflects the commercial and employment zone of the City Centre extending from the City Centre Retail Areas. All uses are permitted throughout the CCA, except comparison retail uses, which are restricted to the City Centre Retail Area”*

6.2.2 Under the Core Strategy, strategic goals include:

- **Goal 1** – Increase population and households to create a compact sustainable city. This refers to an ambitious target for population growth in the city.
- **Goal 2** – Achieve a higher quality of life, promote social inclusion and make the city an attractive and healthy place to live/work/visit/invest in.
- **Goal 5** – Maintain and capitalise on Cork’s unique form and character. This refers to the dramatic east-west ridges creating the visual setting for the city. The focus is on protecting and capitalising on the unique character while providing opportunities for new development.

6.2.3 Chapter 6 relates to residential strategy and includes residential strategic objectives. Chapter 9 refers to Built Heritage and Archaeology. Objective 9.30 Demolition in Architectural Conservation Areas states:

*“Demolition of structures and parts of structure will in principle only be permitted in an Architectural Conservation Area where the structure, or parts of a structure, are considered not to contribute to the special or distinctive character, or where the replacement structure would significantly enhance the special character more than the retention of the original structure”.*

6.2.4 Chapter 13 relates to the City Centre and Docklands. Objective 13.21 relating to City Centre Design Quality and Context states: *“Development proposals in the City Centre should demonstrate the special character of the city towards a high quality,*

*sustainable living or working environment. They should respect the height, mass and scale of surrounding buildings, should not compromise protected views and prospects and should draw upon positive characteristics of the surrounding environment to create a sense of place, security and vitality".* Paragraphs 13.57 to 13.59 considers the development site cluster at eastern end of the City Centre Island. Objective 13.24 'Development area at eastern end of the city centre' states that Cork City Council will facilitate the development of an office-led mixed use quarter in the eastern end of the City Centre Island and the areas facing the river channels to the north and south.

6.2.5 Chapter 16 of the City Plan refers to development management and outlines the qualitative and quantitative standards against which it is proposed to assess proposals. Tall buildings are addressed in paragraphs 16.25 and paragraphs 16.34-38 with objective 16.7 stating that the City Council will aim to protect the special character of Cork City. Paragraphs 16.29 & 30 discusses building height in the city centre and inner urban areas as follows:

*"...The city centre typically has a general building height of 3 – 5 storeys. Due to the importance of the city centre as an area of historic and architectural character, the building height of any new development within the city centre should generally respect the area's existing character and context and should be in accordance with the prevailing hierarchy/character of buildings, save in exceptional circumstances where an increase in building height can be justified on sound urban design or architectural grounds.*

*In appropriate circumstances, new corner (local landmark) buildings may reflect their location by means of additional building height of 1 – 2 storeys, subject to other planning considerations. The building design and treatment of a building (including built form/height) should reflect new civic and public benefit uses."*

6.2.6 Para 16.34 states that:

*"Tall buildings can play a visual role as landmark buildings and can make a positive contribution to the skyline of a city. Due to the visual prominence and strategic significance of tall buildings their design must be of a high standard. There are large areas of the city where tall buildings are unsuitable given the potential conflicts with the character, grain, and the amenity enjoyed by users of adjacent sites. In*

*particular, high buildings should be avoided in the historic areas of the city. The City Council has identified Docklands and South Mahon as areas with the potential to accommodate high buildings. Maps 2 & 7 in Volume 2 identify these locations. All other areas of the city are not considered appropriate for tall buildings...*

6.2.7 It is further stated that such buildings will be resisted in areas of special and/or significant character in the city including the City Centre, North and South River Lee Channels and Architectural Conservation Areas. It is further detailed:

*“Tall buildings should always be of high design quality to ensure that they fulfil their role as strategic landmarks. As well as having a positive impact on Cork’s skyline and built environment, tall buildings can have negative impacts also. These impacts will need to be assessed in any planning application and can include: relationship context; the effect on the whole existing environment; the relationship to transport infrastructure; the architectural quality of the building; sustainable design and construction; the credibility of the design; the contribution to public spaces and facilities; the effect on the local environment; the contribution made to the permeability of the environment and the provision of a high quality environment.”*

6.2.8 Section 16.41 refers to Residential Density. Densities higher than baseline levels will be appropriate in other types of location:

- Along bus routes densities should be to a minimum density of 50 dwellings per hectare (subject to constraints imposed by the character of the surrounding area);
- At larger development sites (>0.5 hectares in size, the size of a residential block) capable of generating and accommodating their own character;
- Major development areas and mixed use areas (including the central areas, District, Neighbourhood and Local centres).

6.2.9 A portion of the site is located within Flood Zone A and the majority of the site is located within Flood Zone B.

South Docks Local Area Plan 2008

6.2.10 This was extended to 2018 and has since expired. It sets out a detailed development strategy for the south docklands area.



### 6.3 Applicants Statement of Consistency

6.3.1 The applicant has submitted a Statement of Consistency which can be summarised as follows:

- The proposed development is fully supported by the NPF and will deliver a large scale mixed use development in Docklands, the regeneration of which is a national enabler for Cork.
- The development is consistent with the criteria for increased height set out in the Building Height Guidelines. Detailed assessment of the development in the context of each criteria is set out. It is stated that the building is of a height and massing that is justified in its context, will have a positive impact on the area, that will respect existing Protected Structures on the site and is capable of generating its own character as a new high profile, high quality residential development at a pivotal location between the City and Docklands.
- In accordance with Rebuilding Ireland – Action Plan for Housing and Homelessness, the development will deliver 20 Part V units and 201 no. residential units, contributing to the housing targets of the plan.
- Under the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018), the site can be classified as a ‘central and/or accessible urban area’. The development is fully in compliance with the SPPRs that relates to BTR schemes detailed further in the Housing Quality Assessment submitted with the application.
- Having regard to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, the proposed development falls within the (a) City Centre (b) Brownfield site and (c) Public Transport Corridor which are locations that are appropriate for increased densities. The development is plan led and will deliver an efficient use of land for a high density, high quality and distinctive residential development in Cork City.
- The proposal complies with standards relating to public, private and open space; avoids impacts on amenity; meets or exceeds internal space standards; is generally consistent with the Cork City Development Plan and will ensure the renovation of two Protected Structures on site.

- The development has had full regard to the Guidelines for Planning Authorities on Architectural Heritage Protection 2004 (as revised 2011). The former Sextant Public House, while on the NIAH list, is of modest design and has been significantly altered over time. The focus of the proposed redevelopment has been to reuse and renovate the two no. Protected Structures on the site/also to retain the Albert Road post box which is a Protected Structure.
- The proposal has been considered against the 12 criteria as set out in the Urban Design Manual and is considered to comply with same.
- The development is located in an area at risk of flooding. The FFL of the development has been set at 3.8mOD. The redevelopment of the site for high density residential uses is supported by national, regional and local policy and as such, the proposal meets the requirements of the Justification Test.
- In the context of the Draft Regional, Spatial and Economic Strategy for the Southern Region 2018, the development will strengthen the settlement structure of the region; contribute to compact growth; provide quality housing and make efficient use of land. In line with the Draft Core Metropolitan Area Strategic Plan 2018, the development will strengthen the role of Cork as an international location of scale/primary driver of population growth; contribute to regeneration of the docklands and will capitalise on its waterside setting and access to city centre public transport networks.
- The development will meet the objectives of the Cork City Council Development Plan 2015-2021. It will result in an increased population that will contribute to the realisation of a compact, sustainable city. It will deliver commercial uses as well as leisure entertainment; reduce car dependency; enhance amenities of the area; deliver private rented accommodation and promote City Centre Living.
- The development can be successfully absorbed into the existing character and context of the area, without significant impact on protected Views and Prospects. It will facilitate the orderly expansion of the City Centre eastwards into Docklands and support the development of Docklands as a sustainable urban quarter. The development complies with the Z02 zoning.
- It will deliver a tall, elegant building at a pivotal entrance point to the Docklands within walking distance of public transport hubs and is consistent with guidance

set out in the plan regarding locations that have the potential to accommodate increased building height.

- Consistent with the objectives of the plan, the development supports the sympathetic adaptation and re-use of the site's protected structures. The planning strategy has been guided by the provisions of the Albert Quay, Albert Road, Victoria Road Proposed ACA. It is submitted that the former Sextant Bar makes a lesser contribution to the special character of the ACA. Its demolition will facilitate the redevelopment of a part vacant and substantially underutilised site in a prime location.
- Having regard to the Draft Cork Metropolitan Area Transport Strategy (CMATS) 2019, the development will deliver a high density public transport orientated development and support the delivery of the Mahon-City Bus Connects Route as well as the proposed Light Rail.

## **7.0 Third Party Submissions**

7.1 In total, 7 submissions were received – see appendix 1. The issues raised in 5 of the submissions overlap and may be summarised as follows:

### **Principle**

- Development is not in accordance with zoning objectives and policies set out in the Cork City Development Plan.
- Development represents over densification of site and is an inappropriate location for tall buildings.
- Concerns regarding viability of the development.
- Development will set an undesirable precedent.

### **Visual Impact**

- The development will be visually obtrusive and overlook and seriously injure the amenities of the surrounding area and properties. It is out of character with the area and out of scale with the city.
- Concern regarding visual impact on Cork City Hall.

## **Architectural Design**

- Concern regarding architectural design and quality of the proposed tower.
- The development will create an unattractive vista on the quayside.
- The treatment of the external facades are not sensitive to the adjacent heritage buildings.

## **Conservation**

- Consider development will have an adverse impact on the heritage of the site particularly around Navigation House.
- Concern regarding loss of historic stone walls. Natural/local stone should be used to integrate the development with the quayside.
- Object to the demolition of the Sextant Public House.
- The development would compromise the civic, cultural and maritime value of Albert Quay.

## **Other**

- Development will not deliver social housing.
- Concerns regarding sustainability of buildings and carbon emissions.
- Development will have an adverse impact on the mobility of pedestrians and cyclists.

7.2 Two observations made are in support of the development noting:

- It will deliver quality accommodation and associated amenities for the City. Consider that the development provides a high quality architectural response to the site. The height, density and scale is appropriate for the strategic location in the City Centre/Docklands interface.
- Viability of the development must be considered including the provision of an appropriate level of car parking. Note that there has been a lack in public transport infrastructure. A significantly reduced quantum of parking is proposed. Permission for car parking was granted at the Horgan's Quay development.

- States that high quality residential development is essential to serve the office accommodation under construction in the area.
- The development will help meet the growing demand for high quality centrally located city living spaces. Research by Cork Chamber identifies that the lack of delivery of city centre accommodation is a top threat to business growth. It is 12 years since a large scale apartment development has been completed in the city centre.
- Under Project Ireland, Cork will need 27,300 new housing units. The site is located in very close proximity to public transport connections and the development is consistent with the objectives of the NPF.
- Welcome the developer's engagement with leading international tall buildings experts to ensure the building is appropriate for its context. Note a number of other tall buildings in planning for Cork.
- The development will develop an underused strategic site and enhance the successful regeneration of the City Docklands.

## 8.0 Planning Authority Submission

8.1 In compliance with section 8(5)(a) of the 2016 Act the Planning Authority for the area in which the proposed development is located, Cork City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on the 23<sup>rd</sup> of December 2019. It summarises the observer comments as per section 8(5)(a)(i) and the views of the Elected Members of the Metropolitan Council as per section 8(5)(a)(iii). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

### Principle

- The principle of residential use is generally acceptable under the zoning objective for the site. Provision of café/bar/restaurant uses at ground floor welcomed. Density and plot ratio is considerably in excess of the Development Plan standards for the City Centre.

## **Residential Amenity**

- In terms of residential amenity, note that no balconies/winter gardens or other separate amenity spaces are indicated. Where private amenity space is stated to be provided, all such space is located within the main living area of the apartments. Only 64% of the units are provided with this additional floor space. There is a concern that the level of residential amenity provision is lacking.
- The only meaningful communal open space to be provided is at roof level. It is a concern that during windy weather these spaces will not be usable. Concern regarding the public plaza at street level and whether it provides an adequate setting and usable amenity space for a building of the scale proposed. Consider that the Board should impose a special contribution condition requiring a financial contribution towards the provisions of upgrades to the public realm in the vicinity of the site. Notes that significant indoor amenity provision is provided.

## **Architectural Heritage**

- The Conservation Officer notes that whilst the demolition of the property is regrettable, there is no objection in procedural terms. It was decided not to make this building a protected structure in 2013. The retention and re-use of the protected structure is welcomed.

## **Building Height**

- The City Development Plan does not identify the subject site as either a Landmark or Focal Site for the development of a Tall Building. It is considered that the site is identifiable as a local node, marking a significant road intersection. Whilst the site has some potential to be marked in terms of additional height, a serious question arises as to whether the site is an appropriate location for a 25 storey landmark tall building.
- The scale and massing of the development represent a significant departure from the established scale/massing and character of the area. It is acknowledged however, that the context of the immediate area is changing given recent developments. The development strategy for the site should consider its context which includes the adjoining Navigation Square

Development.

- The development must also be considered in the context of the Urban Development and Building Height Guidelines. Notwithstanding SPPR 3, it is considered that the provisions of the Cork City Development Plan relating to building height should be central to any assessment.
- As the site has not been identified as one of the four appropriate locations for a tall building in the Docklands area in the City Development Plan, there are serious considerations in terms of assessment of the suitability of this particular site and providing justification for its provision under SPPR3 of the Guidelines. Of particular concern are its impacts on protected views and panoramic viewing points, including its ubiquitous design and impacts on the prominence of existing, identifiable landmark buildings of character in the cityscape and also the desirability of a tall building at this location when it has not been identified through the City Development Plan process. Its location within an ACA and impact on protected structures are also key considerations.

### **Visual Impact**

- The site is visually prominent. Considers that the development impacts negatively on a number of key views including View AR1 (St. Nicholas Church) from Horgan's Quay, LT26 (from High Street Bridge to St. Luke's), LT28 (from Summerhill South to St. Luke's) and Elizabeth Fort. The proposal may set a precedent of further tall buildings. Notes concurrent application for a 34 storey building on the Custom House/Bonded Warehouse Site. Question whether the proposed development may compete in architectural and visual terms.
- Note the cumulative assessment carried out. Consider that there is a great danger in the manner that various Tall Buildings are being proposed and that a very ad-hoc outcome will result which will be detrimental to the skyline, character and heritage value of Cork City. The Port of Cork site is considered to be an iconic site in locational terms and if a 'Landmark Tall Building' is to be successful on the site, there is a question to be asked in terms of the appropriateness of locating a 25 storey building within a short distance of it, with the main visual rationale for same being the proposal for a cluster of Tall Buildings. It is the opinion of the Planning Authority that Tall Buildings tend to

work better in visual terms where locational issues are thought through and in a Plan Led approach with the benefit of all Strategic Views and alternative Tall Building locations being comprehensively considered. Note that the Planning Authority intends to progress the development of a Tall Buildings Strategy imminently.

### **Urban Design/Building Design**

- It is considered that the proposed 12 storey element is problematic in visual terms and the building should be reduced in height and articulated in terms of its design to reflect the lines of the adjoining Navigation Square building.
- The City Architect's report concludes that the subject site is a corner site on an exit route from the city, at the interface of the existing city centre, comprising 'The Island' and associated retail and commercial core and emerging dockland areas, consequently this site can act as a transition area from the old city to new city and make an entrance gateway from the airport via the N27 link route. A cluster of tall buildings is emerging and the proposed development is a suitable addition and location.
- The City Architect considers the development to be an appropriate design solution for the city. The form of the tower at 24 storeys is an elegant solution and works well within the overall composition of 11 and 8 storeys and there is no objection to the proposal. The City Architect considers the development to be a welcome addition to Cork City's architecture.

### **Transportation and Mobility Issues**

- The Transportation and Mobility Engineer and the Road Design Engineer recommend that on site car parking should be omitted. Consider that the applicant's acknowledgement of the sites attributes of location and proximity to Cork City Centre and also their commitment to sustainable development is meaningless with the associated proposal to provided 62 no. car parking spaces. It is also recommended that car parking be omitted to reduce loading on the current transport network. Recommend that bins should be collected at basement level.
- Notes that traffic travelling east will have to cross the contra flow bus lane in



order to access the ramp entrance. This may present potential road safety issues. The removal of the current vehicular access is welcomed. Concern that cyclists will have to share access with vehicles. Road signage, markings and public footpath will need to be altered as part of provision of the vehicular access point on Albert Quay. Exact details to be agreed with Cork City Council.

#### **Part V**

- No objection in principle to the Part V proposal.

#### **Fire Safety**

- A number of concerns raised in relation to fire safety.

#### **Drainage**

- The Drainage Engineer is satisfied with the proposed finished floor level of 3.8mOD for the new buildings and acknowledge the constraints affecting floor levels in the existing buildings. The proposal to defend these buildings using 3.8mOD using demountable flood defences is acceptable. The development satisfies the criteria in the Justification Test.
- Notes that there is a high probability of contaminated land being encountered on the site and a condition should be imposed requiring the applicant to outline how soil and dewatered groundwater will be monitored and tested and what measures will be taken in the event of contamination being encountered, both in terms of soil disposal and dewatering activities.
- Satisfied that the development can be carried out without affecting the integrity of any European site.

#### **Water**

- Raises a number of detailed technical matters.

#### **Archaeology**

- The desktop survey and site inspection are detailed informative and considered adequate. The site is considered to be of archaeological potential and an appropriate condition is recommended.

## **Childcare**

- Cork City Childcare have submitted a report noting concern regarding the lack of availability of childcare places in the locality, particularly given the expansion in employment nearby.

## **Planning Conditions**

- The Planning Authority recommends 46 conditions. Conditions are generally standard in nature. Of note are the following:

Condition 4: Omission of car parking

Condition 14: Public realm works

Condition 21: Pedestrian provision

Condition 22: Vehicle cross over to Albert Quay entrance

Condition 23: Site investigation works

Condition 33: Emergency Management Plan for flood events.

Condition 46: Financial contribution for Cork Suburban Rail project

## **Views of Elected Members**

- Generally in favour of development.
- Some concern regarding demolition of Sextant Pub and that consideration should be given to the retention of the façade.
- Questioned the adequacy of the extent of car parking provision, however, acknowledged the proximity of the development to sustainable alternatives.

## **9.0 Prescribed Bodies**

9.1 The applicant was required to notify the following prescribed bodies prior to making the application:

1. The Minister for Culture, Heritage and the Gaeltacht
2. The Heritage Council
3. An Taisce
4. Irish Water

5. National Transport Authority
6. Transport Infrastructure Ireland
7. Irish Aviation Authority
8. The Operator of Cork Airport
9. Cork City Childcare

9.2 Four bodies have responded and the following is a brief summary of the points raised.

**Department of Culture, Heritage and the Gaeltacht (02.12.2019)**

- Notes that the site lies outside the zone of archaeological potential but may be considered to be of Industrial Archaeological significance associated with the ongoing development of the Medieval City.
- There are extant railway buildings within the proposed development site which are considered to form a distinctive group of surviving 19<sup>th</sup> century structures within the City.
- The Department recommends that archaeological monitoring be carried out as a condition of planning permission.

**An Taisce (02.12.2019)**

- The present proposal would represent a significant adjustment to the skyline of Cork City and is contrary to all current Cork City Development Plan 2015-2021 policies in regard to the siting of tall buildings in the area, specifically that tall buildings should be avoided on the city centre island and along the north and south river channels. Consider that the development is a material contravention of the plan.
- The building would have multiple adverse visual impacts on a range of protected CDDP views, on prospects and setting of significant heritage buildings and nearby protected structures and on vistas across the skyline of the city.
- The development would have a direct impact on the character of the city and on the distinctive low lying urban grain of the City Centre.

- The development would be an unacceptable intensification of development. The impact on the context and setting of Custom House Docks at the eastern end of the City Centre Island would be intensive and overbearing.
- The demolition of the Sextant Pub is a loss of historic community fabric. The building has a regional architectural rating and makes a significant contribution on a key corner site. A replacement building on this site should respect the surrounding heights and urban grain.
- Consider that the commercial elements of the proposal should be the subject of a separate planning application.

#### **TII (05.11.2019)**

- No observations.

#### **Irish Water (03.12.2019)**

- Confirm that subject to a valid connection agreement being put in place between IW and the development, the proposed connection(s) to the Irish Water network(s) can be facilitated.

### **10.0 Planning Assessment**

10.1 I have had regard to all the documentation before me, including, *inter alia*, the report of the Planning Authority; the submissions received; the provisions of the Cork City Development Plan 2015; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations; the Record of Section 5 Consultation Meetings; Inspector's Reports at Pre-Application Consultation stage and Recommended Opinions; together with the Notice of the Pre-Application Consultation Opinions. I have visited the site and its environs. The following are the principal issues to be considered in this case:

- Principle of Proposed Development
- Architectural Approach and Public Realm
- Height, Density and Visual Impact
- Material Contravention
- Residential Amenity
- Conservation and Heritage Impacts

- Traffic and Parking
- Drainage and Flooding
- Other matters
  - Part V
  - Childcare Facilities

## 10.2 Principle of Proposed Development

10.2.1 Having regard to the nature and scale of development proposed, namely a 201 unit build to rent apartment scheme with associated commercial uses (1,340 sq. metres), I am of the opinion, that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.2.2 The proposed development is on a site at a key sustainable location in the City Centre. It forms part of an evolving new district characterised by a mix of high density and high quality commercial and residential development. The site is zoned Z02: *'City Centre Commercial Core Area'* where the objective is *'to support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area (apart from comparison uses)'*. I consider that the development is entirely consistent with the zoning objective and will secure the regeneration of a key brownfield site located in close proximity to existing public transport infrastructure including Kent Railway Station and Parnell Bus Station. The development will also ensure the adaptation and re-use of two dilapidated and underutilised protected structures which will be a significant conservation benefit and result in a positive impact on the streetscape.

10.2.3 I note that the applicant has submitted a detailed Justification Report in support of the development. The report details the changing demographic profile of the city and the demand for high quality and sophisticated rental units in the city centre. There is little to cater for this market in terms of current stock and few build to rent schemes. It notes that there is a particular shortage of suitable accommodation to address the needs of large multinational companies in Cork as well as the housing demands from the employees of the considerable office stock constructed in the vicinity of the site in recent years such as the Navigation Square, Horgan's Quay and Penrose Dock

developments. Existing schemes such as the Elysium are under considerable demand. It is detailed that the private rental sector is growing and that presently there is a total of 13,000 private rented households in the city accounting for 26% of the population. In this context, increasing levels of demand are likely given current low levels of supply.

## **Conclusion**

10.2.4 I am satisfied that the proposal will contribute positively to addressing the acute shortage of apartment development in the wider Cork City area and will provide much needed high quality apartments to cater for local demand. The development of residential accommodation will also bring vitality to the area, enhance the land use mix and complement that extensive amount of commercial development that has been constructed in the vicinity. The development would in my view be entirely consistent with the overarching objectives of the National Planning Framework in promoting compact urban growth on a key strategic site in Cork City Centre. I conclude that the principle of development is acceptable, is in accordance with the zoning objective, policies and strategic goals of the Cork City Plan and in line with national policy ensuring the delivery of residential development on a prime, underutilised site in a highly accessible location, in a high quality, well designed scheme.

## **10.3 Architectural Approach and Public Realm**

### **Architectural Approach**

10.3.1 A detailed rationale for the architectural and urban design approach is set out in the application documentation including a statement regarding the design evolution, an Urban Design and Tall Building Statement and an Architectural Design Report. A number of different massing and height options were considered and tested for the site. Different design palettes were also considered as were treatments of the façade including the tower pinnacle. Visual impact testing was undertaken early on in the project to determine the optimal architectural response to the site. 48 short, mid range and long distance views were identified and tested. This testing was used to calibrate the height and massing and inform the design.

10.3.2 The subject site occupies a pivotal waterfront site at the junction of Albert Street and Albert Quay East. The site marks a transitional area between the core city centre

and the Docklands of Cork. It is an area that is undergoing significant regeneration with a number of sites in the vicinity being redeveloped for high density mixed use schemes. The urban design strategy for the site has largely been influenced by the sites location as a gateway between the city and Docklands and also by the fact that there are two protected structures on the site that need to be sensitively incorporated into the proposal. As detailed further below (section 10.7), the conservation strategy for the site is to retain the two protected structures but to demolish the Sextant pub. The removal of the pub provides the opportunity for the new build element to step away from the heritage buildings and create a new public space.

10.3.3 It is detailed that other key urban design principles considered in the architectural design include: creating a well connected site with enhanced permeability; integrating with the mixed urban grain; creating attractive urban spaces; provide animation to streets with active ground floors; create attractive urban spaces; and create an appropriate landmark building with a distinct and elegant design. The tallest element of the scheme, the new 25 storey tower is located to the northwest corner of the site where the site addresses the river crossing. The building then steps down to respect the lower scale of adjoining development to the south. I note the varying massing studies undertaken by the applicant as well as the different slenderness ratios considered for the tower and I am satisfied that there is a clear rationale for the final design strategy adopted. Particular regard was had to the slenderness ratio of the tower in order to ensure an elegant composition of buildings and the development proposes a uniformly square plan with a slenderness ratio of 3.75: 1. I consider that the geometry and proportions of the building are well designed and considered.

10.3.4 In terms of the building itself, it is stated by the applicant that the design aims to combine distinctive yet complimentary components to create a cohesive and balanced composition. The façade treatment is based on an analysis and interpretation of the details, proportions and materials in the surrounding area with the intention to provide simple yet finely detailed elevations. Variation in the rhythm between the horizontals in the façade will help provide visual interest. The primary materials will be reconstituted stone frames into which high quality aluminum framed glazing systems will be fitted. A neutral colour palette of white and grey is proposed.

10.3.5 The development will significantly enhance the quality of the streetscape and animation at street level. A new café unit is proposed at the corner of Albert Street and Albert Quay and the adaptation and reuse of Carey House and the former railway buildings will provide further commercial uses including offices, bar and restaurant.

### **Public Realm**

10.3.6 The development provides for the upgrade of the public realm surrounding the site. The footpath is to be widened with provision of landscaping and planting and cycle parking. A new urban courtyard is proposed at ground floor level. This essentially creates a new street through the site with potential to connect through to the Navigation Square development. The space is to be landscaped to a high standard with trees, wall climbers, planters and planting beds. Integrated timber seating will be provided throughout. Historic features including the old rail tracks, pillars and gates are incorporated into the landscape design strategy. Access to the courtyard is also provided from Albert Quay.

10.3.7 I note the concerns of the PA regarding the design and extent of this space and that it may not provide an adequate setting and usable amenity space for a building of the scale proposed. The design of the urban courtyard is undoubtedly corporate. However, I acknowledge the sites constraints including the two protected structures which are to be retained and the need to create a viable footprint for the development. The scheme provides a variety of active ground floor uses including cafes and restaurant. I am satisfied that these new amenities coupled with the proposed courtyard will provide a satisfactory and high quality public realm and sufficient level of amenity to future occupants. I also note that this space is not the sole external amenity space serving the development and future residents will have access to two large roof terraces.

### **Conclusion**

10.3.8 The scheme is contemporary in its approach. I am satisfied that there is a clear rationale to the overall urban design strategy and massing proposed. The appropriateness of the height and visual impact are assessed separately below. However, I consider that the design of the tower is acceptable and has an appropriate slenderness ratio and composition. The massing is well considered and



appropriately stepped down to the lower scaled and finer grain buildings to the south. The design is simple, elegant and robust. High quality materials are proposed throughout and the development will significantly enhance the public realm. Internally the development will provide a high standard of accommodation and communal amenities for future residents. The new urban courtyard at ground level provides an appropriate buffer and separation between the old and new elements of the scheme. The adaption of the protected structures and their re-use for commercial functions will add considerable animation of the streetscape and positively contribute to the character and vitality of the area.

10.3.9 The PA have objected to the 12 storey element of the scheme stating that this should be lowered to reflect the lines of the adjoining navigation Square building. I note however, the extensive massing studies undertaken by the applicant and consider that this element provides an appropriate transition between the tower and existing commercial developments to the south. I note that no objections to the proposal have been raised by the City Architect. The report acknowledges that the site is a suitable location for a high building and an appropriate design solution for the city. It further states *“the architectural language chooses is of a rational design approach, the form of the tower at 24 storeys is an elegant solution and works well within the overall composition of 11 and 8 storeys”* and that it is considered the development is a welcome addition for Cork City’s architecture. I consider that the development will assimilate well with the emerging pattern of development in the area, is an appropriate location for a tall building and overall, will provide a high quality, attractive landmark building on a key strategic site in the city. I am also satisfied with the information before me with regards to the issue of the treatment of the public realm and landscaping and I note that a high quality scheme is proposed in this regard.

#### 10.4 **Density, Height and Visual Impact**

##### **Density**

10.4.1 The development has a very high density in the order of 526 units per hectare. Paragraph 16.42 of the City Development Plan states that:

*“The residential density of developments in central and inner suburban (pre-1920) areas of the city will normally be higher than 75 dwellings per hectare responding to*

*the nature of their context, and are more likely to be controlled by other considerations.”*

10.4.2 This site is located in close proximity to the city centre and is served by high quality public transport nodes. I am satisfied that whilst the density is high, it is appropriate in the context of the sites location within the built up environs of Cork City Centre and the need to ensure that the development and design achieves a sustainable and efficient use of development land on such a strategic brownfield site. The density of the scheme, however, is largely driven by the overall height of the scheme. This is considered further below.

### **Height**

10.4.3 The Urban Development and Building Heights Guidelines, adopted in December 2018, critique the use of “generic maximum height limits” as potentially undermining the quest for more compact urban areas. A new approach to assessing increased building height is advocated.

10.4.4 Specific Planning Policy Requirement (SPPR) 1 states the following:

*“In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the NPF and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.”*

10.4.5 Concerns have been raised by the PA regarding the height of the proposal. They consider that the development is somewhat premature in the absence of a Tall Buildings Strategy for the city and it is considered that this approach to the siting of tall buildings may lead to an unacceptable visual impact and ad-hoc results in terms of the location of tall buildings in the city. It is stated that it is the intention of the PA to progress the development of a Tall Buildings Strategy imminently, although I note that no timeframe for the completion of such a study is detailed.

10.4.6 Further guidance is set out in Section 3 of the Guidelines regarding building height and the development management process. This notes that when assessing individual planning applications, there is a presumption in favour of buildings of

increased height in our town and city cores. It is stated that whilst cognisance of the development plan must be taken, the plan must take clear account of the requirements set out in Chapter 2 of the guidelines and align with the policies and objectives of the NPF. Local Authorities are required in their plans to be more proactive and flexible in securing compact urban growth.

10.4.7 Whilst I note that current City Plan contains detailed policies regarding tall buildings and what are considered appropriate locations for such increased height, the plan predates the current Guidelines. I am not satisfied that the plan fully aligns with the core objectives of the National Planning Framework and note the comments from the PA that further work is ongoing in this area with the publication of a tall buildings strategy pending. The current city plan limits heights in the city centre and promotes tall buildings only within specified locations within South Docklands.

10.4.8 In the absence of a new height strategy, I consider that it is prudent to consider the acceptability of the proposal in the context of the specific Development Management Criteria set out in section 3 of the Height Guidelines. With respect to applicants proposing taller buildings, criteria are set out that specify considerations that are to be addressed at the scales of the relevant city/town, district/neighbourhood/street, and site/building. SPPR 3A goes onto state the following:

*It is a specific planning policy requirement that where;*

*1. An applicant for planning permission sets out how a development proposal complies with the criteria above: and*

*2. The assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set in the NPF and these guidelines;*

*Then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.*

10.4.9 The applicants have set out a detailed case in support of the proposed building height, including a number of detailed studies and assessments. A specific assessment of the scheme against the criteria set out in the Building height Guidelines is set out in the Statement of Consistency.

10.4.10 Key points from these assessments can be summarised as follows:

- Strategic assessment and sensitivity mapping of the appropriate locations for tall buildings in Cork having regard to factors such as character areas, heritage designations, topography, protected views, transportation hubs and regeneration areas shows that the areas that are sensitive to tall buildings are concentrated in the west of the city centre, on elevated land and in suburban areas. Areas to the east of the city and Docklands are considered less sensitive to tall buildings. The City-Harbour Interchange area (in which the site is located) and the Docklands are considered the principal areas in Cork where tall buildings would be appropriate, although the former is considered the optimal location due to its accessibility.
- There are precedents for taller buildings at this location including the recent permission for the Prism. Note that these tall buildings have been permitted notwithstanding that they have not been identified in the policy map in the City Development Plan. Grouping and clustering of tall buildings within a tightly controlled spatial area will help bring together the more disparate taller elements of the Elysian building and the Prism on the skyline. The proposal is situated in an area with an emerging highly urban character that has the capacity to assimilate a tall building as proposed.
- Development will become a symbol of regeneration and a catalyst for further regeneration of the area. It will create a new focus of activity and support the vitality of the area. It will help deliver economic growth.
- The architectural design is distinctive and of the highest quality and the building will have a landmark function. It will enhance local legibility and contribute to place making.
- The site is located at the interface between the city centre and the Docklands. It is strategic site and an important node having regard to its prominent point on the waterfront; its location on the final principal river crossing before South Docks; its siting at the arrival point of the South Link Road which connects the city centre with the N40 and the airport.
- The development will contribute to the intensification of the city centre. It will significantly add to the residential population of the city centre and regenerate a brownfield site. It will ensure the reuse of two protected structures and protect

and enhanced existing heritage assets. The development has excellent public transport accessibility. Permeability and connections will be enhanced.

- The visual impact assessment identifies no negative impacts. 48 no. views considered. Having regard to other proposals for high buildings in the vicinity, the development will make a meaningful and positive contribution to the formation of a tall buildings cluster. It will reinforce the identity of the City Harbour Interchange area.
- Environmental impacts in terms of sunlight and daylight and wind have been considered and no material adverse impacts arise. Flood Risk Assessment and Justification Test undertaken and development satisfies the criteria. The design approach will ensure minimal overshadowing. Scheme is fully compliant with BRE guidance. The development will not impact on telecommunication channels. There will be no impact to bats or birds. Consultation with IAA has indicated that the maximum elevation of the building is below the elevation of Cork Airport and there will be no impact to flight procedures. A full Conservation Report and Architectural Heritage Impact Assessment undertaken as has an Archaeological Assessment.

10.4.11 I have reviewed all of the information submitted with the application. I note the detailed sensitivity analysis undertaken by the applicant and would concur that the subject site is at a pivotal location between the historic city centre and the Docklands area. The potential visual impact of the development is considered further below, however, I am satisfied that the subject site represents an appropriate location for a tall building. I consider that the site functions as a gateway to the Docklands area and clearly functions as an important node at the intersection of two strategic routes, the N27 that links with the Airport and the main access route into South Docklands. This coupled with its waterfront location will mean that the building will be highly visible and this has the potential to act as a district landmark and enhance legibility in the city.

10.4.12 I have considered the proposal in the context of the criteria set out in the Building Height Guidelines. I note the applicant's detailed assessments which I consider thorough and robust. I am satisfied that the development accords with the criteria in the guidelines and that a compelling case for a high building has been made for the

subject site. I also note the consideration of the City Architect with regard the proposal and the view that the proposal exhibits a well considered design, would add to the variety of building typologies in Cork City Centre and would act as a local landmark improving the legibility of the City. In this regard, I consider the height of the development to be appropriate and in accordance with the proper planning and sustainable development of the area.

### **Visual Impact**

10.4.13 The proposed building will undoubtedly be visible and have a visual impact. I note that significant concerns have been raised by the Planning Department that the scale and massing of the development represents a significant departure from the established scale and character of the area. Particular concerns have been raised regarding views 4, 5, 25, 26, 36 and 41 and that the development is detrimental to the skyline, character and heritage value of Cork City. It is also considered by the PA that the development impacts negatively on a number of key views in the city and that key features on the city skyline such as church spires are adversely impacted. It is stated that the development may set a precedent for further tall buildings and that the development needs to be carefully considered in the context of the legibility of the city. It is stated that tall buildings in the city are being proposed in an ad-hoc manner in the absence of a plan led approach and that the proposal may compete with other tall buildings on the skyline including the proposal for a 34 storey hotel on the adjacent Port of Cork site.

10.4.14 In support of the application, a detailed visual impact assessment has been submitted. This includes a detailed assessment of the development from a total of 48 view points with photomontages of the proposal. A cumulative assessment has also been undertaken which considers the scheme in the context of approved developments as well as an assessment in the context of approved and proposed developments. I have reviewed the various view points chosen to assess the visual impact and consider them comprehensive and representative of a broad range of locations to enable a thorough evaluation of the scheme. A 3D simulation of the scheme has also been prepared to demonstrate how the development will assimilate with the surrounding built environment.

10.4.15 It is evident from the assessment that the higher tower element of the scheme will be visible from a number of locations across the city. It is detailed in the assessment that it is considered that the development will have a significant beneficial impact and that the design achieves this through that fact that it is located in a strategic position; that the elevational treatment is restrained in terms of architectural language and expression; that an appropriate slenderness ratio is achieved; that the square plan of the tower element produces elevations of identical proportions and bilateral symmetry; and that the shoulder elements of the building works to relate the landmark scale of the tower to the massing of the quay frontage.

10.4.16 The proposed development will in my view, be a dramatic intervention in the skyline of Cork. It will undoubtedly have a significant visual impact. I do not however, consider that this impact will be adverse. As noted above, a cogent case has been set out by the applicant justifying a building of this height and scale at this location. I consider that the design is well conceived and will make a positive contribution to the city marking a key strategic location in the transitional zone between the core city area and Docklands. In terms of potential impact on existing heritage buildings, the building will be prominent and read as an unmistakable modern intervention in the city. It will have a striking contrast to the existing low scale railway buildings and clearly distinguish between the old and the new. The development will function as a landmark due to its height, and profile and pivotal location. It will in my view enhance the cityscape and streetscape of Cork City centre.

10.4.17 With regard to the PA's view regarding cumulative impacts, I do not consider that the development sets a precedent. Any future proposals must be considered in their own right. In my view, the design approach is not ad-hoc and a clear rationale is set out in architectural and urban design terms regarding the overall scale, height and massing of the proposal. The building cannot be viewed in isolation. It is one of an emerging cluster of high buildings at this location, notably the Elysian and the Prism. The subject development is located between these towers and would concur with the applicant's assessment that it will help establish a central focus in this cluster and unify it as an aesthetically pleasing composition on the skyline. I note the concerns of the PA that the development may compete in architectural and visual terms with the proposed 34 storey hotel development on the Custom House/Bonded warehouse site which is considered by the PA to represent an iconic site due to its location

where the two channels of the River Lee meet the eastern tip of the City Island. Whilst I note that this building does not have the benefit of planning permission, I would again concur with the applicant's assessment that if permitted, this building would assume a central position in the cluster. The proposed tower would be subordinate to the Custom House tower and support the cluster composition by mediating its height through visually stepping up and reinforcing the centre. This arrangement is clearly demonstrated in figure 4.10 of the applicant's Urban Design and Tall Building Statement.

## **Conclusion**

10.4.18 In conclusion, I am satisfied that the development would be a welcome addition to the city's urban fabric. It is a well-conceived design and a clear rationale and justification has been set out for a building of this magnitude at this location. The CGI's, photomontages, visual impact assessment and 3D animation as well as the range of other supporting documentation submitted with the planning application indicates that the impact of the proposal on the Cork City will be generally positive and I consider that no particular material adverse impacts arise.

10.4.19 The building will be one of a cluster marking the city harbor interchange and gateway to the Docklands. I am satisfied that the massing and height of the tower at this location and design quality exhibited is appropriate and acceptable. The retention and integration of the Station buildings into the proposed development strengthens the character and historical significance of the site and enables a more human scale along the streetscape at a localised level. The active ground floor uses will enhance the vitality and viability of the area. I am satisfied that the proposed development would make a positive contribution to the skyline of Cork city become part of a new emerging cluster of tall buildings. It is sufficient architectural quality, will create a local district landmark and will have no significant adverse visual impacts.

## **10.5 Material Contravention**

10.5.1 The applicant has set out that the proposed development contravenes the Cork City Development Plan 2015 with respect to building height and the policy set out in section 16.34 of the plan which states that tall buildings will be resisted in areas of special and/or significant character in the city i.e. Architectural Conservation Areas. The applicant has submitted a statement of Material Contravention in accordance



with Section of 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.5.2 The applicant also sets out that it is proposed to demolish the Sextant Bar.

Reference is made to objective 9.30 of the Cork City Development Plan 2015 in respect of Demolition in Architectural Conservation Areas. This objective states that demolition of a structure in an Architectural Conservation Area will in principle only be permitted in an ACA where parts of a structure are considered not to contribute to the special or distinctive character of the ACA. I have examined this objective and note that it is not prohibitive but is discretionary and allows for the demolition of buildings in certain circumstances where certain criteria are met. I note the detailed justification set out in the application documentation in support of the demolition of the pub. This matter is assessed further in section 10.7 below. I am satisfied given the nature of the objective set out in section of the 9.30 of the plan that it is not prescriptive in nature and that compliance with such a policy is open to interpretation. I do not, therefore, consider this issue should be assessed as a potential material contravention of the Development Plan.

10.5.3 Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the Development Plan, the Board may grant permission where it considers that:

*(i) the proposed development is of strategic or national importance,*

*(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,*

*or*

*(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,*

*or*

*(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

- 10.5.4 The subject development proposes a building ranging from 8 to 24 storeys located within the Albert Quay, Albert Road, Victoria Road Proposed Architectural Conservation Area. The applicant sets out a detailed case as to why the proposed development is appropriate notwithstanding the policy set out in section 16.34 of the plan that tall buildings will be resisted in ACA's. The applicant points to a number of conflicting policies and objectives in the City Plan regarding appropriate locations for tall buildings. The applicant also sets out that a number of applications for higher buildings have been granted or are proposed in the vicinity of the development. It is submitted that the development is consistent with these proposals.
- 10.5.5 It is also detailed that it is considered that the tall building can be justified in the context of prevailing national and regional planning policies which actively promote increased heights and densities on centrally located sites in urban areas. The applicant makes reference to the specific objectives of the NPF including policy objectives 1b and 3b which encourages densification and compact growth. Reference is specifically made to the Urban Development and Building Height Guidelines and SPPR3A which details that tall buildings are to be assessed against a number of performance criteria and that the Planning Authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. The applicants provide a detailed assessment of how the development complies with the criteria for assessing building height at the scale of the city/town; district/neighbourhood/street and scale of the site/building.
- 10.5.6 I note the Material Contravention statement and the arguments put forward by the applicant in favour of the development. The current application has been lodged under the strategic housing legislation and the proposal is considered to be strategic in nature. I note the policies and objectives within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites within existing urban areas.

I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations. It recognises the need for our cities and towns to grow upwards, not just outwards. I have had particular regard to the development management criteria, as set out in section 3.2 of these Guidelines, in assessing this proposal. I also note the extent of permission granted and for further proposals for tall buildings in the vicinity of the site as detailed in the applicant's Material Contravention Statement.

### **Conclusion**

10.5.7 I conclude that the Board can grant permission for the development having particular regard to the 2018 Urban Development and Building Heights Guidelines for Planning Authorities. I am satisfied that the Board is not precluded from granting permission in this instance with regard to the provisions of section 37(2)(b).

### **10.6 Residential Amenity**

#### **Housing Quality**

10.6.1 The proposed development is Build To Rent scheme and provides a mix of units including 93 no. 1 bed apartments, 20 no. 2 bed (3 person) apartments, 84 no. 2 bed (4 person) apartments and 4 no. 3 bed apartments. Whilst I note under the Sustainable Urban Housing – Design Standards for New Apartments Guidelines, there is no restriction on dwelling mix for BTR schemes, having regard to its city centre location, I am satisfied that the proposed development would provide choice and flexibility to persons in an area where there is a limited extent of housing stock of this type and in particular, to those where home ownership may not be a priority.

10.6.2 Unit size is also acceptable and all units are in excess of minimum standards. Under the guidelines, it is a requirement that 33% of units are dual aspect. A total of 103 units or 51% are dual aspect. The number of north facing single aspect units is limited to one per floor from level 1 to level 11. In all instances, the unit is orientated towards the river, so that it has a pleasant aspect. In terms of ceiling height, the units meet the requirements with a 2.4m height in all the bedrooms and 2.7m height in the living area. Units on the 1<sup>st</sup> and 2<sup>nd</sup> floor have ceiling heights of 2.7metres. There is a total of 3 cores across the development. In the tower, the core serves a maximum

of 5 units per floor. The remainder of the development has a maximum of 10 units per core. A Building Life Cycle Report has been submitted in accordance with section 6.13 of the guidelines.

- 10.6.3 In terms of storage, 83% of the units meet the required amount of storage. The deficit in area is estimated to be c. 37 sq. metres. I note that the guidelines allow for some flexibility in terms of storage space for BTR schemes. To supplement the shortfall in storage space within individual apartments, additional storage is proposed at basement level with an area of c. 120 sq. metres. This is considered acceptable.
- 10.6.4 Section 5 of Sustainable Urban Housing: Design Standards for New Apartments (2018), specifically deals with build-to-rent developments. In particular, SPPR8 is noted with regards to degree of flexibility allowable in terms of private amenity space. It is stated however, that the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents enjoy an enhanced overall standard of amenity. It is detailed in the application documentation that provisions have been made within 64% of the units for internalised private amenity to the required area adjacent to the main living space within the unit and sliding doors with Juliette balconies are provided. The remaining 36% of units have no private amenity space but are to be compensated through the provision of some additional floor area within the unit and the provision of a Juliette balcony as well as 2 large external shared amenity roof terraces. It is further stated in the application that projecting balconies were not seen as particularly appropriate due to the height and potential exposure of the tower element and a desire to achieve a cohesive and elegant façade design. The option of defining the internal amenity area with a screen that could remain open or closed was also explored (see Private and Communal Amenity Design Report). It was concluded however, that the screens would fragment the open plan layout and were unlikely to be left closed thus making their requirement redundant. It is proposed that there is a change in floor design and provision of feature lighting within the units to define the amenity space.
- 10.6.5 I note that some concerns have been raised by Cork City Council regarding the extent of private amenity space proposed and whether a satisfactory standard of amenity will be provided for future residents. I would concur that the approach adopted by the applicants does not provide an external private amenity area in the conventional sense. Essentially what has been provided for in a large number of the

units is a larger apartment unit to compensate for the fact that an external amenity space such as a balcony is not provided for. The proposed Juliette balconies are not functionally usable and the internalised amenity area will read as part of living space. Notwithstanding this, I note that the guidelines do allow for a derogation on amenity standards where it is demonstrated that residents will enjoy an overall enhanced standard of amenity. I also note that the proposed development has a particular design aesthetic and that the provision of projecting balconies may undermine the overall architectural approach and elegance of the tower.

10.6.6 The scheme also provides extensive communal facilities with a variety of additional amenities provided for throughout the development including the provision of reception/concierge facilities, lounges, work/study space, dining area, games area, cinema room, library/lounge area and gym/fitness suites. The penthouse level provides additional dining, lounge and media spaces (275 sq. metres). In total, 1,459 sq. metres of shared residential amenities are proposed which equates to c. 7.2 sq. metres per apartments. Residential support facilities in the form of a laundry of 120 sq. metres is also provided at basement level. The adaptation of the protected structures will provide additional café, restaurant bar space. The extent of additional commercial floorspace proposed is 1,340 sq. metres. In addition, the scheme provides for external amenity areas. At ground floor level a new public plaza is proposed. Roof terraces of 167 sq. metres and 458 sq. metres are proposed at ninth and twelfth floor. Both roof terraces will be landscaped to a high standard and surrounded by glazed guarding. The total area of external amenity is c. 2,560 sq. metres which equates to c. 12.7 sq. metres per unit.

10.6.7 On balance, having regard to:

- the nature of the development which is a BTR scheme and the guidance set out in the apartment guidelines that flexibility can apply in relation to a proportion of the private amenity space;
- the fact that larger apartment sizes with generous floor to ceiling heights are proposed;
- that an additional internal area is proposed which equates to the required amenity standard in 64% of the units;
- the extensive amount of internal and external communal amenities which will play an integral part in the satisfaction of tenant life;

- the architectural aesthetic of the building which projecting balconies may undermine;
- the prime city centre location of the site and the range of facilities and amenities in proximity;
- that in this instance the flexibility adopted with respect to the provision of private amenity space is acceptable.

10.6.8 In conclusion, I am satisfied that the development will provide a satisfactory standard of residential amenity to future residents and that the development is consistent with the guidance set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities.

### **Sunlight and Daylight**

10.6.9 A detailed sunlight and daylight assessment accompanies the application. The methodology set out in the report is considered to be robust. The report demonstrates that the proposed development is generally in line with the BRE recommendations set out in the document BRE Site Layout Planning for Daylight and Sunlight. A sample of the worst case apartments were assessed on a number of floors including first, third and fifth floor level. The results indicate that all of the internal spaces exceed the Average Daylight Factors set out in the guidelines. In terms of the external amenity areas including the roof terraces and public plaza, 93% would receive at least 2 hours of sunlight.

10.6.10 As assessment of potential impacts on residential properties in the vicinity of the site was also carried out including the existing apartment scheme on Albert Street and residential properties on Albert Road. The resultant VSC values all exceed the BRE recommendations and the points tested all have a vertical sky component of at least 27% or not less than 0.80 of the existing situation. An assessment was also undertaken regarding potential impacts of the development on the walkway along the River Lee and it is demonstrated that no material adverse impacts are likely to occur.

10.6.11 In conclusion, I am satisfied that the development will provide a satisfactory standard of amenity in terms of sunlight and daylight and will have no adverse impacts in terms of overshadowing to adjoining residential properties or amenity areas.

## **Wind**

- 10.6.12 Due to the height of the proposed tower a detailed wind assessment has been carried in support of the application to determine if the development would have any adverse microclimatic effects both on the pedestrian environment at ground level and on the proposed roof terraces and their functionality as amenity areas.
- 10.6.13 The report details that the critical wind direction for the development in terms of pedestrian comfort are the south and west. Generally speaking, it is anticipated that the development is likely to provide a comfortable environment for pedestrians and its occupants suited to its intended use. Albert Street will experience windy conditions and additional mitigation measures are proposed to reduce adverse effects. Focused wind mitigation measures have been incorporated onto the design such as provision of canopies and landscaping measures. With the implementation of these, wind conditions along Albert Street will be within the walking range and, therefore, suited to their intended use.
- 10.6.14 In terms of public spaces and amenity areas, wind conditions in the public realm will be in the standing to walking range. Wind conditions at entrances will also be within the standing range and suitable for their intended use. Within the courtyard amenity area at ground floor, wind conditions are expected to be in the standing and walking range. It will not be particularly suitable for sitting conditions, however, with the implementation of further mitigation such as landscaping, sitting conditions could be facilitated. The roof terraces are anticipated to have an appropriate wind environment and suitable for their intended use during the periods where the terraces are likely to be occupied during the year. The proposed 1.6m balustrade in conjunction with landscaping treatments will help alleviate adverse wind effects. It is noted however, that these spaces are not suitable for use during high winds and a management strategy will be implemented to restrict access to these areas during high wind events.
- 10.6.15 I am satisfied that whilst the development may result in some localised adverse wind impacts, in general these will not be material and the public realm and proposed amenity spaces will function in accordance with their intended use.

## **Conclusion**

10.6.16 Having reviewed the detailed housing quality assessment and other technical reports submitted with the application, I am satisfied that the development will provide a satisfactory standard of residential amenity for future occupants. The apartment units are generally designed to a high standard and meet or exceed all of the qualitative and quantitative standards set out in the guidelines with the exception of private amenity space. The scheme however, will provide a significant amount of communal floorspace with additional amenities and facilities to compensate for this. I am also satisfied that the development will not have any material adverse impacts on the amenities of adjoining residential properties as a result of overlooking or overshadowing.

## **10.7 Conservation and Heritage Impacts**

10.7.1 The subject site accommodates a number of buildings of conservation interest including:

- The former Cork, Blackrock and Passage Railway Offices – Protected Structure Ref. No. RPS 1137. This building is also a Recorded Monument – CO074-119002.
- The former Blackrock and Passage Railway Terminus Ticket Office – Protected Structure Ref. No. PS 1138.
- The Albert Road Post Box – Protected Structure Ref. No. RPS 9423.
- The Sextant Pub – rated as being of Regional Importance on the NIAH.
- The subject site is also located in the Albert Quay, Albert Road, Victoria Road proposed Architectural Conservation Area.

10.7.2 The application documentation sets out a detailed history of the buildings of conservation interest as well as that of the Cork, Blackrock and Passage Railway Company.

10.7.3 The complex of buildings comprises 5 main elements and include the station offices, the booking hall, the station building, the yard and the Sextant Public House. The station offices comprise a two storey building aligned north south along the east side of Albert Street and was designed by Sir John Benson, Cork City Architect. It opened in 1873 and is rates as being of Regional Interest on the NIAH database. The



building has been refurbished as offices and is in multiple occupancy. Some rooms have been modernised. Adjacent to this, is the booking hall which comprises a single storey/single bay building that curves around the corner. The building has also undergone some modifications over the years including the fenestration. It is currently used for storage. Imbedded in the wall of the booking hall is a working wall mounted cast iron letter box which is protected and rated of regional importance. It is one of only 12 such letterboxes surviving in Britain and Ireland.

- 10.7.4 The station is a single bay/single storey building containing the public concourse, platforms and railway tracks. It is aligned east west along the north side of Albert Road and is considered to be of Regional Interest on the NIAH. The building retains its original roof trusses.
- 10.7.5 Within the curtilage of the building is the station yard. This has been concreted over. To the north west corner of the yard, is a pair of ashlar limestone piers which frame a former pedestrian entrance into the yard. These are original features of the station complex. Inside the entrance to the yard from Albert Quay is a 5.1m length of the former railway line. It comprises two curved 1.6m gauge steel tracks bedded in square and rectangular stone setts. Adjoining the line, is a tall ashlar limestone gate pier. The rubble masonry wall along the east side of the development site is shown on the 1892 OS maps running between the station building and Albert Quay. The top of the wall has been heightened in mass concrete to form the eaves of a modern pitched roof store.
- 10.7.6 The Cork, Blackrock and Passage offices, booking hall and station building is considered to be of significant historical and technical interest as surviving railway buildings. They have a social significance due to their role on Cork's extensive 19<sup>th</sup> and early 20<sup>th</sup> century rail system and substantial architectural significance due to their design and associated with Sir John Benson, one of Cork's most significant 19<sup>th</sup> century architects. The buildings play a significant role in the streetscape and character of the area.
- 10.7.7 The proposed development provides for the conservation, adaptation and re-use of the protected structures on the site. These buildings are considered to be of greater architectural and historical significance than the Sextant Pub. In terms of the railway office, no changes will be made to the building form and all surviving internal and

external fabric will be retained. It will be conserved for office use. The ashlar limestone gate piers and wrought iron gates to the north will be salvaged and reinstated.

- 10.7.8 During the construction phase, the Railway Office Building and the Railway Terminus and Ticket Offices will be used for on site construction facilities including offices, meeting rooms, shower rooms, canteen etc. I note the existing use of these buildings primarily for the storage of construction materials. I am satisfied that the temporary use during the construction phase will not have a negative impact on the historic fabric of the buildings. It is proposed that these buildings will be retained and reimagined as part of the proposed development for bar/restaurant use. The original and early building fabric surviving in the building is to be retained and repaired in accordance with the conservation architects specifications. The exposed roof structure will be retained as a feature in the new bar/restaurant. The post box will be retained and repaired. Surviving railway tracks and limestone setts will be salvaged and reused in the landscape strategy. The stone boundary wall is also to be salvaged and re-used.
- 10.7.9 The Sextant is a prominent three storey public house located at the corner of Albert Quay and Albert Street which opened in 1877. In the mid 1890's, 3 no. two bay/three storey houses were added at its south end but these were subsequently partly demolished in 1912. The building is rated as being of Regional Importance on the NIAH. It is however, not a protected structure. It is proposed to demolish this building in its entirety. There have been a number of objections to the demolition of the building from third parties.
- 10.7.10 There have been modifications to the fenestration and the interior of the pub has been substantially altered in the recent past. The building retains little of its original internal historic character. The exterior retains its distinctive canted entrance bay and applied mouldings, but it has lost its original timber sash windows and has a modern roof structure. It is set out in the application documentation that it is considered that the Sextant makes a less significant contribution to the present environment as it is a building of relatively modest architectural design. The structure has been substantially altered and the remaining historic fabric is not of particular significance. The development of more recent larger urban scale buildings in the vicinity of the Sextant have diminished its role and contribution to the streetscape.

10.7.11 The submission from Cork City Council states that it is the view of the Conservation Officer that the demolition of the Sextant is regrettable but in principle is acceptable. It is noted that efforts were made in 2013 to include the building in the Record of Protected Structures, but it was determined that the building did not warrant inclusion on the grounds that it was of insufficient merit. The building is undoubtedly attractive and in my view makes a positive contribution to the streetscape due to its external elevational treatment. I accept however, that the building has undergone substantial alteration and little of its original historic interior remains. I would concur that it is of less significance in architectural and conservation terms than the other protected structures on the site. I also note that the rear elevations of the building are poor and the demolition of the building will provide an opportunity for the comprehensive redevelopment of the site. The overall development strategy for the site brings many positive conservation impacts including the successful adaptation and reuse of the more significant railway complex buildings. The reuse of these buildings is in accordance with best conservation practice and will make a significant contribution to the overall quality of the development. The proposal will also have a major beneficial impact on the remaining industrial character of the ACA.

### **Conclusion**

10.7.12 In conclusion, I am satisfied that the conservation strategy for the site is acceptable. Whilst the loss of the Sextant Public House will be a significant impact, due to the fact that it is not a protected structure and has undergone significant intervention and alteration, I am satisfied that a refusal on the grounds of conservation are not warranted. I concur that the contribution of the Sextant to the overall character of the surrounding streetscape and ACA has largely diminished due to the alterations that have occurred to the building itself and more recent developments that have occurred in the vicinity. I recommend that a condition is attached requiring a record of the building to be submitted to the Irish Architectural Archive.

## **10.8 Traffic, Access and Parking**

### **Traffic and Access**

10.8.1 A further assessment of the traffic impact of the development is set out below in section 11. It is proposed to rationalise vehicular access to the site by removing the existing access off Albert Street and maintaining access for cars and cyclists to the

basement via a ramp from Albert Quay. The traffic assessment carried out details that the traffic generated by the development is estimated to be 31 no. two way movements in the AM peak and 81 no. new two way movements in the PM peak hour. It is envisaged that the proposed development will generate low percentage increase in flows of 0.9% with the exception of Albert Quay East and West where a maximum increase of 3.4% during the PM peak is anticipated.

10.8.2 A detailed assessment of the impact of the development on 9 junctions in the vicinity of the site was undertaken by the applicant. In a number of instances existing junctions are experiencing capacity issues 'without development' scenarios during both the AM and PM peaks and will continue to do so in the 'with development' scenarios. It is stated that the network to the north of the proposed development will generally operate within capacity. The network to the south and west experience capacity issues in all scenarios as the network is operating near or over capacity at peak times currently, it is sensitive to change and effects on individual junctions vary based on the operation of upstream or downstream junctions.

10.8.3 Objections to the proposal have been raised by the Traffic Department of the Council on the basis that junctions in the vicinity of the site are operating over capacity in the network and that the development will contribute to the further degradation of the capacity of these junctions. It is recommended that parking should be removed to reduce the loading on the current transport network. The matter of parking is addressed further below, however, I am of the view that given the relatively limited extent of parking proposed and the likely trip generation rates, that the impact of the development on the carrying capacity of the local road network is unlikely to be material. In this regard, whilst the development may result in some additional traffic generation during peak hours, its impact in the context of wider issues of congestion is likely to be negligible and a refusal on the grounds of traffic impact is not warranted.

### **Car and Bicycle Parking**

10.8.4 The proposed development is served by 62 no. car parking spaces. No visitor parking is proposed. Under the Cork City Development Plan, the maximum allowable parking for the proposed development is 205 spaces. SPPR 8 of the Design Standards for New Apartments – Guidelines for Planning Authorities (2018)

with respect to car parking notes that with regard to Build to Rent proposals that *“there shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services.”* Concerns have been raised by the Transportation Department of Cork City Council regarding the quantum of parking proposed and it is suggested given the location of the site and in the interests of promoting sustainable travel patterns, that the proposed development should have zero car parking.

10.8.5 It is detailed by the applicant that the proposed parking provision is 30% of the maximum car parking provision of the City Development Plan and equates to 0.3 spaces per residential unit and that this quantum is a minimal or significantly reduced level of parking in the context of SPPR 8. Further support for the level of parking is provided by Savills and Absolute Property Management who note that there is a need for car parking provision to serve residential development in the city centre to enable professionals to park where they live. It is also contended that a reduced level of parking would affect the viability of the scheme. The submissions by some third parties in support of the development also submit that some level of parking provision is appropriate.

10.8.6 The sites central and accessible location, within walking distance of the city centre, proximity to Kent railway station (intercity rail services) and bus station (with suburban regional and National Bus Eireann services) are noted. The site can be defined as a Central Accessible Location in accordance with the categorisations set out in the 2018 Apartment Guidelines. A detailed Mobility Management Plan is submitted with the application. A number of measures are detailed to promote use of more sustainable transport nodes.

10.8.7 Whilst I note the concerns of the Planning Authority that the level of parking proposed undermines applicant’s commitment to sustainable development, I consider that a balanced approach must be taken with regard to the level of parking proposed and I am of the view that there is a case to provide a limited amount of car parking for the purposes of car storage. It is envisaged that a proportion of the residents may have the requirement to have a car parking space. I consider that the level of parking proposed is modest. I also note the Board’s recent decision with respect to a residential development located Horgan’s Quay – ABP Reference

305278. Whilst the Inspector recommended that the level of parking be reduced from 50 no spaces to 22 no. spaces, this condition was not adopted by the Board. Having regard to this previous decision in close proximity to the site and the overall quantum of parking proposed which is significantly less than that required under the City Plan, I am satisfied that the quantum is appropriate, would not have an adverse impact on the promotion of sustainable travel patterns and would be consistent with the guidance set out in the apartment guidelines under SPPR 8. 402 cycle parking spaces are proposed which is considered acceptable.

### **Conclusion**

10.8.8 The development is to be located in an existing built-up urban area, where cycle and pedestrian facilities are good. Public transport is available in close proximity. The proximity of the site to the city core is noted. I consider that there will be limited increased traffic as a result of the proposed development. Whilst it is acknowledged that there is congestion on the local road network in the vicinity of the site, given the limited extent of parking proposed and likely trip generation, having regard to the location of the site within an urban area on zoned lands, I do not have undue concerns in relation to traffic or transportation issues. Having regard to all of the above, I have no information before me to believe that the proposal would lead to the creation of a traffic or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

### **10.9 Site Services and Flooding**

#### **Surface Water Drainage**

10.9.1 It is proposed to utilise an existing outfall to the River Lee located at the junction of Albert Quay and Victoria Road. On site attenuation with a storage volume of 50 m<sup>3</sup> is also proposed limiting the outflow from the site to 20 l/sec. It is also proposed to provide a new 375 diameter sewer across Albert Quay East with an outfall to the River Lee. Rainwater from the roof areas will outfall into the rainwater harvesting tank located in the basement. Surface water will be discharged through a class 1 bypass oil interceptor.

## **Foul Drainage**

10.9.2 Foul sewer outfalls are to connect directly to the existing 1800mm diameter sewer on Albert Quay. No objection to the proposals have been raised by Cork City Council or Irish Water and it appears there is adequate capacity to cater for the development.

## **Water Supply**

10.9.3 There is a 250mm diameter water main on Albert Quay. There are 3 no. hydrants in the vicinity of the development and an additional hydrant is proposed on Albert Quay. It is also proposed to provide a new 100mm diameter connection to the 250mm diameter water main on Albert Quay to serve the proposed development. All new water main connections will be undertaken to the requirements of Irish Water. Irish Water have raised no objections to the proposal.

## **Flooding**

10.9.4 A site specific flood risk assessment has been submitted with the application. This identifies that the northern part of the site is located within Flood Zone A and B. The southern part of the site is within Flood Zone C. The site is considered to be at risk of both fluvial and tidal flooding from the River Lee.

10.9.5 To minimise the risk of flooding a number of mitigation measures are proposed. These include that the proposed buildings will have a minimum finished floor level of 3.8m. The protected structures on the site will be defended to 3.8m OD using demountable flood defence barriers. Ramped vehicular access to the basement will be provided from Albert Quay East. The crest of the ramp shall be set at 3.8mOD. The entrances to the southern building from both Albert Street and Albert Road will be protected using demountable flood defences. The proposed drainage system for the development will incorporate non-return valves to minimise the risk of sewer flooding or floodwater backing up through sewers. All service ducts and utilities penetrating the defence line will be sealed. In the event of an extreme flood event an emergency response plan will be implemented details of which are set out in section 7.1 of the SFRA. It is noted that the Lower Lee Drainage Scheme is currently advanced, and when constructed, will provide protection to properties in the study area from the 1 in 100 year fluvial and 1 in 200 year tidal flood events plus an allowance for freeboard. The site of the proposed development is within the

defenced area of the scheme and thus it will be offered a high standard of protection when it is completed.

- 10.9.6 Having regard to the location of the site partly within Flood Zone A, a Justification Test is provided in accordance with section 5.1 of the Flood Guidelines. I am satisfied that the development is consistent with the criteria set out therein.

### **Conclusion**

- 10.9.7 I note that this is a serviced, appropriately zoned site at an urban location. I am satisfied that the drainage and services strategy to the site is adequate and note that no objections to the proposals have been raised by either Cork City Council or Irish Water. Furthermore, the flood risk assessment is considered robust and I am satisfied that adequate measures have been put in place to minimise the risk of flooding to the site.

### **10.10 Other Matters**

#### **Part V**

- 10.10.1 I note the Part V details submitted, together with the report of the Chief Executive of the Planning Authority in this regard. The Housing Department have not expressed concerns in relation to this matter. I have no issue with the proposal in this regard.

#### **Childcare**

- 10.10.2 It is noted that a childcare facility is not proposed in this application. A Childcare Needs Assessment accompanies the application. I note the arguments put forward by the applicants. It is detailed that having regard to the profile of the accommodation and census data, that the development will potentially result in 15 no. pre-school children. Using the national percentage of pre-school children who are cared for in a crèche/Montessori facility, than theoretically, only 3 no. childcare spaces would potentially be accommodated at the proposed development. The submission from Cork City Childcare notes that the subject site would be a suitable location for a childcare facility and that there is a lack of childcare available in Cork City Centre. It is acknowledged however, that the development in its own right may not generate a significant need for childcare. Having regard to the information before me, in particular with regards to the build-to-rent nature of the development and the mix of units proposed, the majority of them catering to one and two person



households, I consider that the lack of such a facility to be acceptable in this instance.

## 11.0 Environmental Impact Assessment

### 11.1 Introduction

11.1.1 This section sets out an Environmental Impact Assessment (EIA) of the proposed project. The subject application comprises a housing development of 201 no. units on a site of 0.38ha ha. Under Section 172 of the Planning and Development Act 2000, as amended, a planning application which comes within a class of development specified under Schedule 2 of Part 5 of the Planning and Development Regulations 2001, as amended, requires that an Environmental Impact Assessment is carried out for the project type proposed. The relevant classes of development are under Part 2 (10) (b) (i) and (iv) of the Schedule relating to:

(i) *“Construction of more than 500 dwelling units”*

and

(iv) *“urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built up area and 20 hectares elsewhere.”*

And Part 14

*“Works of Demolition carried out in order to facilitate a project listed in Part 1 or part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”*

The proposed development does not meet the thresholds specified under Part 2 (10) (b) (i) and (iv). It is stated by the applicant that given the scale of the existing buildings, the demolition works themselves are not likely to have significant effects on the environment. Notwithstanding this, having regard to Class 15 of Part 2 of Schedule 5 which addresses sub threshold EIA, the applicant has prepared an EIA Screening Report which concludes that, having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), the potential to affect cultural heritage sensitives in the area cannot be ruled out, Therefore, a subthreshold EIA has been prepared. Having regard to Article 102 of

the Planning and Development Regulations, I propose to complete the EIA section of this report.

11.1.2 This application was received by the Board on the 29<sup>th</sup> of October 2019 and, therefore, 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. The application also falls within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as the application was lodged after these regulations coming into effect on the 1<sup>st</sup> of September 2018.

11.1.3 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 application. A summary of the results of the submissions made by the Planning Authority, prescribed bodies and observers, has been set out above. This EIA has had regard to the application documentation, including the EIAR, the observations received and the planning assessment completed in section 10 above. The main issues raised specific to EIA can be summarised as follows:

- Impacts to landscape.
- Impacts to architectural and cultural heritage.
- Impacts to biodiversity.
- Impacts to water.

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

11.1.4 I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality. I note the qualifications and expertise demonstrated by the experts involved in the preparation of the EIAR which are set out in in Table 1.3 of the EIAR. The information contained in the EIAR generally complies with article 94 of the Planning and Development Regulations 2000, as amended.

## 11.2 **Content and Structure of EIAR**

11.2.1 The EIAR consists of three volumes. Volume 1 comprises a non-technical summary (NTS). The NTS is concise and written in a language that can be easily understood by a lay member of the public. Volume 2 is the main EIAR Report. Chapters 1 to 6 provide an introduction to the project and the planning policy context. These chapters also set out the alternatives considered, detailed description of the proposal and the construction strategy. Chapter 7 addresses traffic and transportation. Chapters 8 and 9 address air quality and climate and noise and vibration. Chapter 10 sets out an assessment of biodiversity. Chapters 11 and 12 deal with archaeology and architectural and cultural heritage. Chapter 13 provides a detailed assessment of townscape and visual impact. Chapters 14 and 15 address land, soils, water and hydrology. Chapter 16 addresses resources and waste management, Chapter 17 population and human health and chapter 18 material assets. Chapter 19 addresses major accidents and disasters. Chapter 20 considers cumulative and interactive effects and chapter 20 provides a summary of mitigation and monitoring measures.

11.2.2 The EIAR provides a description of the project comprising information on the site, design of the development and other relevant features of the project. No specific difficulties are stated to have been encountered in compiling the required information or in carrying out the assessment. No likely significant adverse impacts are identified in the EIAR. I am satisfied that the participation of the public has been effective and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

## 11.3 **Vulnerability of Project to Major Accidents and/or Disaster**

11.3.1 The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. The EIAR specifically addresses this issue in Chapter 19. The nearest Seveso site is Gouldings Chemicals Ltd. which is located c. 1.3km to the east. It is noted that such sites are heavily regulated by the relevant enforcement agencies. As a result the likelihood of major accidents and or/disasters is considered extremely unlikely.

11.3.2 The proposed development has been designed and will be constructed in line with best international current practice and, as such, mitigation against the risk of major

accidents and/or disasters is embedded through design. In line with building regulations and health and safety laws, appropriate fire detection and abatement systems will be installed throughout the site. Potential risks during the construction phase will be managed through the Construction and Environmental Management Plan.

- 11.3.3 The proposed development is located within an area at risk of flooding. An assessment of this issue is set out in section 15 of the EIAR and appropriate mitigation measures recommended. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. It is considered that having regard to the nature and scale of the development itself, it is unlikely that any major accident will arise. There are unlikely to be any effects deriving from major accidents and or disasters.

#### 11.4 **Alternatives**

- 11.4.1 Article 5 (1) (d) of the 2014 EIA Directive requires:

*“(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;”*

- 11.4.2 Annex (iv) (Information for the EIAR) provides more detail on ‘reasonable alternatives’:

*“2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for electing the chosen option, including a comparison of the environmental effects.”*

- 11.4.3 The matter of alternatives is addressed in Chapter 3 of the EIAR. Alternative locations, alternative designs and alternative processes are considered. Alternative locations considered include the city centre, Docklands and Tivoli and suburban and rural Cork. A detailed rationale for the subject site is set out including its location in a transition area between the City Centre and the Docklands; its proximity to existing and proposed high density development; the opportunity to maximise the efficient

use of underutilised land and the potential to conserve the built heritage assets of the site.

11.4.4 In terms of alternative designs, it is noted that the design of the development evolved over a number of iterations, responding to environmental consideration and advice and direction from the Planning Authority and the Board at the pre-application consultation stage. Environmental matters such as amenity space, permeability and connections, impact on built heritage, protected views, sunlight and daylight and transportation have influenced the design strategy. Table 3.2 sets out a detailed consideration of the environmental considerations that were taken into account in considering alternative designs. Plates 3.2 and 3.3 demonstrates the various slenderness ratios considered and plates 3.4 and 3.5 consider the alternative massing and colour arrangements considered.

11.4.5 With regard to alternative processes, it is detailed that it is not considered relevant to the EIAR having regard to the nature of the proposed development. I am satisfied that the issue of alternatives has been adequately addressed in the application documentation, which is to be considered by ABP as the Competent Authority in the EIA process.

## 11.5 **Likely Direct/Indirect Significant Effects**

11.5.1 Article 3 of the EIA Directive 2014/52/EU requires the consideration of the following in the EIAR:

- Population and human health.
- Biodiversity, with particular attention to the 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.
- The interaction between the factors referred to in points (a) to (d).

11.5.2 The likely significant direct and indirect effects of the proposed development are considered under the following headings:

- Population and Human Health
- Biodiversity
- Land and Soil

- Water
- Air Quality and Climate
- Noise and Vibration
- Material Assets including Traffic and Transportation
- Cultural Heritage
- Landscape and Visual Impact
- Interactions

## 11.6 **Population and Human Health**

11.6.1 The human beings section of the EIAR sets out the existing demographic profile of the area and an assessment of existing facilities including community service facilities, education and childcare, health and well being, open space and recreation and cultural. During the construction phase, in terms of land use, there will be no severance of land, loss of rights of way or amenities as a result of the proposed development. There is potential for negative impacts to human beings during the construction phase from construction activities. Mitigation measures to address such potential impacts are set out in other sections of the EIAR including the noise and air quality sections. A Construction and Environmental Management Plan will be prepared prior to work commencing on site.

11.6.2 It is envisaged that the development will have positive economic impacts and during the construction phase, there will be approximately 100-120 people working on the site. There will also be substantial off site employment and economic activity associated with the supply of construction materials and provision of services. During the operational phase, the provision of additional homes will have a positive impact on the population of Cork City contributing to the city's growth in a compact manner and accommodating a substantial portion of the planned population growth of the town. No negative residual impacts are anticipated.

### **Conclusion**

11.6.3 I have considered all of the written submissions made in relation to human beings. I am satisfied that the impacts identified would be avoided, managed or mitigated by measures forming part of the proposed scheme, proposed mitigation measures and measures within suitable conditions. I am,

therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of human beings.

## 11.7 **Biodiversity**

- 11.7.1 A series of baseline surveys were undertaken to inform the biodiversity chapter of the EIAR including habitat surveys, bird and bat surveys and a mammal survey. I am satisfied with the extent and methodology of the surveys undertaken. The site is not located within any designated nature conservation area. Two European sites, the Cork Harbour SPA and the Great Island Channel SAC occur within a 15km radius surrounding the project site. A full assessment of potential impacts on Natura 2000 sites which have a potential link to the development site are set out in the Appropriate Assessment in Section 12 below.
- 11.7.2 The surveys reveal that there are no high value habitat receptors within the project site. The project site consists entirely of buildings and artificial surfaces. The buildings and artificial surfaces are of low ecological value. No fauna such as bats or bird are supported by the structures on site and vegetation is extremely limited within the site. The Albert Quay Wall to the north of the project site is an example of the habitat - Sea Walls, Pier and Jetties. No rare species are supported by the quay wall and it is considered to be of low ecological value.
- 11.7.3 The section of the River Lee to the north of the site is an example of a Tidal River and acts a natural corridor and supports a number of protected species such as otters, grey seal and harbour seal. It also functions as an ecological corridor for Atlantic Salmon and Brown Trout as well as other species including lamprey and European eel and provides an important link between the estuarine, coastal and oceanic feeding grounds for these species and their spawning beds further upstream. The River Lee estuary is a habitat of national ecological importance.
- 11.7.4 There is no evidence of protected terrestrial mammals and the site provides a low value habitat for fauna. There was no evidence of otter within or immediately bounding the project site. Following a review of aerial mapping for the project site and the surrounding field survey completed at and adjacent to the site, no high value bat foraging or commuting habitat was identified. The absence of vegetated structured habitats and the high night

time light levels surrounding the site limits its suitability to support bats. The loft space within Carey's Tool Hire warehouse does not provide suitable roosting conditions for bats. No bat activity was recorded within either of the loft spaces of the Sextant public house and the former Railway Office building. The SM4 detectors were left insitu within each of the lofts for 12 nights and no bat activity was recorded during the surveys. It is considered that no structures on the site function as bat roosts and do not support any roosting bats. In terms of birds, the site is considered as being of low sensitivity.

- 11.7.5 During the construction phase, there is potential for negative impacts to the Cork Harbour SPA and Great Island Channel SAC. These potential impacts are considered in detail in section 12 of the report – Appropriate Assessment. The potential impacts arise from the discharge of contaminated surface water from the project site to the River Lee which may result in perturbations to water quality associated with aquatic fauna. Such discharge also has the potential to negatively impact on pNHAs downstream including the Great Island Channel pNHA.
- 11.7.6 It is not envisaged that the project will result in any loss of Tidal River or Sea Wall habitat occurring to the north of the site nor will it have any adverse impact on terrestrial fauna as the site does not support any ground dwelling or Volant mammal fauna.
- 11.7.7 Noise will be generated during the construction phase. It is envisaged however, that noise generated during the construction phase will be within acceptable noise levels for wetland bird species within 20m of the source of construction. Given that there is no important foraging or roosting habitat for wetland bird species occurring in the vicinity of the project site, it is considered that the disturbance of birds within a 20m radius of the site during the construction phase will not represent a significant disturbance effect to wetland species.
- 11.7.8 During the operational phase of the development no impacts in terms of habitat loss of terrestrial fauna are envisaged. There is potential for impacts to aquatic fauna from contaminated surface water run off entering the River Lee.



- 11.7.9 The cumulative impacts of the development are considered, including cumulative impacts to water quality within the River Lee Estuary downstream of the project.
- 11.7.10 The EIAR sets out a comprehensive range of mitigation measures to protect surface water quality during the construction and operational phases of the project. Specific measures are set out regarding proposed dewatering works. Ongoing monitoring is proposed to confirm that only clean water is being discharged from the dewatering wells to the River Lee. 4 no. external standpipe piezometers will be installed. A number of detailed construction management measures are also proposed and the mitigation measures will be incorporated into a final Construction Environmental Management Plan.
- 11.7.11 During the operational phase, surface water from the basement area will be discharged through a Class 1 oil interceptor. An attenuation tank will be installed and will limit outflow from the site to 20l/s. The design measures will ensure that surface water is adequately treated for hydrocarbons and will eliminate any risk of polluted surface water being discharged from the project site during operation.
- 11.7.12 With the implementation of these mitigation measures during the construction and operational phases there will be no residual impacts to any designated conservation areas or Natura 2000 sites. Nor is it anticipated that there will be any residual impacts to habitats, flora or fauna.

### **Conclusion**

- 11.7.13 I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the impacts identified would be avoided, managed or mitigated by measures forming part of the proposed scheme, proposed mitigation measures and measures within suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of biodiversity.

### **11.8 Land and Soil**

- 11.8.1 Site levels vary across the site. A geo environmental investigation was carried out in 2019 with 2 boreholes. The material encountered in both in general consisted of concrete hardstanding on made ground overlying sandy/gravelly silt overlying medium dense coarse gravel or medium dense coarse sand. Medium strong grey massive Limestone rock was encountered

at between 20 – 22m. Soil samples examined indicated no hazardous material. In some instances, it was noted that the material exceeded inert limit values and that further investigations will be required when the site is cleared prior to construction.

- 11.8.2 During the construction phase there will be work below existing ground levels including piling and dewatering works as well bulk excavation. Excavated material will be disposed at an appropriate licenced waste disposal site. Approximately 20,000m<sup>3</sup> of soil will be excavated.
- 11.8.3 A number of mitigation measures are set out in relation to soil during the construction phase. These include use of silt traps; good housekeeping including the containment of spillages; bunding for silos and oil containers; use of wheel washers and dust suppression measures. Ground water levels external to the basement perimeter will be monitored by 4 piezometers to ensure there is no excessive drawdown. All mitigation measures will be incorporated into a final Construction Environmental Management Plan. No significant residual effects are anticipated.
- 11.8.4 I note that the submission from Cork City Council notes that there is a high probability of contaminated land being encountered on the site and a condition should be imposed requiring the applicant to outline how soil and dewatered groundwater will be monitored and tested and what measures will be taken in the event of contamination being encountered, both in terms of soil disposal and dewatering activities. The site investigations undertaken to date in respect of the EIAR are limited due to the fact that the site has not been cleared. This is acknowledged in the EIAR. Whilst there may be further pockets of contamination across the site, I am satisfied that their removal and any potential impact on dewatering activities can be addressed by way of condition and the implementation of a Construction Environmental Management Plan prior to the commencement of construction on site.

### **Conclusion**

- 11.8.5 I have considered all of the written submission made in relation to land and soil. I am satisfied that the impacts identified would be avoided, managed and/or mitigated by the measures, which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the

proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of land and soil.

## 11.9 **Water**

- 11.9.1 The subject site is located adjacent to the south channel of the River Lee. The northern part of the site is located within Flood Zone A and B. The southern part is within Flood Zone C. Surface water will discharge to an existing outfall to the River Lee located at the junction of Albert Quay and Victoria Road. Rainwater will outfall into a rainwater harvesting tank located in the basement. It will be necessary to control ground water during the construction phase. This will involve the temporary lowering of the water table within the construction site to enable the construction of the lower basement, upper basement and ground floor slabs. 15 extraction wells will be provided during the excavation and basement construction works in order to temporarily lower the ground water within the site. An outfall during construction will be provided at Albert Quay. Ground water levels external to the basement perimeter will be monitored and water sampled and tested to ensure it remains free of contaminants.
- 11.9.2 During the construction phase there is potential for surface water to be contaminated with hydrocarbons, soil and sediment which could negatively affect water quality. Excess water from dewatering activities which may contain silt/sediment could also enter the River Lee affecting water quality. During the operational phase there is potential for hydrocarbons from the car parking area to contaminate the surface water drainage system and there is also a potential risk of flooding.
- 11.9.3 Detailed mitigation measures are set out in section 15.5 of the EIAR. This includes a number of measures to be implemented during the construction phase to prevent the contamination of the adjacent watercourses from fuel or other hazardous materials. Dewatering works will be undertaken by a specialist dewatering contractor. Specific measures are set out in section 15.5.1.1 to prevent contamination including a sampling point to monitor water quality discharging from the dewatering system. During the operational phase, foul drainage will require to drain through a suitable grease trap/interceptor prior to discharge.

11.9.4 To mitigate against the risk of flooding, minimum finished floor levels are set in order to provide a high standard of flood protection. The basement car park will be defended with demountable defence barriers as will the pedestrian entrances to the southern buildings. The drainage system will incorporate non return valves to minimise the risk of sewers flooding or floodwater backing up through sewers. In the event of a significant forecasted flood event, an emergency response plan will be implemented details of which are set out in section 13.5.5.3 of the EIAR. No residual impacts are anticipated.

### **Conclusion**

11.9.5 I have considered all of the written submission made in relation to water. I am satisfied that the impacts identified would be avoided, managed and/or mitigated by the measures, which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of water.

## **11.10 Air Quality and Climate**

### **Air Quality**

11.10.1 Baseline air quality is assessed having regard to existing air quality monitoring undertaken by the EPA and equate to Zone B – Cork Conurbation. No site specific air quality monitoring has been undertaken. However, considering the character of the site, I consider the existing baseline data carried out by the EPA as sufficient to undertake the assessment of potential impacts. A detailed outline of existing baseline conditions is set out in an Appendix to the EIAR (Volume 3). The proposed development would be considered an area of Medium Sensitivity as there are a limited number of sensitive receptors within 20m of the site. There are no sensitive ecological receptors in close proximity to the site.

11.10.2 During the construction phase there is potential for dust emissions from earthworks and construction activities. The most common impacts are dust soiling and increased ambient PM10 concentrations. There is also potential for impacts from asbestos and other pollutants during the demolition of buildings on the site. It is considered that impacts from construction traffic is likely to be negligible due to low volume of

construction traffic associated with the development.

11.10.3 During the operational phase the principal potential impact to air quality is from additional traffic generated by the development. It is noted however, that the anticipated volumes of traffic would not alter significantly from current traffic in the area.

11.10.4 A number of mitigation measures are set out to control potential impacts during the construction phase. These include general dust management measures including the installation of Bergerhoff dust monitoring gauges to be installed for the duration of the project, demolition techniques, construction management measures etc. A final Construction Environmental Management Plan will be prepared prior to the construction of the development. No residual impacts are envisaged during the construction or operational phase.

### **Climate**

11.10.5 The proposed development will have a positive impact on climate change by reason of a high density residential scheme located in the City Centre/Docklands area which maximises the potential for sustainable transportation modes, contributes to a reduction in urban sprawl and regenerates brownfield land.

### **Conclusion**

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

### **11.11 Noise and Vibration**

11.11.1 An environmental noise survey was conducted in order to quantify the existing noise environment. Three different locations were surveyed. Noise measurements were generally dominated by traffic noise and were generally high.

11.11.2 It is envisaged that the development will generate noise disturbance during the construction phase. This will arise from site clearance, piling, excavation and substructure works, from the erection of buildings and also from construction traffic

accessing and egressing the site. All of the predicted construction noise emission levels at the nearest noise sensitive residential receptors at Albert Road and the Elysian apartments are anticipated to be well below the criterion of 70dB LAeq, 1hr for construction activities during a weekday. Predicted construction noise emission levels at both One Albert Quay and Navigation Square office buildings is also within or consistent with the office building receptor noise criterion of 75dB LAeq, 1hr.

- 11.11.3 A range of mitigation measures are proposed during the construction phase including limiting hours of construction activities, selection of appropriate plant and noise monitoring during critical periods at sensitive locations. It is also proposed that there be continual monitoring of vibration at the adjacent Navigation Square buildings.
- 11.11.4 During the operational phase, noise emissions are anticipated from building services plant and from the proposed bar/restaurant. Potential noise from car parking, the café, deliveries and additional traffic on public roads is also considered but anticipated to be negligible. A range of mitigation measures are proposed in relation to the plant including screening of external plant and anti-vibration mounts on reciprocating plant. In terms of the bar/restaurant, it is proposed that the outdoor smoking area should be located on the north eastern side of the bar to minimise potential noise impact, that live music be limited to certain hours and that the main public entrances are provided with a sound lock lobby.
- 11.11.5 In terms of residual impacts, it is considered that with the implementation of appropriate noise and vibration control measures and monitoring that residual impacts will be minimised. No residual impacts during the operational phase are envisaged.

### **Conclusion**

- 11.11.6 I have considered all of the written submission made in relation to noise and vibration. I am satisfied that the impacts identified would be avoided, managed and/or mitigated by the measures, which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of noise and vibration.

## 11.12 **Material Assets including Traffic and Transportation**

### Traffic and Transportation

- 11.12.1 The existing road networks surrounding the development is primarily a one way system. The junctions in the surrounding road network currently experience short duration saturation, particularly during peak hours. The pedestrian and cycling environment in the vicinity has improved in recent years. Due to the city centre location, the site is in proximity to many public transport services. Vehicular access to the site will be from Albert Quay East. Projected peak period traffic which is expected to be generated by the development is calculated from trip rates derived from the TRICS database. The distribution of traffic is based on existing traffic surveys and commuting data from the Census. The potential traffic generated by the proposed development is estimated to be 31 two way movements in the AM peak period and 81 two way movements in the PM peak.
- 11.12.2 During the operational phase, due to the proposed limited parking provision, it is anticipated that the proposed development will not generate a significant volume of additional vehicle traffic and the majority of trips to and from the development will be undertaken by sustainable transport modes.
- 11.12.3 The impact of the development on the local road network is considered and 9 junctions in the vicinity are assessed using LinSig. The cumulative impact with other committed developments is also considered. It is determined that the development will have a negligible impact on the national road network and the road network immediately surrounding the site, except for Albert Quay where it has a slight to moderate impact. The analysis indicates a generally low percentage increase in flows of 0-0.9% with the exception of Albert Quay East and West where a maximum increase of 3.4% during the PM peak is envisaged due to relatively low baseline flows compared to neighbouring links. During the AM peak, increases on all links are less than 0.8%. Increases on the national road network vary between approximately 0.5% and 0.9% across all assessment years. The development will remove the existing access from the N27 which will reduce traffic impacts on this route.
- 11.12.4 During the construction phase, traffic will access and egress the site via the proposed operational access point on Albert Quay. It is envisaged that during

the peak hour periods, the development would generate approximately 10 HGV trips to and from the site. Construction works are estimated to be 100 to 150 personnel. Parking for staff will be limited. It is anticipated that construction traffic will have a limited impact on the local road network.

- 11.12.5 In terms of mitigation, an Outline Mobility Management Plan is provided and it is detailed that a Construction Traffic Management Plan will be prepared in advance of the construction phase. No residual impacts are envisaged.

#### Waste

- 11.12.6 A waste management plan will be implemented on site to control waste generated. Techniques will be implemented to minimise waste during the construction phase. During the operational phase waste will be segregated.

#### Utilities

- 11.12.7 The potential impacts to utilities including electricity, telecommunications, gas, water services are considered. The site is brownfield in character and serviced. No disruptions to power supply, telecommunications or gas services are envisaged. There is sufficient capacity in the local networks to cater for the development. The site is served by existing water services. Some new infrastructure is proposed to which Irish Water have no objections. Mitigation measures are proposed during the construction phase to ensure no interruptions to existing services and that all services and utilities are maintained throughout. No adverse impacts are predicted. There will be no residual impacts.

### **Conclusion**

- 11.12.8 I have considered all of the written submissions made in relation to material assets, including traffic and transportation, utilities and waste. I am satisfied that the identified impacts associated with operational and construction traffic would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of the operational and construction traffic phases. I am also satisfied that the identified impacts associated with utilities and waste during the operational and construction phase would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation



measures and through suitable conditions. I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of waste or utilities.

### 11.13 **Cultural Heritage**

#### Archaeology

11.13.1 A detailed desktop study was undertaken to inform the assessment. There is one recorded archaeological site within the site comprising the remains of the old Cork, Blackrock and Passage Railway Terminus (Recorded Monument C0074-119002. There are 4 other recorded archaeological sites within 300 metres of the site. All 4 sites comprise extant 19<sup>th</sup> and 20<sup>th</sup> century buildings relating to infrastructural and transport activities. The site is located c. 850m east of the medieval historic core of Cork and c. 800m east of the secondary Zone of Archaeological Potential.

11.13.2 During the construction phase, there is potential for the presence of sub surface archaeological features to be found. No impacts to the recorded archaeological monument on the site are envisaged as the development preserves and renovates this building. There will be no impacts to any of the 4 additional recorded archaeological sites as none adjoin the site.

11.13.3 In terms of mitigation, it is recommended that any future ground works undertaken at the proposed development be subject to an unlicensed archaeological watching brief. This should be undertaken by a suitably qualified archaeologist and should entail regular inspections of ground works and a review of the results of any geotechnical investigations undertaken within the proposed development site. No residual effects are predicted to arise from the development. I note that the City Archaeologist considers the site to be in an area of archaeological potential and recommends monitoring of groundworks, rather than a watching brief. I am satisfied that this issue can be resolved by way of condition.

#### Architectural Heritage

11.13.4 In terms of architectural heritage, the site has a number of heritage designations including:

- The former Cork, Blackrock and Passage Railway office – Protected Structure Ref. No. PS 1137.

- The former Blackrock and Passage Railway Terminus and Ticket Office – Protected Structure Ref. No. PS1138 and Recorded Monument, C0074-119002.
- The Sextant – not a protected structure but rate as being of ‘regional’ heritage interest in the NIAH database.
- The Albert Road Post Box – Protected Structure Ref. No. PS942.

11.13.5 The site is located in the Albert Quay, Albert Road, Victoria Road Proposed Architectural Conservation Area.

11.13.6 A detailed description of the history and condition of the heritage buildings is set out in the EIAR. All of the protected structures retain their original external character and the station is of particular note on account of its intact roof frame. The interior of the Sextant has been substantially altered. Its original windows have been lost and the roof is a modern structure. The CBPR buildings are of significant historical and technical interest as surviving railway buildings, have a social significance due their role in Cork’s extensive 19<sup>th</sup> and early 20<sup>th</sup> century rail system and substantial architectural significance due to their design and association with Sir John Benson, one of Cork’s most significant 19<sup>th</sup> century architects. The Sextant is considered to be of less significance due to its relatively modest architectural design and the fact that it has been substantially altered.

11.13.7 It is proposed to retain, adapt and re-use the two protected structures and demolish the Sextant Pub. It is anticipated that the development will have a temporary slight adverse impact on the former Railway Office during the construction phase as this will be used as part of the on site temporary construction compound. It is detailed however, that the temporary use will not have a negative impact on the historic building fabric. Existing services are to be utilised and no changes will be made to the existing plan form or existing historic building fabric. The building is currently used for the storage of construction materials and the temporary use of the building for site offices during the construction period is compatible with the existing fabric.

11.13.8 The development will generally have a positive impact on the two protected structures. In terms of the former Cork, Blackrock and Passage Railway

Office, no changes are made to the buildings existing plan form and all surviving internal and external historic building fabric is to be retained.

- 11.13.9 In terms of the setting of the structure, it is considered that the height and scale of the development will have a slight adverse visual impact on the protected structure. The site however, is considered to already have a significantly altered architectural context with the development of the Elysian and One Albert Square and Navigation House in the vicinity. Additional efforts to mitigate any negative visual impact by the proposed development have been made by stepping down the rear elements of the new development to moderate the change in scale between the new and old buildings on the site, by fully retaining both Protected Structures, and by holding the new development line well back from the rear facades.
- 11.13.10 The former Blackrock and Passage Railway Terminus and Ticket Office will be retained in its entirety. The existing roof lantern which has been heavily modified is to be reinstated. The exposed roof structure will be retained as a feature in the new bar/restaurant where feasible. The height and scale of the development will have a slight adverse visual impact on the structure, but the impact will be reduced by the full retention of the existing railway buildings with a landscaped open space surrounding them allowing their materials, form and character to remain fully legible. The repair and reuse of the buildings will have a significant beneficial impact on the existing appearance of the buildings which is at present poor.
- 11.13.11 The proposed development will involve the demolition of the Sextant Pub in its entirety which is considered a major adverse impact. The building has undergone significant alteration and its integrity has been compromised. The historic context of the pub has changed considerably. In this context, I am satisfied that its demolition is acceptable. A full assessment of potential conservation impacts is set out in section 10.7 above.
- 11.13.12 The impacts of the development on the Albert Quay, Albert Road, Victoria Road Proposed Architectural Conservation Area are also considered. This area contains extensive areas of undeveloped land, areas undergoing regeneration and redevelopment as well as a large scale former industrial and warehouse buildings. The development forms the north western corner of the proposed ACA. The new buildings have been designed with the

shoulder elements to the rear stepping down to moderate the change in scale with the surrounding 19<sup>th</sup> and early 20<sup>th</sup> century frontage along Albert Street and Victoria Road. Due to the development at One Albert Quay and the Elysian, this part of the ACA has already undergone substantial alteration. The new buildings are of a much larger scale, representing a changing use and character to this part of the city. Having regard to the changing context and recent development in the vicinity, the impact of the development on the proposed ACA is considered minor adverse.

11.13.13 In terms of mitigation, detailed method statements for the protection of the buildings will be prepared by a conservation architect prior to the commencement of works and all works are to be supervised by a conservation architect. Restoration and conservation repair work to historic fabric will be carried out by specialist contractors. The residual impacts of the development are considered to be neutral.

### **Conclusion**

11.13.14 I have considered all of the written submissions made in relation to cultural heritage including archaeology. I am satisfied that the majority of impacts identified would be avoided, managed and/or mitigated by the measures, which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions.

11.13.15 The demolition of the Sextant Public House is a significant negative impact. However, this has to be considered in the context of the overall conservation strategy for the site. The building is not a protected structure and its heritage value has been significantly compromised by numerous alterations over the years. Furthermore, the context and setting of the building has irrevocably been altered. The development will have many significant conservation benefits including the adaptation and preservation of two significant protected structures on the site.

11.13.16 Notwithstanding the negative impact of the demolition of the Sextant Public House, it is considered that the environmental effects would not justify a refusal of planning permission having regard to the overall conservation benefits of the proposed development.

## 11.14 Landscape and Visual Impact

- 11.14.1 The matter of landscape and visual impact is addressed in section 13 of the EIAR – Townscape and Visual. A detailed assessment of the visual impact of the development is set out in section 10.4 above. The assessment in the EIAR focusses on the effects on the character of the landscape arising from the proposed development and secondly the effects of the development on the visual environment and visual amenity.
- 11.14.2 The subject site is located at the junction between Albert Quay East and Albert Street, in an area that is described as transitional between the core business area of the City and the south Docklands. The local area has a mixed character with a number of modern interventions. The site is part of a proposed Architectural Conservation Area and accommodates two protected structures. There are two protected views potentially impacted by the development including LT26 and LT28.
- 11.14.3 In considering the visual impact of the development, a total of 48 viewpoints were considered. These cover a range of locations and I consider the selection to be robust and sufficient to enable a comprehensive assessment to be undertaken.
- 11.14.4 At a macro level, due to its height the development will constitute a significant intervention at this high profile location on an arterial route to the city. It is considered that the development will positively contribute towards the hierarchy of existing and proposed tall buildings in this area of the city. It is stated that the development will positively contribute to the ongoing evolution of this area of the city as a residential and business quarter.
- 11.14.5 At a micro level, the layout provides a plaza space which fronts onto Albert Street and an internal street which loops through the site. The plaza will have a café and an outdoor seating area. Potential for future connectivity to Navigation Square is provided for.
- 11.14.6 The scale of townscape effects to be imposed by the development is classified as High. The new building will be prominent but not substantially uncharacteristic in the context of recent changes to the receiving environment. The development is considered to be a beneficial change at both macro and micro level. While the development will bring significant change in terms of scale and massing, the nature of the change is

compatible with the evolving built environment and thus will complement the setting.

- 11.14.7 In terms of visual impact, the EIAR concludes the development will have a predominantly positive beneficial impact. Undoubtedly the tower will be visible from many locations. The location for a high building is however, considered appropriate as it lies at the interface between the city centre and the docklands in an area undergoing significant change. The articulation of the tower and shoulder facades has a strongly vertical emphasis. It is bilaterally symmetrical. The elevational treatment has been carefully considered in terms of materials and extent of glazing.
- 11.14.8 Some localised negative impacts are identified in section 13.7.2 but these are considered to be mitigated by the overall positive and beneficial aspects of the development. It is considered that residual effects will be positive in both the local and wider townscape environment. The development will sit comfortably in the hierarchy of other tall building that exist or are proposed. In terms of cumulative impacts, the EIAR also assesses the impacts of the development in conjunction with schemes at Horgan's Quay and Clontarf Street.
- 11.14.9 I have considered all of the written submissions made in relation to landscape and visual impact. I am satisfied that the majority of impacts identified would be avoided, managed and/or mitigated by the measures, which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions.
- 11.14.10 The development represents a significant intervention in the landscape. It will be highly visible from a number of vantage points around the city. It will in my view have a significant visual impact. I however, would concur that the impact will be largely positive and the development must be considered as part of an emerging cluster of high buildings at this transitional location between the city centre and the docklands. I consider the site to be an appropriate location for such a building and the design strategy to be acceptable. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of landscape and visual impact.

## 11.15 **Interactions**

11.15.1 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. In particular, there are potential cross effects to human beings from air quality and noise impacts. There is a potential interaction between architectural and cultural heritage and townscape and visual impact from the demolition of the Sextant Bar. The potential arises for traffic to interact with other factors including air and noise (increased levels of dust and noise). The details of all other interrelationships are set out in Chapter 20, which I have considered.

11.15.2 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, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the approval for the development on the grounds of significant effects as a result of interactions between the environmental factors.

## 11.16 **Cumulative Impacts**

11.16.1 While some cumulative effects may arise from the proposed development together with existing and permitted developments, I am satisfied that these would be avoided, managed and mitigated by the measures which form part of the proposed development and through suitable conditions.

## 11.17 **Reasoned Conclusion**

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

### **Population and Human Health**

The development will have positive economic impacts in terms of job creation and spin off benefits. It will have a positive impact on the population of the city, provide additional homes and consolidate the urban area. Potential negative impacts to human beings during the construction phase will be

mitigated through the implementation of appropriate mitigation measures including a Construction and Environmental Management Plan.

### **Biodiversity**

During the construction phase, there is potential for negative impacts to the Cork Harbour SPA and Great Island Channel SAC arising from the discharge of contaminated surface water from the project site to the River Lee which may result in perturbations to water quality associated with aquatic fauna. A comprehensive range of mitigation measures are proposed to protect surface water quality. Specific measures are set out regarding proposed dewatering works. Ongoing monitoring is proposed to confirm that only clean water is being discharged from the dewatering wells to the River Lee.

### **Land and Soils**

There will be extensive excavation and soil removal during the construction phase. There is potential for contamination due to the historic land use. The appropriate removal and treatment of such contamination can be addressed in the final Construction Environmental Management Plan.

### **Water**

During the construction phase, there is potential for surface water to be contaminated with hydrocarbons, soil and sediment which could negatively affect water quality. Excess water from dewatering activities which may contain silt/sediment could also enter the River Lee affecting water quality. During the operational phase, there is potential for hydrocarbons from the car parking area to contaminate the surface water drainage system and there is also a potential risk of flooding. Detailed mitigation measures are set out to prevent the contamination of the adjacent watercourses from fuel or other hazardous materials. Dewatering works will be undertaken by a specialist dewatering contractor. To mitigate against the risk of flooding, measures such as minimum finished floor levels and use of demountable defences are proposed. In the event of a significant forecasted flood event, an emergency response plan will be implemented.

### **Air Quality**

During the construction phase there is potential for dust emissions from earthworks and construction activities. There is also potential for impacts from asbestos and



other pollutants during the demolition of buildings on the site. A number of mitigation measures are set out to control potential impacts during the construction phase. These include general dust management measures including the installation of dust monitoring gauges, demolition techniques, construction management measures etc. A final Construction Environmental Management Plan will be prepared prior to the construction of the development.

### **Noise and Vibration**

The development will generate noise disturbance during the construction phase. This will arise from site clearance, piling, excavation and substructure works, from the erection of buildings and also from construction traffic accessing and egressing the site. A range of mitigation measures are proposed during the construction phase including limiting hours of construction activities, selection of appropriate plant and noise monitoring during critical periods at sensitive locations. It is also proposed that there be continual monitoring of vibration at the adjacent Navigation Square buildings. During the operational phase a range of mitigation measures are proposed in relation to plan and potential noise sources from the bar/restaurant.

### **Cultural Heritage**

The development will generally have a positive impact on the two protected structures as both will be adapted and re-used. The height and scale of the development will have a slight adverse visual impact on the protected structures. The site context however, is considered to already have a significantly altered. The proposed development will involve the demolition of the Sextant Pub in its entirety which is considered a major adverse impact. The demolition must be considered in the context of the overall conservation strategy for the site. The building is not a protected structure and its heritage value has been significantly compromised by numerous alterations over the years. Furthermore, the context and setting of the building has irrevocably been altered. Notwithstanding the negative impact of the demolition of the Sextant Public House, it is considered that the environmental effects would not justify a refusal of planning permission having regard to the overall conservation benefits of the proposed development.

## **Visual Impact**

The scale of townscape effects to be imposed by the development is classified as High. The new building will be prominent but not substantially uncharacteristic in the context of recent changes to the receiving environment. The development is considered to be a beneficial change at both macro and micro level. While the development will bring significant change in terms of scale and massing, the nature of the change is compatible with the evolving built environment and thus will complement the setting. The overall visual impact is considered to be positive and the development must be considered as part of an emerging cluster of high buildings at this transitional location between the city centre and the docklands.

- 11.17.2 In conclusion, the submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). The likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. The EIAR has considered that the main direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

## **12.0 Appropriate Assessment**

### **12.1 Introduction**

- 12.1.1 Article 6(3) of Directive 92/43/EEC (Habitats Directive) requires that any plan or project not directly connected with or necessary to the management of a European site(s), but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the site(s) in view of the site(s) conservation objectives. The Habitats Directive has been transposed into Irish law by the Planning and Development Act 2000, as amended, and the European Union (Birds and Natural Habitats) Regulations 2011-2015.

12.1.2 In accordance with these requirements and noting the Board's role as the Competent Authority who must be satisfied that the proposal would not adversely affect the integrity of the Natura 2000 site(s), this section of my report assesses if the project is directly connected with or necessary to the management of European Site(s) or in view of best scientific knowledge, if the project, individually or in combination with other plans or projects, is likely to have a significant effect on any European Site, in view of the site(s) conservation objectives.

12.1.3 Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:

- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG).

12.1.4 Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

## 12.2 **The Natura Impact Statement**

12.2.1 The application was accompanied by a Natura Impact Statement (NIS) prepared by Doherty Environmental Consultants. This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same.

12.2.2 Having reviewed the revised NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts and does use best scientific information and knowledge. Details of mitigation measures are provided and they are summarised in Section 7 of the NIS. I am satisfied that the information is sufficient to allow for Appropriate Assessment of the proposed development.

## 12.3 **Appropriate Assessment Screening – Stage 1**

12.3.1 I consider that the proposed development is not directly connected with or necessary to the management of any European site.

- 12.3.2 The Natura Impact Statement which accompanies the planning application includes a Stage 1 Screening Assessment set out in Appendix 1. It notes that there are 2 European Sites within the likely zone of impact of the development. Having reviewed relevant mapping and details in the NIS and the NPWS web site, I am satisfied that there are no other sites where a potential hydrological pathway is relevant.
- 12.3.3 The sites considered within the Stage 1 Screening and the distances from the development site are summarised below. These include the Cork Harbour SPA and the Great Island Channel SAC. Potential impact pathways are restricted to hydrological and noise pathways. The project will result in the discharge of surface water to the River Lee and Cork Harbour and, therefore, a hydrological pathway connects the project site to the Cork Harbour SPA. In the absence of appropriate safeguards, the project has the potential to discharge contaminated surface water to the Lee Estuary and Cork Harbour. Special conservation birds of the Cork Harbour SPA are known to forage along the River Lee in the vicinity of the subject site. There is potential for noise arising from the development to impact on these species. Due to the absence of suitable habitat within the site to support the special conservation interest bird species of the Cork Harbour SPA, there is no potential to support such species occurring outside the boundary of the Cork Harbour SPA.
- 12.3.4 Out of an abundance of caution, the applicant has stated in the NIS that there is a potential impact to the Cork Harbour SPA and Great Island SAC as a result of the wastewater pathway for operational wastewater generated by the development. Discharge effluent from the Carrigrennan WWTP outfalls into Lough Mahon in the SPA. It is detailed that there is also potential for tidal movements of WWTP effluent discharge from the Carrigrennan WWTP outfall into the Great Island SAC. On this basis, both of these sites are included in the Stage 2 assessment in the NIS.
- 12.3.5 I note however, that the NIS refers to the most recent Annual Environmental Report for the Carrigrennan WWTP. This has reported exceedances in ELVs for Total Nitrogen and Total Phosphorus. Notwithstanding this, monitoring results indicate that discharges do not have a negative impact on the water quality in Lough Mahon. It is further detailed that wastewater generated by the project will result in an additional organic loading of the WWTP by less than 0.5%. Given the project will represent a miniscule and negligible increase in the level of nutrient discharged to Lough Mahon, I am satisfied that it will not have the potential to result in any significant change to

the nutrient levels of water within the SPA or SAC. It is also detailed in the NIS that recent improvements in the water quality status of Cork Harbour have been reported. Having regard to this, and the fact that the development will result in such a negligible additional loading to the WWTP, I am satisfied that the development will have no material adverse impacts to water quality in the harbour or negatively affect the conservation status of the Cork Harbour SPA or the Great Island SAC. In this regard, I am of the view that potential impacts arising from operational wastewater generated by the development can be screened out at stage 1.

Name of Site	Site Code	Approximate Distance from Site Boundary	Potential Connection
Cork Harbour SPA	004030	4km	<p><b>Screened In</b></p> <p>Hydrological link via surface water discharged to the River Lee Estuary Lower</p> <p>Noise emissions with potential to impact the special interest bird species of the SPA.</p> <p><b>Note:</b> Hydrological link via discharge effluent from the Carrigrennan WWTP outfall into the SPA. Given the project will represent a miniscule and negligible increase in the level of nutrient discharged to Louth Mahon will not have the potential to result in any significant change to the</p>

			nutrient levels of water within the SPA.
Great Island SAC	001058	8.2 km	<p><b>Screened Out</b></p> <p>Hydrological link and potential for tidal movements of WWTP effluent discharge from the Carrigrennan WWTP outfall into the SAC. Given the project will represent a miniscule and negligible increase in the level of nutrient discharged to Louth Mahon will not have the potential to result in any significant change to the nutrient levels of water within the SAC.</p>

12.3.6 Based on my examination of the NIS Report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for one of the European sites referred to above, namely the:

- Cork Harbour SPA (004030).

12.3.7 The remaining site namely:

- Great Island SAC (001058)

can be screened out from further assessment because of the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special

Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. It is, therefore, reasonable to conclude that on the basis of the information on file, which I consider adequate to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on this European Sites in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not, therefore, required for this site.

## 12.4 Stage Two – Appropriate Assessment

12.4.1 **Relevant European Sites:** The Conservation Objectives and Qualifying Interests for the European sites for which a Stage 2 Appropriate Assessment is required is set out below.

Site Name	Qualifying Interests
<b>Cork Harbour SPA (004030)</b>	Little Grebe ( <i>Tachybaptus ruficollis</i> ) [A004] Great Crested Grebe ( <i>Podiceps cristatus</i> ) [A005] Cormorant ( <i>Phalacrocorax carbo</i> ) [A017] Grey Heron ( <i>Ardea cinerea</i> ) [A028] Shelduck ( <i>Tadorna tadorna</i> ) [A048] Wigeon ( <i>Anas penelope</i> ) [A050] Teal ( <i>Anas crecca</i> ) [A052] Pintail ( <i>Anas acuta</i> ) [A054] Shoveler ( <i>Anas clypeata</i> ) [A056] Red-breasted Merganser ( <i>Mergus serrator</i> ) [A069] Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130] Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] Lapwing ( <i>Vanellus vanellus</i> ) [A142] Dunlin ( <i>Calidris alpina</i> ) [A149] Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157]

	<p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>
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### **Cork Harbour SPA (004030)**

#### **Brief Description of Site**

12.4.2 Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. The SPA site comprises most of the main intertidal areas of Cork Harbour. Owing to the sheltered conditions, the intertidal flats are often muddy in character and support a range of macro-invertebrates. Salt marshes are scattered through the site and these provide high tide roosts for the birds.

12.4.3 Cork Harbour is an internationally important wetland site, regularly supporting in excess of 20,000 wintering waterfowl. It is of major ornithological significance, being of international importance both for the total numbers of wintering birds (i.e. > 20,000) and also for its populations of Black-tailed Godwit and Redshank. In addition, it supports nationally important wintering populations of 22 species, as well as a nationally important breeding colony of Common Tern. Several of the species which occur regularly are listed on Annex I of the E.U. Birds Directive. The site provides both feeding and roosting sites for the various bird species that use it.

#### **Conservation Objectives**

- To maintain the favourable conservation condition of qualifying interests detailed above.

For further information regarding attributes and targets refer to NPWS Conservation Objectives December 2014.

#### **Potential Direct Effects**

12.4.4 There are considered no likely direct effects on the SPA.



## **Potential Indirect Effects**

- 12.4.5 During the construction phase, surface water generated will be discharged to the River Lee. Potentially contaminating materials such as hydrocarbons, cement based materials and other construction related solutions and silt that will occur on the site during the construction phase may potentially become entrained in and pollute surface water drainage waters. This in turn could perturb water quality. Dewatering of groundwater to the River Lee during the construction of the basement will also be undertaken, a further potential source of contamination. Existing water quality in the Lower River Lee is classified as Intermediate Status and the discharge of polluted surface drainage waters from the project site to the Lower River Lee will have the potential to combine with these existing water quality pressures and exacerbate the ongoing perturbations to water quality. Such contamination could impact on the benthic fauna and epifauna which function as a prey resource of the wetland species in the Cork Harbour SPA. There is also potential for contamination of surface water during the operational phase from car parking areas in the basement from fuel leaks of accidental spills.
- 12.4.6 The construction phase of the project has the potential to generate high levels of incidental noise during both the demolition and construction works and such noise could result in disturbance to special conservation bird species of the SPA.

## **Mitigation Measures**

- 12.4.7 Section 7.1 of the NIS sets out mitigation measures to protect surface water quality. These include a number of measures to be implemented during the construction phase and the development will adhere to best practice guidance as set out in CIRA C5323 – control of water pollution from construction sites. Specific measures are set out in section 7.1.1.2 regarding mitigation measures to be implemented during dewatering works. All dewatering works will be undertaken during the construction phase by a specialist contractor. A sampling point will be provided to monitor the water quality discharging from the wells which will allow for the monitoring of flow and water quality.
- 12.4.8 During the operation stage of the development, a suite of mitigation measures are also detailed. Surface water from the basement will be discharged through a Class 12 bypass oil interceptor. On site attenuation will be provided. The provision of these

design features will ensure that surface water emitted from the basement car park during the operation phase is adequately treated for hydrocarbons and will eliminate any risk of polluted surface water being discharged from the project.

- 12.4.9 Section 7.3 of the NIS sets out measures to mitigate noise emissions. During the operational phase external building services plant will be selected with maximum cumulative noise levels of 65 dB (A) at a distance of 1m from building façade for all internal plant below roof level and 75dB(A) at a distance of 1m from building façade for all plant located on roof.

### **Assessment**

- 12.4.10 It is detailed in the NIS that the potential impacts of construction activities to waterbirds relates to the displacement of birds as a result of disturbance primarily due to noise. Reference is made to a number of studies which have investigated the effect of construction disturbance to wetland species. One particular study carried out in 2013 (Cutts et al) developed the Waterbird Disturbance Mitigation Toolkit. Table 4.2 of the NIS sets out details of the proposed plant and machinery to be operated during the construction phase with the typical noise levels associated with each item. The calculation of the disturbance distance is based on the noise calculation table provided by Cutts et al. The assessment indicates that the noise generated during the construction phase will be within acceptable dose levels for wetland bird species within 20m of the source of construction.
- 12.4.11 It is further detailed that given that no important foraging or roosting habitat for wetland bird species occur in the vicinity of the project site, it is considered that the disturbance of birds within a 20m radius of the project site during the construction phase will not represent significant disturbance effect to wetland birds. I have reviewed the methodology undertaken to inform the assessment and consider it robust. I am satisfied that the impacts from noise generated by the development during the construction phase are likely to have an imperceptible impact and will not undermine or impact negatively on the conservation status of wetland species and the conservation objectives for the special conservation interest bird species of the SPA. Furthermore, I note the suite of noise mitigation measures set out to reduce noise during the construction phase which will further minimise any potential impacts.

## **In Combination Effects**

12.4.12 Potential in-combination effects are set out in section 4.4 of the NIS and considers the potential cumulative effects arising from a number of other permitted and proposed developments in the vicinity. It notes that all of these developments have been subject to either Screening for Appropriate Assessment or a Natura Impact Statement which have found that construction practices and operational designs will be implemented to avoid discharges of contaminated water to the River Lee and Cork Harbour and other emissions such as noise that could result in disturbance to bird species. It is detailed that the proposed development will not have the potential to combine with these other projects to result in an additive cumulative impact to water quality within the River Lee estuary downstream of the project or noise conditions within the vicinity of the Lower River Lee.

12.4.13 Individual projects will together increase the volume of wastewater and associated nutrient loading being treated in the Carrigrennan WWTP. It is noted that a number of upgrades have been carried out at the WWTPs at Middleton and Carrigtwohill which have significantly reduced nutrient loads entering the Great Island Channel SAC and Cork Harbour SPA. Further works are ongoing as part of the Lower Cork Harbour Main Drainage Project that will further reduce nutrient loads within the harbour. With the delivery of these projects in advance of the operation phase of the development, the overall nutrient load entering the harbour will be significantly lower than current levels during the operation phase of the project. The report concludes that there will be no cumulative adverse effects on the integrity of any of the Natura 2000 sites. Having regard to the information set out in therein, I am satisfied that no cumulative impacts arise.

## **Overall Conclusion**

12.4.14 I note that no objections to the proposed development have been raised by Cork City Council and their report states they are satisfied that the development will not have adverse impacts on the integrity of the Cork Harbour SPA and Great Island Channel SAC. No objections to the development have been raised by the Department/NPWS.

12.4.15 Having regard to the works proposed and the implementation of best practice methodologies and the proposed mitigation measures, I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in

order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European Site No. 004030 or any other European site, in view of the site's Conservation Objectives.

## 13.0 Recommendation

13.1 In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established urban area where a wide range of services and facilities exist. In my opinion, the proposal will provide a high quality development, with an appropriate mix of units and an acceptable density of development catering to a certain cohort of the population. The height and visual impact of the development is considered acceptable and there is a robust rationale for the design approach adopted. I am satisfied that whilst the development will result in the demolition of the Sextant Pub, that the overall conservation strategy will ensure the preservation and reuse of the key heritage assets of the site.

13.2 I consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines. I also consider it to be in compliance with the proper planning and sustainable development of the area and having regard to all of the above, I recommend that permission is granted, subject to conditions.

## 14.0 Draft Order

### Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the site's location close to Cork city centre, within an established built-up area on lands with zoning objective Z02 '*City Centre Commercial Core Area*' which seeks to 'support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area (apart from comparison retail uses)' in the Cork City Development Plan 2015-2021,
- (b) the policies set out in the Cork City Development Plan 2015,

- (c) the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013,
- (f) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018,
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009,
- (i) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018,
- (j) Architectural Heritage Protection, Guidelines for Planning Authorities, 2004,
- (k) the nature, scale and design of the proposed development,
- (l) the availability in the area of a wide range of social, community and transport infrastructure,
- (m) the pattern of existing and permitted development in the area,
- (n) the planning history within the area, and
- (o) the report of the Inspector and the submissions and observations received.

### **Appropriate Assessment Screening**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites,

taking into account the nature, scale and location of the proposed development, the Inspector's report, and submissions on file. In completing the screening exercise, the Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Cork Harbour SPA (004030) is the European site for which there is a likelihood of significant effects. The Board was satisfied that all other European sites could be screened out of any further assessment because the remaining sites identified have no pathway for significant effects.

### **Appropriate Assessment**

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the European Site, Cork Harbour SPA (004030), in view of the site's Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites conservation objectives using the best available scientific knowledge in the field.

In completing the assessment the Board considered, in particular, the following:

- Site Specific Conservation Objectives for this European Sites;
- Current conservation status, threats and pressures of the qualifying interest features;
- Likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, specifically the potential of surface water contamination that could impact on the benthic fauna and epifauna which function as a prey resource of the wetland species in the Cork Harbour SPA; the construction phase of the project which has the potential to generate high levels of incidental noise during both the demolition and construction works and such noise could result in disturbance to special conservation bird species of the SPA.
- Mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the

potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

The Board identified that the main likely impact arising from the proposed development would be on the water quality of the Cork Harbour SPA and disturbance to special conservation bird species of the SPA from noise during the construction phase. It is a conservation objective of the Cork Harbour SPA to maintain the favourable conservation condition of qualifying interests.

Having regard to:

- the mitigation measures proposed including detailed measures to protect water quality during the construction phase, particularly dewatering activities as well as mitigation measures during the operational phase relating to surface water management,
- the scientific information set out in the NIS in respect of the displacement of birds as a result of noise disturbance; the fact that noise generated during the construction phase will be within acceptable does levels for wetland bird species within 20m of construction and the suite of noise mitigation measures proposed,

the Board concluded that the proposed development would not adversely affect favourable conservation status of the bird species that are qualifying interests of the SPA.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European sites in view of the site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

### **Environmental Impact Assessment**

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development.
- (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application.

(c) The submissions from the Planning Authority, the observers and prescribed bodies in the course of the application.

(e) The Inspector's report.

The Board agreed with the summary of the results of consultations and information gathered in the course of the EIA, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the applicant and the submissions made in the course of the application as set out in the Inspector's report. The Board is satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

**Reasoned Conclusions on the Significant Effects:**

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report, and, subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:



### **Population and Human Health**

The development will have positive economic impacts in terms of job creation and spin off benefits. It will have a positive impact on the population of the city, provide additional homes and consolidate the urban area. Potential negative impacts to human beings during the construction phase will be mitigated through the implementation of appropriate mitigation measures including a Construction and Environmental Management Plan.

### **Biodiversity**

During the construction phase, there is potential for negative impacts to the Cork Harbour SPA and Great Island Channel SAC arising from the discharge of contaminated surface water from the project site to the River Lee which may result in perturbations to water quality associated with aquatic fauna. A comprehensive range of mitigation measures are proposed to protect surface water quality. Specific measures are set out regarding proposed dewatering works. Ongoing monitoring is proposed to confirm that only clean water is being discharged from the dewatering wells to the River Lee.

### **Land and Soils**

There will be extensive excavation and soil removal during the construction phase. There is potential for contamination due to the historic land use. The appropriate removal and treatment of such contamination can be addressed in the final Construction Environmental Management Plan.

### **Water**

During the construction phase, there is potential for surface water to be contaminated with hydrocarbons, soil and sediment which could negatively affect water quality. Excess water from dewatering activities which may contain silt/sediment could also enter the River Lee affecting water quality. During the operational phase, there is potential for hydrocarbons from the car parking area to contaminate the surface water drainage system and there is also a potential risk of flooding. Detailed mitigation measures are set out to prevent the contamination of the adjacent watercourses from fuel or other hazardous materials. Dewatering works will be undertaken by a specialist dewatering contractor. To mitigate against the risk of flooding, measures such as minimum finished floor levels and use of demountable defences are

proposed. In the event of a significant forecasted flood event, an emergency response plan will be implemented.

### **Air Quality**

During the construction phase there is potential for dust emissions from earthworks and construction activities. There is also potential for impacts from asbestos and other pollutants during the demolition of buildings on the site. A number of mitigation measures are set out to control potential impacts during the construction phase. These include general dust management measures including the installation of dust monitoring gauges, demolition techniques, construction management measures etc. A final Construction Environmental Management Plan will be prepared prior to the construction of the development.

### **Noise and Vibration**

The development will generate noise disturbance during the construction phase. This will arise from site clearance, piling, excavation and substructure works, from the erection of buildings and also from construction traffic accessing and egressing the site. A range of mitigation measures are proposed during the construction phase including limiting hours of construction activities, selection of appropriate plant and noise monitoring during critical periods at sensitive locations. It is also proposed that there be continual monitoring of vibration at the adjacent Navigation Square buildings. During the operational phase a range of mitigation measures are proposed in relation to plan and potential noise sources from the bar/restaurant.

### **Cultural Heritage**

The development will generally have a positive impact on the two protected structures as both will be adapted and re-used. The height and scale of the development will have a slight adverse visual impact on the protected structures. The site context however, is considered to already have a significantly altered. The proposed development will involve the demolition of the Sextant Pub in its entirety which is considered a major adverse impact. The demolition must be considered in the context of the overall conservation strategy for the site. The building is not a protected structure and its heritage value has been significantly compromised by numerous alterations over the years. Furthermore, the context and setting of the building has irrevocably

been altered. Notwithstanding the negative impact of the demolition of the Sextant Public House, it is considered that the environmental effects would not justify a refusal of planning permission having regard to the overall conservation benefits of the proposed development.

### **Visual Impact**

The scale of townscape effects to be imposed by the development is classified as High. The new building will be prominent but not substantially uncharacteristic in the context of recent changes to the receiving environment. The development is considered to be a beneficial change at both macro and micro level. While the development will bring significant change in terms of scale and massing, the nature of the change is compatible with the evolving built environment and thus will complement the setting. The overall visual impact is considered to be positive and the development must be considered as part of an emerging cluster of high buildings at this transitional location between the city centre and the docklands.

### **Conclusions on Proper Planning and Sustainable Development**

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this urban location, would not seriously injure the residential or visual amenities of the area, would not detract from the character and setting of the proposed Architectural Conservation Area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed

particulars.

**Reason:** In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

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

3. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

4. The development hereby permitted shall be for build to rent units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

**Reason:** In the interest of the proper planning and sustainable development of the area and in the interests of clarity.

5. Prior to the commencement of development, the owner shall submit, for the written consent of the Planning Authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first apartments within the scheme.

**Reason:** In the interests of proper planning and sustainable development of the area.

6. Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit for the written agreement of the Planning Authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation

from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

**Reason:** In the interests of orderly development and clarity.

7. Prior to commencement of development on site, the developer shall submit, for the written agreement of the Planning Authority, details of the management company, established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-Rent scheme will operate.

**Reason:** In the interests of orderly development and the proper planning and sustainable development of the area.

8. The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development:

(a) The roads and traffic arrangements serving the site (including footpath connections and signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.

(b) The roads layout including junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the Planning Authority for such road works.

(c) The materials used in any roads/footpaths/set down areas provided by the developer shall comply with the detailed standards of the Planning Authority for such road works.

(d) A Mobility Management Plan shall be prepared and submitted to the Planning Authority for approval prior to the commencement of development.

(e) Service vehicles to use proposed entrance on Albert Quay for accessing the development. No set down shall be permitted for any vehicles on Albert Quay or Albert Street (N27).

(f) A final Stage 2 (detailed design) and post construction (Stage 3) independent Quality Audit (which should include a Road Safety Audit, Access Audit, Walking Audit and a Cycle Audit) shall be carried out at the developer's expense for the development in accordance with the Design Manual for Urban Roads & Streets (DMURS) Guidance and TII (Transport Infrastructure Ireland) standards. The Quality Audit team shall be approved by the Planning Authority and all measures recommended by the Auditor should be undertaken unless the Planning Authority approves any departure in writing. A feedback report should also be submitted providing a response to each of the items.

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

9. All of the communal parking areas serving the apartments shall be provided with electric vehicle charging points, to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

10. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interest of residential and visual amenity.

11. Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works and shall notify the Planning Authority of that appointment in writing. The developer shall engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the

implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the Planning Authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.

**Reason:** To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.

12. 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 visual amenity.

13. Details of all external signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

**Reason:** In the interest of the amenities of the area / visual amenity.

14. 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 residential amenity of property in the vicinity and the visual amenity of the area.

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

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

16. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

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

17. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the Planning Authority for agreement.

**Reason:** In the interest of orderly development

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

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

19. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

(i) the nature and location of any archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the Planning Authority and, arising from this assessment, the developer shall agree in writing with the Planning Authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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



**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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

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

21. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

22. A Final Site Specific Construction and Environmental Management Plan (CEMP) shall be submitted, for the written agreement of the Planning Authority at least 5 weeks in advance of site clearance and site works commencing.

**Reason:** To protect the environment during the construction phase and also to avoid impacts on water quality, sustainable drainage and flooding.

23. 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.

**Reason:** In the interest of sustainable waste management.

24. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking for construction traffic, parking machinery and the location for storage of deliveries to the site.

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

25. The Sextant Pub shall be recorded and documented to a detailed form and level to include a written account and visual record to include: measured plans, sections elevations (scale 1:100), fixtures of significance, construction materials and any earlier interventions. The plans, sections, elevations and architectural details are to be cross referenced to a photographic record and locations of detailed features. Copies of all recording material, condition reports and demolition process relating to the building shall be lodged with the Irish Architectural Archives. Copies of all measured drawings of protected structures, recording material and conservation reports, including a photographic inventory shall be lodged with the Irish Architectural Archives on completion of the works.

**Reason:** In the interests of conservation and the proper planning and sustainable development of the area.

26. Prior to commencement of development, the developer shall provide for the following:-

(a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.

(b) All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount

possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

**Reason:** To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

27. The mitigation measures contained in the Natura Impact Statement shall be implemented in full.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites.

28. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the planning application shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions. The developer shall appoint a person with an appropriate ecological and construction expertise as an environmental manager to ensure that the mitigation measures identified are implemented in full.

**Reason:** In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

29. Prior to the commencement of development, the applicant shall submit the full scope of site investigation works to be carried out on the site to the Planning Authority for written agreement. The scope of investigation works shall make provision for sufficient sampling and testing throughout the site to ensure any potential areas of contaminated lands are discovered, in advance of work commencing on site. The applicant should also set out a detailed strategy and management plan for the removal of any hazardous/contaminated soil and waste from the site including detail of estimated tonnages, relevant mitigation measures, destination for disposal/treatment and information on the authorised waste collector(s).

**Reason:** In the interest of public health.

30. 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 Planning Authority of roads, footpaths, watermains, drains, public open space and

other services required in connection with the development, coupled with an agreement empowering the Planning 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 the Board for determination.

**Reason:** To ensure the satisfactory completion of the development.

31. 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.

32. The developer shall pay to the Planning Authority a financial contribution in respect of the Cork Suburban Rail 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. 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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**Erika Casey**

**Senior Planning Inspector**

**31<sup>st</sup> January 2020**

**APPENDIX 1:**

E.P Hunter
John Corkery
Cork Chamber
Cllr Kieran Mc Carthy
Donal Sullivan
Brian O' Dwyer
Stephen O' Callaghan