



An
Bord
Pleanála

Inspector's Report

ABP-305847-19

Development

Event centre / arena and associated logistical support offices. Change of design from that permitted under Reg. Ref. 10/34698, PL 28.238393. The application relates to a site which contains a protected structure.

Location

The former Beamish and Crawford Brewery Site at South Main Street, French's Quay and Proby's Quay, Cork

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

18/38015

Applicant(s)

Bam Property Limited

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

First V's Conditions
Third Party V's Grant

Appellant(s)

Bam Property Limited
Eleanor Hunter

Observer(s)

None

Date of Site Inspection

7th February 2020

Inspector

Elaine Power

1.0 Site Location and Description

- 1.1. The appeal site is located on a the former Beamish and Crawford Brewery site within Cork City Centre. It is a highly visible site within the city. It is bound by the southern channel of the River Lee to the south and west (French's Quay and Crosses Green Quay), to the east by South Main Street and to the north by existing buildings.
- 1.2. The red line boundary is shown around the entire Beamish and Crawford Brewery site, which has a stated gross floor area of 1.7973 ha. The site has previously been subdivided into 3 zones. Zone A comprises the northern section of the site, Zone B comprises the central portion of the site and Zone C comprises the southern portion of the site, adjacent to the riverside. The proposed development is located within Zone C.
- 1.3. The site is currently an active construction site and is bound by hoarding.
- 1.4. The site is located within a Zone of Archaeological Potential for Cork City which includes the medieval historic core (walled city). Zone C accommodates the remains of a recorded monument – previous site of St. Laurence's Church (CO074-034011). The medieval town wall (CO074-03402) occurs on south and southwestern portion of the site.
- 1.5. There is a protected structure PS 330 – Half timbered frontage to Beamish and Crawford Brewery (Counting House) on South Main Street. Counting House is also listed on the National Inventory of Architectural Heritage (ref. 20514018). This is located within Zone B of the overall site.

2.0 Proposed Development

- 2.1. The proposed development represents an amendment to Zone C (C1 and C2) of a previously approved development PL 28.238393, Reg. Ref. 10/34698.

Zone C1: Permission was previously approved for an Event Centre. The layout provided for a ground floor arrangement that had the stage and seating orientated on a north-south axis with the service access entering through Zone C2 from Counting House Plaza. The proposed development is for an event centre with a gross floor area

of 11,144 sqm and re-orientate the stage and seating to an east – west axis, which results in all service vehicles accessing the complex directly from South Main Street.

The main entrance to the event centre would be retained on the proposed promenade, however, it would be relocated slightly westward, away from the link with the proposed pedestrian bridge. It is also proposed to alter the access to provide a large covered under-croft area adjacent to the entrance doors.

Zone C2: Permission was previously approved within this zone for an office block facing South Main Street. It is proposed to amalgamate the previously approved office block with the event centre. The office use has a gross floor area of 2,176 sqm and would provide logistics and management support for the event centre. The proposed alterations result in amendments to the eastern elevation onto South Main Street.

- 2.2. The alterations include a reduction in floor area from that previously permitted for both zones C1 and C2 from 16,737sqm to 13,320sqm (reduction of 3,417sqm). The revised layout provides an additional 1,173sqm of floor area for the event centre and result in an increased height of the overall development by 300mm, from 29.025m to 29.350. The predominant external finish is a high-quality grey brick with metal cladding panels along the riverside.
- 2.3. The red line boundary includes a section of South Main Street. A letter of consent has been provided by Cork City Council to the inclusion of these lands within the development site.
- 2.4. The application included the following: -
 - Architects Report and Architectural Design Statement
 - Photomontages
 - Visual Impact Addendum
 - Archaeological ad Cultural Heritage Report
 - Flood Risk Assessment
 - Transport Assessment
 - Preliminary Delivery Management Strategy
 - Preliminary Mobility Management Plan

- Civil and Structural Engineering Report
- Mechanical and Electrical Engineering Report – Energy Statement
- Event Management Plan
- Landscape Architecture Drawings
- Fire Safety and Crowd Movement Consultants letter

2.5. ***Further Information lodged 3rd July 2019***

To address concerns raised by the planning authority regarding the design of the event centre the applicant submitted revised proposals which include the following: -

- Revised elevational treatment along the boundary with South Main Street
- Redesign of the main LED screen facing onto Counting House square and provision of new LED screens at street level on South Main Street
- Re-organisation of internal circulation areas
- The provision of a ticket office and a new separate performers entrance on the southern façade of South Main Street.
- A reduction in the width of the service yard entrance on South Main Street
- Provision of infrastructure on Counting House Square to allow for free standing kiosks.
- Redesign of corner element of South Main Street and quay side promenade to omit glazing and provide a brick finish with and glazing.
- Altered roof profile which tapers / reduces the height at the eastern portion of the event centre. A lighter colour has also been proposed in lieu of a dark grey.

The amendments do not result in any alterations to the proposed floor area or capacity of the events centre.

The proposed development was re-advertised on the 2nd July 2019.

The submission included the following: -

- Noise Impact Assessment

- Ecology report
- Transport Assessment Report
- External Pedestrian Study
- Event Management Plan
- Groundwater Management Report
- Screening for Appropriate Assessment
- Flood Risk Assessment Report

2.6. **Clarification of Further Information 28th August 2019**

In response to a Notice Under Section 177T(5) of the Planning and Development Act 2000 (as amended) an NIS was submitted on the 28th August 2019.

The proposed development was re-advertised on the 23rd August 2019 and a copy of the newspaper notice was submitted.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission was granted subject to 48 no. conditions. The relevant conditions are outlined below:

Condition 1: clarified that permission was granted for the development submitted by way of further information

Condition 2: required alterations to the elevational treatments

Condition 3: required an emergency evacuation plan to be submitted and agreed with the Planning Authority

Condition 4: Ensured that the event centre / arena would not become operational in advance of the proposed pedestrian bridges or that the applicant shall ensure pedestrian traffic shall be managed in accordance with a plan agreed with the Planning Authority.

Condition 5: Required a new planning application for all signage / advertising.

Condition 6: required the LED screen on the northern elevation be centrally located on the northern elevation and details of the screen be agreed with the Planning Authority.

Condition 7: required details of the ticket office to be agreed with the Planning Authority.

Condition 10: required all mitigation measures proposed in the NIS to be implemented.

Condition 11: related to landscaping and public realm works

Condition 13: required all works on the quay walls to take place outside of breeding season, or where unavoidable a bird survey to be carried out

Condition 14: required all mitigation measures proposed in the ecological report to be implemented.

Condition 21: required the Mobility Management Plan submitted with the application to be updated and agreed with the Planning Authority

Condition 31: required all mitigation measures proposed in the Flood Risk Assessment to be implemented.

Conditions 40 – 46: related to archaeological requirements to be undertaken

Condition 48: related to a special contribution in respect of the provision of 2 no pedestrian bridges crossing from the site to French's Quay and Crosses Green Quay and public realm improvements.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report by the Senior Executive Planner and Senior Planner raised some concerns regarding the proposed development and recommended that further information be sought regarding the following: -

1. Detailed Design / Urban Design / Visual Impact Assessment

- a) Reduce the extend of dead frontage and defensive nature of the design of the building
- b) Redesign of the corner element fronting onto South Gate Bridge / South Main Street.
- c) Clarify the location of all entrances / exits and detail their hierarchy in terms of public use
- d) Redesign of the roof area to reduce the bulk and scale to mitigate against any negative visual impact of the increased height
- e) Clarify the design detail of the service gate
- f) Submit floor plans which indicate the proposed uses at each level
- g) Details of signage
- h) Clarify if additional plant is required
- i) Having regard to the above updated photomontages should be submitted.

2. Phasing / Compliance

- a) Clarify why the previously approved 2 no pedestrian bridges are shown outside of the applicant's ownership. Clarity is also required regarding the delivery of the bridges.
- b) Details of the construction timeline having regard to previous permission on site
- c) Confirm when work is to begin on Zone B

3. Public Realm

- a) Details of pedestrian bridges and repair of the quay walls
- b) Ensure the proposed bridges do not negatively impact on the existing Proby's Quay culvert. The bridge may need to be realigned.
- c) Clarify if the bridge design is cognisant of recent flood modelling work undertaken as part of the Lower Lee Flood Relief
- d) Clarify the intended management of areas of public realm
- e) Proposals to provide public art

4. Further testing and a strategy is required to mitigate against any potential negative impacts on Archaeology.
5. Additional information regarding road resign Issues are required
6. A Traffic and Transport Assessment, A Road Safety Audit and additional information regarding vehicular, pedestrian and cyclist movements are required
7. An AA Screening Report and an Ecological Report are required
8. A Noise Impact Assessment and details of waste storage are required.
9. A stormwater drainage design layout, a site specific Flood Risk Assessment and an Emergency Management Plan for flood events are required. Details of the extent of groundwater de-watering should also be submitted.
10. A revised schedule of floor areas which are amended due to the above.

Following receipt of further information, the Senior Executive Planner considered that the majority of concerns had been addressed, however, it was considered that the development had the potential to give rise to negative impact on and SAC. Therefore, a Notice under Section 177T(5) of the Planning and Development Act, 2000 (as amended) was issued requiring an NIS to be submitted.

The final reports by Senior Executive Planner and the Senior Planner considered that all areas of concerns had been fully addressed and recommended that permission be granted subject to 48 no. conditions.

3.2.2. **Other Technical Reports**

Environment initial report recommended further information. Final report not on file.

Road Design (Planning) final report: No objection subject to conditions.

Drainage final report: No objection subject to conditions.

Transport and Mobility initial report recommended further information. Final report not on file.

Archaeology initial report recommended further information. Final report not on file.

Conservation initial report recommended further information. Final report not on file.

Heritage Officer report: No objection subject to conditions

3.3. Prescribed Bodies

An Taisce: A planning history of the site is provided, and it is noted that concerns were raised regarding the overall development of the site, under previous applications. The proposed development is not in accordance with development plan policies. The design and location of the development are inappropriate.

Irish Water: No objection in principle

3.4. Third Party Observations

4 no. third party submissions were received from (1) Cork Camber, (2) Paul Montgomery, (3) Cork Letting and (4) Eleanor Hunter. The Submission from Cork Camber is supportive of the development. The submission from Paul Montgomery also acknowledges the positive benefits of the development. The concerns raised in the 3 no. submissions from Paul Montgomery, Cork Letting and Eleanor Hunter are similar to those raised in the appeal.

4.0 Planning History

PL28.2383993, Reg. Ref 10/34698: Permission was granted subject to conditions in 2012 for the following: -

- Partial demolition of most structures on the site,
- The construction of an 'Event Centre / Arena' of 11,339 m².
- The conservation and change of use of 9,646 m² of the protected structure (and extension) to 2,311 m² for use as an eight-screen cinema, shops, exhibition areas, restaurants, bars, viewing gallery and artists' studios;
- 2,978 sqm of new retail space;
- 5,148 sqm new office space
- 10 no. work/live artists' studios
- 206 no. student bed spaces in 46 no. student apartments;

- Basement level of 2,574 sqm incorporation 30 no. car parking spaces,
- bicycle parking and support services;
- 2 no. pedestrian bridges across the south channel of the River Lee (to Cross's Green and French's Quay / Proby's Quay).

The application included an EIA.

An extension of duration was granted in November 2016.

Reg. Ref: 16/37064: Permission was granted in 2017 for Amendments to Reg. Ref. 10/34698, PL28.239383, on the northern area (Zone A) of the overall brewery site, as follows:

- Reduction of ground floor retail space to 600 sqm;
- Omission of 1824 sqm of office space in Block A4;
- Omission of 10 no. live-work units and
- Increase in provision of student accommodation from 48 no. apartments to 61 no. apartments, with associated internal amenity spaces, study rooms, laundry facilities, reception and administration areas;
- Provision of a riverside restaurant and café accessed from the new pedestrian street to be known as Lamley's Lane;
- Relocation eastwards of the underground link to Zone B;
- Modification in the plan form of Blocks A1, A2 and A3 and a reduction in the width of Block A4;
- Provision of 2 no. lift and stair links between Blocks A1 and A2, blocks A3 and A4;
- Provision of a red brick and white precast concrete external finish in lieu of a terracotta rain screen cladding system.

Reg. Ref:17/37658: Permission was granted in 2018 for amendments to reg. ref. 10/34698, PL28.239383 on the central area (Zone B) incorporating the Counting House and Brewery Building behind as follows:

- Increase of ground floor retail space from 1,161m² to 1,394m²;
- reconfiguring of the previously granted 7 cinema screens, totalling an area of 2,929m² across 3 floors; into proposed Office/Educational spaces across 4 floors totalling an area of 6,543m² ;
- Modifications in the plan form of all floors;
- Modifications of all external elevations to include the reduction in overall height of the building;
- replacing cladded finish to upper floor with glazed and metal panelled facades;
- Modifications to the external finishes of all elevations and glazing

5.0 Policy Context

5.1. Cork City Development Plan 2015 - 2021

The majority of Zone C of the overall Beamish and Crawford site is located within an area zoned -ZO 1: - 'City Centre Retail Area' with the associated land use objective *'to provide for the protection, upgrading and expansion of retailing, in particular higher order comparison retailing, as well as a range of other supporting uses in the City Centre retail area'*.

The southern portion of Zone C is zoned ZO 14: - Public Open Space with the associated land use objective *'to protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space areas for alternative purposes, including public open space within housing estates'*. Section 13.43 states that the councils will seek to secure the development of a quality green open space on the southern side of the Beamish and Crawford site on South Main Street, if this is not developed as an Event Centre.

The site is located within a Zone of Archaeological Potential for Cork City which included the medieval historic core (walled city) and is a recorded monument (CO074-03401). The medieval town wall (CO074-03402) occurs on south and southwestern portion of the site.

Objective 13.23: Beamish and Crawford / Grand Parade Quarter. *To support the development of a new mixed-use quarter at the western end of the city centre centred on the development sites at Beamish and Crawford, Grand Parade and Sullivan's Quay and to examine the potential for this area to become a creative, civic, entertainment and residential quarter within the City Centre.*

Objective 8.6(a): Medieval Spine and Cultural Quarters: *Supporting and encouraging the development of heritage, cultural or tourist venues and the promotion of cultural events within these areas in key sites such as Elizabeth Fort, the Vision Centre, Triskel Christchurch, the South Presentation Convent/ Nano Nagle Centre, Beamish and Crawford, and the Butter Exchange, Shandon*

Objective 5.11(b) Pedestrian and Cycle Infrastructure Design:

Objective 9.1: Strategic Objectives: Built Heritage and Archaeology

Objective 9.4: Archaeological Heritage

Objective 9.5: Sites of Established Archaeological Interest

Objective 9.7: Preservation of Archaeological Remains In-Situ

Objective 9.8: Development within the Historic Core

Objective 9.9: The Value of Archaeological Knowledge

Objective 13.8: Leisure and Entertainment Uses

Objective 13.13: City Centre Public Realm Projects

Objective 13.15: Priority Public Realm Improvements

Objective 13.16: City Centre Parks

5.2. Natural Heritage Designations

The site is located approx. 3.2 km north west of Cork Harbour SPA 004030 and approx. 8.7 km west of Great Island Channel SAC 001058.

5.3. EIA Screening

- 5.3.1. It is noted that the previous application (PL.28.239383, Reg. Ref. 10/34698) for the redevelopment of the overall Beamish and Crawford site included an EIA.
- 5.3.2. The planning authority carried out an EIA Screening determination which concluded that there is no real likelihood of significant effects on the environment arising from the proposed development.
- 5.3.3. In my view, having regard to the nature and small scale of the proposed development and the location of the site, it is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

First Party Appeal

This is a first party appeal against condition no. 48 which related to the payment of a special contribution. The applicant considered that the planning authority may not apply a Special Development Contribution to any works which were assessed and incorporated into the General Development Contribution Scheme. In particular it cannot apply a charge to the provision of Crosse's Green pedestrian / cycle bridge or indeed the provision of the Lamley's Lane approach street as these items are specific objectives of the development plan and have been assessed as part of the infrastructural and facilities costings when arriving at the general development contribution scheme figure of €606,150,000. Extracts from the General Development Contribution Scheme and the Cork City Development Plan 2015-2021 have been included with the submission.

Third Party Appeal

A third-party appeal was submitted by Eleanor Hunter. The issues raised are summarised below:

- Commercial overdevelopment of the historic core of Cork City. The area should be primarily developed for tourism.
- The scale of the development is out of character for the city.
- The appeal site is the historic core of Cork City and a history of the site and surrounding area is provided. The proposed development would have a negative impact on local and national heritage and culture.
- The proposed development is not suitable. A dedicated museum should be provided on site to showcase archaeological findings from the site. Alternative proposals for the site are provided including the provision of a replica long-boat along the quay side, a Viking heritage centre, a medieval quarter, a micro-brewery etc. Reference is made to heritage sites within Waterford and Wexford. An appendix included with the submission includes a photo of excavation works on the appeal site and of historical artefacts.
- There is insufficient transport infrastructure to accommodate the development
- The increased height of the development would negatively impact on views of St. Finbarr's Cathedral.
- The design of the overall Beamish and Crawford development site is visually obtrusive.
- Landscaping / trees have been omitted from the Proby's Quay side in the revised application.

6.2. Applicant Response

The applicant's response to the third-party appeal is summarised below:

- The response to the appeal is submitted by Dr Maurice F. Hurley, Consultant Archaeologist, who has over 40 years' experience, and has carried out extensive archaeological excavations of the overall appeal site. All excavations of the site have been carried out to the highest standard.
- The third-party appeal relates to the general lost potential of corks heritage and does not focus on any specific detail of the proposed event centre.
- The redevelopment of the site would regenerate a run-down and under-utilised part of the city.

- Details of the site historic past are provided based on evidence found from within the development site. It is noted that the archaeological works have been funded by the applicant. Evidence of St. Lawrence Church was discovered beneath the appeal site. It has been reported and will remain in situ below the proposed events centre. The development would be constructed to ensure it does not negatively impact on the historic remains. Some of the findings from the site have been on display in Cork Public Museum. The exhibition was funded by the applicant and showcased the dig. The applicant has also collaborated with UCC and have widely disseminated the information through lectures and newspaper interviews and magazines. This is where the appellant gathered the information provided in the appeal.
- The revitalisation of South Main Street hinges on this opportunity for redevelopment. The development of the overall site is key to the urban renewal of the area and the event centre is intrinsic to the project. It is a symbol of a culturally aware, modern Ireland. The student accommodation has provided residential uses in the city centre, the restored and enhance brewery buildings provide a link to the past uses on site and the proposed event centre has the potential to be an iconic venue.
- There may be an opportunity to use some of the public space to illustrate the history and heritage of the site. Development and heritage do not have to be mutually exclusive.

6.3. Planning Authority Response

6.3.1. *First Party Appeal*

The Planning Authority's response to the first party appeal is summarised below: -

- Permission was granted under PL.28.239383, Reg. Ref. 10/34698 for a mixed-use development including the provision of 2 no. pedestrian bridges. As part of the further information response to the current application, the applicant stated that no amendments are proposed to the bridges as previously permitted and that the relevant conditions of previous permissions apply. The City Council

decided that they would deliver the bridge infrastructure. The references to the bridges in the development plan are noted.

- The current General Development Contribution Scheme 2018-2021 were prepared following the grant of permission for the 2 no. bridges. It is the planning authority's view that the bridges would be funded through a special contribution as was previously attached to PL.28.239383, Reg. Ref. 10/34698.
- The contribution attached, €1,681,719 represents a figure of 25% of the total estimated cost of delivering the 2 no. bridges, public realm works at the western landings of the bridges and public realm works on South Main Street. It is requested that the Board uphold this condition.

6.3.2. *Third Party Appeal*

The Planning Authority's response to the third-party appeal is summarised below: -

- The principle of this development was established with the granting of PL.28.239383, Reg. Ref. 10/34698, which was subject to an EIA and assessment of archaeology. The proposed development comprises a modified event centre, in similar location, scale and massing to that previously permitted.
- The archaeological findings from the excavations carried out on site are on display in partnership with Cork Public Museum. Provision is made in Zone B of the overall site for a cultural space / interpretive spaces on the ground floor, which would be used to display historical / archaeological information. Conditions were attached to the grant of permission relating to archaeology.
- The planning authority recommend that the decision to grant permission be upheld.

6.4. Further Responses

6.4.1. *Frist Party*

The applicant's response to the planning authority's submission is summarised below:

-

- The applicant acknowledges the planning authority's response to the third-party appeal.
- The only relevant conditions relating to the appeal site are those attached to the Boards decision PL.28.239383. The applicant has no objection to these conditions. The planning authority has estimated the cost and proportion of the costs which are levied on the applicant without any consultation. As required by conditions attached to PL.28.23383.
- It has always been the intension that bridges would be provided by the city council and that the applicant would make an appropriate contribution. If the applicant was to construct the bridges, it would not be at their expense, as suggested by the planning authority.
- It is noted that the approach link / pedestrian way through the overall site from South Main Street to Crosse's Green Bridge is being provided by the applicant and will be dedicated to public use.
- The standard contribution of €606,150,000 includes the costings of the Crosse's Green bridge and the link from South Main Street to the bridge. To apply special charges relating to these matters is a double charge.
- The applicant has no objection to the paying of appropriate development contributions. However, the ability to negotiate and reach an agreement or to avail of an adjudication by the Board should be ensured. It is recommended that similar conditions attached to PL.28.23383 be applied.

6.4.2. **Third Party**

The third party's (Eleanor Hunter) response to the planning authority's submission reiterates a number of points raised in the appeal. Additional concerns raised are summarised below: -

- The appellant supports the objection by An Taisce which was submitted to the planning authority.
- The planning authority do not acknowledge the details of the modifications currently proposed. In particular, the increased height of the development. The revised design benefits the developer only. .

- No details of a heritage centre or interpretive centre or museum have been provided for the site.
- The archaeological remains would not be visible and would be hidden beneath the event centre.
- Dividing the overall site up into zones and subsequently applying for amendment permissions is project splitting. This should be investigated.
- Newspaper articles regarding the site are included with the submission.

7.0 **Assessment**

7.1. The main issues in this appeal relate to archaeology / heritage, visual amenity, transport and development contribution. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Archaeology / Heritage
- Visual Amenity
- Transport
- Development Contribution
- Appropriate Assessment

7.2. ***Principle of Development***

7.2.1. The proposed development is located within Zone C of the overall former Beamish and Crawford site in Cork city centre. The proposed development represents an amendment to permission granted under PL.28.239383 for an event centre and office block. The works include the construction of an event centre with a gross floor area of 11,144 sqm and office units with a gross floor area of 2,176 sqm to serve as a logistical, management and support functions for the event centre. The development has a total gross floor area of 13,320 sqm which is a reduction of 3,417sqm of that previously approved. The revised layout provides an additional 1,173sqm of floor area for the event centre.

7.2.2. Concerns were raised in the appeal that the appeal site should be utilised for tourism uses which reflect the historic nature of the site and its environs. The majority of Zone C and the overall Beamish and Crawford site is located within an area zoned -ZO 1: - 'City Centre Retail Area' with the associated land use objective '*to provide for the protection, upgrading and expansion of retailing, in particular higher order comparison retailing, as well as a range of other supporting uses in the City Centre retail area*'. The southern portion of Zone C is zoned ZO 14: - Public Open Space with the associated land use objective '*to protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space areas for alternative purposes, including public open space within housing estates*'. Section 13.43 states that the councils will seek to secure the development of a quality green open space on the southern side of the Beamish and Crawford site on South Main Street, if this is not developed as an Event Centre.

7.2.3. Having regard to the zoning objectives for the site, the site's prominent location on the southern bank of the River Lee and within an underutilised area in the city centre it is my opinion that the proposed development, which incorporates a high-quality contemporary design, would enhance the character of the area and have a positive impact on the public realm.

7.3. **Archaeology / Heritage**

7.3.1. The site is located within a Zone of Archaeological Potential for Cork City which includes the medieval historic core (recorded monument CO074-3401) and the medieval city wall (CO074-03402). Zone C accommodates the remains of St. Laurence's Church which is a recorded monument (CO074-03411). In addition, there is a protected structure PS 330 – Half-timbered frontage to Beamish and Crawford Brewery (Counting House) on South Main Street. Counting House is also listed on the National Inventory of Architectural Heritage (ref. 20514018). This is located within Zone B of the overall site.

7.3.2. Concerns have been raised in the third-party appeal that the development would have a negative impact on the historic core of Cork City as it would be out of character with the area. It is considered that the site should be developed for tourism which acknowledges the heritage and culture of the site.

- 7.3.3. An Archaeological and Cultural Heritage report was submitted with the application. It details the archaeological finds within Zone C, which were discovered during a full archaeological excavation of an area of 500sqm and during monitoring of the removal of buildings on site. In accordance with best practice the remains were not excavated and remain in situ. It is noted that the foundations for the proposed buildings would be designed to respect the location of remains of St. Laurence's Church. During the archaeological works on site no evidence of the city wall was revealed. It is, therefore, considered that the city walls follows the same line as the current quay wall. The report acknowledges that works to the quay walls to provide the 2 no. pedestrian bridges may result in some minor impacts to archaeological remains and recommends mitigation measures to reduce any potential impacts on archaeological remains within the site.
- 7.3.4. In response to the appeal the applicant has stated that extensive archaeological excavations of the overall appeal site have been carried out to the highest standard at the applicants' expense. It is also noted that some of the findings from the site have been on display in Cork Public Museum. The exhibition was funded by the applicant and showcased the dig. The applicant has also collaborated with UCC and has widely disseminated the information through lectures and newspaper interviews and magazines. It is also noted that all findings from the archaeological investigations on site require analysis and publication in accordance with National Policy.
- 7.3.5. Having regard to the archaeological work undertaken to date, which is in accordance with best practice guidelines, it is my view, that the proposed development would not have a negative impact on the archaeological history of the site. However, it is recommended that a condition regarding archaeological monitoring be attached to any grant of permission.
- 7.3.6. It is also noted that Zone B of the site includes the restoration and change of use of Counting House (protected structure) and brewery buildings. The applicant has also stated that there may be an opportunity to use some of the public space located in Zone B to illustrate the history and heritage of the site. It is my opinion that the reuse of these existing buildings would enhance the heritage value of the site and the city.

7.4. *Visual Amenity*

- 7.4.1. The site is located on a visually prominent site in the historic core of Cork city. Concerns were raised in the appeal that the increased height of the proposed development would negatively impact on views of St. Finbarr's Cathedral and that the design of the overall Beamish and Crawford development site is visually obtrusive.
- 7.4.2. The proposed amendments to the previously approved event centre result in an increased height of 300mm, from 29.025m to 29.350m. Photomontages have been submitted which compare the visual impact of the previously approved event centre and the proposed design. Having regard to the information submitted, it is my view that the increased height would not result in a significant negative impact on views of St. Finbarr's Cathedral or any views or prospects within the city.
- 7.4.3. The design of the building is largely dictated by its function, as an event centre with associated office use. The design of the building was altered by way of further information to reduce the bulk of the building on the southern / south eastern corner with South Main Street. A ticket office has also been provided to provide for an active street frontage. The design of the building is contemporary with brick, large glazed opening along the northern, southern and eastern sections. The event centre element along the western section (riverside) comprises vertical panelling. In my view the revised design, submitted by way of further information is an appropriate design solution and would not have a negative impact on the existing visual amenities of the area.

7.5. *Transport*

- 7.5.1. Concerns were raised in the appeal that there is insufficient transport infrastructure to accommodate the proposed development.
- 7.5.2. It is noted that permission was previously granted under PL.28.239383 for an event centre on this site and the potential traffic impacts of the development were fully addressed. The event centre would have a capacity of 6,000 and there is no car parking associated with the event centre. A Transport Assessment was submitted with the application. It provides details of approx. 5,000 no. car parking spaces within commercial car parks in the city (excluding on-street spaces).

- 7.5.3. Table 4.1 of the 'Event Transport Management and Demand Plan' (Appendix F of the Transport Assessment submitted by way of further information) provides a breakdown of modal split for travel to the event centre based on the capacity of the venue. A breakdown of each of the city centre car parking locations as also been provided in the table. Having regard to the information provided, it is my view that there is sufficient capacity within the commercial car parks to accommodate the demand generated by the event centre. In addition, having regard to the limited number of vehicular movements generated by an event at the proposed venue and the dispersed nature of the commercial car parks, it is my view that there is sufficient capacity within the surrounding road network to accommodate the vehicular trips generated.
- 7.5.4. A 'Servicing and Management for Events' report is in provided in Appendix A of the Transport Assessment. It is envisioned that the maximum number of HGV's associated with any one show would be 15 with a maximum of 4no. HGVs at any one time. All HGV movement would be managed by the event centre and accommodated within the service area located to the rear of the event centre. Having regard to the city centre location and the limited number of HGV movements generated by the development, it is my view that the proposed development would not have a negative impact on the surrounding road network.
- 7.5.5. A 'Pedestrian Study' of Cork city was submitted with the application. The report indicates that after an event there would be no restrictions on pedestrian flow. It is anticipated that 60% (3,600 persons) would be directed towards Washington Street and Tuckey Street to the north of the event centre, 20% (1,200 persons) would be directed towards Sullivan's Quay via South Main Street and 20% (1,200 persons) would be directed towards the proposed new pedestrian Bridge towards Crosse's Green. It is envisioned that during both a daytime matinee and an evening event the area surrounding the proposed event centre would be clear in approx. 14 minutes. It is also noted that prior to an event, appropriate barriers and holding areas would be provided for early arrivals. 'An Event Management Plan' was submitted with the application and provides general information regarding the managing of events and details plans and actions of the venue to ensure public and employee safety. It is also proposed that an Operational Crowd Management Strategy and a Safety Plan would

be prepared for each event to identify and assess all potential risks and to provide mitigation measures.

- 7.5.6. It is noted that condition no. 4 attached to by the planning authority required that the 2no. pedestrian bridges be operational prior to the opening of the event centre. Condition no. 4 also stated that should the event centre be constructed in advance of the bridge's measures shall be agreed with the planning authority to ensure pedestrian safety. As 20% of pedestrian movements away from the event centre are proposed via the new pedestrian bridge towards Crosse's Green, it is my view that a similar condition be attached to any grant of permission.
- 7.5.7. In conclusion, having regard to the city centre location, the planning history of the site and lack of any dedicated car parking, it is my view that the proposed development would not result in a significant negative impact on the capacity of the surrounding road network or generate any pedestrian safety concerns.

7.6. *Development Contribution*

- 7.6.1. The first party appeal relates to condition no. 48 which required the payment of €1,681,719 as a special contribution under section 48(2)(c) of the Planning and Development Act, 2000 (as amended). The contribution related to the 2 no. pedestrian bridge crossings from the site to French's Quay and Crosse's Green and public realm improvements at the western landings of both bridges and on South Main Street. The applicant considered that the Planning Authority may not apply a Special Development Contribution to any works which were assessed and incorporated into the General Development Contribution Scheme. In particular, the provision of Crosse's Green pedestrian / cycle bridge or the provision of the Lamley's Lane approach street as these items are specific objectives of the development plan and have been assessed as part of the infrastructural and facilities costings when arriving at the general development contribution scheme figure of €606,150,000.
- 7.6.2. The Planning Authority stated that the current General Development Contribution Scheme 2018-2021 was prepared following the grant of permission for the 2 no. bridges under PL.28.239383, Reg. Ref. 10/34698. It is the planning authority's view that the bridges would be funded through a special contribution as was previously attached and are not covered under the general development contribution.

- 7.6.3. In response to the Planning Authority's submission the applicant states that there is no objection to the payment of appropriate development contributions. However, the ability to negotiate and reach an agreement or to avail of an adjudication by the Board should be ensured. Condition 24 of PL.28.23383 required that the amount of the contribution be agreed between the applicant and the planning authority it is recommended that a similar condition be applied.
- 7.6.4. Section 1.10 Special Development Contributions of the Cork City Council General Development Contribution Scheme 2017-201 states that a special contribution may be imposed under Section 48 of the Act where exceptional costs, not covered by the Scheme, are incurred by the Council in the provision of a specific infrastructure or facility (the particular works will be specified in the planning conditions when special contributions are levied). Only developments which will benefit from the public infrastructure or facility in question will be liable to pay the special development contribution. Conditions imposing special contributions may be appealed to the An Bord Pleanála ("the Board").
- 7.6.5. The Architects Report submitted by way of further information on the 3rd July 2019 provided additional details regarding the phasing and construction of the bridges. It is noted that the bridges are located outside of the red line boundary of this current planning application. The applicant stated that the current application does not propose any alterations to the bridges, and that they would be provided in accordance with permission granted under PL.28.23383. It is noted that discussions are on-going with Cork City Council regarding the detailed design and procurement of the northern bridge (Lambeys Lane to Crosses Green). The southern bridge (event centre to Proby's Quay) would be completed in tandem with the construction of the event centre.
- 7.6.6. Having regard to the planning history of the site, in particular condition no. 24 of PL.28.23383 and Cork City's Development Contribution Scheme. It is my view that the payment of a special contribution towards the construction of 2 no. pedestrian bridges from the site to French's Quay and Crosse's Green and public realm improvements at the western landings of both bridges and on South Main Street would be appropriate.

7.7. *Appropriate Assessment*

7.7.1. *Stage 1 Screening*

The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites.

European sites that could potentially be affected by the proposed development are Cork Harbour SPA (004030) and Great Island Channel SAC (001058).

Conservation Objectives: to maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC and SPA have been selected.

<i>European Site</i>	<i>Site Code</i>	<i>Relevant QI's and CI's</i>	<i>Distance</i>
Cork Harbour SPA	003040	Little Grebe Great Crested Grebe Cormorant Grey Heron Shelduck Wigeon Teal Pintail Shoveler Red-breasted Merganser Oystercatcher Golden Plover Grey Plover Lapwing Dunlin Black-tailed Godwit Bar-tailed Godwit Curlew Redshank	3.2km

		Black-headed Gull Common Gull Lesser Black-backed Gull Common Tern Wetlands	
Great Island Channel SAC	001058	Mudflats and sandflats Atlantic salt meadows	8.7km

The potential indirect effects on the Cork Harbour SPA and the Great Island Channel SAC relate sediment laden surface water run off entering the River Lee along the southern and western boundaries of the site. In the absence of mitigation measures, it is not possible to rule out impacts on water quality which could negatively impact on qualifying interests of the SAC and SPA.

On the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is not possible to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site 003040 or 001058, or any other European site, in view of the site's Conservation Objectives. A Stage 2 Appropriate Assessment is therefore, required

7.6.2 Appropriate Assessment – Stage 2 NIS

Following a Screening Assessment by the Planning Authority. A Natura Impact Statement was submitted by way of clarification of further information

Cork Harbour SPA and Great Island Channel SAC

Cork Harbour is a large, sheltered bay system, with several river estuaries. It is an internationally important wetland site, regularly supporting in excess of 20,000 wintering waterfowl. The Great Island Channel is an integral part of Cork Harbour and the SPA and SAC overlap. The proposed development would not be located within the SPA or the SAC and there would be no direct effects as a result of the works.

The southern channel of the River Lee is located along the southern and western boundaries of the site. This provides a hydrological link to both the SPA and the SAC. All surface water from the site currently discharges to the river Lee. Surface water run-off associated with the construction stage and operational phase could, therefore, potentially enter the River Lee and ultimately the SPA and SAC.

The NIS considers that potential impacts on water quality in the SAC and SPA are limited due to the limited size of the development, the separation distances and the assimilation capacity of the River Lee. The NIS provides a number of mitigation measures to prevent any run-off potentially contaminating the River Lee with sediment or hazardous material. In addition, the construction phase would be carried out in accordance with a Waste Management Plan, Construction Management Plan and Environmental Management Plan for the site and with best practice guidelines. It is noted that these plans are already in place for Zones A and B of the overall development site. A project ecologist would also monitor the works on site.

All foul water from the proposed development would be discharged to Irish Water's foul sewer via an upgraded sewer network within the site. It is therefore considered that there is no potential pathway from wastewater runoff to the designated sites.

With regard to potential impacts from noise, light or general disturbance on qualifying species of the SPA, it is my view that due to the separation's distances and the urban environment there are no potential impacts on the qualifying species.

Notwithstanding the presence of a hydrological connection to a European site via the River Lee, it is my view that having regard to the nature and scale of the development, the distance to the SPA and SAC and the nature of the qualifying interests that the proposed development would not adversely affect the integrity of Cork Harbour SPA or the Great Island Channel SAC subject to full implementation of the mitigation measures and compliance with best practice methodologies during the construction and operational phase.

7.6.3 *In-combination effects.*

Having regard to the nature and limited scale of the proposed development it is considered that it does not have the potential for in-combination effects, after mitigation measures are applied, to undermine the integrity of a European Site.

7.6.4 *AA Conclusion*

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 003040 or 001058, or any other European site, in view of the site's Conservation Objectives.

8.0 Recommendation

It is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the sites zoning objectives, the historic nature and use of the site and the pattern of development in the immediate vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area and would be acceptable in terms of archaeological protection and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 3rd day of July 2019 by way of further information and 28th day of August 2019 by way of clarification of further information, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the

planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The event centre shall not become operational in advance of the proposed pedestrian bridges between the site and French's Quay and Crosse's Green Quay becoming operational unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of public safety

3. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Natura Impact Statement are implemented in full, save as may be required by conditions set out below.

Reason: In the interest of protection of the environment

4. The developer shall ensure that all mitigation measures set out in the Flood Risk Assessment are implemented in full, save as may be required by conditions set out below.

Reason: In the interest of protection of the environment

5. Prior to the commencement of development, detailed plans for all finishes to public areas, including the proposed bridges and quay walls, shall be submitted for the written agreement of the planning authority. These proposals shall include a full specification for surfacing and hard and soft landscaping (including proposals for maintenance and public access) and details of planting, public art, lighting schemes, security measures and the incorporation of historic names with appropriate nameplates. This shall also include full details of all alterations to footpaths and the public highway.

Reason: In the interest of protecting amenity and enhancing public areas in accordance with the zoning designation.

6. Prior to the commencement of development, the developer shall submit a detailed proposal and report for all subsurface works (including any requirement for dewatering before, during, or after construction works), including a detailed assessment by a hydrogeological specialist that will address any potential impacts beyond the appeal site of direct or indirect alterations to groundwater levels. Works shall not commence until the planning authority have agreed in writing that they are satisfied that satisfactory provision has been made for the protection of off-site archaeology and adjoining properties in the event of changes to groundwater levels or composition. This report shall also include a level 3 risk assessment with specific measures to protect the ground floor and basement levels of adjoining properties from flooding.

Reason: To protect the subsurface archaeology of the area, to protect the value of adjoining properties, and to protect from flooding.

7. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed structures shall be submitted to the planning authority for agreement.

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

8. Prior to commencement of development the applicant shall agree in writing with the planning authority the intended opening hours of the ticket office.

Reason: In the interest of proper planning and sustainable development

9. Notwithstanding the provisions of the National Monuments Acts 1930-2004, with regard to the area surrounding the City Wall, the developer shall facilitate the planning authority in the archaeological appraisal of the site, and in preserving, recording or otherwise protecting archaeological materials or features which may exist within it. In this regard, the developer shall –
 - a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - b) submit to and agree in writing with the planning authority revised proposals for the design of the foundation pads and piles. These shall be the subject

of continuing review and full details of any revisions to the proposed location or levels of pipe caps, ground beams, service trenches or other subsurface works which shall ensure that the development will not cause avoidable disturbance to archaeological material and will limit any unavoidable disturbance to a negligible degree,

c) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

d) provide satisfactory arrangements for the recording and removal of any archaeological material which may be considered appropriate to remove.

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

10. Prior to occupation of the development, details of the proposed corporate signage shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development and visual amenity.

11. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

12. The applicant shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

15. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, other than that located entirely within the proposed screened rooftop plant area, and which is below the level of the screen for this area, telecommunication aerials, antennae or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

16. 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.

17. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of new pedestrian bridges. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Elaine Power

Planning Inspector

25th February 2020