



An
Bord
Pleanála

Inspector's Report ABP 308596-20

Development	Redevelopment of the Custom House site to provide for a mixed use development. The works consist of the carrying out of works to protected structures.
Location	North Custom House Quay and South Custom House Quay, Custom House Street, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	19/38589
Applicant	Tower Development Properties Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	<ol style="list-style-type: none">1. Irish Georgian Society2. An Taisce3. John Adams

Observers

1. Una & Mary-Kate Chambers
2. Frank McDonald
3. Sean Feehan
4. Cllr. Oliver Moran

Dates of Site Inspection

17th & 18th February, 2021

Inspector

Pauline Fitzpatrick

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1.0 Site Location and Description

- 1.1.1. The site, which is known as Custom House Quay, has a stated area of 1.1986 hectares and comprises the eastern most tip of the city centre island at a point where the north and south channels of the River Lee converge. The site is triangular in shape with the N27 National Primary Road bounding the site to the west.
- 1.1.2. The site includes 3 no. historic structures namely the Custom House, the Revenue Building and the Bonded Warehouse which, until recently, functioned as the Port of Cork Authority headquarters. All are protected structures.
- 1.1.3. The Custom House fronts onto Custom House Street and was built in 1818. It is a two storey office building over vacant semi-basement storage vaults. The Cork Harbour Commissioners moved into Custom House in 1904 and built an extension to the building in 1906 consisting of a boardroom and offices. The Revenue Building was built in 1814-19 and is a two storey cut-stone structure located on a north-south axis between the Custom House to the west and the bonded warehousing to the east. It has been largely vacant for a number of years. The Custom House and Revenue Building are internally linked by 2 no. stairwells,
- 1.1.4. The three storey bonded warehouse was built in 1814-19 and contains vaulted stores with stone spiral stairs within external semi-circular towers providing access to the upper floors. It is currently unused.
- 1.1.5. There are 2 wide quaysides 20 m. wide and 180 m. long, Anderson's Quay to the north and Custom House Quay to the south, parts of which are used for car parking. There is a floating pontoon and berthing facility attached to the south quay and limestone steps to the river at the eastern quay. There are a number of mooring posts along the north quay which is used by berthing visiting naval vessels and small cruise ships.
- 1.1.6. There are two gated entrances, at the north-west and south-west corners, which provide vehicular access to the site.
- 1.1.7. The surrounding area is predominately commercial/industrial with substantial redevelopment ongoing/undertaken in the last few years namely along Albert Quay to the south and Penrose and Horgan's Quays to the north. Lapp's Quay to the west is characterised by a mix of commercial uses including Jurys's Inn Hotel and an

office building. The Docklands area extends eastwards towards the Harbour and is largely characterised by industry and warehousing. Kent railway Station is 500 metres north-east of the site with the bus station at Parnell Place c.200 metres to the west.

2.0 Proposed Development

2.1.1. The application was lodged with the planning authority on the **31/07/19**. Further plans and details were submitted **26/02/20** and **20/08/20** following requests for further information (FI) and clarification of further information dated 24/09/19 and 10/07/20 respectively. Revised public notices were received 01/04/20.

2.1.2. The proposal entails a mixed use development, the main elements of which are:

- Hotel incorporating the Custom House building and part of the Revenue Building with new build comprising a 34 storey tower with an overall height of 139.75 metres.
- Refurbishment and extension to the Bonded Warehouse to provide for a mix of uses including a maritime museum/visitor centre, distillery, retail, food/beverage and offices
- Public realm works

2.1.3. **Hotel Component**

- The Custom House will be retained with interior alterations proposed to accommodate the hotel. The northern wing is to be raised to provide balance to the 20th century extension over the southern wing. In addition, the works propose the restoration of the atrium connecting the ground floor stairs to the 2nd floor.
- The main hotel front and back of house functions such as reception, meeting and function rooms, will be located within the 1st 3 floors of the Custom House.
- Partial demolition of the Revenue Building with the north and south sections to be retained. The space will allow for the new building element over

basement. The tower will include 241 bedrooms, 25 serviced suites and leisure facilities with a restaurant, terrace and bar at the top.

2.1.4. Covered Courtyard

- A covered courtyard between the hotel and the bonded warehouse is proposed. It will provide the principal entry point to both. It is proposed that the central courtyard will be used for public events and exhibitions.

2.1.5. Bonded Warehouse

- Internal alterations including connection of bays and vaults with additional east-west passages and stairs. Due to restricted headroom the roof is to be raised by 1.5 metres.
- The ground and 1st floors are to comprise a mix of retail, food and beverage, galleries, workshops and heritage centre with the top floor to be used as office space.
- An extension is proposed to the eastern end of the warehouse in which a distillery and restaurant are proposed.

2.1.6. Public Realm and Services

- Public realm works along the southern and eastern quaysides.
- Vehicular access to be provided from the northern most entrance with set down for the hotel and service access for both the hotel and the uses in the warehouse. 71 parking spaces are proposed along the northern quayside.

2.1.7. The application is accompanied by:

- EIAR (as amended by way of further information)
- Planning Support Statement
- Architectural Design Statement (as amended by way of further information with further response by way of clarification of FI)
- Urban Design and Tall Building Statement (as amended by way of further information)
- Conservation Plan

- Conservation Repair Works Method Statement (as amended by way of FI)
- Sustainability Report
- File Note: Fixed Phone Lines and Broadband Connections
- Stage 1 Landscape Architectural Report
- Outline Mobility Management Plan
- Report for Screening for Appropriate Assessment and Natura Impact Statement
- Site Infrastructure Report (as amended by way of FI)
- Stage 1 /2 Road Safety Audit
- Photomontages
- Photomontages showing cumulative effect

Note: Consent from Port of Cork and Cork City Council accompany the application.

3.0 **Planning Authority Decision**

Grant permission for the above described development subject to 62 conditions. Of note:

Condition 3: Phasing programme to be agreed.

Conditions 5(a) and 24: maximum of 59 parking spaces to be provided.

Condition 10: detailed survey and recoding (sic) of the complex as it is at present and also during opening up and demolition phases to be submitted to planning authority and copies lodged with Irish Architectural Archive.

Condition 11: Final landscaping scheme with retention of the most historic elements in situ to be submitted.

Condition 12: Proposals for installation and management of the maritime themed visitor centre and operation of the pontoon in the South Channel to be submitted.

Conditions 13, 14, 16, 18 & 19: Archaeology and Archaeological monitoring requirements.

Condition 15: Detailed record of the historic quay and any associated features to be undertaken.

Condition 17: Method statement for retention of granite and limestone setts to be prepared.

Condition 21: Works on quay walls to take place outside breeding season. Measures to be taken to create artificial habitats for the sand martins such as bird boxes.

Condition 22 & 23: Measures to prevent invasive alien species and planting of native pollinator friendly species.

Conditions 25 & 26: Pedestrian crossing and road marking details to be agreed.

Conditions 27 & 29: Updating of mobility management plan. Targets and measures to be agreed. To be continually monitored by mobility manager

Condition 32: Stage 3 / 4 Road Safety Audit to be carried out.

Condition 33: Minimum 100 bicycle parking spaces to be provided.

Condition 34: Special contribution to reconfigure SCOOT network.

Condition 35 & 36: Upgrading of northern junction incorporating traffic signalling equipment. Left in/Left out, only, permitted at northern entrance. Left out, only, permitted at the southern entrance.

Condition 37: Irish Aviation Authority requirements.

Condition 41: Submission of Emergency Management Plan for flood events.

Condition 44: Submission of method statement for proposed dewatering works.

Condition 46 (b): Schedule of mitigation measures and monitoring commitments and time schedule for implementation to be submitted.

Condition 49(c): Asbestos survey and report to be undertaken.

Conditions 56, 57, 58 & 60: Way leaves to be granted to Irish Water pertaining to infrastructure.

Conditions 61 & 62: General Development and supplementary development contributions.

3.1. Planning Authority Reports

Planning Reports

3.1.1. Senior Executive Planner, Planning Policy Team in a report dated 13/09/19

notes:

- The nature, scale and extent of retail use warrants examination in order to determine compliance with the Development Plan.
- The proposal compromises the quality and setting of linear landmark buildings such as St. Finbarr's Cathedral, St. Nicholas Church, view of St. Luke's Church and the Montenotte Ridge. It fails to protect and enhance these views and prospects of special amenity value/special interest. It is contrary to strategic goal no.5 to maintain and capitalise on the city's unique form and character.
- It is considered that the proposed 'metropolitan' landmark building fails to respect the historic skyline of the city. It illustrates a degree of disconnect from the context of the city size.
- The City Development Plan and South Docks LAP identify locations for tall buildings. The subject site is not identified. The proposal materially contravenes sections 16.34 and 16.35 (tall buildings). It is considered that the Development Plan accords with Section 2.8 of the Building Height guidelines.
- It is acknowledged that the heights prescribed in the development plan cannot determine maximum heights but are a tool in guiding and assessing higher density developments.
- The proposed tower building due to its position and proximity to protected structures of national importance and its scale and height, fails to accord with objective 13.21 relating to City Centre Design and Context. It fails to respect or enhance the special character of the city centre and fails to respect the height, mass and scale of surrounding buildings.
- The recent development in this transition area between the city centre and docks are an acknowledgement that this wider precinct is an area suitable for

some level of digression from the established scale, massing and character of the historic city.

- The South Docks LAP, although expired, is important. It highlights the pivotal nature of the site. The 35 storey tower is in conflict with the vision set out in the LAP of developing a focal landmark building and does not represent a sensitive redevelopment of the site as per Objective SD54.
- It is considered that the principle and identification of an appropriate location for a development scheme of this scale/height which represents such a monumental digression from the established scale and character of the city, should be determined locally through the statutory City Development Plan making process.
- If the site is considered to be an important landmark the scheme should have the ambition to be car free. A car free development would significantly enhance the potential of the public realm within the site.
- The appropriateness of rendering the stone facades of the bonded warehouse requires careful consideration.

3.1.2. Senior Executive Planner in a report dated **23/09/19**:

- EIA - Alternatives not adequately addressed. Further detail required on traffic and transportation and the pedestrian environment. Cumulative impacts in terms of visual effects are not presented and represent a significant omission. All listed views should be submitted. The tower should be shown in a non-reflective façade representation. The potential impacts on water have not been fully assessed. Further details required on biodiversity and major accidents and disasters.
- AA - The proposal would not adversely affect the integrity of Cork Harbour SPA.
- The site has a strategic location in terms of an established approach view from the harbour area and the east.
- The context of this area, now referred to as the City Harbour Interchange area in the Development Plan, has evolved since the adoption of the South Docks LAP. This area was reassessed and identified as advantageous given that

existing city centre infrastructure could cater for new development and therefore could deliver ahead of the Docklands further east.

- This area is 1 of 2 identified ‘transformational areas’ of the City Centre as outlined in Chapter 10 of the City Plan. Both of these areas have delivered significant development during the lifespan of the City Development Plan with emerging, permitted and pending high density development.
- The proposal is in line with a high density approach as well as reusing and rejuvenating the built heritage on the site.
- In principle the proposal offers diverse and complementary uses of leisure, culture and public amenity. It presents an opportunity to strengthen links between the City and Harbour. Brownfield sites provide opportunities to reach the strategic goals of the Core Strategy of the City Plan.
- Having regard to national policies and objectives in the NPF, the objectives for the site and City Harbour Interchange area in the City Plan, the policies in the Building Height guidelines and the emerging high density development in the City Harbour Interchange area, the principle of a tall building cannot be ruled out.
- The structural integrity of the entire site and buildings could have a precarious future without the intervention of a comprehensive and sensitive redevelopment. However, the loss and partial reinstatement of the Revenue Building is not acceptable. The retention and regeneration of all of the protected structures within the proposed plans would secure the future structural integrity and built heritage value of the site as a whole. The case has not been made in terms of exceptional circumstances for the demolition of the Revenue Building.
- Further information required that future uses will comply with the zoning objective and that the proposed suites shall not be operated or leased separately. The maritime heritage element is disappointing.
- Details on external finishes required.
- The height of the tower is transformative in terms of visual impact on the city.

- The designation of the site as a Metropolitan Landmark has not been fully validated. The sensitivity analysis is flawed in terms of the lack of designation of the site as either historic or of built heritage value. The choice of 140m which is at the upper end of the Metropolitan Landmark height classification, must also be justified. It must be further demonstrated how the development complies with City Centre Design Quality and Context Objective (13.12 City Plan).
- Further detail required on the Flood Risk Assessment.
- The additional public amenity will be attractive for visitors and residents of the city and is a welcome addition to the waterfront amenity space of the city. Carparking is not an acceptable use of the northern quayside space. Treatment of cobble stone setts and public access along the southern quayside to be reviewed. Clarification of continued use of floating pontoon required.

Further information recommended.

3.1.3. **Senior Planner** in a report dated **24/09/19** endorses the recommendation.

Additional detail sought on foot of a report received from Irish Water following the above report's preparation.

3.1.4. The **2nd Senior Executive Planner's** report dated **08/07/20** following FI notes:

- Clarification required on site access and pedestrian accessibility.
- Taking the cumulative impacts into account, there is an overall improvement in terms of the magnitude of the visual effects of the tower element due to the visual clustering of other local tall buildings. The clustering results in an improved representation of the proposed tower in terms of the city's evolving skyline. Impacts on 4 no.views are considered significant with potentially adverse visual effects.
- Clarification required on fire escape arrangements.
- The concerns relating to built heritage are considered to be satisfactorily addressed.

- The amendments involve a meaningful maritime use of the building, quayside and pontoons.
- The context of the City Harbour Interchange Area in terms of permitted building heights has significantly altered with an emerging cluster of tall buildings. The PA must have regard to the permitted and existing tall buildings in the area. In view of same the area is less sensitive to tall buildings but the site specific sensitivities must also be taken into account.
- The Urban Design and Tall Buildings Statement is considered to be flawed in terms of the sensitivity factors of the site.
- The proposals for the protected structures in terms of re-use, integration with the overall new uses and rejuvenation of the maritime heritage of the site are deemed to be of very high quality with positive regenerative impacts and are acceptable.
- Having regard to the sensitivities and the ‘theoretical potential’ attributes of the site it is considered that a tall building can be accommodated at this location.
- The Inspector’s report on ABP 305779-19 for the 25 storey residential scheme on Albert Quay references the proposed development. The assessment therein demonstrates that the proposal has a particular, central and iconic status over local sites and can accommodate the most prominent building in the area.
- The suitability of the site for a metropolitan landmark building is accepted. It will not be solely associated with building height but by the uses and experiences within the site. Taking the full redevelopment of the site into account and the proposed mix of leisure, cultural and recreational activities, the site fulfils the potential for a truly remarkable development of metropolitan scale and purpose. A prominent landmark building at this location will provide enhanced legibility of the city centre, will have a variety of attractions and will be a culturally significant regeneration of this maritime site.
- The height at 140 metres is 50 metres over the minimum height expectation for a metropolitan landmark building. It is accepted that the range of 120 to

140 metres is the optimal height range to ensure prominence over the permitted tall buildings in the area. Its reduction to 120 metres would have no discernible difference in terms of the magnitude of the visual impact.

- Issues of parking and public access to the southern quayside have not been resolved. Clarification required.
- Clarification required on how the development will be serviced re, deliveries etc.

Clarification of further information recommended.

3.1.5. The **Senior Planner** in a report dated **09/70/20** endorses the above report and recommendation.

3.1.6. The **3rd report** from the **Senior Executive Planner** dated **13/10/20** following clarification of FI notes:

- The quantum of parking sought for viability reasons does not outweigh the negative impacts in terms of visual impact and loss of an appropriately scaled public realm, notwithstanding local and national policy in relation to parking in new developments. It would also negatively impact on the setting of the protected structures. It would also visually erode the quality of the scheme. The parking demand can be met locally by existing car park facilities and car hire companies in the city centre. A limited parking area is all that can be supported at this location.
- The amendments showing the proportion of space for the public realm along the south quay is acceptable.
- Issues in terms of signalisation of the northern junction to be addressed by way of condition.

A grant of permission subject to conditions recommended.

3.1.7. The **Senior Planner's** report dated **13/10/20** makes reference to the memo from the Director of Services amending condition 5 allowing for 59 car parking spaces.

3.1.8. **Director of Services** in a memo dated **13/10/20** sets out a recommendation for allocation of car parking. Based on the standard of the public realm design proposals, the car parking standards as applied in the City Development Plan, the

City Docklands ABTA and the needs for a reasonable level of tolerance given the time frame outlined in CMATS, it is considered that 59 spaces would be acceptable within the development. This represents a 60% reduction of the existing car parking at the site and represents a reduction of 67% of what could be permitted given the current car parking policy and standards as set out in the City Development Plan. Condition 5 in the planner's recommendation to be amended.

3.2. Other Technical Reports

3.2.1. **City Architect** in reports dated **06/09/19 & 24/09/19** notes that the site is the most important in Cork City. The location is similar in prominence to the location of the Basilica di Santa Maria della Salute in Venice. The site is lacking a prominent building to give the site the eminence that is appropriate to its location. The conservation analysis of the site is exceptional in its thoroughness and has provided the design clues to the execution of the proposal's design concept. The key to the design concept is the symmetry of the original neo-classical architecture of the existing buildings and site layout. The flat glazed façade of the tower facing eastwards is the correct architectural approach and a similar façade to the west at a lower level provides an articulated composition. Not alone does the calm and low key fenestration of the eastern and western facades of the tower contribute to the symmetrical composition of the proposal but the subtle articulation in height and massing of the northern and southern facades assist in modelling the tower oblique views. In summary, it is considered to be a very well designed architectural composition properly treating complex urban design issues for the city at a macro level as well as suitably resolving intricate conservation dilemmas and should be a welcome addition to the city's build form. The **3rd report** dated **03/04/20** following FI agrees with the view that the site is appropriate for a metropolitan landmark and with the urban design and height strategy.

3.2.2. **Conservation Officer** in a report dated **17/09/19**:

- The interventions and alterations for the Custom House St. block are acceptable taking into consideration the fact that the building has been significantly altered over the past 200 years.

- It is appreciated that the works proposed for the Bonded Warehouse are necessary and consider that the approach adopted is appropriate and architecturally successful.
- In terms of the Revenue Building he is not satisfied that it is acceptable to entirely remove an integral element of the original Hargrave design to facilitate the construction of the hotel block. The reconstruction of facsimile elevations to south and north is not in accordance with established architectural conservation practice.
- The removal and re-laying of the stone setts will lose the patina of age and the evidence they provide of the historic development of the quaysides.
- Concerned that the maritime significance of the complex is not fully recognised in the Conservation Plan. There is a lack of a specific maritime focus in the concept for the site.
- The appropriateness or otherwise of the insertion of a tall building into a historic complex is difficult to assess as the conservation guidance document do not foresee proposals of this kind on such sites.
- It is considered that the proposal is most successful when viewed from nearby, either on site or close by. The architectural interventions proposed allow the complex to be read as a whole but with their constituent parts legible and in harmony.
- The relationship of the tower to the historic port complex, most clearly evident at a medium distance is surprisingly successful. The verticality of the tower is balanced by the horizontal spread of the rest of the complex, culminating in the rising form of the distillery. The use of the copper-coloured structural glazing system in the atrium and distillery ties in well with the repaired and reinstated linney on the south and north elevations of the Bonded Warehouse.
- The vertical mullions of the glazing system that are to be carried up the side elevations of the tower and over the top of the canted roofs of the west and east blocks, in visual terms compromises its verticality.
- Further information recommended seeking redesign to retain a significant element of the Revenue Building, retention of setts on south quayside in-situ

and incorporation of a significant and meaningful maritime related use of parts of the building, the quaysides and pontoon.

- 3.2.3. The **2nd Conservation Officer's** report dated **07/04/20** following FI considers the revised EIAR to be satisfactory in terms of the impact of the development on the built heritage. The issues in terms of the Revenue Building, retention of setts and maritime use have been satisfactorily addressed. No objection subject to conditions.
- 3.2.4. **Heritage Officer** in a report dated **06/09/19** states that the mitigation measures set out in the EIAR are sufficient. One of the residual impacts will be that the works to the quay walls and the renovation of the bonded warehouse will result in the permanent loss of nesting habitat for sand martins. Additional measures to create artificial habitats recommended. No objection to the proposal subject to conditions.
- 3.2.5. **City Archaeologist** in a report dated **06/09/19** considers that the EIAR has addressed the archaeological impact. The mitigation measures are generally considered acceptable. No objection subject to conditions. Further reports dated **09/04/20**, **12/06/20** and **09/10/20** note the Department's submission. No objection subject to conditions.
- 3.2.6. **A/Senior Executive Engineer, Roads Design** in a report dated **05/09/19** states there is a concern that the proposal by itself or the precedent it would set would adversely affect the operation and safety of the national road network. Eamon De Valera Bridge junction is experiencing capacity issues in peak hour. The applicant has not provided evidence as to the rationale for not extracting and availing of the South West Regional Model (SWRM) flows. No justification given for the quantum of parking to be provided. Cycling provision and access by cyclists requires justification. Further information recommended seeking removal of the car parking provision on the site, details of coach/bus set down and parking area, design solution for cyclists and pedestrians at the two accesses, submission of a Stage 1 /2 Road Safety Audit and Accessibility Audit.
- 3.2.7. **A/Senior Executive Engineer Urban Roads and Street Design** in a report dated **25/09/20** following clarification of FI considers issues of pedestrian accessibility and site access have been addressed. The applicant's response to the required omission of car parking is not accepted. This can be addressed by way of condition.

- 3.2.8. **Senior Executive Engineer, Transport and Mobility** in a report dated **06//09/19** states that given the highly accessible city centre location and in support of sustainable travel modes, car parking on the site should be removed. Coach set down within the site to be provided. Cycling provision needs to be increased. Currently the majority of movements accessing the site enter via the northern junction(Michael Collins Bridge/Anderson Quay/Custom House Street) and exit through the southern junction (Eamon De Valera Bridge, Custom House Street). Given the sensitivity of the location to changes in traffic patterns and the road safety implications of right turning movements on or off a national route across a number of lanes of traffic, it is requested that all right turning movements in and out of the development be removed. No details are provided as to how the gated vehicular access is to be controlled. Information is required on the impact on the two major junctions. Details are required on how the hotel and retail outlets are to be serviced. Impact of construction traffic to be assessed. Pedestrian movement needs to be assessed. A request for further information recommended. A **2nd report** dated **03/04/20** following FI recommends clarification on the use of the northern junction to access the site and the southern junction to exit, impacts on junctions, omission of car parking, and prevention of vehicles queuing on N27. A **3rd report** dated **29/09/20** following clarification of further information has no objection subject to conditions.
- 3.2.9. **Executive Engineer, Environment Water Management and Control** in reports dated **06/09/19** and **07/10/20** has no objection subject to conditions.
- 3.2.10. **Senior Executive Technician Water Services** in a report dated **16/09/19** has no objection subject to conditions.
- 3.2.11. **Drainage Division** in reports dated **11/09/19** and **10/03/20** has no objection subject to conditions.
- 3.2.12. **Chief Fire Officer** in a report dated **03/09/19** considers that the application does not give sufficient detail for an in-depth analysis. Concerns in terms of fire safety detailed. A **further report** dated **08/10/20** following clarification of further information states that a fire safety engineered design approach would be required as a minimum in an attempt to ensure compliance with the Building Regulations.

3.3. Prescribed Bodies

3.3.1. **Department of Culture, Heritage and the Gaeltacht** in a report dated **25/09/19** recommends further information on underwater archaeology. The **2nd report** dated **23/04/20** following FI considers the response to be comprehensive. Requirements to be addressed by way of condition.

3.3.2. **An Taisce** in letters dated **04/09/19** and **13/09/19** objects to the proposal. In summary,

- It comprises an unimaginative use for an historic site with significant cultural, heritage and tourist potential.
- The proposal is premature in the absence of a considered approach to planning and development in the lower harbour and docklands area where a number of developments are proceeding in the absence of a current LAP.
- The proposal will have an extreme impact on the overall legibility and character of Cork City, its urban form and wider physical setting.
- In the context of the development plan policies and objectives tall buildings do not have a place on the city centre island or along the river channels. The impacts will be considerable with adverse impacts on protected views and prospects. Tall structures approved in recent years will have a detrimental impact on the cityscape. The present proposal is of such a scale and impact that it effectively renders the principle of protected views and vistas irrelevant, a factor which has significant implications for future planning policy. The nearest point where the development plan envisaged a tall strategic landmark building is at the Eastern gateway identified in the South Docks LAP. Whilst the LAP pointed to the option of a significant building on the site this was not intended to be a tall building. The lower docklands area is more suitable for tall buildings. The Council should await the outcome of the LAP process. In the interim Development Plan principles should apply.
- The demolition and interventions proposed would completely alter the integrity of the buildings and their setting. The proposal is overwhelming and detrimental to the scale and setting of the existing buildings and is

inappropriate in design. The restoration of the bonded warehouse cannot be at the cost of the generic tall building.

- The 250 bedroom hotel and associated uses is inappropriate and constitutes gross overdevelopment of the site. A more appropriate cultural, social and heritage use should be found.

3.3.3. **Failte Ireland** in a letter dated **03/09/19** considers that the hotel would be a valuable addition to the hotel accommodation stock in Cork and will facilitate projected future tourism growth. The addition of a new visitor experience would further unlock the tourism potential of the city and deliver increased footfall and revenue. The public realm is welcomed.

3.3.4. **Transport Infrastructure Ireland** in a letter dated **05/09/19** states that it will rely on the planning authority to comply with official policy. The proposal to be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any recommendations should be incorporated as conditions to the permission. Any interactions with N27 bridge structures are subject to Technical Acceptance in accordance with TII publication DN-STR-03001. The **2nd** and **3rd** letters dated **18/05/20** and **11/09/20** following FI and clarification of FI refer to its original submission.

3.3.5. **Irish Water** in a letter dated **23/09/19** recommends further information including Fat, Oils and Greases management strategy, details of whether the proposal is impinging on Irish Water assets or sources, water main layout and connection to services. The **2nd** and **3rd** **reports** dated **30/03/30** and **09/10/20** following FI and clarification of FI recommends conditions should permission be granted.

3.3.6. **Inland Fisheries Ireland** in letter dated **21/08/19** has no objection subject to Irish Water confirming there is sufficient capacity in the public sewer. Conditions ensuring there is no interference with bridging, draining or culverting of the adjacent River Lee, its banks or bank vegetation, without its prior approval recommended. A condition requiring a suspended solids management and containment plan also recommended.

3.3.7. **Cork Airport** has no comment.

- 3.3.8. **Irish Aviation Authority** in a letter dated **29/06/20** recommends that the applicant contact it regarding agreement re appropriate marking and lighting scheme and provision of as constructed coordinates.
- 3.3.9. **Health and Safety Authority** in a letter dated **07/09/20** does not advise against the granting of permission in the context of Major Accident Hazards.

3.4. **Third Party Observations**

The submissions received by the planning authority are on file for the Board's information. Submissions are both in favour and against the proposed development. The issues arising in the submissions pertain to:

3.4.1. ***In Opposition***

- Adverse impact on historic environment. Does not present exceptional circumstances for demolition of protected structure
- Contravention of the City Development Plan and South Docks LAP
- Inappropriate site for a tall building
- Lack of tall building strategy
- Inappropriate design, scale and overbearing impact
- Visual impact and impact on protected views
- Suitability of finishes
- Undesirable precedent set
- Unsustainable development in terms of energy requirements.
- Legal certainty re. public access and future access to the water. Provision for a pontoon.
- Insufficient parking
- Traffic management and congestion
- Heritage component too small and badly located
- Need for a hotel

3.4.2. ***In Favour***

- A component in the growth of the city as a regional counterbalance to Dublin.
- Landmark design
- High density in accordance with sustainable development
- Compliance with Urban Development Building Heights Guidelines
- Restoration of derelict buildings
- Provision of open space
- Tourism draw.
- Employment
- Support neighbouring businesses
- Catalyst for further development

4.0 **Planning History**

4.1. ***Application Site***

TP15/36431 – retention permission granted for use of a floating pontoon and berthing facility for recreational craft. (attached to and accessed from Custom House Quay).

TP11/34878 – permission granted for replacement of structurally unsound sections of the quay walls and demolition of warehousing due to the structural failure of the existing quay wall.

TP10/34264 – permission granted for a floating pontoon, landing and berthing facility for recreational craft.

TP99/23460 (PL28.120088) – permission refused to alter and extend the former Custom House. The proposed mansard roof feature was considered to be out of character and would detract from the visual appearance of a complex of protected structures.

4.2. **Adjoining Sites**

ABP 305779-19 – Strategic Housing Development (SHD) permitted at Albert Quay c. 75 metres to the south of the subject site. It includes a building 25 storeys high with a height of 86 metres.

TP16/36773 – permission granted for office development on Albert Quay. Highest block 6 storeys at 31m.

TP18/37909 – permission granted for office development on site directly to the north of the application site on Penrose Quay. The parapet height of the two buildings are 32.9m and 41.15m.

TP17/37563 – permission granted for mixed use development on lands at Kent Station. The highest element is on the southern section of the site at 36.4 metres.

PL28.229832 & ABP 300547-17 – permission granted for mixed use development at Sullivan’s Quay including a 12 storey building with a height of 48 metres.

TP18/37894 (ABP 302923-18) – permission granted for 15 storey office building on Clontarf Street c. 160 metres to the west of the application site. The overall height is 61m (The Prism).

TP18/38012 – permission granted for 6-10 storey residential scheme on Victoria Road c. 160 m to the south-east of the site. The highest point is 31.6m.

ABP-305173-19 – SHD permitted on South Link Road including a 17 storey building with height of 58.5 metres.

18/38009 – permission granted for hotel with height ranging between 3 and 7 storeys on a site at Parnell Place/Deane Street/Oliver Plunkett Street Lower.

TP04/28877 (PL28.213361) – permission granted for mixed use development including a 17 storey building (70 m.in height) at Eglinton Street/Old Station Road, Albert Street c. 260 metres to south of the application site (The Elysian).

5.0 Policy Context

5.1. National Policy

5.1.1. *National Planning Framework*

Section 3.4 Southern Region - The biggest challenge for this region in the period to 2040 will be to position its cities as more significantly scaled, while also more compact and attractive, acting as metropolitan drivers for the region as a whole and as effective complements to the economic strength of Dublin.

Cork City - Delivering ambitious large-scale regeneration projects for the provision of new employment, housing and supporting infrastructure in Cork Docklands (City Docks and Tivoli) as integrated, sustainable developments including relocation of two Seveso sites.

National Policy Objective 5 – develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.

National Policy Objective 6 – regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

National Policy Objective 11 – in meeting urban development requirements, there will be a presumption in favour of developments that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 13 – In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

5.1.2. **Section 28 Ministerial Guidelines**

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.

- Urban Development and Building Heights – Guidelines for Planning Authorities (2018).
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011).
- The Planning System and Flood Risk Management (2009).
- Design Manual for Urban Roads and Streets (2019).

5.2. **Regional Policy**

Regional Spatial and Economic Strategy for the Southern Region

Cork Metropolitan Area Strategic Plan (MASP) Policy Objective 1

- a. To strengthen the role of the Cork Metropolitan Area as an international location of scale, a complement to Dublin and a primary driver of economic and population growth in the Southern Region.

Cork MASP Policy Objective 2

Seek delivery of the following subject to the required appraisal, planning and environmental assessment processes.

- a. To strengthen the consolidation and regeneration of Cork City Centre to drive its role as a vibrant living, retailing and working city, the economic, social and cultural heart of the Cork Metropolitan Area and Region.
- b. Seek investment to achieve the infrastructure led brownfield regeneration of the Cork City Docklands and Tivoli as high quality, mixed use sustainable waterfront urban quarters, transformative projects which set national and international good practice standards in innovation, green and quality design, exemplary urbanism and place making.
- f. Seek to achieve High Quality Design to reflect a high-quality architectural building stock in all urban quarters.

Cork MASP Policy Objective 6:

National Enablers

- a. It is an objective to seek sustainable delivery of enablers as identified in the NPF/NDP for the Cork Metropolitan Area and to progress these through co-ordination between the principal stakeholders, subject to the recommendations of CMATS (see Section 4.0) and required feasibility, planning and environmental assessment processes. Identification of suitable sites for regeneration and development should be supported by a quality site selection process that addresses environmental concerns, high-quality design and evidence-based housing demand to drive increased density enabling the roll out of sustainable public transport solutions;

5.3. Local Policy

5.3.1. Cork City Development Plan 2015-2021

Strategic GOAL 3 - Support the Revitalisation of the Economy

Supporting the creation of a diverse, connected, innovative economy in the city is a central goal of the Plan. Key to revitalisation of the city's economy is regeneration of the City Centre and adjoining areas. This will increase employment opportunities and build on the City Centre's role as the main retail, commercial and cultural centre for the region (see Chapter 13 City Centre and Docklands).

Strategic GOAL 5 - Maintain and Capitalise on Cork's Unique Form and Character

The goal of the Plan is to protect and capitalise on the unique character of the city, both the character derived from the natural environment and the man-made character created by the built form, while providing opportunities for new development. New development will be required to respect and reflect the dramatic topography as well as the landscape and ecology of the city. It must also respect the built heritage of the city, in particular areas of significant historic character such as the City Centre, the historic north-south spine and the historic villages in the suburbs. There are also opportunities for creation of new character areas in locations such as Docklands, Mahon and Blackpool and at the arrival points or gateways into the city. This strategic goal is addressed in Chapter 9. Built Heritage and Archaeology,

Chapter 10 Landscape and Natural Heritage and Chapter 8 Arts, Cultural Heritage and Tourism.

Chapter 8: Arts, Cultural Heritage and Tourism

Objective 8.3 Maritime Harbour

It is the objective of Cork City Council to:

- b. Work with the relevant agencies to develop the expression of the maritime and industrial archaeological heritage of the city by:

Ensuring the preparation of a Conservation Strategy for the Georgian Docklands (i.e. Custom's House Quays complex) to feed into a Masterplan for the site and working with Failte Ireland and other relevant agencies and potential investors to identify landmark tourism/arts and cultural uses for this site and the former Odlums Mills (other commercial uses compatible with the character of the buildings will also be acceptable);

- d. Seek to ensure that the Quayside Amenity Areas as identified on Map 1 Volume 2 become accessible to the general public, visitors and tourists;
- e. Improve physical and visual access to the water and promote water-based activities.

Objective 8.11 Visitor Accommodation

- a. To encourage a broader range of visitor accommodation in the City and the expansion of the city's hotel base.

Chapter 9: Built Heritage and Archaeology

Objective 9.1 Strategic Objectives: Built Heritage and Archaeology

- c. Promote the retention, reuse, and enhancement of buildings and other elements of architectural or other significance;
- d. Ensure that development reflects and is sensitive to the historical importance and character of the city, in particular the street layout and pattern, plot sizes, building heights and scales;
- e. Improve and encourage access to and understanding of the architectural heritage of the city.

Objective 9.18 Industrial Archaeology

All development proposals for industrial buildings and sites of industrial archaeological importance must be accompanied by an archaeological assessment of the building(s) and their surrounding environment. Retention and/or incorporation of industrial buildings will be encouraged. Where in exceptional circumstances demolition is permitted, a detailed building report will be required.

Objective 9.22 Reuse and Refurbishment of Historic Buildings and Protection of Archaeological Resource.

The City Council will positively encourage and facilitate the careful refurbishment of the historic built environment for sustainable and economically viable uses.

Objective 9.24 Demolition of Protected Structures - Proposals for demolition of a Protected Structure shall not be permitted except in exceptional circumstances and where it can be shown that a greater public interest will be served which outweighs the loss to the architectural heritage.

Chapter 10 Landscape and Natural Heritage

Objective 10.1 - Landscape Strategic Objective

- To preserve and enhance Cork's landscape character and key landscape assets
- To preserve and enhance Cork's views and prospects of special amenity value

Objective 10.6 Views and Prospects

To protect and enhance views and prospects of special amenity value or special interest and contribute to the character of the City's landscape from inappropriate development, in particular those listed in the development plan. There will be a presumption against development that would harm, obstruct or compromise the quality or setting of linear views of landmark buildings, panoramic views, rivers prospects, townscape and landscape views and approach road views.

Chapter 13: City Centre and Docklands

Objective 13.1

(b) facilitate the orderly expansion of the City Centre eastwards into Docklands and support the progressive development of Docklands as a sustainable urban quarter to complement the continued vibrancy and primacy of the City centre.

Objective 13.25 Development of Docklands Cork City Council aims:

- a) To promote the development of the North and South Docklands as major development opportunities of regional and national importance;
- b) To create a vibrant mixed use and socially inclusive urban quarter in Docklands;
- c) To re-orient Docklands as an extension of the City Centre and to initially focus on development of areas easily accessible from the City Centre, with other areas developing as barriers to development are overcome and opportunities arise;
- d) To review the local planning frameworks and, if appropriate, amend them to take account of changed circumstances;

Two important clusters of development sites which could have transformational impacts on the City Centre include:

- The Grand Parade/Beamish and Crawford/Sullivan's Quay Cluster
- Cork City Harbour Interchange cluster made up of sites at the eastern end of the City Centre.

Note: Figure 13.2 – the site is within City-Harbour Interchange

13.90 - Building Height - The South Docks Local Area Plan (Table 4.4) identifies specific locations for tall buildings and local landmark buildings which are also indicated on Map 2 Volume 2 of this Plan (Chapter 16 Development Management paragraphs 16.34-16.38 and Objective 16.7 for further details on Tall Building Policy).

13.91 Conservation and Industrial Archaeology - The SDLAP also sets out a Conservation Strategy for the South Docks noting the industrial archaeology remaining and the key heritage structures. The development of a Conservation Plan for the Georgian Docklands (Custom House and Bonded Warehouses site) continues to be a key recommendation of the SDLAP along with a general objective

of ensuring the sensitive refurbishment of and identification of suitable uses for the Georgian Docklands structures and the Odlum's building on Kennedy Quay.

Chapter 15: Land-use Zoning Objectives

The site lies within 2 no. land use zones.

The central area is within an area zoned ZO-02 - City Centre Commercial Core Area the objective for which 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 retail uses).

The site perimeter is zoned ZO-17- Quayside Amenity Area, the objective for which is to protect and preserve quayside, natural heritage and river amenities through the provision of a public quayside area including walkway.

Chapter 16: Development Management

Objective 16.3 Urban Design

- To deliver high quality built environments through good place making;
- To ensure that development is designed to a high qualitative standard and is cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking and detailed design.

16.34 Tall Buildings

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..... 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. Such development will be resisted in areas of special and/or significant character in the city i.e.:

- The City Centre (within the 1869 boundary)
- The North and South River Lee Channels (west of Docklands)
- Architectural Conservation Areas;

- Other historic areas of the city of architectural and historic character (including the old city approaches and the villages enveloped by city expansion);
- The suburban areas of the city (apart from locations specified in the Plan);
- Areas of significant landscape value (including Landscape Preservation Areas and Areas of High Landscape Value).

16.35 - Cork's tallest strategic landmark building should be that proposed for the Eastern gateway in the South Docks area as this location defines the gateway to Docklands and the City Centre from the east. The South Docks LAP provides guidance on the appropriate height for tall buildings in the area, including the city's strategic landmark building. Any minor, non-material increase in the height of this building above that set out in the LAP should be justified by an urban design and architectural rationale.

16.37 - Tall buildings will normally be appropriate where they are accessible to a high quality public transport system which is in operation or proposed and programmed for implementation. Significant intensification will only be considered appropriate where public mass transit is either in operation or where its delivery is programmed.

16.38 - 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.

Objective 16.7 Tall Building Locations

The City Council will aim to protect the special character of Cork City which have been identified as having potential for tall buildings (*sic*). These are South Docklands & South Mahon. (Locations are indicated on Zoning and Objectives Maps in Volume 2).

In terms of parking the site is within Zone 2A

5.3.2. South Docks Local Area Plan 2008

This was extended to 2018 and has since expired. It sets out a detailed development strategy for the south docklands area. The application site located on the western edge of the plan area and within *Precinct No.1 East City Centre*. It is stated to have

limited development potential on approx. 0.31 ha because of its architectural character and protected structures.

The LAP contained guidance in relation to urban design and building heights. It identified the location for 5 no. tall landmark buildings including their maximum heights.

Objective SD 34 East City Centre Precinct

Cork City Council will work with the landowners to promote the sensitive redevelopment of the prominent East City Centre quay site....The area should be redeveloped as one site with a main flagship cultural user and should ensure sustainable use of the Protected Structures. A masterplan is required for the entire precinct including a Conservation Strategy. The zoning 'Commercial Core' gives flexibility as to future uses.

The site was identified for a 'Focal Landmark Building' to be designed as focal points to mark important corners and terminate vistas.

Section 4.8.2.2 – these focal landmark buildings do not expressly provide for increased heights....Focal landmark buildings in sensitive locations (eg. Custom House/Bonded Warehouses) should be modest in height due to the architectural, historical and cultural significance of the site.

5.4. Natural Heritage Designations

Cork Harbour SPA (site code 004030) c. 2.4km at closest point

Great Island Channel (site code 001058) c.8km at closest point

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Irish Georgian Society

The appeal can be summarised as follows:

- While the planning application includes an urban design statement it fails to provide justification for the demolition of the greater part of the protected structure of regional importance (Revenue Building). Such demolition works would materially and adversely affect the character of that structure as well as the setting and character of the associated complex of buildings of national interest. This would be contrary to the proper planning and sustainable development of the area and to conservation legislation which the Building Height Guidelines state remain in place. The application has not met the criteria of SPR3 of the said Guidelines.
- Every consideration should be given to the provisions relating to protected structures in the development plan and the Architectural Heritage Protection Guidelines for Planning Authorities.
- Objective 9.24 of the City Development Plan precludes the demolition of protected structures save in exceptional circumstances and where it can be shown that a greater, public interest will be served. A 34 storey hotel does not meet the said exceptional circumstances. The proposal would set an undesirable precedent for similar proposals that would undermine the effectiveness of protected structures designations.
- Full consideration must be given to the provisions relating to a tall landmark building in the South Docks LAP and to building heights in the City Development Plan. The said LAP identifies 5 sites as suitable for a tall landmark building. The appeal site is not listed.
- The LAP states that in recognition of the heritage importance of the area focal, landmark buildings in sensitive locations (eg. Custom House/Bonded Warehouses) should be modest in height due to the architectural, historical and cultural significance of the site. It also states that due to the heritage

sensitivity of the Harbour Commissioner's Office and distinctive Bonded Warehouse, the scope for redevelopment may be limited. The proposal would be contrary to the provisions of the LAP.

- The proposed development, in the centre of a complex of buildings that constitutes one of the most important Georgian dock complexes in the country, would not be sensitive to its historical importance and character and would be contrary to the provisions of the City Development Plan.

6.1.2. **An Taisce Corcaigh**

The appeal can be summarised as follows:

- The determination of the application under the provisions of the EIA Directive is overarching and overrides the consideration/application of individual planning policy considerations including the Urban Development and Building Heights Guidelines.
- The EIAR demonstrates the impact of the proposal, which is likely to have a very significant impact on the overall legibility of the urban form and character of Cork City and its wider physical setting.
- The proposal constitutes an unimaginative use for an historic site with significant cultural, heritage and tourist potential. The proposal is not in accordance with development plan objective 16.3 and does not meet the plan criteria on acceptable architectural design or height grounds given the heritage context and setting.
- There is a lack of a coherent planning strategy for the docklands and lower quays. The relevant dockland LAPs are no longer in force. It is incumbent on the Council to await the outcome of the LAPs before assessing the proposal. The proposal is premature in the absence of same. In the interim the principles of the Development Plan should apply.
- There is a lack of proper justification for the building. The City Development Plan does not provide an acceptable basis for a tall building at this location. The Custom House site was never designated for a tall building as such, rather it was recognised in previous LAPs as a landmark complex and local focal point having the potential for a significant building.

- The development plan policies and guidelines on height should have guided the City Council to refuse permission in the absence of a tall buildings strategy for the city, notwithstanding the building heights guidelines.
- The current proposal is justified on the basis of other tall buildings granted in the vicinity. It is contended that it will be a metropolitan landmark building among emerging high-rise buildings, none of which has commenced. Such an approach to assessing proposals is unsatisfactory in the absence of a master plan for the docklands or properly assessed tall buildings strategy for the city.
- It will have a significant adverse impact on a site of national heritage importance. Notwithstanding the planned restoration and conservation, significant interventions are proposed to all 3 protected structures to the detriment of the character and setting of the complex. It has the potential to be a high quality set piece at the approach to the city.
- The comparison made to the location of Basilica di Santa Maria della Salute in Venice is noted but difficult to accept. The proposed 35 storey building will sit atop the Custom House and Revenue Building (to be partly demolished) and will diminish the bonded warehouses. It will render the historic complex at a diminutive scale.
- The City Development Plan recognises the significance of the city centre island setting with its water channels and bridges. The approach from the east provides one of the most defining vistas of the city with the Custom House Docks being central to this. The proposal would radically and adversely alter the character of this approach and its setting in the centre of the inner harbour area.
- The proposal would have a serious adverse impact on the cityscape and skyline of Cork contrary to the policies of the City Development Plan and guidelines therein on height. The granting of the tall building enabled under the Urban Development and Building Height Guidelines clearly demonstrates that a number of key City Development Plan principles and policies have no validity should a tall building be proposed in any urban location.

- The recent pressure to permit tall buildings has much more serious implications for the wider urban setting. The tall structures approved in recent years (eg. O’Sullivan’s Quay within an ACA, Prism on Clontarf Street, Albert Quay (SHD)) will have a detrimental impact on the cityscape. However the current proposal is of such a scale and impact that it effectively renders the principle of protected views and vistas irrelevant, a factor which has significant implications for the future planning policy in Cork. The proposal will radically alter the prevailing hierarchy of buildings across the city, including in the immediate locality.
- The building will be directly in the line of significant views and prospects including AR1, TP3 on Map 12 , LT12, LT13 on Map 13 , LT35 on Map 14, OC4 on Map 15 and TP3 on Map 16. It will have an adverse impact on many protected views and on panoramic vistas across the city generally.
- The photomontages demonstrate the adverse impact on all approaches to the city. Compared to the approved Prism building on Clontarf Street, the proposal would alter a much wider range of street and river corridor vistas within the city centre area, and severely impact on panoramic views across the entire city, and from its surrounding inner suburbs and approaches. The applicant’s argument is circular in that a tall building is conceivable as part of a new city skyline even though the impact on protected views is clearly accepted as adverse.
- It is An Taisce’s view that tall buildings would be more appropriately positioned in downriver docklands locations where their impact on the city centre and inner residential suburbs would be less intrusive and where there is sufficient space to develop new docklands quarters. This was the broad approach in the South Docks LAP. That plan encompassed the Custom House Docks site at its western extreme where it pointed to the potential significance of the site with the option for a significant building. This reason was clearly intended to (i) emphasise the vital cultural, heritage and tourism potential of the site and (ii) leave open the option of a quality building that might enhance it. A tall building was never intended at this location.

6.1.3. John Adams (submission accompanied by a petition and photographs)

The appeal can be summarised as follows:

- The Port of Cork buildings are unique, of international importance and are listed for protection. Should the development proceed the character of the city will be adversely affected. The proposal will dwarf and destroy the integrity, charm and beauty of the Port of Cork buildings. The building will dominate the entire city. All views will be altered.
- The site is not the right place for a tall building. it would adversely alter the natural and visual beauty of Cork's Lee Valley.
- The City Council ignored its development plan.
- The City requires more housing and has sufficient hotels. There are other, more appropriate sites in the Docklands which can provide the necessary space for a hotel.
- There are alternative uses which the buildings could be adapted for ie. maritime museum, public buildings etc. The heritage element of the proposal is too small and is located adjacent to the car parking.
- The raising up of the buildings should not be allowed. Such interventions would affect their architectural integrity and could result in the loss of materials.
- The cobblestones should be protected and retained in situ.
- The spiral staircases may not be kept/may not be accessible.
- The doors and locks are works of art and probably will not be kept in place.
- The site is on the busiest junction in Cork City. The proposal will adversely affect traffic. The 75 parking spaces is totally inadequate.
- Glazed skyscrapers have been proven to be bad for the environment in terms of energy consumption required to regulate temperature. The volumes of chemicals and waste are also of concern.
- There is no legal basis to the public access and it is not clear from the application that public access will be guaranteed.

Mr. Adams also raises concerns as to his participation in the decision making process facilitated by the planning authority.

6.2. Applicant Response

The submission by McCutcheon Halley on behalf of the applicant can be summarised as follows:

Planning Policy and Suitability of Site for a Tall Building

- Regard must be had to the National Planning Framework, the Building Heights Guidelines and previous decisions by the Board with respect to tall buildings in the city centre. Precedent case refs. 300325-17, 302923-18, 305779-20 noted.
- The Guidelines post-date the development plan. The proposal should be assessed against the performance criteria in Section 3.
- The quantitative approach to building heights in the development plan conflicts with SPPR1 of the guidelines which seeks to avoid blanket restrictions.
- The appellants rely on selective interpretation of the development plan and do not acknowledge the inconsistencies in the policies on building height which were identified by the Board in a number of previous decisions.
- The site is located between 2 strategic public transport infrastructure hubs namely Parnell Place bus station (c.200 metres) and Kent Railway Station (c.500 metres). It is also within 250 metres of the light rail route alignment proposed in the Cork Metropolitan Area Transport Strategy. It also has frontage onto the N27 which provides express connections to Cork Airport.

Protected Views and Prospects

- In order to promote compact and sustainable growth focus should be placed on regeneration, consolidation and public transport led growth within the city centre as well as within the docklands. The proposal delivers on this objective by providing a unique opportunity to redevelop a brownfield site at a pivotal transition point between the docklands and city centre.

- The built form and urban fabric of this part of the city centre has already changed with permission granted for a number of tall buildings in close proximity. The Urban Design and Tall Buildings Statement justified a tall building on the site and demonstrates how the proposal will form part of the emerging cluster of taller buildings in the City Harbour Interchange Area.
- In views over the city from the surrounding ridges, the cluster of tall buildings will identify the central business district as the new, vibrant economic heart of the metropolitan area. The tall building on the site will be the centrepiece of the cluster, being situated at its core and linking them together.
- The Urban Design and Tall Buildings Statement also stated that the building will mark the geographic heart of future Cork and will create a sense of presence and destination providing a metropolitan landmark building which positively enhances the city skyline.
- Notwithstanding the recent permissions granted for tall buildings in the vicinity the planning authority assessed the visual impact of the proposal on each of the protected views and prospects and concluded that the impact was mitigated by the positive benefits of the proposed development.
- Whilst the impact on some of the protected views and prospects may be significant it will not be detrimental because no designated view will be obstructed and arising visual effects will be mitigated by the benefits of delivering a sustainable density of development at a strategic transport hub.

Built Heritage

- The planning application fully addressed the requirements of sections 2.8 to 2.10 of the Building Heights Guidelines, as heritage has been considered as one of the many aspects in assessing the appropriateness of the urban design of the proposal as a whole.
- An Urban Design Statement accompanies the application which addresses conservation issues.
- The proposed design establishes a tripartite composition of the Custom House, the Bonded Warehouse and the tower that strikes a harmonious

balance between old and new which retains the integrity of the constituting elements.

- Conservation issues are also addressed in the Tall Building Statement, Conservation Plan, Conservation Repair Report and Architectural Design Report.
- One of the purposes of the request for further information was to ensure that the applicant provided adequate justification for the extent of the proposed interventions to the Revenue Building.
- The area of setts on the south quayside have been retained and the maritime heritage significance of the complex has been recognised by the provision of a museum and visitor centre within the bonded warehouse which will protect this structure by making it fit for a new purpose.
- There has been little investment in the protected structures in the last 20 years and the site will soon be vacated when the Port of Cork relocates to Ringaskiddy. Some of the buildings are in a vulnerable condition. If the site were to remain undeveloped it is possible that the condition of the buildings could deteriorate to such an extent that it would no longer be viable to restore them for a beneficial commercial use.
- The proposal will provide for public amenity spaces in the opening of the quays which is a planning gain for the city.

6.3. **Planning Authority Response**

The response, which refers to the planners' and other internal reports on file, can be summarised as follows:

Planning Policy

- The planning authority is satisfied that the proposal accords with the objectives set out in the development plan.
- it is accepted that the tower structure is a significant alteration to the visual approach into the city and the city centre. It is part of the city's evolving skyline as detailed in the further information assessment report.

- The Building Heights Guidelines post-date the Development Plan to which regard must be had.
- The South Docks LAP is expired and has not been replaced.
- The context of the area of which the site forms part, is referred to as the City Harbour Interchange Area. This particular area is identified in the development plan as a 'Transformational Area' where new high density development could be delivered ahead of the docklands further east due to existing city centre infrastructure which could enable this new development. This explains how the site became associated with the eastward expansion of the City Centre as set out in the policies and objectives of Chapter 10. These objectives have been realised in recent years with notable changes in the built environment and morphology of the area.
- The ambitions of the National Planning Framework, the Southern Regional Spatial and Economic Strategy and the SPPRs of the Building Heights Guidelines have altered the planning landscape and projects of scale are integral elements in achieving these ambitions. Together with the city development Plan they set a high level strategy for developing the city docklands.
- The SPPRs of the Building Height Guidelines have been tested in a number of decisions by the Board (302923, 205173, 305779). The Board has commented that tall building proposals can no longer be ruled out in principle on sites within the historic city centre.
- Having regard to the applicant's FI response the PA concluded that full consideration was given to the Building Heights Guidelines in terms of the development management principles and the performance criteria set for the assessment of building height. The PA was satisfied that the area and the site were suitable for a metropolitan landmark building.

Built Heritage

- Having regard to both the revised EIAR and Conservation Repair Works Method Statement submitted by way of FI, it is considered that the partial

demolition of the revenue building was acceptable as a significant element of the building was to be retained within the revised proposal.

- The revised proposal entails the incorporation of a meaningful maritime use of the bonded warehouse, quaysides and pontoon.
- The proposal will enhance and rejuvenate the site where the built heritage will be protected and successfully integrated into the redevelopment of the site.

Design and Scale

- The site is the most important in Cork City. It is at the entrance to the urban 18th and 19th century developments. The site and building complex lacks this urban scale emphasis. In classical/ancient architecture the use of a vertical structure, whether a column or obelisk, acted as an entrance or landmark giving an identity or sense of place to an area. The tall building falls into this category.
- It is considered that the proposal is a well designed architectural composition properly treating complex urban design issues for the city at a macro level as well as suitably resolving intricate conservation dilemmas.

Visual Impact Assessment

- The PA did not accept the conclusion of the Sensitivity Analysis and recategorized the site as a 'Sensitive Area'.
- It is accepted that the proposal would result in a significant visual impact and change in the context of landscape character assets of the city.
- Overall, the effects of the cumulative visual impact were seen as positive for the setting of the tall building. The PA accepts that the cumulative impacts are presented on the assumption that all permitted development in the area will be built out. However regard must be had to permitted development.
- The PA regarded that some proposed views were considered as significant and potentially adverse in terms of visual impact. Following FI the PA noted that there was a remaining element of adverse visual impact to 4 no. views, 2 no. of which are protected views. On balance, the impact on landscape and townscape views were acceptable.

Other Issues

- The PA is satisfied that the proposed public realm area will have full public access.

6.4. Observations

Observations in objection to the proposed development:

1. Una & Mary-Kate Chambers
2. Frank McDonald
3. Sean Feehan
4. Oliver Moran

The submissions can be summarised as follows:

Policy Context

- No provision has been made in the Cork City Development Plan and the South Docks LAP for a tall building on the site. There is no justification for it in planning terms.
- The mix of uses and design is not sufficient to justify the proposal.
- The guidelines on building heights states that local authority development plans need to identify geographic locations or precincts where increased building heights would be appropriate. This has not yet been done on a citywide basis in Cork. The City Development Plan has yet to be revised. Therefore the scheme is premature.
- The proposal constitutes developer led planning. The statement seeks to draw up criteria for the location of high rise buildings in order to justify the scheme.
- The city centre and, to some extent the city's district and local centres, are natural areas for urban intensification as required by national and local policy. This does not make taller buildings inevitable.
- There is ample space in the docklands to cater for an increased population without having to build excessively tall buildings.

Built Heritage and Visual Impact

- The design is neither meritorious nor imaginative.
- The proposal within the city centre shows scant regard to Cork's heritage. It is a critical site within a city generally characterised by low rise buildings. It towers over the protected structures. It would detract from the character of the city and its maritime history. The proposal would not be sensitive to its historical importance and character and would not draw upon the positive characteristics of the surrounding environment. The history, character and beauty of the buildings will be lost. What is gained does not compensate for what would be lost.
- The applicant has not justified exceptional circumstances required for the partial removal of a protected structure. The grant of permission would set a worrying precedent that would undermine the effectiveness of protected structures designations.
- The view that the impact needs to be considered in the context of the benefits of the scheme is not accepted. The restoration, renovation and reuse of the historic buildings on the site for tourism related purposes could be achieved without the tower severely compromising their setting.
- The proposal would even exceed the consultants' definition of a metropolitan landmark of 30 storeys/92 metres in height (Table 2.1 Urban Initiatives report). The proposal is for a hotel and does not warrant the claims being made for it.
- It would overwhelm the value of notable landmarks such as St. Fin Barre's Cathedral and the bell tower steeple of St. Anne's Church in Shandon.

Access and Traffic

- The area is badly congested. The City Council has eliminated a material level of car parking spaces. The proposal providing for 59 no. spaces, totally ignores parking requirements and the knock on impacts on congestion, traffic management and the resulting air pollution.
- The lack of car parking is having a detrimental effect on non-retail businesses.

Other Issues

- The area is oversupplied with hotels.
- The proposal will overlook properties in the area.
- A legal basis to guarantee public access and enjoyment of the quayside in perpetuity needs to be clarified. Legal certainty should be made a condition of a permission or clarification as to how it will be guaranteed.
- The site has unique potential as a public amenity with access to the water. The proposal allows for a marina and maritime use of the quays to continue after permission for the current pleasure marina expires. This and continued future access to the water from these quays must be maintained. A condition should be attached for a marina at the location to remain.
- The iconic illuminated Port of Cork sign at the location should be retained and maintained by way of condition.

7.0 Planning Assessment

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

- Planning Policy and Context
- Suitability of Site for Tall Building and Height Proposed
- Architectural Approach and Public Realm
- Conservation and Built Heritage
- Visual Impact
- Traffic and Parking
- Other Issues

7.1. Planning Policy and Context

7.1.1. There is a suite of documents to which regard is had in setting the policy context of the proposed development.

7.1.2. In a national context ***Project Ireland 2040 - National Development Plan and National Planning Framework*** (NPF) seek to secure the compact growth of urban areas and deliver higher densities in suitable locations. The biggest challenge for the southern region is increasing the scale of its cities to act as metropolitan drivers for the region and as effective complements to the economic strength of Dublin. The large-scale regeneration projects for the Cork Docklands (City Docks and Tivoli) is identified as a key future growth enabler for the city.

7.1.3. I submit that the proposal can be seen to advance the said NPF provisions. It will deliver a high density development in a strategic location in the city centre through a regeneration and redevelopment project (National Strategic Outcome 1) and will encourage more people and generate more jobs and activity within the city (National Policy Objective 11).

7.1.4. Since the lodgement of the application in 2019 the ***Regional Spatial and Economic Strategy for the Southern Region 2019-2031*** has been adopted. It provides a broad framework for development with the overarching purpose to support the

National Development Plan and National Planning Framework. Volume 2 sets out the Metropolitan Area Plans for the regional cities including Cork and reiterates the above referenced NPF growth enabler. I consider that the proposal would advance Cork MASP Objective 2 in that it will assist in strengthening the consolidation and regeneration of the city centre and would be a transformative project on a brownfield site.

- 7.1.5. Reference is made by parties to the appeal to the **South Docks Local Area Plan 2008**. The said document predates the adoption of the current City Development Plan and, whilst it was extended to 2018 has since expired. Although a useful reference it is, in effect, a historical document. For the Board's information the plan set out a detailed development strategy for the south docklands area with the application site located on the western edge of the plan area and within the East City Centre Precinct. In same the area was identified as having limited development potential because of its architectural character and protected structures with objective SD 34 requiring the preparation of a masterplan for the precinct including a conservation strategy with the appeal site identified for a 'focal landmark building'.
- 7.1.6. The approach to the development of the lands has evolved since the LAP with due cognisance had to the findings of the document titled 'Cork City Harbour – Unlocking Cork Docklands, 2012'. The planning policy for the area has been tailored accordingly in the current **City Development Plan 2015**.
- 7.1.7. The development plan advocates the orderly expansion of the city centre eastwards along the quays and to re-orient the docklands as an extension of the city centre initially focussing on the development of areas easily accessible from the city centre (objectives 13.1 and 13.21). In same the site is within the **City Harbour Interchange area**. This is 1 of 2 'transformational areas' of the city centre identified in chapter 10 of the plan. I submit that this approach is entirely consistent with the overriding requirement for compact growth and development and, as is evidenced from recent development and permissions granted in the area, the vicinity of the site is evolving providing for high density mixed use development in accordance with the said objectives.
- 7.1.8. The main portion of the site is zoned ZO-2: 'City Centre Commercial Core Area', the objective for which 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)'. The proposed mix of uses including a hotel, with the bonded warehouse to provide for a heritage centre, retail, food and beverage, workshops, a distillery and offices will accord with the zoning provisions. It will also give appropriate recognition to the maritime importance of the site and will assist in expanding the tourism product within the city (objectives 8.3 and 8.11). The proposal also includes extensive public realm works opening up the quaysides to the public which will accord with both its ZO-17 zoning objective for the site perimeter and plan objective 13.17 which seeks to upgrade and provide new strategic pedestrian linkages.

Planning Policy and Context - Conclusion

- 7.1.9. Whilst the redevelopment of the site can be seen to accord with both national, regional and high level local planning policies with the mix of uses acceptable in principle, the sensitivity of the site coupled with its cultural and visual significance will be a material factor in the assessment of the proposal, especially in the context of the Building Height Guidelines which I propose to address in section 7.2 below. I propose to address compliance with other policies and objectives of the City Development Plan throughout my assessment.

7.2. Suitability of Site for Tall Building and Height Proposed

- 7.2.1. The absence of a planning context for a tall building on the site is a material issue in the 3rd party appeals with weight given to the provisions of the South Docks LAP 2008 and the City Development Plan 2015. As noted above the LAP has expired with the policies and objectives for the area as set out in the current development plan revised and tailored to reflect the change in approach to city centre/docklands development.
- 7.2.2. Chapter 16 of the **City Development Plan** discusses building height and notes that 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. City centre locations (within its 1869 boundary and the North and South River Lee Channels (west of Docklands)) are to be avoided. Instead, suitable sites for such buildings in the southern docklands and Mahon are identified (see Maps 2 and

7 Volume 2). The plan states that Cork's tallest strategic landmark building should be that proposed for the Eastern gateway in the South Docks area as this location defines the gateway to Docklands and the City Centre from the east. However, I submit that this definitive view is somewhat undermined by the fact that paragraph 16.37 of the plan states that tall buildings will normally be appropriate where they are accessible to a high quality public transport system. The plan does not specify that this refers to the areas identified on Maps 2 & 7, only.

- 7.2.3. The City Development Plan predates the ***Urban Development and Building Heights Guidelines for Planning Authorities***. The provisions of the guidelines constitute material planning considerations for the purpose of the assessment of the appeal that is before the Board.
- 7.2.4. Reference is made in the guidelines to NPO 13 of the National Planning Framework noting that prevailing building height has a critical role to play in addressing the delivery of more compact growth in urban areas. It critiques the use of "generic maximum height limits" as potentially undermining the quest for more compact urban areas with a new approach to assessing increased building height advocated. Specific Planning Policy Requirement (SPPR) 1 requires planning authorities to 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.
- 7.2.5. Section 3 of the Guidelines which addresses the development management process, notes that when assessing individual planning applications, there is a presumption in favour of buildings of increased height. It is stated that whilst cognisance of the development plan must be taken, the said 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.
- 7.2.6. On this basis I submit that the development plan, whilst containing detailed policies regarding tall buildings, by effectively precluding tall buildings within the city centre and promoting tall buildings at specified locations within South Docklands and Mahon, only, cannot be seen to align with the core objectives of the NPF and is at variance with the guidelines which seek to avoid this approach.

- 7.2.7. This tension between local policy and the ministerial guidelines has been noted and adjudicated upon in the assessment of other applications for development in the vicinity of the site. I refer to the summary of the planning history of the area set out in Section 4 above. Specifically, I would bring to the Board's attention file ref. ABP 305779 which refers to a site on Albert Quay to the south of the appeal site on which a SHD has been granted entailing a 25 storey building with a height of 86 metres. Also of relevance is file ref. ABP-302923-18 (18/37894) at Clontarf St. (to the west of the site) on which a 15 storey office building with a height of 61.5m. has been permitted.
- 7.2.8. On this basis I conclude that, notwithstanding the development plan's height policy and having due regard to the guidelines, a tall building on the subject site cannot be ruled out in principle so it falls to be assessed on performance criteria advocated in the guidelines.
- 7.2.9. As per the said guidelines the specific considerations that are to be addressed are set out at three levels:
1. At the scale of the relevant city/town
 2. At the scale of district/neighbourhood/street
 3. At the scale of the site/building
- 7.2.10. SPPR 3A goes on to state that where an applicant sets out how a development proposal complies with the criteria above and the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the NPF and the 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.
- 7.2.11. The application is accompanied by a number of detailed studies and assessments in support of the proposed building height. An assessment of the scheme against the criteria set out in the Building Heights Guidelines which are required to be satisfied is set out in the Planning Support Statement and Urban Design and Tall Building Statement (as amended by way of further information and clarification of further information).

7.2.12. The case made 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, concludes 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.
- The site is located at the interface between the city centre and the Docklands. It is one of the most prominent and strategic sites in the city at the confluence of the north and south river channels.
- The proposal is situated in an area with an emerging highly urban character that has the capacity to assimilate a tall building with due regard had to existing permissions for tall buildings in the vicinity of the site. A clustering of tall buildings within a controlled spatial area is advocated.
- The site is ideally positioned in terms of access and links to public transport. It is located c. 500 metres to the south-west of Kent Station, c.200 metres to the east of the bus station on Parnell Place and is immediately adjoining the N27 National Primary Road.
- The proposal would be a prominent metropolitan landmark building altering the existing skyline particularly in medium to long-distance views. It will form part of the emerging cluster of taller buildings in the City Harbour Interchange Area and will provide an aesthetic sense of hierarchy and order to the cluster.
- The development will become a catalyst for the further regeneration of the city centre and docklands. It will create a new focus of activity and will support the vitality of the area. It will help deliver economic growth.
- The architectural design is distinctive and of the highest quality. It will enhance local legibility and contribute to place making.

- The proposal provides for a mix of uses consistent with the zoning objective for the Commercial Core Area.
- It would provide for the establishment of a new visitor destination with the conservation and re-animation of the protected structures with the creation of an extensive public realm.
- 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 has been undertaken and the development satisfies the criteria.

7.2.13. I submit that the acceptability of the proposal relative to the performance criteria as set out in the guidelines can only be appropriately adjudicated upon following an holistic assessment of the proposal having due regard to the site sensitivities and its impact both on townscape and cultural heritage. I propose to address these issues in further detail below. However at this juncture I note the following:

7.2.14. The site is at the centre of the City-Harbour Interchange area. There is no dispute as to its landmark status at the eastern most tip of the city centre island at the confluence of the north and south channels of the river at a strategic, prominent and highly visible location when travelling into the city from the east and at a pivotal location between the historic city centre and the Docklands area. This landmark status is further reinforced by the maritime heritage as exemplified by the built fabric in terms of the Customs House, Revenue Building and the Bonded Warehouse.

7.2.15. Whilst a number of appellants consider that the precedent set by previous decisions for tall buildings in the vicinity should not be relied on to justify the current proposal and that the proposal is premature pending a tall buildings strategy being drawn up by the City Council, I submit that the proposal cannot be assessed in a vacuum without reference to the evolving and changing cityscape in the immediate vicinity. As an entity the city scape has evolved. The site itself is an area of reclaimed land. The city continues to evolve with recent riverside developments of varying heights sitting alongside the older city fabric. In view of the recent permissions granted in the immediate vicinity the issue of the principle of tall buildings in this area of the city is accepted and is reflective of the City - Harbour Interchange designation which is one of two areas identified with the potential to have transformational impacts on the

city centre. It is within this evolving context that the tall building will sit. The site, at the centre of this area, is deserving of a development of metropolitan importance.

- 7.2.16. I acknowledge the concerns of parties to the appeal that the proposal is significantly higher than any previously permitted to date. This is indeed the case. The tall building would be 54 metres higher than the building permitted on Albert Quay and more than twice the height of both the office building permitted on Clontarf Street and the existing Elysian mixed use building to the south. I note that the planning authority in its assessment of the proposal deemed the height of the tower to be a critical consideration requiring detailed justification by the applicant.
- 7.2.17. The premise put forward by the applicant is that the building, as a metropolitan landmark accentuating the landmark characteristics of the site, should be taller than any other building. I consider there is merit in this proposition. On the basis of the primacy of the site in the City Harbour Interchange transformational the proposal would assume a central location within the cluster of tall buildings where those permitted on Albert Quay and Clontarf Street and the Elysian as existing would be subordinate. I also submit that there is significant merit in seeking the clustering of tall buildings within a controlled spatial area which would assist in tying in the more disparate existing (Elysian building) and permitted (The Prism, Albert Quay) taller elements in the skyline.
- 7.2.18. In terms of the height proposed I refer the Board to the Urban Design and Tall Building Statement and the Context Height Ratio methodology in terms of categorisations of tall buildings. The approach set out therein is considered to be reasonable. With the context height of the City Harbour Interchange Area being in the region of 6 storeys, a metropolitan building greater than 5 times this would be applicable. This equates to 30 storeys, in the region of 90 metres (minimum). By way of further information the applicant sets out the rationale for the 140 metre height as the optimal height with 3D modelling undertaken. It concludes that at this height the building would be prominent without being overly dominant. On the basis of the study undertaken between the ranges of 100 to 180 metres I would concur with the conclusion that 120-140 metres is the optimal range to ensure prominence over the permitted tall buildings in line with its metropolitan landmark function. I would also concur with the area planner that within this range there is little

discernible difference in terms of visual impact and therefore a reduction in height to 120 metres is not advocated.

Suitability of Site for Tall Building and Height Proposed - Conclusion

7.2.19. In conclusion, whilst I fully acknowledge that a landmark building should not be solely linked to height I am satisfied that the applicant has justified the suitability of the site for a building of metropolitan scale in the context of the overall scheme function. Whilst the need to secure more compact growth in urban areas is articulated at both national and local policy level and increased building height is identified as a measure to achieve this, it is also acknowledged that there are constraints that need to be taken into consideration in assessing any proposal for a high building, including the protection of key views and the historical environment in architecturally sensitive locations. I propose to address these matters in the following sections.

7.3. Design and Architectural Approach

7.3.1. A detailed rationale for the architectural and urban design approach is set out in the application documentation including an Urban Design and Tall Building Statement and an Architectural Design Statement (both amended by way of further information). A Landscape Architectural Report was also prepared.

7.3.2. A number of different designs and height options including a 'do nothing' scenario were considered and tested for the site. Towers of varying height were assessed to identify the optimal height with visual impact testing undertaken with short, mid-range and long distance views. This testing was used to calibrate the height and massing and inform the design.

7.3.3. The urban design strategy is heavily influenced by the site's location at a strategic and highly visible location between the city and docklands and by the protected structures that need to be incorporated into the proposal. As detailed in section 7.4 below the conservation strategy for the site is to retain the Custom House and the Bonded Warehouse with part demolition of the Revenue Building to allow for the construction of the tower.

- 7.3.4. The new build, including the extension to the northern wing of the Custom House, the extension to the warehouse, the covered courtyard and the tower are contemporary in design and will clearly read as modern interventions.
- 7.3.5. In terms of the extension to the **Custom House** the east facing (road) elevation will be finished in a grey bronze coloured metal with the north facing elevation to be glazed shadow boxes with vertical fins to provide a visual link to the glazed courtyard enclosure.
- 7.3.6. The covered **courtyard** is proposed to connect the Custom House and the Warehouse enclosing the retained sections of the **Revenue Building**. A glass wall of bronze coloured metal and timber profiled glazing is proposed.
- 7.3.7. Internal alterations to the **Bonded Warehouse** to allow for use of the spaces including raising of the roof by 1.5 metres and installation of glazed clerestory windows are proposed. Internal connections between the bays and provision of stairs are also proposed. The canopy to the northern and southern sides is to be restored and, where missing, replaced with installation of minimal glazed conservatories along the southern elevation. The rubble walls are to have a lime render to match the original treatment with areas of cut stone to be left exposed.
- 7.3.8. The eastern extension to the warehouse to house the **distillery** will comprise of a glass façade in 5 bays rising in height to the eastern elevation and will use materials comparable to those to be used in the courtyard.
- 7.3.9. In terms of the **tower** the design intent is to produce a structure which is slender in form orientated towards both the city and the docks. The curtain wall element is proposed as a grey-bronze coloured framed all-glass to the east and west facades with flush set panels and shadow box spandrels. The modulations of panels is articulated by a wider horizontal division at every other floor to accentuate vertical emphasis. The chamfered east and west sides of the tower are defined by broad vertical fins. The greater density of opaque material provided by the metal fins sets to the north and south sides is in contrast with the more reflective glazed east and west. The top of the tower comprises a height variation between the east and west facades. The lower west facing façade will contain a viewing platform. I consider this differential to be successful.

7.3.10. The southern and eastern quays are to be developed as **open space** and will make a significant, positive addition to the public realm within this part of the city. It will connect to the pedestrianised Lapp's Quay continuing the public promenade along the southern quayside. The industrial and historic aesthetic of the site is to be retained through the maintenance of existing features including cobble setts, rails, mooring points etc. Along the southern quayside modular seating with outdoor dining space underneath the reinstated canopy on the bonded warehouse are proposed with a market zone for mobile food and drink vendors. A public plaza is envisaged at the eastern tip which will provide for open views across the river. The northern quayside will provide for the necessary access requirements to service the development, a set down area for the hotel and a certain level of parking. The demarcation of the parking spaces will be subtle with the avoidance of generic markings in favour of demarcation studs thereby allowing for flexibility of use. Detailed landscaping plans including details of materials to be used were revised and amended during the planning authority's assessment of the application.

7.3.11. At this juncture I submit that there is nothing to suggest that the site could be closed to the public. The public realm forms an integral component of the development and would be an important element in the realisation of the objectives of the overall scheme. The entrance gates are to be retained as aesthetic features, only, and will be permanently open with significant consideration and assessment given to the quayside treatments designed for optimum use by the public. I therefore consider the concerns raised by parties to the appeal on this matter are unfounded.

Design and Architectural Approach - Conclusion

7.3.12. I am satisfied that there is a clear rationale to the overall urban design strategy and contrary to the views of a number of parties to the appeal I consider it provides for an innovative and creative approach to the site redevelopment. The layout retains the openness of the quays on the three sides in addition to the uninterrupted views downstream. I consider that the design of the tower is simple and well considered. I would concur with the Council's Conservation Officer that the verticality of the tower is balanced by the horizontal spread of the rest of the complex culminating in the rising form of the distillery. The scheme is contemporary in its approach with the use of materials in the new build and courtyard allowing for contrast with the existing protected structures whilst allowing the complex to be read as whole.

7.3.13. The adaption of the protected structures, their re-use for commercial and cultural functions, in addition to opening up the site to the public with the significant public realm, will contribute significantly to the character and vitality of the area.

7.4. **Conservation and Built Heritage**

7.4.1. The application is accompanied by a Conservation Plan and Conservation Repair Works Method Statement, both of which were amended by way of further information. The former gives a detailed historical overview of the site and description of the building fabric.

7.4.2. As noted previously the three structures on the site are protected structures. The quay wall and steps and the mooring posts are also deemed to be protected structures. As per the National Inventory of Architectural Heritage and reiterated in the Conservation Plan the buildings and site are designated as being of national significance on the basis of the design quality of the site layout, setting and design and quality and durability of the materials.

7.4.3. The **Custom House** which is to the west of the site fronts onto Custom House Street and was built in 1818. Originally comprised of a central, 2 storey over semi-basement with two wings and triple arched gateways to the north and south site entrances, a significant addition was made to the southern wing in the early 20th century providing for a boardroom and offices. Other internal alterations have also been carried out. While the northern wing remains largely intact, the gateways have been significantly altered. The building was used as an administrative office for the Port of Cork Company until recently.

7.4.4. Major interventions to the Custom House are proposed although the most significant spaces are retained as part of the development. The northern wing is to be raised to the same level as the south, in order to balance the composition and form of the building. The north façade of the Ballroom extension will be glazed shadow boxes with vertical fins to provide visual continuation from the glazed courtyard enclosure. In addition, a new entrance lobby and staircase inside the central doorway are proposed. In view of the significant alterations that have been carried out to the building to date I consider that the proposed works are acceptable

- 7.4.5. The **Revenue Building** was built in 1814-19 and is a two storey cut-stone structure located on a north-south axis between the Customs House building to the west and the bonded warehouse to the east. Large sections have been vacant for a significant period of time with parts noted to be in poor condition.
- 7.4.6. As amended by way of further information the north and south sections of the building are to be retained in situ with the removal of the central bays to facilitate the ground works associated with the insertion of the columns and piles to support the tower structure. The retention of a full bay, namely the depth of an original room internally at each end, is intended to allow the building to be clearly read as original fabric and will include the retention of roof structure, slated finishes and chimneys. They will read as book ends to the said intervention and will remain legible within the proposed atrium.
- 7.4.7. The three storey **bonded warehouse** was built in 1814-19. It measures 87 metres long and tapers from 33.6m metres deep at west to 14 metres at east giving it a distinctive trapezoidal footprint as necessitated by the shape of this end of the island. The roof comprises 8 no. hipped sections. It has a gross floor area of approx. 6000sq.m. The ground floor has 16 long narrow vaults accessible from one side only. The 1st floor and 2nd floors have 8 bays. The two main elevations (north and south) each have two half attached circular towers containing spiral staircases which are the only means of access to the upper floors.
- 7.4.8. The current configuration presents challenges in terms of reuse. To address same a number of significant interventions are proposed, in particular the raising of the timber trusses at 2nd floor level to provide for more appropriate floor to ceiling height and the insertion of a glazing strip around the perimeter. In addition, a linear connection at the western end of the building and insertion of stairs are proposed. The single bay 3 storey annex to the west end, which was built later than the main warehouse, is to be demolished to make space for the covered courtyard. The canopy, of which sections remain along the south and east elevations, is to be restored and will be reinstated on the full extent of the north and south elevations.
- 7.4.9. I accept that the interventions are necessary to allow for the meaningful reuse of the structure and do not detract from its form and integrity. A new extension is proposed to the east end of the warehouse. The glazed structure makes use of the

structural and glazing system proposed for the atrium/courtyard. The roof tapers upwards from west to east and will be 13.5 metres at its highest point. I submit that this intervention is successful in tying into the tower and courtyard component.

7.4.10. A limited palette of grey-bronze coloured metal, patinated, waxed and/or painted dark grey/gun metal grey metals, timbers, fair air faced concrete, in combination with clear off-blue grey tone glass and tinted glass is proposed. This palette of materials would complement the site's maritime and industrial context and will integrate with the existing site colours and materials.

7.4.11. **Stone setts** on the quaysides are to be retained in place where this can be facilitated in the construction works as to not cause undue damage. Where it is not feasible a strategy for re-laying the cobbles will be used to conserve their integrity. Remedial works are proposed to the southern and eastern quay walls.

7.4.12. The criteria for assessment of the impact of proposals affecting historic structures is set out in the **Architectural Heritage Protection guidelines**, although it is reasonable to conclude that the insertion of a tall building was not foreseen when they were published. As noted previously the extensions to the Custom House and the Bonded Warehouse of themselves are contemporary in design and will clearly read as modern interventions. The tower will have a striking contrast to the low scale of the existing buildings with its verticality balanced by the horizontal spread of the rest of the complex culminating in the rising form of the distillery. The tower would intentionally be prominent with the overall scheme providing a significant visual presence.

7.4.13. The proposal as revised by way of further information, whilst retaining part of the Revenue Building, does require the demolition of a significant section of fabric. The demolition of protected structures or of elements which contribute to its special interest is precluded save in exceptional circumstances (section 57(10)(b) Planning and Development Act, 2000, as amended).

7.4.14. To assess the loss of the historic fabric so as to allow for the hotel tower is, I would suggest, too narrow a view on which to adjudicate on what constitutes exceptional circumstances. I submit that the project needs to be assessed as a whole. In view of the nature and extent of the proposed development, which is to serve as a metropolitan landmark both in form and function befitting of its strategic and

prominent location, it will also allow for the refurbishment and meaningful reuse of the site and the buildings thereon opening it up to the public and providing a central focus in the City Harbour Interchange transformational area in accordance with current development plan policies and objectives. The proposal could also act as a catalyst for further redevelopment and regeneration of the area. On this basis I consider that the removal of the section of the Revenue Building is justified.

Conservation and Built Heritage - Conclusion

- 7.4.15. I accept that the development of the site presents significant challenges due to its confined and restricted nature and that a balance needs to be achieved between maximising the development potential of this strategically important city centre location and its architectural and industrial heritage.
- 7.4.16. I consider that the architectural intervention allows the complex to be read as whole but with the constituent parts legible although there is no dispute that the level of intervention to the protected structures is material with a substantive alteration to their setting. I consider that this should be balanced against the proposed re-use and integration of the structures into the proposal and reinforcement of the maritime heritage would have positive regenerative impacts with the works considered to be of high quality. Thus, on balance the proposed development is acceptable in terms of the cultural and built heritage of the site. I note that the Council's Conservation Officer had no objection to the proposal. No comments were recorded from the Department in terms of built heritage.

7.5. Visual Impact

- 7.5.1. Cork City has a distinctive topography with the low lying centre accentuated by the ridge lines to the north and south. To the north Lower Glanmire Road delineates the boundary between the generally flat city centre and the elevated lands associated with the Montenotte/Tivoli Ridges, with the highest point between 140-150mOD. To the south and beyond the core city centre the landscape rises and creates further elevated areas that are characterised by mainly suburban development and mature vegetation with the highest point being between 70-80mOD. A further ridge to the west at Sunday's Well-Shanakiel gives further elevated ground which, in combination with the ridges to the north and south, creates a bowl like landscape. Due to the

elevated nature of the lands to the north and south panoramic views over the city are available in places. To the east the topography remains relatively flat along the River Lee.

- 7.5.2. The city is generally low rise with the skyline currently characterised by church spires such as North Cathedral and St. Anne's Shandon Tower and the infrastructure associated with the docks, notably the R & H Hall's Silos. However the more recent commercial development along the north and south quays in the vicinity of the site and the Elysian building to the south are indicative of an area undergoing substantial change providing for high density development and increased height relative to that which previously prevailed.
- 7.5.3. 68 no. photomontages accompany the application which was increased to 70 no. following further information with a critique of each provided in the EIAR. The photomontages demonstrate the impact at all viewpoints namely close, mid and distant. This was further supplemented by amended photomontages from 28 no. locations which provide a visual representation of the proposal cumulatively with 8 no. other permitted/proposed development in the vicinity including the 25 storey, 86 metre high residential scheme permitted on Albert Quay and the 15 storey, 61 metre high office building permitted on Clontarf Street (The Prism). Table 24 in chapter 13 of the EIAR provides a list of the developments considered. It is accepted that the cumulative photomontages illustrate an impression of the future city skyline which may not become reality as it will depend on the actual construction of the developments as permitted.
- 7.5.4. I consider that the photomontages are comprehensive in their extent, are representative of the main views available towards the site and are a useful tool in assisting and informing an assessment of the potential effects of the proposal.
- 7.5.5. The proposed development and specifically the proposed tower will have a substantial impact introducing an entirely new scale to the existing townscape character. It will introduce a dominant landmark building which will present as a key visual marker and point of emphasis being the tallest building at the centre of an area undergoing major change. There is no question that it will be a significant visual intrusion on the cityscape and be a major new element visible in views from all directions.

- 7.5.6. The visual impacts with a short intervening distance (within a 250 metre distance) will be significant with the tower being the dominant feature in available views. This will be accentuated when viewed in the context of the existing low rise buildings in the vicinity. I refer the Board to photomontages 13-16. While it would be prominent within the setting of several historical buildings within the vicinity of the site, the new build would read as unmistakably modern interventions and so resulting views would present striking contrasts. I submit that the juxtaposition of the new and the old would provide for visual interest which would add to its visual attractiveness which would be supplemented by the new and upgraded public realm.
- 7.5.7. The tower will continue to dominate in views at distances of over 250 metres, notably along the north and south channels and when viewed from the east which is one of the main entrances to the city and is a view listed for protection. In my opinion the scheme as viewed from the east is successful. The verticality of the tower is counterbalanced by the length of the warehouses and extension, with the river and the north and south channels setting the context. In addition the urban fabric in the vicinity is in the process of significant change arising from developments at Penrose and Horgan's Quay in addition to the developments permitted on Albert Quay and Clontarf Street. I refer the Board to photomontages 1, 2, 18, 19, 39A and 39B.
- 7.5.8. From the west within the city the tall building will introduce a prominent vertical structure that will protrude over the existing buildings and which will alter the largely low rise scale of the city (photomontages 7, 9 and 10 and 31). From the south the visual context is set to change arising from the existing and permitted development wherein the tower will have primacy (photomontages 31-34 and 56).
- 7.5.9. Whilst the tower will be visible from elevated lands to the west and will alter the city view (see photomontages 8 at Elizabeth Fort and view 48 at Shanakiel) I submit that the impact is more profound in the views available from the elevated lands to the north where the tower will dominate. In particular I refer the Board to photomontages 20, 21, 23, 24 which are in the vicinity of Summerhill North/St. Luke's Cross and Military Hill with photomontage 26 from St. Anne's in Shandon.
- 7.5.10. With distance, views of the tower become less prominent with intervening townscape screening same and, beyond 6km while visible, will form part of the overall townscape. This is evident from the photomontages taken from the elevated lands

to the south in the vicinity of Carrs Hill, Donnybrook and the airport (photomontages 54-61).

7.5.11. Protected views and prospects as listed in the current City Development Plan are concentrated on three main areas within the city namely, St. Luke's Church and townscape, Shandon Bell Tower and St, Fin Barre's Cathedral/St. Nicholas' church. In addition there are a number of designated scenic routes. In this regard the Board is directed to viewpoints 1, 8, 9, 12, 17, 23, 25, 26, 31, 34, 35, 55, 56, 69 and 70. Of these protected views and prospects only 1 no. (viewpoint 31 from Summer Hill South) is considered to have an adverse visual effect. The parties to the appeal dispute the findings of this assessment and consider the proposal would have a detrimental effect on a significantly greater number of the said protected views and prospects. Whilst the tower will not obstruct the views it will introduce a major new element in many of the view sheds.

Visual Impact - Conclusion

7.5.12. There is no dispute that a building of the scale proposed would be a dramatic intervention in the skyline and would be transformative in terms of the visual impact on the city and how the city is perceived in terms of legibility however this, of itself, does not render it unacceptable. As noted above, a cogent case has been set out by the applicant justifying a building of this height and scale at this location.

7.5.13. As noted previously the building cannot be viewed in isolation. It is one of an emerging cluster of high buildings at this location which is undergoing substantive change. As per the photomontages showing the cumulative impacts the benefits of clustering are apparent with the primacy of the proposed development within the centre evident. It will take precedence in terms of height and scale. All other buildings would be subordinate to the proposal with the height stepping up to the proposed tower at the centre.

7.5.14. In terms of potential impact on existing heritage buildings it will have a striking contrast to the existing low scale Custom House and Bonded Warehouses buildings and clearly distinguish between the old and the new.

7.5.15. Cities are continuously changing and evolving and Cork is no different. The development may be considered as the next stage in the evolution of the city scape and character which, as the development plan notes involves the combination and

interplay of many elements including the landscape, built environment, riverscape and natural heritage.

7.6. Traffic and Parking

- 7.6.1. The site's central and accessible location, within walking distance of the city centre, proximity to Kent railway station (intercity rail services) and bus station at Parnell Place (with suburban regional and National Bus Eireann services) is noted.
- 7.6.2. Detailed consideration was given to the proposed access arrangements and potential knock-on impacts to traffic patterns, the two junctions at the bridges to either side and the road safety implications on Custom House Road which forms part of the N27. Issues in terms of pedestrian movements were also interrogated. As amended, it is proposed that access and servicing of the site will be via the northern most entrance with left-in/left-out only manoeuvres. Large service vehicles such as refuse trucks or occasional HGVs will navigate around the development and exit via the southern entrance, again with left-out only manoeuvres. The gates to both entrances are to be retained as aesthetic features, only, and will be permanently open.
- 7.6.3. The northern access is to be signalised (with a signalised pedestrian crossing) and will require the upgrading of the Michael Collins Bridge/Anderson Quay/Custom House Street/Custom House Quay junction to accommodate the fourth signalised arm. The details on the signalisation as provided by way of clarification of further information were not considered sufficient to address the issues arising with a schedule of conditions detailed to address the outstanding matters. In this regard conditions 35 and 36 refer with the applicant to provide the necessary details on the upgrading of the junction and to cover the costs of same. I also note that the planning authority attached a special contribution towards the reconfiguration of the SCOOT network (condition 34). No detail is provided as to how the figure for the upgrade was calculated as required by the relevant legislative provisions. I direct the Board to the *Traffic: Regulation and Safety Report* following the clarification of further information.
- 7.6.4. I accept that the works to the junction and reconfiguration of the SCOOT networks are required to facilitate the proposed development and can be considered to be

exceptional costs that fall outside the remit of the section 48 general contribution scheme. I submit that by the nature of the works within the public realm a condition requiring a special contribution in accordance Section 48(2) (c) of the Planning and Development Act 2000, as amended, would be the appropriate forum by which to secure the works rather than the applicant undertaking the works itself. In this regard I note that the letter of consent from the City Council accompanying the application allowed for the upgrade and improvement the street footpath/frontage along Custom House Street, only. The area shown on the map attached to the consent is restricted to the immediate road frontage of the subject site.

- 7.6.5. As per the current City Development Plan car parking standards the site is within Zone 2A with the maximum parking provision for the scheme, as a whole, equating to 158 spaces. The area planners as supported by reports from the Traffic and Transport Departments are consistent in their view that to allow for any material level of on-site car parking would run counter to the provisions of the NPF and the Guidelines on Building Heights which state that generally there should be no parking requirement for new developments in or near the centre of cities. It is also considered that the parking provision would negatively impact on the visual quality of the scheme and loss of public realm potential. The applicant robustly defends the provision citing international experience in terms of placemaking and juxtaposition of same in the public realm. It is of the view that NPF policy on parking standards applies to the review of development and local area plans whilst the guidelines, although superseding the general restrictions on building height, do not immediately affect the current development plan standards. The viability of the project in the absence of on-site parking is also raised. 71 parking spaces along the northern quayside are proposed.
- 7.6.6. Prior to the making of the decision the Director of Services in a memo directed that 59 parking spaces be facilitated. Regard was had to the standard of the public realm proposed, the parking standards as applied in the development plan, the City Docks Area Based Transport Assessment (ABTA) report and the need for a reasonable level of tolerance given the time frame outlined in the Cork Metropolitan Area Transport Strategy (CMATS). The basis for the calculation is taken from ABTA with 19.8 spaces for the hotel and 40 for staff.

- 7.6.7. The fact that the site has historically provided for over 135 spaces cannot be a material consideration in terms of the acceptability or otherwise of parking on the site at this juncture and must be assessed in terms of the current policy framework. I submit that there appears to be a somewhat selective reliance on the part of the applicant on national policy and guidelines to justify elements of the proposal, specifically the tall building and compact development, without the same emphasis placed on other elements such as the elimination of car parking requirements.
- 7.6.8. The fact remains that the site is in a central location particularly well served by high quality transport and I submit that in such locations where development entails the mix of commercial, leisure and cultural facilities, minimal parking, only, should be facilitated. Whilst I accept that the northern quayside would provide for a more functional aesthetic to allow for servicing of the development and to allow for hotel set down/pick up, this cannot be used to justify a quantum of parking at variance with prevailing policy. I submit that the 59 spaces attached by way of condition is excessive and consider that allocation by reference to employees is not appropriate for this site. The applicant is spearheading this development as a landmark for the entire city and I consider that it should lead by example in terms of the principles of sustainable development and application of the spirit of the NPF and the Building Heights Guidelines in terms of parking. As noted by the reporting planner parking demand generated by the hotel can be met locally by existing car parking facilities. Many hotels in city centre sites do not have the benefit of on-site car parking with valet parking a notable feature. Notwithstanding, I would accept that a minimal provision on site may be required including provision for persons with impaired mobility. Thus working from the calculations provided in the Director of Services memo on the issue I consider that 20 no. spaces, in total, would be appropriate.
- 7.6.9. The number of bicycle parking spaces has been increased from the initial proposal of 58 no. to 100 no. in line with the planning authority's request. This is considered acceptable.
- 7.6.10. The Board is advised that the provisions of the section 49 supplementary development contribution scheme in respect of the Cork Suburban Rail Project is applicable.

7.7. Other Issues

Microclimate

- 7.7.1. Due to the height of the proposed tower a detailed wind assessment has been carried out 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 the functionality of the public realm. A Wind Microclimate Study is provided in Appendix 17.1 of the EIAR.
- 7.7.2. It concludes that whilst the Custom House and Bonded Warehouse below the tower capture any downdraft winds and maintain them at a height, mitigation measures will be required at the following locations to maintain pedestrian comfort:
- Main thoroughfare along Albert Street (N27)
 - The northwest and southwest accesses into the development via Albert Street
 - The Market Square on the south quayside where pedestrians may occasionally congregate.
- 7.7.3. Focused wind mitigation measures have been incorporated into the design such as landscaping measures and insertion of wind screens.
- 7.7.4. I consider that the applicant has provided sufficient detail to support its conclusions. Whilst the development may result in some localised adverse wind impacts, in general these will not be material and the public realm will function in accordance with its intended use.

Sunlight and Daylight

- 7.7.5. A Daylight and Sunlight Analysis Report is provided in Appendix 17.2 of the EIAR. The location of the site separated from the nearest developments to the north and south by the river channels and those to the west by Custom House Road, coupled with the fact that the area is largely characterised by commercial development is of relevance. I also note that the permitted residential scheme on Albert Quay is to the south of the site.
- 7.7.6. In the assessment a total of 2094 points on the surrounding buildings were tested for skylight availability and 967 points for sunlight availability. The overriding majority of

points tested experienced a negligible impact – 98.5% for skylight and 99% for sunlight. As such the anticipated impacts are not considered significant.

- 7.7.7. No issues in terms of overlooking of sensitive receptors/properties have been identified.

Fire Safety

- 7.7.8. The Council Fire Officer considers that there are outstanding details that are required to be resolved. These are matters to be addressed separate from the planning code under the fire safety and building regulation provisions and do not impact on the making of a planning decision in this instance.

Floating Pontoon and Signage

- 7.7.9. The applicant in the further information response welcomes the Council's continued support of the floating pontoon and considers that it will have a continuing use at the site as a berthing facility for recreational use. The applicant intends to seek permission for the further extension of the use of the pontoon. The permission granted under ref. TP15/36431 was for a period of five years. Condition 12 attached to the planning authority's decision requires the applicant to submit details about the operation of the pontoon (in addition to the management of the maritime visitor centre) in the interests of the orderly management and operation of the maritime related operations at the site. I consider this to be a reasonable measure and recommend a comparable condition should the Board be disposed to a favourable decision.
- 7.7.10. Whilst I accept that the Port of Cork signage is evocative, its relocation to make way for the proposed development and the public realm works is appropriate.

7.8. Planning Assessment - Conclusion

- 7.8.1. As noted previously as to whether the proposal satisfies the criteria set out at the three levels detailed in section 3 of the Building Heights Guidelines can only appropriately be adjudicated upon following an assessment of the proposal in the round. Following the above assessment I conclude:

- The landmark status of the site is unquestioned. This status is accentuated by its cultural and historical importance and the protected structures thereon.

- A metropolitan landmark will not be solely associated with building height but also by the mix of uses and extensive public realm provision. It is evident that the significance and importance of the site is reflected in the ambitious design. I consider that the proposal as a whole both in terms of the landmark building, architectural interventions, the mix of uses proposed and extensive public realm, is of a quality that will reinforce the significance attributed to the site.
- The mix of uses with due regard and recognition of the maritime heritage of the site with significant public realm provision will provide for a new destination befitting of this landmark site and will contribute to and enhance the townscape character of this evolving area of the city. The important contribution that the redevelopment of the site can make to the public realm at this pivotal location in terms of planning gain cannot be undervalued.
- The application is accompanied by a detailed townscape and visual assessment. There is no dispute that a building of the scale proposed would be a dramatic intervention in the skyline and would be transformative in terms of the visual impact on the city and how the city is perceived in terms of legibility however this, of itself, does not render it unacceptable. It is intended as a standalone landmark building and will take precedence in terms of height and scale at the centre of the emerging building cluster at this City Harbour Interchange area. The legibility of the city centre would therefore be beneficially served.
- In terms of potential impact on heritage buildings the tower will have a striking contrast to the existing low scale Custom House and Bonded Warehouse buildings. The use of materials in the new build, which take their cues from the protected structures, will allow the complex to be read as a whole. The demolition of part of the Revenue Building is considered acceptable in terms of the citywide importance of the project and the significant planning gains.
- The site is well served by public transport in view of its proximity to the city bus station and train station and has good links to other modes of transport.
- Appropriate and reasonable regard is had of quantitative performance approaches to daylight provision with a micro-climatic study undertaken.

7.8.2. In conclusion, I would not subscribe to the view as espoused by a number of the objectors that the strategic goals of the City Development Plan are contravened and would counter that the proposal will assist in ensuring that the city continues to grow as the centre of economic, social and cultural development for the southern region, whilst endeavouring to protect important resources where cultural and built heritage is safeguarded. In view of the benefits of the proposed development and the retention of the significant quantum of historic fabric and its likely positive knock-on impact in terms of economic regeneration of this part of the city centre, I consider the proposed development to be acceptable and conclude that it accords with national, regional and local planning policies, objectives and guidance.

8.0 Environmental Impact Assessment

8.1. Introduction

- 8.1.1. This section of the report comprises an environmental impact assessment of the proposed development. A number of the matters to be considered have already been addressed in the Planning Assessment above. This section of the report should therefore be read, where necessary, in conjunction with relevant sections of the said assessment.
- 8.1.2. Both the 2014 amended EIA Directive (Directive 2014/52/EU) and the European Union (Planning and Development)(Environmental Impact Assessment) Regulations 2018 are applicable.
- 8.1.3. In terms of the classes of development in Schedule 5 of the Planning and Development Regulations 2001, as amended, for which an EIAR is required, the site at c.1.2 hectares is below the 2 hectare threshold for urban development in a business district as set out in Class 10 (b). As per the EIA Screening report the applicant considered the preparation of an EIAR to be required following discussions with Cork City Council, the application of the precautionary principle with regard to the criteria set out in Schedule 7 and 7A and having regard to the location of the development and environmental sensitivity of the area.
- 8.1.4. An EIAR was submitted with the application which was amended in response to the request for further information.

Content and Structure of EIAR

- 8.1.5. The EIAR as amended consists of 2 volumes, grouped as follows:

Volume 1: Non-Technical Summary and Main Report

Appendices

Volume 2: Townscape and Visual Figures including Photomontages

- 8.1.6. In accordance with Article 5 and Annex IV of the EU Directive, the EIAR provides a description of the project comprising information on the site, design, size and other relevant features. It identifies, describes and assesses in an appropriate manner, the direct and indirect significant effects of the project on the following environmental

factors: (a) population and human health; (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape and it considers the interaction between the factors referred to in points (a) to (d). It provides an adequate description of forecasting methods and evidence used to identify and assess the significant effects on the environment. It also provides a description of measures envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects. The mitigation measures are presented in each chapter and are summarised in Chapter 21 of the EIAR. Where proposed, monitoring arrangements are also outlined. No difficulties were encountered in compiling the required information.

- 8.1.7. I am satisfied that the information provided is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. I am also satisfied that the information contained in the EIAR complies with the provisions of Articles 3, 5 and Annex (IV) of EU Directive 2014/52/EU amending Directive 2011/92/EU and Article 94 of the Planning and Development Regulations 2000, as amended.
- 8.1.8. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality. I note the qualifications and expertise of the persons involved in the preparation of the EIAR are set out in Appendix 1.1.
- 8.1.9. I am satisfied that the information provided in the EIAR is sufficiently up to date and is adequate for the purposes of the environmental impact assessment to be undertaken.
- 8.1.10. 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 and the appeal. A summary of the submissions made have been set out in sections 3 and 6 of this report.
- 8.1.11. The main issues raised specific to EIA can be summarised as follows:
- Impacts on cultural heritage and loss of historic fabric.
 - Townscape and landscape impacts.

- Impacts on traffic

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

8.2. Consultations

8.2.1. Details of the consultations entered into by the applicant as part of the preparation of the project are set out in 1.6 of the EIAR entailing a public consultation day and contact with prescribed bodies. Submissions received during the course of the planning authority's assessment of the application including submissions from prescribed bodies are summarised in sections 2.3 and 2.4 above with the 3rd party appeals and observations received by the Board summarised in sections 5.1 and 5.4 above.

8.2.2. I consider that the requirements in terms of consultation have been adequately met by the applicant.

8.3. Vulnerability to Risk of Major Accidents and/or Disaster

8.3.1. The requirements of Article 3(2) of the Directive include the expected effects deriving from the vulnerability of the project to risks of major accidents and/or disaster. The EIAR addresses this issue in section 19.

8.3.2. During the construction and operational phases 7 no. possible risks were identified whereby the proposed development has the potential to cause a major accident/disaster (see Tables 19.6 and 19.8) Potential risks during the construction phase will be managed through the Construction and Environmental Management Plan (CEMP). In terms of the operational phase and fire risk the buildings have been designed to existing fire regulations requirements. In addition equipment installed in the distillery will be suitably ATEX rated and its operation will be managed in accordance with the discharge licence. Each of the potential risks are considered low risk scenarios.

8.3.3. 5 no. potential risks were identified whereby the proposal, due to its vulnerability to major accidents and/or disasters may have an adverse effect on the environment. (see Table 19.10).

- 8.3.4. The site is not connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential effects from this source. The nearest site ('Lower Tier Establishment') is 1.3km to the east (Goulding Chemicals Ltd). The site is within the zone of consultation for same. The nearest licenced facility is located c.890 metres to the north-west. Given the intervening distances and safety and environmental standards and requirements imposed by the relevant regulators (HSA and EPA) the likelihood of an incident occurring at either of the sites resulting in the proposed development having an adverse effect on the environment is deemed to be 'Extremely Unlikely'. I note that the Health and Safety Authority did not advise against the granting of permission.
- 8.3.5. The risk from fire/explosion at Kent Station located c. 500 metres to the north-east and collision/explosion/discharge from tankers at Port of Cork were also assessed which concluded in overall low risk scenarios.
- 8.3.6. Potential risk from flooding has been identified and covered in the flood risk assessment set out in Appendix 15.1. The flood defences for the development will be initially constructed to a level of 3.40mOD but will be designed to a higher flood defence level of 3.95mOD allowing for climate change. This will facilitate raising of defences in the future as required. The Tower and Distillery finished floor levels will be raised to 3.4mOD and will have flood proof glazing to 3.95mOD with demountable barriers to be installed in the future as required. Installation of demountable flood defence barriers, sealing of drainage and ducts etc to the protected structures is proposed.
- 8.3.7. It is considered that having regard to the nature and scale of the development itself, the risk of major accident and/or disaster during the construction and operational phases is considered low in accordance with the risk evaluation methodology and I am satisfied that this issue has been addressed satisfactorily in the EIAR.

8.4. Alternatives

- 8.4.1. 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;”

- 8.4.2. 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.”

- 8.4.3. No alternative sites were considered on the basis that the site was the only one in the city which was on the market at time of purchase which matched the applicant’s requirements.
- 8.4.4. As amended by way of further information the alternatives assessed increased from 6 to 8 including ‘do nothing’ and ‘minimal intervention’ options. In all of the 6 ‘do something’ options the design objectives remain the same, namely the provision of a hotel and distillery, reuse of the bonded warehouse and, provision of public realm. This mix of uses was not altered following the planning authority seeking further information on the exploration of alternatives. The alternatives assessed included different site layouts, designs and configurations.
- 8.4.5. Having regard to the Guidelines for carrying out Environmental Impact Assessment 2018 which states that the type of alternatives will depend of the nature of the project proposed and the characteristics of the receiving environment I consider that the requirements of the Directive in terms of consideration of reasonable alternatives have been discharged.

8.5. Population and Human Health

- 8.5.1. As would be expected the likely effects of the proposed development on human beings and health are addressed under several of the headings of this environmental impact assessment and, as such, should be considered as a whole. Of particular relevance are issues arising from socio-economic impacts, noise, traffic, air quality and visual impact. I propose to address the latter 3 subjects in subsequent sections

below. Chapter 9 of the EIAR deals with noise and vibration. Chapter 17 deals with population and human health.

Receiving Environment

- 8.5.2. I refer the Board to section 1 above which gives a description of the site and its location. In summary the site is located within Cork City Centre at the eastern most tip of the city centre island. The land uses in the vicinity are predominantly commercial with material redevelopment recently completed on Albert Quay and ongoing on Penrose/Horgan Quays.
- 8.5.3. The baseline noise environment is dominated by traffic noise. The site is adjacent to National Primary Road N27
- 8.5.4. In a 'Do Nothing' scenario the site will remain an underutilised city centre site which would have a knock-on negative impact on the vibrancy and vitality of surrounding areas.

Predicted Effects

- 8.5.5. Positive impacts in terms of the direct effects on job creation during the construction and operational phases are expected. The estimated construction period is 20-24 months.
- 8.5.6. Significant positive impacts are anticipated arising from the redevelopment of the site and provision of tourist and local amenities in addition to public spaces. Indirect positive impacts identified include the improvement of the economic and social prosperity of the surrounding area and commercial linkages with existing businesses throughout the city. It would also contribute to the social and cultural growth of the city centre.
- 8.5.7. The main potential impacts on human health are considered to be in relation to air quality and noise during construction including from construction traffic.
- 8.5.8. During the operational phase noise from plant and equipment operating on the site could give rise to noise.

Features and measures to avoid, prevent, reduce or offset likely significant adverse effects on the environment

- 8.5.9. To minimise significant nuisance arising from dust and noise a Construction Environmental Management Plan (CEMP) has been formulated. A draft of the plan is provided in Appendix 5.1 This plan includes site management, demolition and clearance works and the preparation of a Detailed Construction Traffic Management Plan (CTMP) and a Dust Minimisation Plan. In terms of construction noise and vibration Best Practicable Means are to be employed with the measures to be used detailed.
- 8.5.10. Dust monitoring is to be undertaken at nearest sensitive receptors.
- 8.5.11. During the operational phase all noisy equipment to be housed within acoustic enclosures.

Residual Impacts

- 8.5.12. The residual impacts arising are considered to be positive in terms of creation of employment, redevelopment of a city centre site and additions to the public realm.

Population and Human Health - Conclusion

- 8.5.13. I have considered all of the written submissions made in relation to population and human health. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

8.6. Biodiversity

- 8.6.1. Chapter 10 addresses biodiversity. In addition a NIS accompanies the application with an appropriate assessment undertaken in section 9 below. There is also an overlap with land, soil and water which are addressed below. I recommend that the relevant sections be read in conjunction with each other.

Receiving Environment

- 8.6.2. The site is in a city centre location dominated by existing buildings and hardstanding. The EIAR sets out details regarding the existing environment in terms of flora and fauna. Otter, bird, bat and habitat surveys were undertaken.
- 8.6.3. The site is not of significant ecological value. No rare plants were recorded. No Annex 1 habitats were recorded. The Rive Lee which surrounds the site is the most valuable habitat.
- 8.6.4. There is no evidence to indicate that the buildings are being used by bats and no high value foraging habitat was recorded. Sand Martin, an amber listed species was recorded nesting in the Bonded Warehouse and at locations along the quay wall. There is limited use of the site by Grey Heron which is a qualifying interest of Cork Harbour SPA. There is limited use of the site by otter. No holts or couches were identified. A grey seal was noted in the river.
- 8.6.5. In a 'Do Nothing' scenario there will be no change to biodiversity.

Predicted Effects

- 8.6.6. For a detailed assessment of the impact of the development on designated sites and their qualifying interests and to avoid undue repetition, please refer to the appropriate assessment carried out in section 9 below.
- 8.6.7. Construction runoff into the river could result in pollution. Re-grouting of the quay walls and renovation of the bonded warehouse will result in a permanent loss of nesting habitat for nesting habitat for Sand Martins and will lead to a displacement of the population that uses the site.
- 8.6.8. An increase in activity during construction and operational phases could deter marine mammals from using this part of the river for commuting and foraging purposes.
- 8.6.9. Noise levels during construction could have a negative indirect effect on bird populations that use the area for foraging, roosting etc.

Features and measures to avoid, prevent, reduce or offset likely significant adverse effects on the environment

- 8.6.10. The measures to be employed to protect ground and surface water including temporary dewatering works which are detailed under the heading 'Water' below in addition to measures to deal with excavated soil which are addressed under the heading 'Soil' are relevant in terms of biodiversity. To avoid undue repetition, I recommend that these sections be read in tandem.
- 8.6.11. The draft Construction Environmental Management Plan, which is included with the application, sets out the procedures, standards, work practices and management responsibilities of the appointed contractor to address potential negative environmental effects that may arise during construction.
- 8.6.12. Noise mitigation during construction to be in accordance with best practice.
- 8.6.13. A bentonite (or polymer solution) plan is to be drawn up.
- 8.6.14. Works to the quay walls to take place outside of bird nesting season so as not to disturb Sand Martins.
- 8.6.15. Existing quay wall will be used to create an artificial nesting habitat for sand martins which have been displaced.

Residual Impacts

- 8.6.16. None envisaged.

Biodiversity – Conclusion

- 8.6.17. I have considered all of the written submissions made in relation to biodiversity. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on biodiversity.

8.7. Land and Soil

- 8.7.1. Chapter 14 supported by Appendix 14.1 of the EIAR assesses the potential impact on land and soils and hydrogeology. Chapter 16 which addresses resource and waste management also deals with site clearance and the excavation phase.

Receiving Environment

- 8.7.2. The site is a brownfield site completely covered by buildings/hardstanding and is/was primarily used for commercial purposes. Based on the GSI Groundwater Resources Aquifer Map there are two aquifers under the site; The Lee Valley Gravels which is described as a regionally important gravel aquifer and The Ballysteen Formation which is part of the Ballincollig groundwater body and is categorised as a Locally Important Aquifer – Bedrock which is Moderately Productive only in Local Zones.
- 8.7.3. Save in 1 no. trial pit there was no evidence of contamination.
- 8.7.4. In a 'Do Nothing' scenario there will be no change to land and soil within the site.

Predicted Effects

- 8.7.5. During the construction of the basement approx. 10000m³ of soil will be exported from the site. Dewatering will be required and the rate is likely to be significant as the permeability of the Lee Valley Gravels is large. The flow rate comprises a small fraction of the total volume of water flowing through the LVG aquifer and will be temporary. Once dewatering stops the water will recover to its original level. Water from the basement will be discharged to the River Lee via a Section 4 discharge licence. Dewatering could cause the made ground soil to consolidate and allow settlement of the protected structures. The drawdown in the immediate vicinity of the basement will be similar to levels of drawdown during low tide.
- 8.7.6. Removal of hardstanding and excavation of soil could lead to higher levels of infiltration of contaminated run-off with a risk of contaminating the LVG or the River Lee.
- 8.7.7. Construction of the foundations of the building by piling to a significant depth in the LVG aquifer will be required. Addition of cement will raise the pH of the groundwater locally in the LVG around the piles.

8.7.8. Potential pollution from fuel spillages and escape to ground of silt and/or contaminated surface run-off.

Features and measures to avoid, prevent, reduce or offset likely significant adverse effects on the environment

8.7.9. Compliance with best practice measures to be detailed in the Construction Environmental Management Plan (CEMP).

8.7.10. Silt traps to be placed in gullies to capture any excess silt in run-off.

8.7.11. Drawing up of contingency plan for pollution emergencies.

8.7.12. Settlement of the protected structures to be assessed during the detailed design stage of the construction. If, based on detailed analysis, mitigation is still required then measures shall be implemented which could include, but are not limited to, staged dewatering to minimise the extent of the dewatering or grouting under the buildings to strengthen the ground and minimise potential for settlement.

8.7.13. Monitoring during construction including groundwater monitoring and level monitoring of the protected structures and monitoring of excavation to ensure that the soils excavated for disposal are consistent with the descriptions and classifications according to the relevant legislation.

Residual Impacts

8.7.14. Residual impact during the construction phase is considered to be of negligible magnitude and imperceptible significance with no residual impacts during the operational stage.

Land and Soil - Conclusion

8.7.15. I have considered all the written submissions made in respect of land and soil. I am satisfied that any potential impacts would be avoided, managed and 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 effects in terms of land and soil.

8.8. Water

- 8.8.1. Chapter 15 of the EIAR addresses water with a Flood Risk Assessment provided in Appendix 15.1.

Existing Environment

- 8.8.2. The site is at confluence of the north and south channels of the River Lee. The River Lee is classified as 'at risk'. It has a 'moderate' Transitional Waterbody WFD Status 2010-2015. The site is within Flood Zone A, located within the 1:200 year tidal flood extent.

- 8.8.3. The site is served by a foul sewer. Surface water is drained via a surface water collection system to the River Lee.

In a 'Do Nothing scenario' there would be no change in the hydrological regime.

Predicted Effects

- 8.8.4. There will be no net increase in impermeable surfaces on the site so there will be no increase in storm water run-off volumes or flow rates from the site.

- 8.8.5. The following construction works have the potential to have an adverse effect on water quality:

- Accidental spillage
- Works to quay walls
- Installation of sheet piles
- Dewatering and excess water
- Leaks of bentonite or polymer solutions which may be used during piling

- 8.8.6. During the operational phase the following are identified as having the potential to have an adverse effect on water quality:

- Hydrocarbons from the car park being carried in the surface water and potential to contaminate the site's proposed surface water drainage system
- Process water from the distillery if not controlled
- Risk of flooding

Features and measures to avoid, prevent, reduce or offset likely significant adverse effects on the environment

- 8.8.7. Compliance with best practice measures to be detailed in the Construction Environmental Management Plan (CEMP) including measures in terms of storage of materials, procedures should accidental spillage(s) occur, collection systems to prevent any contaminated drainage entering surface water drains, watercourses or groundwater, use of settlement lagoons and silt traps to be located around the site to collect run-off with settled solids removed regularly.
- 8.8.8. Containment of bentonite or polymer solution at all stages of circulation.
- 8.8.9. Excess water encountered during dewatering to be managed and discharged to the river via a temporary pipe installation. Settlement tanks and filters to be incorporated in the installation.
- 8.8.10. New surface water drainage network will include sumps in the channel drains to collect silt. Surface water storage tank to be installed, to be used during tidal and rain events to attenuate flows. By pass petrol interceptor to be installed in car park drainage network.
- 8.8.11. Process water from the distillery will be subject to an effluent discharge licence and will be discharged to the Irish Water sewer. No emissions of process effluent to be allowed enter the storm water network.
- 8.8.12. The flood defences for the development will be initially constructed to a flood defence level of 3.40mOD but will be designed to a higher flood defence level of 3.95mOD allowing for climate change. This will facilitate raising of defences in the future as required to accommodate any increase in flood level due to climate change.
- 8.8.13. The Tower and Distillery finished floor levels will be raised to 3.4mOD and will have flood proof glazing to 3.95mOD with demountable barriers to be installed in the future as required.
- 8.8.14. Installation of demountable flood defence barriers, sealing of drainage and ducts etc to the protected structures.
- 8.8.15. Flood emergency response plan including emergency access and egress.

8.8.16. Basement of the development will be sealed which will minimise risk of groundwater egress. Access to the basement will be pedestrian only.

Residual Impacts

8.8.17. No significant residual impacts are anticipated. Due to the flood defence levels proposed no residual risk of flooding is anticipated.

Water – Conclusion

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

8.9. Air and Climate

8.9.1. Chapter 8 addresses air and climate. A micro-climate study is provided in Appendix 17.1.

Receiving Environment

8.9.2. Cork City is within Zone B with pollutant concentrations falling below EU limit values. The majority of properties surrounding the application site are in commercial use. There are no sensitive properties within 100 metres of the site. Asbestos containing materials were identified on the site.

8.9.3. In a 'Do Nothing' scenario there would be no change in prevailing conditions in terms of air and climate.

Predicted Effects

8.9.4. Potential for dust nuisance during the demolition and construction phase with potential for significant soiling within 100 metres and PM₁₀ and vegetation effects within 25 metres of the works.

8.9.5. Disturbance of asbestos containing materials could cause asbestos fibres to be released.

- 8.9.6. The traffic assessment concluded that the predicted traffic increases at all off site locations would be significantly less than 5%. TII guidelines state that pollutant concentrations should be calculated at receptors located adjacent to roads where operational traffic increases by 5% or more. On this basis the traffic associated construction and operational phases would have imperceptible effects on air quality (CO₂ and N₂O emissions).
- 8.9.7. In terms of impact on climate the marginal increase in traffic will have negligible effects on Ireland's national greenhouse gas emission. Table 8-9 show the CO₂ emissions and energy consumption of the proposed development (49.3kgCO₂/m²/annum and 251kWh/m²/annum).

- 8.9.8. The development may result in some localised adverse wind impacts at pedestrian level.

Features and measures to avoid, prevent, reduce or offset likely significant adverse effects on the environment

- 8.9.9. Appropriate handling and disposal of asbestos containing materials.
- 8.9.10. New tower to be in accordance with Technical Guidance Document Part L 2017 Conservation of Fuel and Energy – Buildings other than Dwellings to reduce energy consumption.
- 8.9.11. To minimise significant nuisance a Construction Environmental Management Plan has been formulated of which a Dust Management Plan forms part and which will be finalised prior to construction. This plan includes site management, management of movement of trucks, timing of site clearance and demolition, earth moving works and location and moisture content of storage piles.
- 8.9.12. Dust monitoring to be undertaken at nearest sensitive receptors.
- 8.9.13. Mitigation measures in place to address the vulnerability of the proposed development to the potential effects of climate change include a finished floor level for the new buildings which allows for climate change and emergency plans and evacuation procedures with respect to a flood event.
- 8.9.14. Focussed mitigation measures including landscaping measures and insertion of wind screens to address localised wind impacts.

Residual Impacts

8.9.15. It is predicted that there will be no significant air quality or climate impacts.

Air and Climate Conclusion

8.9.16. I have considered all of the written submissions made in relation to air and climate. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on air and climate.

8.10. Material Assets

8.10.1. Chapter 7 addresses Traffic and Transportation with further details submitted by way of further information and clarification of further information including a Stage 1 /2 Safety Audit. A Mobility Management Plan also accompanies the application.

8.10.2. The Board is advised that there is an overlap with the planning assessment in section 7 above. It is recommended that the sections be read in tandem.

8.10.3. In addition Chapter 17 of the EIAR addresses material assets.

8.10.4. In a 'Do Nothing scenario' there will be no change to material assets.

Existing Environment

8.10.5. The N27 is a national road connecting the Southern Ring Road (N40) to Cork City Centre. It is known as Custom House Street in the vicinity of the site. It has two lanes in each direction. The junctions between the N27 and Albert Quay, the N27 and Custom House Quay and the N27 and Anderson's Quay are signalised with pedestrian facilities provided on some arms. Michael Collins Bridge crosses the northern channel to Penrose Quay. Eamonn De Valera Bridge crosses the southern channel to Albert Street/Albert Quay. The junctions on the surrounding road network currently experience short duration saturation, particularly during peak hours.

8.10.6. There are no cycle lanes in the vicinity. The site is within walking distance of the bus station and train station.

8.10.7. The site is fully serviced in terms of utilities.

Predicted Effects

8.10.8. During construction it is estimated that there will be approx. 10 HGV trips during peak hour periods during the most intensive periods of construction. Staff numbers are estimated at a maximum of 100-150 per day.

8.10.9. The trip generation (PCUs) is estimated to be 80 AM Peak (two way) and 102 PM Peak (2 way).

8.10.10. The largest percentage increases in traffic volumes due to the proposed development during the peak hours will be on Anderson's Quay calculated at approx. 8%. All other links will experience increases of less than 2% in the design year. Increases on the national road network vary between approx. 0.5 -1.1% across all assessment years. The proposal will have negligible effects on the national road network and the road network immediately surrounding the site, except for Anderson's Quay where it will have a slight to moderate effect.

The junction analysis determined that the network to the north of the site will operate within capacity. The network to the south will experience capacity issues as the network is currently operating at or near capacity at peak times. The increases in link flow are very low.

Features and measures to avoid, prevent, reduce or offset likely significant adverse effects on the environment

8.10.11. A Construction Traffic Management Plan to be prepared to detail intended construction practices including construction traffic

8.10.12. A Mobility Management Plan to be prepared for both construction and operational phases to encourage use of sustainable transport measures by staff working at the site.

8.10.13. No right turning movements are to be permitted in or out of the proposed development. All traffic arriving to the site will be via Anderson's Quay to the west or via Michael Collins Bridge to the north. The junction is signalised. All vehicles will access via the northern entrance with taxi and light service vehicles exiting from same. Service vehicles such as refuse trucks and HGV will be required to travel around the development and exit from the south entrance. Again a left turn exit only.

- 8.10.14. Changes to the signalisation of the northern junction on the N27.
- 8.10.15. Raised pedestrian crossings at both entrances with signalisation of the crossings proposed. Pedestrian and cyclist access to be via both the northern and southern accesses.
- 8.10.16. All works in the vicinity of services apparatus to be carried out in consultation with the relevant utility company and will be in compliance with any requirements or guidelines.

Material Assets – Conclusion

- 8.10.17. I have considered all of the written submissions made in relation to material assets. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on material assets.

8.11. Cultural Heritage

- 8.11.1. Chapters 11 and 12 deal with Archaeology and Architectural and Cultural Heritage. The Board is advised that there is a significant overlap with sections of the planning assessment above and they should be read in conjunction with each other.

Receiving Environment

- 8.11.2. The site location is as previously described. It is listed in the Record of Monuments and Places for Cork City as monument CO074-118. The site lies outside the Archaeological Zone for Cork City as defined by the Cork City Development Plan. The Custom House, Revenue Building and Bonded Warehouse are protected structures. The quays and stone setts are also protected structures. The site does not form part of an Architectural Conservation Area.
- 8.11.3. The conditions of the buildings on the site varies with parts of the Revenue Building in a deteriorating condition. A summary of each building is provided in chapter 12 of the EIAR.
- 8.11.4. In a 'Do Nothing' Scenario the site and building would remain unchanged with the possibility of deteriorating fabric and loss of less robust elements.

Predicted Effects

- 8.11.5. Potential effects on archaeology are likely to result from subsurface elements of the proposal such as the basement, underground storm water storage/attenuation tank as well as piled foundations and underpinning of existing structures.
- 8.11.6. Significant interventions and partial demolition of the protected structures are proposed. The removal of the central section of the Revenue Building will have a major adverse impact.
- 8.11.7. The height and scale of the new build notably the tower, covered courtyard and extension to the bonded warehouse will be clearly read as modern interventions.
- 8.11.8. The proposal will alter the character and setting of the protected structures both within the site and in the vicinity.

Features and measures to avoid, prevent, reduce or offset likely significant adverse effects on the environment

- 8.11.9. Following the demolition and removal of ground levels the site will be archaeologically tested. Depending on the results archaeological monitoring of subsequent ground works may be deemed appropriate and necessary.
- 8.11.10. Method Statement for the Conservation Works to be drawn up.
- 8.11.11. Conservation works will be agreed and specified by the conservation architect and will follow best conservation practice.
- 8.11.12. Restoration and/or conservation repair works to historic fabric will be carried by specialised contractors.
- 8.11.13. All new buildings have been designed in a contemporary manner and will allow the existing historic buildings to be easily read within the new development.
- 8.11.14. The proposed materials for the new building reference the existing historic building fabric without attempting to reproduce any architectural details.

Residual Impacts

- 8.11.15. The demolition of the central portion of the Revenue Building will result in an irreversible loss of fabric.

- 8.11.16. Removal and replacement of internal fabric to the building will comprise a permanent loss of historic fabric.
- 8.11.17. The construction of the new building will all have long term visual impacts on the historic buildings on the development site and to buildings on adjacent sites.

Cultural Heritage – Conclusion

- 8.11.18. All of the appellants and observers to the appeal consider the interventions to be unacceptable in terms of the impacts on cultural heritage. There is no dispute that the level of intervention to the protected structures is material. There will be a significant alteration to their setting with the irreversible loss of the historic fabric arising from the demolition of a section of the Revenue Building to allow for the construction of the tower. However the loss of the historic fabric so as to allow for the hotel tower is, I would suggest, too narrow a view on which to adjudicate on what constitutes exceptional circumstances whereby the demolition would be acceptable. I submit that the project needs to be assessed as a whole. In view of the nature and extent of the proposed development which is to serve as a metropolitan landmark both in form and function befitting of its strategic and prominent location, it will also allow for the refurbishment and meaningful reuse of the site and the buildings thereon opening it up to the public and providing for a central focus in the City Harbour Interchange transformational area in accordance with current development plan policies and objectives. The proposal could also act as a catalyst for further redevelopment and regeneration of the area. On this basis I consider that the removal of the section of the Revenue Building is justified. Regard is also had to the proposed re-use and integration of the structures into the proposal and reinforcement of the maritime heritage which would have positive regenerative impacts with the works considered to be of high quality. Thus, on balance the proposed development is acceptable in terms of the cultural and built heritage of the site
- 8.11.19. The Department of Culture, Heritage and the Gaeltacht sought information on underwater archaeology. As no infilling is proposed and the temporary works for the repair of the quay wall will be within zones that have previously been dredged the potential for adverse effects on underwater archaeology is negligible.

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

8.12. **Landscape**

8.12.1. Chapter 13 addresses landscape and is accompanied by booklets of photomontages as amended by way of further information. In view of the context of this project within Cork City Centre 'landscape' effectively refers to the townscape. I would advise that there is a significant overlap with sections of the planning assessment above and I recommend that they be read in conjunction with each other.

Receiving Environment

8.12.2. I refer the Board to sections 1 and 7.5 above in which a detailed description is given of the receiving environment. In summary the site is at the eastern most tip of the city centre island at the confluence of the north and south channels of the River Lee. The site is visually prominent, characterised by the protected structures of the Custom House, Revenue Building and Bonded Warehouse.

8.12.3. In a 'Do Nothing' Scenario there would be no change in the townscape and views available. The site is located with an emerging cluster of tall buildings associated with the ongoing redevelopment of the City Harbour Interchange Area.

Predicted Effects

8.12.4. Townscape and visual impacts within a 9km radius were assessed. 70 no. 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. In addition, photomontages at 28 of the said locations with proposed and permitted development delineated thereon, allows for an assessment of the cumulative impacts.

8.12.5. Most townscape effects will be experienced in the city centre including views from the River Lee. Proposed elements of the development namely at the Custom House

and Bonded Warehouse level will integrate into the existing townscape character due to their height, scale, materiality and the integration of the historic buildings. The proposed tower will affect the overall perception of the townscape character significantly as it introduces an entirely new scale.

- 8.12.6. The tower building will become a new landmark dominating views at close and middle distances in open views along the River Lee Channels and corridor. It will alter the entrance and the perception of Cork city from the east and beyond from all directions.
- 8.12.7. At close range the tower will be imposing over the viewing receptor in terms of scale and height, particularly when seen with other low-rise buildings at very close distance.
- 8.12.8. Beyond 250 metres and up to approx. 1km the visual effects will remain high depending on how much of the building will be visible. Potential negative visual effects can be experienced from elevated areas along the ridges to the north. Views of the tower beyond 1km and up to approx. 3km will become increasingly less prominent as the tower will be partially screened by intervening townscape and it will be seen in the context with other city features. However it will retain its landmark status. With further distance the tower will form part of the overall townscape/landscape and, whilst visible, will not be a focal point.
- 8.12.9. The tower will form part of the emerging cluster of taller buildings in the eastern city centre and the docklands.
- 8.12.10. The tower will not obstruct existing tall features such as church spires and features in protected views and prospects.

Features and measures to avoid, prevent, reduce or offset likely significant adverse effects on the environment

- 8.12.11. The principal mitigation measures are inherent in the design of the scheme. The design has evolved through an iterative process having regard to the site's location within the townscape and visual receptors.

Landscape Conclusion

- 8.12.12. All of the appellants and observers to the appeal contest the appropriateness of the visual impact of the proposal. It is evident that the new build elements of the

proposal, especially the tall building, are considered inappropriate by many in view of the location within the historic Custom House Quay. On this basis the conclusions in the EIAR as to the beneficial visual effects and amenity are disputed.

8.12.13. Undoubtedly the proposal will result in significant visual change to the subject site and its appearance from surrounding areas. It will be highly visible from a number of vantage points around the city and will have a significant visual impact. It will introduce a major new element visible in key views however this, of itself, does not render it unacceptable. However I consider 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 would also submit that the juxtaposition of the new and the old would provide for visual interest which would add to its visual attractiveness which would be supplemented by the new public realm.

8.12.14. I have considered all of the written submissions made in relation to landscape. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on landscape.

8.13. Interaction of the Above and Cumulative Impacts

8.13.1. 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. The details of all interrelationships are set out in Chapter 20 with Table 20.2 providing a matrix of the interactions. In my assessment of each environmental topic I have considered the likelihood of significant effects arising as a consequence of interrelationship between factors. Most interactions e.g. the impact of noise and air quality on the population and human health, cultural heritage and landscape are addressed under individual topic headings. I am satisfied that effects as a result of interactions 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.

8.13.2. Cumulative impacts were assessed in each chapter of the EIAR and are summarised in chapter 20 with the permitted and proposed projects considered summarised in Table 20.1. Consideration was given both to the construction and operational phases. I am satisfied that the cumulative assessment is robust and fully assesses the impacts of the current proposal in the context of other permitted and proposed developments and projects.

8.14. Reasoned Conclusion on the Significant Effects

8.14.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant and submissions made by prescribed bodies to the application and the 3rd party appeals and observations received by the Board, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows. Where appropriate the relevant mitigation measures are cited.

8.14.2. **Population and Human Health:** Positive impacts through the redevelopment of a brownfield and underutilised city centre site for employment, cultural and amenity spaces that will improve the townscape and visual setting in addition to job creation and spin off benefits. Potential negative impacts to human beings arising from noise, dust, traffic, excavation and demolition impacts during the construction phase will be mitigated with the preparation of a Construction Management Plan which will include traffic management measures.

8.14.3. **Water:** During the construction phase, there is potential for negative impacts on the water quality of the River Lee arising from the release of hydrocarbons, soil and sediment and excess water from dewatering activities which may contain silt/sediment. Detailed mitigation measures are set out to prevent the contamination of the adjacent watercourse from fuel or other hazardous materials. To mitigate against the risk of flooding, measures such as minimum finished floor levels in new build and use of demountable defences are proposed.

- 8.14.4. **Cultural Heritage:** Adverse impacts arising from the demolition of a section of the Revenue Building which is a protected structure to allow for the construction of the tower and the modern design interventions to the Custom House and the Bonded Warehouse. There will be positive impacts on the cultural heritage of this part of Cork City arising from the restoration, extension and reuse of currently vacant or under-utilised historic buildings, the opening up of the site to the public and the extensive provision of public realm.
- 8.14.5. **Landscape (Townscape and Visual Impact):** The proposed development entailing modern design interventions and a tall building will have a significant impact on the urban and visual character of the area. The proposed tall building will introduce a major new element visible in key views. It will be prominent and will attain primacy in an emerging cluster of high buildings at this transitional location between the city centre and the docklands. The juxtaposition of the new and the old would provide for visual interest which would add to its visually attractiveness which would be supplemented by the new public realm.
- 8.14.6. Notwithstanding the conclusions reached in respect of the negative impact of the demolition of part of the Revenue Building, which is a protected structure, it is considered that the environmental effects would not justify a refusal of planning permission having regard to the overall benefits of the proposed development.

9.0 **Appropriate Assessment**

9.1. **Compliance with Articles 6(3) of the EU Habitats Directive**

- 9.1.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site 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 in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.
- 9.1.2. The application is accompanied by a Natura Impact Statement (NIS). It contains a description of the proposed development, the project site and the surrounding area. It contains a Stage 1 Screening Assessment in Section 5. It outlines the methodology used for assessing potential impacts on the habitats and species within the European Sites that have the potential to be affected by the proposed development. It predicts the potential impacts for the sites and their conservation objectives, it suggests mitigation measures, assesses in-combination effects with other plans and projects and it identifies any residual effects on the European sites and their conservation objectives.
- 9.1.3. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.
- 9.1.4. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

Brief Description of the Development

The proposed development is as described in section 2 above. In summary the proposed development entails the development of a brownfield site for a mixed use commercial development entailing a tall building 140 metres in height.

Submission and Observations

Council Heritage Officer's comments noted.

9.2. Stage 1 – Screening

- 9.2.1. A screening report for appropriate assessment was prepared by the applicant and is included in section 5 of the report. In determining the extent of potential effects of the development, the applicant took a precautionary approach in using a 15km radius around the development footprint as a potential zone of influence and thereby included 2 European Sites in the screening exercise. The source-pathway-receptor model of impact prediction was employed.
- 9.2.2. The full catalogue of qualifying interest features of the SAC site and special conservation interests of the SPA site were listed and examined in view of the following types of impacts that could result in significant effects on the conservation objectives of those European sites namely:
- Water quality
 - Disturbance of species
- 9.2.3. As the site is located on the River Lee which flows into Cork Harbour SPA which is 2.4km to the south there is a hydrological link.
- 9.2.4. Great Island SAC is c.8.1km to the east with a hydrological distance of c.10km via the River Lee and Cork Harbour.
- 9.2.5. The screening determined that further assessment was required to establish whether the proposed development could adversely affect the integrity of those 2 sites.
- 9.2.6. Based on an examination of the screening report for appropriate assessment and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, proximity 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 conclude that the proposed development may result in significant effects (or such effects cannot be ruled out at this stage) on 2 European sites and therefore, appropriate assessment is required to determine if adverse effects on site integrity can be ruled out. I include a summary of the screening assessment in relation to the said European sites in Table 1 below.

9.3. **Appropriate Assessment Screening Determination**

9.3.1. Following the screening process, it has been determined that appropriate assessment is required as it cannot be excluded on the basis of objective information that the proposed PRD individually or in-combination with other plans or projects will have a significant effect on the following European sites (i.e. there is the possibility of significant effect):

1. Cork Harbour SPA (site code 004030)
2. Great Island Channel (site code 001058)

Measures intended to reduce or avoid significant effects have not been considered in the screening process.

Table 1 : AA Screening Summary Matrix				
European /Natura 2000 Site www.npws.ie	Distance from proposed development/ Source, pathway, receptor	Possible significant effect (alone)	In combination effects	Screening conclusion
Cork Harbour SPA (site code 004030)	Connection via River Lee. 2.4km at closest point 4.5km Hydrological connection	Potential for impacts to water quality and disturbance of conservation species: development may result in significant effects alone.	Possible- requires more detailed analysis.	Possible significant effects cannot be ruled out without further analysis and assessment and the application of mitigation measures- Appropriate assessment required.
Great Island Channel (site code 001058)	Connection via River Lee. 8 km at closet point 10 km hydrological connection	Potential for impacts to water quality and water dependent habitats: development may result in significant effects alone.	Possible- requires more detailed analysis.	Possible significant effects cannot be ruled out without further analysis and assessment and the application of mitigation measures- Appropriate assessment required.

9.4. **Appropriate Assessment**

The Natura Impact Statement

- 9.4.1. As noted above, the application included a NIS (ARUP 2019) which examines and assesses potential adverse effects of the proposed development on 2 no. designated European Sites.
- 9.4.2. The NIS is stated as having been informed by best practice guidance for such assessments, a desktop and literature study, including NPWS databases, the synopses, Natura 2000 Data Forms and conservation objectives and EPA mapping, and habitat and species surveys.
- 9.4.3. Section 6.2 contains an assessment of the potential impacts of the proposed development on the identified European Sites and in combination effects, while Section 6.3 sets out a series of mitigation measures.
- 9.4.4. The NIS concluded that there will be no significant effects to the integrity of the designated sites.
- 9.4.5. Having reviewed the NIS, all supporting documentation and submissions, I am satisfied that the information allows for a complete assessment of any adverse effects of the proposed development on the conservation objectives of the abovementioned European sites alone, or in combination with other plans and projects.

Appropriate Assessment of Implications of the Proposed Development.

- 9.4.6. The following is an assessment of the implications of the project on the relevant conservation objectives of the European sites using the best available scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed. I have relied on the following guidance:
- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin

- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.

9.4.7. ***Relevant European sites:***

The following sites are subject to appropriate assessment.

1. Cork Harbour SPA (site code 004030)
2. Great Island Channel SAC (site code 001058)

Aspects of the proposed development.

9.4.8. The main aspects of the proposed development that could adversely affect the conservation objectives of European sites include;

- Impacts to water quality and water dependant habitats through construction related pollution events and /or operational impacts.
- Impacts on air quality arising from construction related activities
- Impacts on species arising from noise during the construction and/or operation of the proposed development.

Tables 2 and 3 summarise the appropriate assessment and integrity test. The conservation objectives, targets and attributes as relevant to the identified potential adverse effects have been examined and assessed in relation to all aspects of the project (alone and in combination with other plans and projects). I have also examined the Natura 2000 data forms as relevant and the conservation objectives supporting documents for these sites available through the NPWS website (www.npws.ie). Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed. In terms of possible in-combination effects, plans, programmes and existing and proposed developments were considered. This complete assessment allows for clear, precise and definitive conclusions to be reached in terms of adverse effects on the integrity of European sites.

Summary of Appropriate Assessment of implications of the proposed development on the integrity of European Sites alone and in combination with other plans and projects in view of the sites Conservation Objectives.

Table 2 Cork Harbour SPA

Key issues

- Water quality impacts due to pollutants or soil/silt run off during construction and operational phases
- Impacts on air quality during construction
- Noise and disturbance of species during construction

Conservation Objectives https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004030.pdf

Summary of Appropriate Assessment

Conservation Objective: To maintain the favourable conservation condition of the following:	Targets and attributes (summary-as relevant)	Potential adverse effects	Mitigation measures (including monitoring)	In-combination effects	Can adverse effects on integrity be excluded?
Little Grebe Great Crested Grebe Cormorant Grey Heron Shelduck	Long term population trend stable or increasing. No significant decrease in the range, timing or	<u>Construction Phase</u> Potential effects on water quality of River Lee from:-	<u>Construction Phase</u> Best practice pollution prevention methods set out in Construction	None	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on

<p>Wigeon</p> <p>Teal</p> <p>Pintail</p> <p>Shoveler</p> <p>Red-breasted Merganser</p> <p>Oystercatcher</p> <p>Golden Plover</p> <p>Grey Plover</p> <p>Lapwing</p> <p>Dunlin</p> <p>Black-tailed Godwit</p> <p>Bar-tailed Godwit</p> <p>Curlew</p> <p>Redshank</p> <p>Black-headed Gull</p> <p>Common Gull</p> <p>Lesser Black-backed Gull</p> <p>Common Tern</p>	<p>intensity of use of areas, other than that occurring from natural patterns of variation</p>	<ul style="list-style-type: none"> • surface water contamination by suspended solids and hydrocarbons from spillages or leaks during construction. • Works to quay wall including gravity grouting and repointing. • Installation of sheet piles <p>Dust emissions from Construction Activities</p> <p>Noise disturbance during construction</p> <p><u>Operational Phase</u></p> <p>Hydrocarbons from car park</p>	<p>Environmental Management Plan.</p> <p>Bentonite used in the construction of the piled foundations to be contained at all stages of circulation.</p> <p>Excess water from dewatering during construction of basement to be managed and discharged to river via a temporary pipe installation.</p> <p>Settlement tanks and filters to be incorporated in design.</p> <p>Construction noise to be kept to minimum in accordance with relevant standards and regulations.</p> <p>Preparation of Dust Minimisation Plan</p>	<p>these qualifying interests in view of their conservation objectives.</p>
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Common Tern	No significant decline in breeding population, distribution of breeding colonies, no significant decrease in prey biomass, no significant increase in barriers to connectivity		<u>Operational Phase</u> Bypass petrol interceptor to be installed in car park		
Wetland and Waterbirds	The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 2,587 hectares, other than that occurring from natural patterns of variation				
<p>Overall conclusion: Integrity test</p> <p>Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of Cork Harbour SPA in view of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.</p>					

Table 3 Great Island Channel SAC

Key issues

- Water quality impacts due to pollutants or soil/silt run off during construction and operational phases

Conservation Objectives https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001058.pdf

Summary of Appropriate Assessment

Conservation Objective: To maintain (M) or restore (R) the favourable conservation condition of the following:	Targets and attributes (summary-as relevant)	Potential adverse effects	Mitigation measures (including monitoring)	In-combination effects	Can adverse effects on integrity be excluded?
Mudflats and sandflats not covered by seawater at low tide (M)	<p>The permanent habitat area is stable or increasing, subject to natural processes.</p> <p>Conserve mixed sediment to sandy mud with polychaetes and oligochaetes</p>	<p><u>Construction Phase</u></p> <p>Potential effects on water quality of River Lee from:-</p> <ul style="list-style-type: none"> • surface water contamination by suspended solids 	<p><u>Construction Phase</u></p> <p>Best practice pollution prevention methods set out in Construction Environmental Management Plan.</p> <p>Bentonite used in the construction of the piled</p>	None	<p>Yes</p> <p>Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.</p>

	community complex in a natural condition.	and hydrocarbons from spillages or leaks during construction.	foundations to be contained at all staged of circulation.		
Atlantic salt meadows (R)	Targets for habitat area, distribution, Physical structure, vegetation structure and composition	<ul style="list-style-type: none"> • Works to quay wall including gravity grouting and repointing. • Installation of sheet piles 	Excess water from dewatering during construction of basement to be managed and discharged to river via a temporary pipe installation. Settlement tanks and filters to be incorporated in design.		
<p>Overall conclusion: Integrity test</p> <p>Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of Great Island Channel SAC in view of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.</p>					

9.5. Appropriate Assessment – Conclusion

- 9.5.1. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act, 2000, as amended.
- 9.5.2. Having carried out screening for appropriate assessment of the project, it was concluded that the proposed development may have a significant effect on Cork Harbour SPA (site code 004030) and Great Island Channel SAC (site code 001058). Consequently an appropriate assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 9.5.3. Following an appropriate assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the Cork Harbour SPA and Great Island Channel SAC, or any other European site, in view of the sites' Conservation Objectives.
- 9.5.4. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

10.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

11.0 Reasons and Considerations

The Board had regard to:

- (a) the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018, which seeks more balanced and concentrated growth and targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas.
- (b) the objectives of the Cork Metropolitan Area Strategic Plan as set out in the Regional Spatial and Economic Strategy for the Southern Region to strengthen the consolidation and regeneration of Cork City Centre and to strengthen the role of the Cork Metropolitan Area as an international location of scale, a complement to Dublin and a primary driver of economic and population growth in the Southern Region.
- (c) the Urban Development and Building Heights Guidelines for Planning Authorities, December 2018, and Specific Planning Policy Requirement 1 to support increased building height in locations with good public transport accessibility, particularly town/city cores to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies.
- (d) the Architectural Heritage Protection Guidelines for Planning Authorities, 2011,
- (e) the site's location in Cork City Centre on lands with zoning objective ZO 2 '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) and zoning objective ZO-17 'Quayside Amenity Area' which seeks to

protect and preserve quayside, natural heritage and river amenities through the provision of a public quayside area including walkway.

- (f) the site's location within the City Harbour Interchange which is one of two areas identified in the City Development Plan which could have transformational impacts on the City Centre:
- (g) the character and pattern of existing and permitted development in the area
- (h) the layout, form, mass, height, materials, finishes, design detail, and the public realm provision and enhancements,
- (i) the Environmental Impact Assessment Report submitted,
- (j) the Natura impact statement submitted,
- (k) the appeals and observations made in connection with the planning application, and
- (l) the report of the Inspector

Appropriate Assessment: Stage 1:

The Board considered the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspector's report that the Cork Harbour SPA (site code 004030) and Great Island Channel SAC (site code 001058) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the aforementioned European Sites in view of the sites' Conservation Objectives. The Board considered that the information before it was

adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the Conservation Objectives for the European Sites.

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.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives.

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 planning application;
- (c) the submissions from the planning authority, prescribed bodies, the appellants and the observers in the course of the application, and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and

associated documentation submitted by the applicant and submissions made in the course of the application.

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 as follows:

Population and Human Health: Positive impacts through the redevelopment of a brownfield and underutilised city centre site for employment, cultural and amenity spaces that will improve the townscape and visual setting in addition to job creation and spin off benefits. Potential negative impacts to human beings arising from noise, dust, traffic, excavation and demolition impacts during the construction phase will be mitigated with the preparation of a Construction Management Plan which will include traffic management measures.

Water: During the construction phase, there is potential for negative impacts on the water quality of the River Lee arising from the release of hydrocarbons, soil and sediment and excess water from dewatering activities which may contain silt/sediment. Detailed mitigation measures are set out to prevent the contamination of the adjacent watercourse from fuel or other hazardous materials. To mitigate against the risk of flooding, measures such as minimum finished floor levels in new build and use of demountable defences are proposed.

Cultural Heritage: Adverse impacts arising from the demolition of a section of the Revenue Building which is a protected structure to allow for the construction of the tower and the modern design interventions to the Custom House and the Bonded Warehouse. There will be positive impacts on the cultural heritage of this part of Cork City arising from the restoration, extension and reuse of currently vacant or under-utilised historic buildings, the opening up of the site to the public and the extensive provision of public realm.

Landscape (Townscape and Visual Impact): The proposed development entailing modern design interventions and a tall building will have a significant impact on the urban and visual character of the area. The proposed tall building will introduce a major new element visible in key views. It will be prominent and will attain primacy in an emerging cluster of high buildings at this transitional location between the city centre and the docklands. The juxtaposition of the new and the old would provide for

visual interest which would add to its visually attractiveness which would be supplemented by the new public realm.

Notwithstanding the conclusions reached in respect of the negative impact of the demolition of part of the Revenue Building, which is a protected structure, it is considered that the environmental effects would not justify a refusal of planning permission having regard to the overall benefits of the proposed development.

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 is satisfied that this reasoned conclusion is up to date at the time of taking this decision.

Proper Planning and Sustainable Development:

It is considered that, subject to compliance with the conditions set out below, the proposed development:

- would secure the redevelopment of strategic, under-utilised urban land in a prominent city centre location and would assist in the re-development and rejuvenation of this part of Cork City Centre in accordance with the policies and objectives of the current Cork City Development Plan,
- would be consistent with national, regional and local policy measures and guidance which seeks to secure more compact and higher density development in city centre areas,
- would enhance the skyline of the City Harbour Interchange Area of the city centre,
- would make a positive contribution to the urban character of the area,
- would not conflict with Objective 10.6 as set out in the Cork City Development Plan which seeks to protect and enhance views and prospects of special amenity value or special interest

- would not seriously injure the amenities of development in the area and the character and appearance of Protected Structures

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 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 26th day of February, 2020 and 20th day of August 2020, 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. All mitigation and monitoring commitments identified in the Environmental Impact Assessment Report (and summarised in Chapter 21) and Section 6.3 of the Natura Impact Statement shall be implemented in full as part of the proposed development, except as may otherwise be required in order to comply with the following conditions.

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

3. The following details shall be submitted to the planning authority for written agreement prior to commencement of development:
 - (a) Installation and management of the maritime themed visitor centre.
 - (b) operation of the pontoon on Custom House Quay.

Reason: In the interest of clarity and orderly development of the maritime related uses at the site.

4.
 - (a) A maximum of 20 no. carparking spaces shall be provided within the site. A revised site layout plan with the location and layout of these spaces delineated thereon and the treatment of the remainder of the space originally allocated for car parking which shall be incorporated into the public realm to be submitted to, and agreed in writing, with the planning authority prior to commencement of development.
 - (b) 5 no. spaces shall be for persons with impaired mobility.
 - (c) All of the parking spaces shall be provided with functional electric vehicle charging points.

Reason: In the interest of sustainable transportation.

5. A phasing scheme for the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

6. All materials, colours and textures of the external finishes to the proposed buildings shall be in accordance with the Architectural Design Statement submitted with the application as revised by the Statement submitted on the 26th day of February 2020. Any deviation from these details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. All materials, colours and textures of the external finishes to the proposed public realm shall be in accordance with the revised Stage 1 Landscape Architectural Report submitted on the 26th day of February 2020 as amended by the plans and details submitted on the 20th day of August 2020. Any deviation from these details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

8. Details of all external signage within the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

Reason: To protect the visual amenity of the area.

10. 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.

11. The complex of buildings and associated historic features on the site 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 buildings 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.

12. 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.

- 13. (a) The uncontrolled pedestrian crossing at the southern site entrance shall comply with the requirements of the Design Manual for Roads and Streets
- (b) Stage 3 /4 Road Safety Audit to be undertaken and the findings incorporated into the development.

Reason: In the interest of traffic and pedestrian safety.

- 14. An updated Mobility Management Strategy Plan shall be submitted to, and agreed in writing with, the planning authority. The following measures shall be undertaken:
 - (a) The Strategy shall set a target for modal travel split
 - (b) A Mobility Manager shall be appointed to oversee and co-ordinate the implementation of the plan.

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

15. 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.

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

Reason: In the interest of public health.

17. The requirements of the Irish Aviation Authority in terms of appropriate marking and lighting scheme shall be incorporated into the development. Details of the said requirements shall be submitted to the planning authority prior to commencement of development.

Reason: In the interests of aircraft safety.

18. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

19. 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.

20. A plan containing details for the management and safe disposal of all waste (and, in particular, recyclable materials) within the proposed development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities, shall be prepared by the local authority prior to commencement of development and shall be placed on the file and retained as part of the public record.

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

21. 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.

22. 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

- (c) upgrade of the northern junction of the N27/Michael Collins Bridge/Anderson Quay to incorporate traffic signalling equipment.
- (d) Reconfiguration of the SCOOT network
- (e) Road markings and signage requirements on the N27.
- (f) Replacement and upgrade of street lighting along the site frontage onto the N27.

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 An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phase 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 shall 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.

23. 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.

Pauline Fitzpatrick
Senior Planning Inspector

March, 2021