

An
Bord
Pleanála

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

Inspector's Report ABP-308790-20

Strategic Housing Development

179 no. apartments, creche and all associated site works.

Location

Bessboro, Ballinure, Blackrock, Cork.
(www.gatewayviewshd.ie)

Planning Authority

Cork City Council

Applicant

MWB Two Ltd.

Prescribed Bodies

1. Transport Infrastructure Ireland.
2. National Transport Authority.
3. Irish Water.
4. Development Applications Unit,

Observer(s)

1. Ann Harris
2. Cllr Fiona Ryan and Mick Barry TD.

3. Cllr Kieran McCarthy.
4. Cllr Lorna Bogue and Others.
5. Cork Survivors and Supports Alliance.
6. Donnchadh O'Laoghaire TD and Others.
7. Estuary View Enterprises 2020 Limited of Glandore.
8. Gerard O'Mahoney.
9. Holly Cairns TD.
10. Minister Michael McGrath TD.
11. Peter Horgan.
12. Sandra McAvoy.
13. Tom O'Sullivan
14. Roderic O'Gorman TD, Minister for Children, Equality, Disability, Integration and Youth.
15. Peter Horgan.
16. Joanne Goodyear.

Date of Site Inspection

17th February 2021.

Inspector

Karen Kenny

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The site is located at Bessborough¹, Ballinure, Blackrock, Cork. It is located c. 5 km south east of Cork City Centre and adjacent to the established residential areas of Mahon and Blackrock.
- 2.2. The site, with a stated area of 1.53 ha, is within the former Bessboro estate. It is part of a 1.7 ha landholding that comprises an amalgamation of serviced sites situated along the eastern boundary of the estate. The site is accessed from the north via an access road constructed in the mid-2000's to service the site and surrounding lands (ABP Ref. PL28.203096). Bessborough House a Protected Structure (RPS Ref. 004090) and an associated complex of buildings are located c. 70 metres to the west of the SHD site. There is an associated 19th century folly (NIAH Ref. 20873007) to the immediate south of the site. Lands to the immediate north of the site are undeveloped and beyond this there is a modern convent building, a residential centre and a day care centre. Lands to the south and west of Bessborough House are undeveloped and have a parkland character.
- 2.3. The site is bound to the east by the old passage railway line which has been redeveloped as a greenway. The Mahon Retail Park, City Gate Business Park and Mahon Point Shopping Centre are beyond this. Corks South Ring Road (N40) runs to the south of the site along the boundary of the Bessborough estate. The Douglas River Estuary / Lough Mahon waterbody sits beyond this.
- 2.4. The site is greenfield in nature but has been subject to disturbance. The dominant habitat on site is rough grassland and scrub and there are soil heaps and

¹ Bessborough is a commonly used version of the name of the historic estate within which the site is located. There are a number of variants, with Bessboro also used frequently in the reports and submissions received.

unmaintained access roads and tracks within the site. There is a line of mature trees along the eastern boundary and a cluster of trees to the west and south of the site.

- 2.5. The Bessborough lands have a prominent location within Cork City sitting over the Douglas River Estuary / Lough Mahon. There are mature deciduous trees within the estate lands, in particular along the southern boundary to the N40 (South Ring Road), along the eastern boundary to the greenway, along the western boundary and to the east and south east of Bessborough House.

3.0 Proposed Strategic Housing Development

- 3.1. Permission is sought for the construction of 179 no. apartment units, a creche and all ancillary site works. The development consists of 3 no. apartment blocks that range in height from 5 to 7 storeys. The development description states that the proposed development will include step down housing and facilities for the elderly in Building A.

- 3.2. Key Details:

No. Units	179 no. apartments
Height	5 to 7 storeys.
Site Area	1.153 ha gross / 1.051 ha net
Density	155 units / ha
Plot Ratio	1.5
Site Coverage	40%
Other Uses	Creche 386 sq.m
Dual Aspect	59%
Open Space	Public 2410 sq.m; Semi-private 1549 sq.m.
Car Parking	67 no. spaces (inc. 16 no. surface; 51 no. under podium)
Bike Parking	370 no. spaces.

- 3.3. Housing Mix

Beds	Apartments	%
1-bed	88	49%
2-bed (3 person)	17	9%
2-bed (4 person)	68	38%
3-bed	6	3%
	179	100%

- 3.4. The main access to the development would be via the existing private access road from Bessborough Road to the north. It is proposed to provide 2 no. access points onto the Passage Railway Greenway to the east. The northern access is a stepped access that will cater for pedestrians and the southern access is a ramped access that will cater for pedestrians and cyclists.
- 3.5. The proposed development would connect to the private water supply and surface water drainage infrastructure serving the lands. It is proposed to upgrade the private foul sewer which runs from the site to the Bessborough pumping station to the west of the site.
- 3.6. The application documents include a statement of consistency and a Natura Impact Statement.

4.0 Planning History

- 4.1. Recent planning history within the applicant's landholding:

PA Ref. 20/39705: Cork City Council issued a decision in February 2021 to refuse permission for the construction of 67 no. apartments in a single 8 storey apartment building on lands to the south of the SHD site that fall within the applicant's landholding. This decision is the subject of a first party appeal (ABP-309560-21). The reasons for refusal are as follows:

1. The proposed development would materially contravene a development objective indicated in the Cork City Development Plan 2015-2021 for the zoning of the land for Landscape Preservation Zone with the objective to preserve and enhance the special landscape and visual character of landscape preservation

zones, and would materially contravene the Site Specific Objective SE4 associated with this zoning, as residential development is precluded on this part of the lands to the south and east of Bessborough House, the proposed development would not reinstate the historic landscape and by reason of its height and scale would fail to protect the landscape assets set out in SE4, specifically the Historic Landscape in which it is located. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development consists of an eight-storey apartment block that has been designed as part of a larger development that is subject to a separate consent process. It is considered that the proposed development cannot be permitted in isolation, due to its scale, relationship to the Historic Landscape in which it sits and its physical detachment. Development of the kind proposed, therefore would be premature pending the determination by the competent authority of the separate SHD application on the adjoining lands, and in the absence of such planning consent the proposed development would be contrary to the proper planning and sustainable development of the area.

4.2. Summary of planning history within the Bessborough Estate lands.

PA Ref. 09/34237: Permission granted for 95 no. bed nursing home.

PA Ref. 08/32883: Permission granted for change of use from museum to youth ministry / religious education use.

PA Ref. 07/32573: Permission granted for convent building.

PA Ref. 07/32270: Permission granted for a resource centre.

PA Ref. 06/31496: Permission granted for child and adolescent psychiatric unit.

PA Ref. 05/30165: Permission granted for environmental centre.

PA Ref. 03/27028 / ABP Ref. PL28.203096: Permission granted for an access road and associated services to serve lands at Bessborough Estate.

PA Ref. 02/26591: Permission granted for creche / preschool facility.

PA Ref. 02/25856: Permission granted for resource centre with 20 no. residential units.

PA Ref. 02/25811 / ABP Ref. PL28/129140: Permission granted for day care centre and ancillary facilities adjoining SHB hostel.

4.3. Lands to the north of the Bessborough Estate.

PA Ref. 18/37820: Permission granted, by way of a material contravention of the City Development Plan, for demolition and removal of the existing warehouse / distribution building and associated structures and the construction of 135 no. residential units comprising 24 no. dwelling houses, 64 no. duplex apartments, a three storey apartment block (comprising 20 no. apartments) and a four storey apartment block (comprising 27 no. apartments) and 1 creche.

PA Ref. 17/37565: Permission granted, by way of a material contravention of the City Development Plan, for the construction of 66 no. residential units and all associated ancillary development works.

5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre-application consultation took place via Microsoft Teams on 9th June 2020. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The main topics raised for discussion at the tripartite meeting were as follows:

- Principle of development of ZO12 lands with regard to SE4 objectives including Building Height.
- Conservation Issues:
 - Impacts on the historic setting of Bessborough House and associated Folly
 - Impacts on Trees and Historic Landscape
 - Legacy of Mother and Child Home
 - Archaeological Issues
- Impacts on Landscape and Visual Amenities
- Design and Layout of Residential Development

- Roads layout, pedestrian and cycle connections, car and cycle parking provision
- AOB

A copy of the Inspector's report and Opinion is on the file for reference by the Board. A copy of the record of the meeting Ref. ABP-306993-20 is also available on the file.

5.2. Notification of Opinion

The An Bord Pleanála opinion stated that the documents submitted require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The issues raised in the opinion can be summarised as follows:

1. Having regard to the land use zoning objective pertaining to the southern part of the application site (ZO12) and the restrictions placed on An Bord Pleanála under S.9(6)(b) of the 2016 Act, the prospective applicant should satisfy themselves that it is open to An Bord Pleanála to consider a grant of permission should an application be submitted.
2. Further consideration/justification of the documents as they relate to the use of Bessborough House as a Mother and Baby Home. Applicant advised to consider / address sensitive cultural heritage issue in terms of (i) providing some means to interpret and communicate this history and (ii) proposals to address the potential discovery of previously undocumented burials during construction or site works.
3. The prospective applicant should satisfy themselves that the proposed building heights provide the optimal urban design and architectural solution for this site and is of sufficient quality. Further consideration of: matters raised by the PA's Conservation Officer and City Architect; impact on setting of Bessborough House (RPS 004090) and adjacent Folly and views towards same; the location of the development site within the historic demesne of Bessborough House and in an Area of High Landscape Value; potential impacts on Views and Prospects and Scenic Routes designated under the Cork City Development Plan 2015-2021 and the Cork County Development Plan 2014-2020; detailed Landscape and Visual Impact Assessment; and rationale for the proposed building height with regard to the Urban Developments and Building Height Guidelines for Planning Authorities 2018.

4. Further consideration/justification of the documents as they relate to the design and layout of the public realm, car and cycle parking provision and landscaping.
5. The following further details to be submitted with SHD application: housing quality assessment, cross sections to indicate levels of adjacent public roads and greenway, access roads, podium levels and open spaces within the proposed development and the undercroft car park; architectural heritage impact assessment; archaeological impact assessment; daylight/sunlight analysis; noise assessment; rational for proposed childcare provision; AA Screening Report.

5.3. Applicants Response

- Concurrent planning application lodged to Cork City Council for development on lands zoned ZO12 and SE4. SHD proposal on lands zoned Z04 (residential, local services and institutional use).
- In response to issues raised in relation to the legacy of the mother and baby home:
 - (i) Indicative location identified for an interpretative item. No objection to a condition that requires agreement in relation to the matter.
 - (ii) Report titled Cultural Heritage Legacy of the Subject Lands addresses the matter of burials. No evidence of any unrecorded burials but potential cannot be fully discounted. Proposal to monitor works.
 - (iii) The applicant has liaised with the Mother and Baby Homes Commission of Investigation and Cork City Council. Cork City Council provided details of research undertaken by Cork Survivors and Supporters Alliance.
- Site is suitable for increased scale and height given its connectivity and central and accessible location within the south eastern suburbs of Cork City. The height matches the prevailing heights of the Mahon District Centre and is in keeping with existing and proposed buildings at nearby Jacob's Island. Site is adjacent to major employment and existing and proposed public transport including a Light Rail Transit (CMATS refers). The heights of the proposed buildings have been modulated since pre-application stage in response to issues raised by City Architect and Conservation Officer. Block A reduced by

2 no. floors to 5 storeys; Block B reduced by 1 no. floor to 6 storeys; Block C redesigned and reduced to 6 storeys in the northern section and 7 storeys in the western section. These heights are supported in principle under Section 16.28 of the City Development Plan. The proposed scale has been archaeology and landscape led – robust presence to South Link Road and tapering down to the north adjacent to the folly.

- The density of 155 units per hectare is in excess of the minimum density for accessible locations under the Ministerial Guidelines.
- Revised Archaeological Assessment and Architectural Heritage Impact Assessment consider the potential impact on setting of Bessborough House (RPS 004090) and the associated Folly.
- In terms of impact on historic demesne and Area of High Landscape Value, site is in an area of high landscape value but is of low landscape sensitivity due to the lack of visual connection with the historic core of the Bessborough estate.
- Landscape and Visual Impact Assessment (LVIA) addresses impact on Views and Prospects and Scenic Routes.
- Car parking provision revised in response to ABP Opinion. 51 no. spaces in under podium and remaining 16 no. spaces are on surface and designed to serve creche and step-down housing. Level of provision at lower end of scale (0.3 spaces per unit) in order to encourage the use of sustainable transport modes. This accords with guidance in the Apartments Guidelines for central and accessible urban locations or intermediate urban locations.
- Matters raised by the Roads Design Engineer and Traffic and Transport Mobility Section are addressed. Creche relocated to make provision for safe set-down. Clarity of vehicular way finding enhanced. Quantum of on street parking reduced. TTA concludes that there will be a slight impact on the local road network when the development is completed and occupied. Cycle parking of 370 no. cycle parking spaces - exceeds the standards set out in the Apartment Guidelines.

- Proposal amended to include 2 no. connections to the adjacent greenway that runs to the east of the site. Provision made for set-down area for the creche.
- Landscape Masterplan, Landscape Architecture and Public Realm Design Statement and Architectural Heritage Impact Assessment have informed the design of the proposed development and public realm. Particular consideration given to the site's landscape value and the sensitivities of the adjoining historic demesne.
- A Tree Survey and Arboricultural Report and Impact Assessment has been submitted.
- Specific information has been included with the application documents.

6.0 Relevant Planning Policy

6.1. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' including the associated 'Urban Design Manual' (2009).
- Urban Development and Building Heights – Guidelines for Planning Authorities 2018.
- Sustainable Urban Housing: Design Standards for New Apartments (2020).
- Design Manual for Urban Roads and Streets (2013).
- Childcare Facilities – Guidelines for Planning Authorities (2001)
- The Planning System and Flood Risk Management (including associated Technical Appendices) (2009).
- Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- Framework and Principles for the Protection of the Archaeological Heritage.

6.2. Cork City Development Plan 2015 – 2021

The Cork City Development Plan 2015-2021 is the operative development plan. The following provisions are considered to be of relevance:

- The site is zoned ZO4 'Residential, Local Services & Institutions' for the most part. The zoning objective is *'to protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3'*. The ZO4 lands are also subject to an 'Area of High Landscape Value' designation (CDP Map 6 refers).
- The sections of the site that relate to the pedestrian and cycle link and the proposed sewer upgrade, are zoned ZO12 'Landscape Preservation Zones'. The zoning objective is *'to preserve and enhance the special landscape and visual character of landscape preservation zones. There will be a presumption against development within these zones, with development only open for consideration where it achieves the specific objectives set out in Chapter 10, Table 10.2.'* These sections of the site are also subject to a site specific objective SE4.
- Objective 10.4 Areas of High Landscape Value: To conserve and enhance the character and visual amenity of Areas of High Landscape Value (AHLV) through the appropriate management of development, in order to retain the existing characteristics of the landscape, and its primary landscape assets. Development will be considered only where it safeguards to the value and sensitivity of the particular landscape. There will be a presumption against development where it causes significant harm or injury to the intrinsic character of the Area of High Landscape Value and its primary landscape assets, the visual amenity of the landscape; protected views; breaks the existing ridge silhouette; the character and setting of buildings, structures and landmarks; and the ecological and habitat value of the landscape.
- Objective 10.5 Landscape Preservation Zones: To preserve and enhance the character and visual amenity of Landscape Preservation Zones through the control of development. Development will be considered only where it safeguards to the value and sensitivity of the particular landscape and achieves the respective site specific objectives, as set out in Table 10.2.

- Table 10.1/10.2 lists 'Landscape Assets' to be protected within the Bessboro House Landscape Preservation Zone (SE4):

J: Historic Landscapes (including monuments /historic routes).

G: Landmarks / Natural Features / Cultural Landscape – land forming the setting to existing landmark buildings / buildings of significance.

C: Tree Canopy – Areas with existing woodlands or significant tree groups, or areas with potential for new woodlands.

B: Water / River corridors – rivers, estuary, harbour, The Lough, Atlantic Pond, Docklands, Port of Cork.

I: Institutional Open Space.

Table 10.2 sets out the following specific objectives for the Bessboro House Landscape Preservation Zone (SE4):

To reinstate Historic Landscape;

To seek use of grounds as a Neighbourhood Park in context of local area plan (H);

To allow development within the immediate environs to the north of Bessboro House consistent with the landscape and protected structure significance of the site.

- 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. To identify and protect views of local significance through the preparation of local area plans, site development briefs and the assessment of development proposals on a case-by-case basis.
- Objective 10.10 Trees and Urban Woodland:

- (a) To protect and enhance the city's trees and urban woodlands.
 - (b) To protect, survey and maintain existing important individual and groups of trees.
 - (c) To ensure that new development benefits from adequate landscape structure / tree coverage, particularly in areas of the city with inadequate tree coverage.
- Development Plan Section 16.28 Building Height in Suburban Areas:
 - Buildings of between 3-5 storeys will be considered appropriate in principle in major development areas and larger development sites, subject to normal planning considerations. In exceptional circumstances local landmark buildings may be considered with a height of up to 20-23m (approximately 6-7 storey equivalent). Building heights greater than this will only be considered where specifically identified in a local area plan.
 - Objective 5.1 seeks to provide for greater consolidation of development facilitated through the integration of land use and transport planning, investment and service provision.
 - Objective 6.6 relates to housing mix and seeks to ensure a mix of housing and apartment types, sizes and tenures. Applications for multiple housing units are required to submit a Statement of Housing Mix.
 - The site is located within the South Mahon 'Key Development Area'. Objective 14.1 Mahon LAP seeks to achieve the LAP vision by expanding the population and improve residential amenity; gradually replacing low density industry with higher density employment; creating a focal point around Mahon Point and neighbourhood centres; supporting a shift to non-car modes; and conserving landscape, built heritage and environmental assets.
 - Chapter 16 sets out Development Management Standards including requirements for design statements, visual impact assessment, dwelling size, and car parking.

6.3. Mahon Local Area Plan 2014 (expired)

The LAP included plans for a new residential development at Bessborough, including the development site, which is zoned for residential development. The LAP provided for 200-300 res units and a density of 40-60 units / ha on these lands.

7.0 Applicants Statement of Consistency

7.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of Section 28 guidelines, the County Development Plan and regional and national planning policies. The following points are noted:

National & Regional Planning Policy

- Consistent with Rebuilding Ireland Action Plan for Housing and Homeless – Pillar 3 Build More Homes.
- Consistent with NPF and RSES / CASP policy including policies on consolidation and compact urban development, increased density, quality design, sustainable mobility, energy use and transition to low carbon use.
- Consistent with Cork Metropolitan Area Transport Strategy – proximity to greenway and proposed Light Rail Transit and bus services.
- Compliance with Sustainable Urban Housing: Design Standards for New Apartments, 2018. Site is in a central / accessible urban location and meets criteria for higher density development. Complies with SPPR's in relation to unit mix, floor area, dual aspect, floor to ceiling heights and other standards.
- Consistent with Building Height Guidelines 2018. Guidelines have a presumption in favour of increased height in urban locations. Chapter 3 development management assessment criteria are addressed.
- Complies with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas – consistent with locations for increased densities outlined in Chapter 5 and consistent with policy for development of institutional lands.

- Development complies with the 12 criteria detailed in the Urban Design Manual a Best Practice Guide (2009).
- The development complies with DMURS. Refer to Traffic and Transport Assessment (TTA) and Mobility Management Plan (MMP).
- Consistent with Childcare Facilities Guidelines and Apartment Guidelines 2001. Refer to Statement of Childcare Provision.

Cork City Development Plan

- Consistent with Joint Housing Strategy for Cork including provisions in relation to meeting diverse housing needs, inclusion and high quality urban development.
- Objective 14.1 and 14.7 Mahon LAP and Mahon District Centre - consistent with objectives relating to development of Mahon area.
- Objective 10.4 Areas of High Landscape Value – scheme designed to strengthen and enhance character of the landscape.
- Objective 10.5 Landscape Preservation Zones – works in this area are ancillary and predominantly below ground.
- Objective 10.6 Views and Prospects - Landscape and Visual Impact Assessment addresses impact on protected Views and Prospects and concludes that the magnitude of impact will be negligible beyond c. 300 metres.
- Objective 10.10 Trees and Urban Woodlands – it is proposed to retain existing mature trees and to provide new tree planting along the eastern boundary to enhance the existing tree line and compensate for tree felling.
- Objective 11.13 Amenity Routes – development is adjacent to the Passage Railway Greenway and it is proposed to provide 2 no. new access points.
- Objective 7.7 Childcare – refer to Statement of Childcare Provision.
- Objective 5.1 Strategic Transport – consistent with policy to consolidate development within key development areas and to integrate land-use and transportation.

- Consistent with Objective 6.6 Housing Mix – proposed development provides for a mix of 1, 2 and 3 bed apartments to cater for a variety of users and includes step down housing. Refer to Housing Quality Assessment for exact housing mix.
- Consistent with standards in Chapter 16 Development Management.

Mahon Local Area Plan (expired).

- Consistent with policies of the LAP in relation to quality development (P01), recreational and green infrastructure (P02), smarter travel and a move towards sustainable modes (T01, T04, WCM3, WCM4), urban design (UD1), inward noise (N01).
- Consistent with guidance for Bessboro Residential Neighbourhood. Site is part of an identified 'opportunity site' for development. While proposed development is in excess of envisaged density of 40-60 units / ha, this is considered to be justified in view of the excellent public transport provision, connectivity of the lands and sustainability of the proposed development. Ensures viability of current and future transport infrastructure.

8.0 Third Party Submissions

- 8.1. A total of 14 no. third party submissions have been received. Detailed submissions were made by the Minister for Children, Equality, Disability, Integration and Youth Affairs, the designated Minister for receiving the reports of the Commission of Investigation into Mother and Baby Homes; from the Cork Survivors and Supports Alliance (CSSA); from a group of Members of Cork City Council and on behalf of Estuary View Enterprises 2020 Limited of Glandore. These submissions are summarised individually. Submissions have been received from elected representatives at national and local level and from local residents and other interested parties. These submissions raise similar issues and are summarised by theme below under the heading of 'Other Submissions'.

Office of the Minister for Children, Equality, Disability, Integration and Youth Affairs

- Final Report of the Commission of Investigation into Mother and Baby Homes published on 12th January 2021.
- Key focus of Commission's work over the past five years has been the investigation of the burial arrangements of persons who died while resident in specific institutions, including Bessborough.
- Extracts from the Fifth Interim Report of the Commission summarised as follows:
 - More than 900 children died in Bessborough or in hospital after being transferred from Bessborough. Despite very extensive inquiries and searches, the Commission has been able to establish the burial place of only 64 children. The congregation of the Sacred Hearts of Jesus and Mary who owned and ran Bessborough do not know where the other children are buried.
 - There is a small burial ground in the grounds of Bessborough. This was opened in 1956 for members of the congregation. The vast majority of the children who died in Bessborough are not buried there.
 - There are a number of locations within the grounds where burials could have taken place. However, there is no significant surface evidence of systematic burial anywhere except for the congregation burial ground.
 - The Commission considers that it is likely that some of the children are buried in the grounds but has been unable to find any physical or documentary evidence of this.
- The submission sets out extracts from the Final Report of the Commission summarised as follows:
 - The Commission recognised then (Fifth Interim Report) and still recognises that it is highly likely that burials did take place in the grounds of Bessborough. The only way that this can be established is by an excavation of the entire property including those areas that are not built on.

- The Commission reports on further efforts to establish if any of the Bessborough children were buried in other locations. It concludes that given the burial practices adopted by maternity hospitals in Cork in the mid to late twentieth century, the Commission considers the task of locating the burial places of the remaining 1,300 plus infants and children who died in Cork County Home / St. Finbarr's Hospital and the Bessborough Home / Sacred Heart Maternity Hospital to be a difficult one.
- The Minister has received representations from parties with a connection to this former institution expressing concerns that the proposed development could encroach upon unrecorded burials within the grounds.
- The primary purpose of the observation is to request the Board to take account of the findings of the Commission and in particular, the unresolved questions on the possibility and specific location of any unmarked burials on the site. It is noted that the persons making representations are concerned with the appropriate treatment of any burial ground with some reasonable access for relatives to visit. They are not opposed to development of the site.
- Any permission that might be granted should include appropriate conditions to address the sensitivities and reasonable concerns around this site. The Board should have regard to the need for further archaeological investigations by appropriate experts prior to works commencing and on-going monitoring in the course of subsequent works. The Board and the developer should give due consideration to the requests from survivors and their families for appropriate access and respectful memorialisation in due course.
- The Minister urges those making the decision on this application to read the relevant chapters of the 5th Interim Report and the Final Report concerning Bessborough before making a final determination on the planning application.

Cork Survivors and Supports Alliance

- Between the years of 1922 and 1998 more than 900 children died while residents in Bessborough. The Fifth Report of the Commission of

Investigation states that the congregation did not record the burial locations of the vast majority of the children who died in Bessborough but recognised that it was highly likely that unrecorded burials took place within the grounds of Bessborough. The Final Report of the Commission of Investigation (2020), states that the commission recognised then (at time of Fifth Interim Report) and still recognises that it is highly likely that burials did take place in the grounds of Bessborough and states that the only way that this can be established is by an excavation of the entire property.

- The submission deals with available mapping and its potential to identify a possible burial ground. The submission argues that an OS Revision Tracing Map² dated 1949/50 provides evidence of a Children's Burial Ground in the area to the north west of the folly, established sometime between 1932 and 1950 (map available on request from OSI). The submission refers to an area "marked in blue crayon" on the map and contends that this is the delineation of a 'children's burial ground'. The submission states that the entries on the map indicate that there was no permanent structure delineating the burial ground, such that would require a formal line or permanent structure recorded within the burial ground, indicating that there were no permanent structures, such as grave monuments or stone grave boundaries. The submission states that the area delineated is about three times the entire area of the circular area where the Folly is located and about a third of the entire field and that the southern parts of Blocks A, B and C encroach onto the burial ground. It is noted that OS revisers did not record the presence of any burial ground or children's burial ground in 1902 or 1932. Relevant map extracts have been enlarged and appended to the submission (Appendix 8). The CSSA made a submission to the Commission of Investigation in relation to the mapping.
- The submission argues that on the clear balance of probabilities, a children's burial ground existed on the site at Bessborough as recorded on the 'trace drawing'.
- An Oral Hearing is requested on the basis that: (i) The proposed development of the site is a matter of significant national and local concern. (ii) CSSA had

² A map used by OS surveyors to mark changes on the ground.

the benefit of assistance from OSI Ireland in identifying the location of the Children's Burial Ground. OSI officials should be available to give evidence regarding the authenticity of the trace map and its accuracy; (iii) The deadline for submissions ended on the same day as the Final Report of the Mother and Baby Homes Commission of Investigation was due to be published. An Oral Hearing will allow the CSSA and other relevant persons to make submissions in respect of any relevant findings contained within the Commission's Final Report.

- The submission addresses the law on burials including obligations in relation to burials and the right to visit the graves.
- The submission states that the proposed development would be contrary to the objectives of the Cork City Development Plan 2015-2021 and to guidance in the Architectural Heritage Protection Guidelines to preserve and enhance historic burial grounds. It is noted that there are two recorded monuments within the environs of the proposed development RMP: CO074-051 (The Ice-House) and RMP: CO074-077 (The Convent of the Sacred Heart / Bessboro House) and that the proposed development would be contrary to objectives relating to the preservation of archaeological heritage. The submission notes that Bessboro House is in a Landscape Preservation Zone and that site specific objectives require development in the environs to be consistent with the landscape and protected structure significance of the site.
- Submission raises concerns about impact of the proposed development on residents of the Louth Mahon Residential Care unit.
- The CSSA is not opposed to appropriate and sensitive development of the site at Bessborough in line with the Cork City Development Plan 2015-2021 subject to the burial ground being respected by avoiding the placement of structures and the carrying out of works within this area, and the application of conditions relating to the recognition and maintenance of the burial ground and the provision of reasonable access for family members.

Cllr Lorna Bogue and Others

- Request that An Bord Pleanála hold an Oral Hearing (fee paid). The application meets the criteria for an oral hearing on the following grounds:

- Site is one of both local and national importance as it is the site of a Mother and Baby institution. Given the sensitivities and concerns around what may be contained on the ground of this institution, an oral hearing is an appropriate forum for discussing the sensitivities of the site.
- The Commission of Investigation into Mother and Baby Homes and Certain Related Matters is yet to be published. As such, it is appropriate to provide an avenue for further information to be made publicly available to aid discussion of the application.
- The applicant has failed to engage in reasonable consultation with survivors and the concerned general public on this matter.

Estuary View Enterprises 2020 Limited of Glandore

- Own lands adjacent to and to the north of the proposed development (detailed on attached map) and have a legal wayleave and rights of way through the proposed development.
- Legal rights extend to a requirement of the 'Gateway View' lands to facilitate servicing of observers lands which are also zoned for development under the Mahon LAP 2014 and Cork City Development Plan 2015-2021.
- No provision in the design of foul sewerage and surface water infrastructure in the 'Gateway View' development to facilitate full development of observers lands.
- The foul sewer proposed and the outfall pipe from same is sized at 225 mm diameter gravity sewer which at the proposed gradients has the capacity to serve approximately 300 dwelling units. The existing 150mm diameter foul sewer through the site and its outfall from the site is to be retained and has capacity to serve approximately 50 dwelling units.
- Likely that up to 500 dwelling units can be accommodated on observer's lands.
- Suggest that the 225 mm foul sewer be upsized to 300/375 mm which would give it the capacity to serve the observers lands in the longer term. Request that the upsizing be added as a condition of planning.

Other Submissions Received

Legacy Issues relating to Mother and Baby Home

- Premature pending publication of the Final Report of the Commission of Investigation into Mother and Baby Homes. Reference to findings in earlier Reports.
- Question the deadline for making observations on the subject application in advance of the publication of the Final Report.
- Possible that the area is the site of human remains. No development should proceed prior to the site being properly investigated for human remains.
- No public consultation with local community or survivors of the Mother and Baby home. Victims concerned that the importance of the site should be understood, and steps taken to ensure that development is sensitive to its history.
- Concern in relation to impact on area surrounding the folly which is a place of contemplation and commemoration.
- Access to area around Children's Burial Ground, castle folly and congregational burial ground is limited. Desire that this area is brought under the control of Cork City Council and that the council facilitate grounds maintenance, visitor access and preservation.
- Nothing in SHD that notes a procedure if bodies are found.
- Model for a development approach at Magdalen Home at Sean McDermott Street in Dublin.

Historic Landscape and Heritage

- Landscape of the estate has historical significance. Valuable historical amenity for Cork City and should be protected. A more sensitive conservationist approach to the site should be taken.
- High landscape value (as per designation) will be destroyed by the proposed development.

- Landscape Preservation Zoning and site specific objectives require development in the environs to be consistent with the landscape and protected structure significance of the site.
- Objective of Development Plan 'to reinstate Historic Landscape; to seek use of grounds as a neighbourhood park in context of local area plan; to allow development within the immediate environs to the north of Bessboro House consistent with the landscape and protected structure significance of the site.
- Mahon LAP notes that Bessboro House, Bessboro Farm and demesne is one of only two relatively intact historic landscapes left in the city. Development will destroy this landscape and contravenes the plans intention to conserve and enhance.
- Development will destroy a 19th century ornamental pond located in the hedgerow adjacent to the railway line.
- The 19th Century Castle folly has already suffered damage.
- The Bessborough farm pasture is part of the history of the site and should be conserved.
- The view of Bessboro House from the south is protected. The proposed development is south east of the Bessborough House and will block views.
- It would have been preferable that the entire site should have been treated as a protected landscape / retained for amenity of local community.

Quantum of Development and Visual Impact

- Massing, scale and height.
- Quantum of development.
- Visually obtrusive from a number of locations.

Residential Amenity and Traffic Safety

- Impact on amenity of existing dwellings - overshadow and impaction on natural light.
- Traffic impact and traffic safety.
- Standard of open space.

Ecology

- The site is a major wildlife habitat, connected to the Douglas Estuary and Lough Mahon. Adverse effect on the wildlife and flora in the area.
- Adverse impact on habitats connected to the Cork Harbour SPA.

Other Matters

- Recognise need for additional housing and apartments in the City.
- Core Strategy – material contraventions to allow 250 no. housing units on industrial zoned lands have used quota for housing.
- Residential zoning legacy of residential institution. Not a location of residential development in the ordinary sense.
- Project Splitting.
- Impact on accesses onto greenway – on safety of greenway.
- Site notices are not maintained in accordance with legislation.
- Question use of SHD process.

9.0 Planning Authority Submission

- 9.1. Cork City Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016 on 5th February 2021. It summarises observer comments as per section 8(5)(a)(i) and the views of the elected members of Cork City Council, as expressed at a meeting held on 11th January 2021. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

PA Comment on Principle of Development

- Cork City Development Plan 2015-2021 is the relevant plan. Mahon LAP 2014 has lapsed. The principle of residential development is acceptable on SO4 zoned lands.

PA Comment on Density

- Density of 155 units per hectare is noted. NTA and the Report of the Traffic Operations Section indicate that the site will benefit from improved levels of public transport provision and proximity to the emerging cycle network.
- Should the Board accept the recommendation to reduce the height of each block on landscape grounds, density would be 119 units per hectare. The reduced density is considered acceptable.

PA Comment on Urban Design / Architectural Assessment / Built Heritage

- City Architect and Conservation Officer indicate that the urban design approach is reasonable / successful within the landscape setting. Concern expressed in relation to the height of the shorter length of the L-shaped Block C. Recommendation to reduce northern section from 6 to 3 storeys.
- Concern in relation to two separate applications. Conservation Officer suggests that if the development is separated, uncertainty over future construction (of Block D) requires that the applicant should submit an SHD application which is complete in itself.

PA Comment on Landscape Impact and Protected Views and Prospects

- The site is in an 'Area of High Landscape Value' (SE4) and is immediately adjacent to a Landscape Preservation Zone.
- Senior Parks and Landscape Officer states that Block C will dominate the landscape and change the parkland character of the lands east and south of Bessboro House; the block north west of the folly will overlook the burial ground and be clearly visible from within this area.
- Need clarity on location of the existing trees on site.
- PA generally satisfied that views of the proposed SHD development are acceptable and that there would not be undue impact on protected views.

PA Comment on Archaeology

- Site is considered to have archaeological potential. Recommendation that all ground works are monitored by a suitably qualified licenced archaeologist (under Section 26 of the National Monuments Act 1930 as amended 2004).

PA Comment on Legacy Issues

- PA appear to have no jurisdiction in relation to the matter of potential human remains associated with the Mother and Baby Homes. This is a matter for An Bord Pleanála as the decision maker.
- The Report of the Heritage Officer notes that the site is an important and sensitive cultural heritage site and that further work is required in relation to providing some means to interpret and communicate the history and heritage of the site.

PA Comment on Residential Amenity and Quality of Residential Accommodation

- The PA is satisfied that the proposed development will not give rise to any undue loss of privacy or access to daylight or sunlight.
- In relation to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities the dual aspect ratio and unit mix standard met. Unable to confirm whether minimum apartment sizes are met. No Statement of Housing Mix as required under Objective 6.8 of the City Development Plan. The Board may consider the attachment of a condition requiring a greater proportion of 3 or 4 bed units.

PA Comment on Other Matters

- Bat Survey is satisfactory subject to the implementation of mitigation. Requirement for full Ecology Report.
- No objection in relation to Traffic and Transportation and Road Design. A number of conditions recommended.
- No objection in relation to Surface Water Drainage. A number of conditions recommended.
- No objection in relation to Childcare provision.
- No objection in relation to Part V provision. Standard condition recommended.

PA Recommendation

- The PA while acknowledging the sensitivities of the site, is required to consider the proposal based on the proper planning and sustainable development of the area and in this context, is of the opinion that the proposed SHD would be consistent with the relevant objectives of the Cork City Development Plan 2015-2021 as well as the ambitions set out in the NPF

and Rebuilding Ireland, and on that basis recommends that planning permission should be granted subject to the planning conditions set out in Appendix C to the Report.

Comments of the Elected Members of Cork City Council – summarised.

- Opposed to proposed development; concerns that sensitivities of the site are not properly addressed; development premature pending the publication of the full Mother and Baby Homes Report; no development should proceed until detailed site investigations completed; council obligations in relation to burials; and site better as a public park / in recreational use.
- SHD process does not allow for adequate public consultation or for full overview of planning.
- Environmental potential of the site not fully considered.
- Concerns in relation to two planning applications.
- Opposed to density and concerns in relation to the design of the development and proposed materials. Out of character with the location.
- Concern in relation to focus on the Folly given wider historic relevance of the area.
- Concerns in relation to traffic and parking and infrastructure in the area – including the entrance roadway from Skehard Road.

10.0 Prescribed Bodies

10.1. Irish Water

- It will be necessary to upgrade a sewer serving the proposed development from 150mm to 225 mm. This sewer is not within the ownership of the applicant and the applicant will be required to obtain any and all appropriate permissions from the owner and a wayleave in favour of Irish Water. It will be necessary for Irish Water to take this sewer in charge as part of the connection agreement. The applicant will be required to obtain any and all appropriate permissions from the private owner and a wayleave in favour of Irish Water. A full capacity report and condition report will be required for the third party infrastructure at connection point.

- The private sewer discharges to Bessboro pumping station. It will be necessary to upgrade the Bessborough pumping station by providing emergency storage of c. 33 cubic metres. The applicant will be required to fund the upgrade works which will be delivered by Irish Water.
- The drinking water connection can be facilitated without upgrade, however the private watermain serving the site will have to be taken in charge by Irish Water as part of the connection agreement. The applicant will be required to obtain any and all appropriate permissions from the private owner and a wayleave in favour of Irish Water.
- A number of conditions are recommended reflecting the items outlined above.

10.2. Transport Infrastructure Ireland

- TII will rely on the Planning Authority to abide by official policy in relation to development on / affecting roads as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).
- Development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted. Recommendations arising should be incorporated as conditions of permission. Any additional works required should be funded by the developer.

10.3. National Transport Authority

The Cork Metropolitan Area Transport Strategy 2040 (CMATS) completed in 2020 and proposals for Cork Bus Connects, Light Rail, Cycling and Roads are likely to improve accessibility in the Mahon area. Delivery of the CMATS is a critical objective of the RSES for the Southern Region. The NTA considers that the site location will most likely benefit from improved levels of public transport provision and proximity to the emerging cycle network and that the provision of residential development in the area is complementary to the CMATS land use priorities as outlined on p26 of the CMATS Report. The NTA, emphasises the need for the provision of a high quality walking and cycling environment and associated public realm improvements, connecting the subject site with public transport and other services at a local level. In the event of a grant of permission it is recommend that the applicant should be required to consult with Cork City Council in conjunction with

the NTA, prior to completion of detailed designs on the associated local road network improvements and pedestrian and cycle access arrangements.

10.4. Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media – Development Applications Unit

Nature Conservation: The cumulative ecological impact of the SHD application and application to Cork City Council should be assessed together – as per the Bat Report and External Lighting Report.

Likely that breeding sites are resting places for bat species occur in the area. It is noted that the Bat Potential Survey was carried out on one day in November and that no full Bat survey was undertaken. Recommended that conditions are included in the event of a grant of permission as follows:

- Prior to construction prepare a survey of bat use of trees at appropriate times of the year within and adjacent to the property boundary and more generally in the surrounding Bessboro estate landscape (under licence where necessary) and forward a report to the PA and NPWS. Options for mitigation to be included.
- Monitoring of use of the development area and adjacent part of Bessboro estate by bats to be undertaken during construction and for two years after construction. Monitoring reports to be forwarded to NPWS.

11.0 Oral Hearing Request

11.1. Two third parties have requested that an oral hearing be held. The requests relate to legacy issues relating to the use of the site as a Mother and Baby Home.

11.1.1. In my opinion there is sufficient information on file to allow for a proper and full assessment of the case without recourse to an oral hearing. In respect of SHD cases, in line with the provisions of the Act, oral hearings are to be held in exceptional circumstances. In this regard, there is a presumption against an oral hearing, and the function of not holding an oral hearing is delegated to the Director of Planning / Assistant Director of Planning. The recommendation not to hold an oral hearing, has been considered and approved by an Assistant Director of Planning (see form on file). I note that the requirement to hold an Oral Hearing may arise

following the Boards consideration of the case (including CE's Report, submissions received from prescribed bodies and third parties and the Inspectors Report). The request for an Oral Hearing is addressed further in Section 12.1.9 below under the heading of Legacy Issues.

12.0 Assessment

12.1.1. The site (1.53 ha) is part of a larger private landholding (1.7 ha) that is located within the grounds of the former Bessborough Estate. The SHD application sets out a masterplan for the overall landholding that comprises 4 no. apartment blocks of 5 to 8 storeys and a total of 246 no. residential units and a creche. The submitted documents state that zoning differences across the site have necessitated a dual approach in applying for planning permission. The SHD application relates to the northern section of the holding and lands zoned ZO4 'Residential, Local Services and Institutional Uses'. A separate planning application has been made to Cork City Council under Section 34 of the Planning and Development Act for development on lands that are zoned ZO12 'Landscape Preservation Zone' (PA Ref. 20/39705). Cork City Council issued a decision to refuse permission for this development on 1st February 2021 (Section 4.0 Planning History refers). A first party appeal has been made to An Bord Pleanála in respect of this decision (ABP-309560-21). This assessment is concerned with the proposed SHD development in the first instance. The potential for cumulative impacts arising from the overall development of the landholding are considered where relevant.

12.1.2. Having considered all of the documentation on file, the PA's Chief Executive Report, the submission from prescribed bodies and third party submissions, I consider that the planning issues arising from the proposed SHD development can be addressed under the following headings:

- Legacy Issues
- Principle of Development
- Quantum of Development and Building Height
- Historic Landscape, Built Heritage and Archaeology
- Visual Impact

- Quality of Residential Development
- Water Services
- Traffic and Transportation
- Other Matters

These matters are considered under separate headings below. Furthermore, Environmental Impact Assessment and Appropriate Assessment are addressed in Sections 13.0 and 14.0 below.

12.2. Legacy Issues

12.2.1. History of the Site

The site is part of the former Bessborough estate. The estate was used as a Mother and Baby Home between the period 1922 to 1998. There are unresolved questions in relation to burial arrangements of persons who died in the Bessborough Mother and Baby Home³ and in relation to the possibility of unmarked burials within the grounds of the former estate. A Commission of Investigation into Mother and Baby Homes has investigated the burial arrangements at a number of institutions, including Bessborough. Conclusions set out in the Commission's Fifth Interim Report (March 2019) and Final Report (October 2020)⁴ are considered to be of relevance to the subject application.

A summary of findings set out on pages 8 and 9 of the Fifth Interim Report in relation to Bessborough indicates that it is not known where the vast majority of the children who died in Bessborough are buried. More than 900 children died at Bessborough or in hospital following transfer from Bessborough and despite very extensive inquiries and searches, the burial place of only 64 children has been established.

Cartographic and landscape assessment was undertaken of possible unrecorded burial arrangements in the Bessborough grounds. A site survey was also conducted. It is concluded that there are a number of locations within the grounds where burials could have taken place. However, there is no significant surface evidence of systematic burial anywhere except for the congregation burial ground. The

³ Inc. the associated Sacred Heart Maternity Hospital.

⁴ Published January 2021.

Commission considers that it is likely that some of the children are buried in the grounds but has been unable to find any physical or documentary evidence of this.

The Final Report states that a number of parties made suggestions to the Commission about possible locations for children's graves both in the area which is currently part of the Bessborough estate and in areas which were sold in earlier years. The Final Report goes on to state that: The Commission and its forensic archaeologists had been aware of all these possible (burial) locations when the Fifth Report was compiled. The Commission recognised then and still recognises that it is highly likely that burials did take place in the grounds of Bessborough. The only way that this can be established is by an excavation of the entire property including those areas that are not built on (Para's 38.12-38.17). The Commission's term ceased on 28th February 2021 following publication of its Final Report.

12.2.2. Submission from the Minister

A submission has been received from the Minister for Children, Equality, Disability, Integration and Youth Affairs, the designated Minister for receiving the reports of the Commission of Investigation into Mother and Baby Homes (referred to hereunder as the designated Minister). The submission requests that the Board take account of the findings of the Commission of Investigation and in particular, the unresolved questions in relation to unmarked burials. The submission requests that any permission granted should include appropriate conditions to address the sensitivities and reasonable concerns around this site. It states that the Board should have regard to the need for further archaeological investigations by appropriate experts prior to works commencing and on-going monitoring in the course of subsequent works. It also states that the Board and the developer should give due consideration to the requests from survivors and their families for appropriate access and respectful memorialisation in due course. The submission refers to representations made to the Minister by parties who have a connection to this former institution. It states that the persons who made representations are not opposed to development of the site and that their concerns are focused on the appropriate treatment of any burial ground with some reasonable access for relatives to visit.

12.2.3. Third Party Submissions

A third party submission has been received from the Cork Survivors and Supports Alliance⁵ (CSSA). The submission refers to the findings of the Commission of Investigation as summarised in Section 12.1.1 above. The submission deals with available mapping and its potential to identify a possible burial ground. In summary the submission argues that an OS Revision Tracing Map⁶ dated 1949/50 provides evidence of a Children's Burial Ground in the area to the north west of the folly, established sometime between 1932 and 1950 (map available on request from OSI). The submission refers to an area "marked in blue crayon" on the map and contends that this is the delineation of a 'children's burial ground'. The submission states that the nature of the entry indicates that there was no permanent structure delineating the burial ground, or within the burial ground. The submission states that the area delineated is about three times the entire area of the circular area where the Folly is located and about a third of the entire field and that the southern parts of Blocks A, B and C encroach onto the burial ground. Relevant map extracts have been enlarged and appended to the submission (Appendix 8). I have reviewed the submitted mapping and note the reference to a 'Children's Burial Ground' in the area to the north west of the folly. The maps have poor legibility and I have not been able to identify an area 'marked in blue crayon'.

The submission addresses the law on burials including obligations in relation to burials and the right to visit graves. The submission refers to objectives of the City Plan and to guidance in the Architectural Heritage Protection Guidelines in relation to the protection of burial grounds. The submission argues that there is an obligation on An Bord Pleanála to ensure appropriate and respectful development in respect of the Children's Burial Ground and that these obligations are not diminished because of the failure to mark and record the locations of graves. The submission states that the group is not opposed to appropriate and sensitive development of the site. It states that: no grant for development should be given at the locus of the Children's Burial Ground; where an appropriate application is submitted (not the case for the subject application) the submission seeks conditions relating to the recognition and maintenance of the burial ground and the provision of reasonable access.

⁵ CSSA represent a group of survivors of Bessborough Mother and Baby Home, including former residents, and family members of women and children who resided within the Institution.

⁶ A map used by OS surveyors to mark changes on the ground.

Other third party submissions reiterate the matters summarised above in relation to unknown burials. A number of these submissions refer to the need for clarity in relation to the issue of burials prior to a decision being made. Submissions note that the burial ground is an important focal point for remembrance and that any development proposal on the lands needs to be sensitive to this. Submissions refer to the possibility of a memorial park / council managed burial ground at this location. It is noted that at present access to the area is limited.

12.2.4. Applicants Cultural Heritage Legacy Report

The applicant has submitted a report titled 'Cultural Heritage Legacy of the Subject Lands'. I would also refer the Board to the 'Archaeological Assessment' submitted with the application. The Cultural Heritage Legacy Report outlines the background to the site and sets out the following conclusions:

- The site is heavily disturbed. A road that was constructed in the mid-2000's cuts through the site.
- Nothing of an archaeological nature (including osteological remains) was identified during a programme of archaeological testing.
- Published OS maps do not represent the children's burial ground as extending outside of the enclosure.
- Aerial photographs produced for the Irish Air Corps in 1951 (contemporary with the 1949/50 OS Revision Trace Map) shows no evidence of ground disturbance outside and to the north and east of the enclosure that surrounds the folly.

The submitted Archaeological Assessment sets out some detail of archaeological investigations undertaken within the site. The licence given by the National Monuments Service was withdrawn prior to the completion of excavations. The assessment refers to three trenches excavated within the overall landholding. There is no detail on the file in relation to the location or layout of trenches. Based on the submitted information with regard to excavations, only limited conclusions can be drawn.

The Cultural Heritage Legacy Report concludes that the potential for unrecorded burials within the site, whilst remote, cannot be fully discounted and recommends, in

the event of a grant of permission, that a condition is attached that requires monitoring of the proposed development by a suitably-qualified specialist (inc. an experienced osteoarchaeologist). It is noted that any finds of human remains will have to be reported to An Garda Síochána and the Commission of Investigation (or any statutorily appointed body that will take on the work of the Commission after their final report is issued).

12.2.5. CE's Report

The CE's Report notes that the National Monuments Services have advised that human remains associated with Mother and Baby Homes are not covered under Section 26 of the National Monuments Acts 1930 to 2004. The PA states that it does not have a jurisdiction in relation to the matter of potential human remains and that it is a matter for the Board as decision maker.

12.2.6. Comparable Investigations and Proposed Legislation

I draw the Boards attention to the detail of investigations undertaken on behalf of the Commission of Investigation into Mother and Baby Homes at the Sean Ross Abbey Mother and Baby Home, detailed in the Commission's Final Report - Chapter 38 Appendix. Excavations were permitted by warrant issued by the judicial Chairperson of the Commission. Forensic control was maintained so that, should it become necessary in the future, all evidence was collected to a standard that is required by forensic casework that is submissible in a court of law. An Garda Síochána were in attendance for the duration of the excavations, specifically when human remains were exposed. The Coroner was notified of the potential to find modern human remains that would be considered from a time relevant to his jurisdiction. A protocol for communication was agreed.

In 2019 the Minister for Children and Youth Affairs published the (pre-legislative) General Scheme of Certain Institutional Burials (Authorised Interventions) Bill⁷. The General Scheme was amended in January 2021. The stated purpose of the General Scheme is to provide the statutory basis and framework under which Government may decide to authorise interventions at certain sites where manifestly inappropriate burials have taken place associated with institutions operated by or on behalf of the

⁷ gov.ie - General Scheme of a Certain Institutional Burials (Authorised Interventions) Bill (www.gov.ie).

State or in respect of which the State had clear regulatory or supervisory responsibilities. Matters addressed include provisions for excavations; exhumations; identification using DNA samples; return of remains or partial remains for reburial where possible; and re-internment in a respectful and befitting manner.

12.2.7. Consideration of Legacy Issues

The Final Report of the Commission of Investigation into Mother and Baby Homes concludes that it is highly likely that there were unrecorded burials in the grounds of the Bessborough estate. The Fifth Report states that there are a number of locations within the grounds where burials could have taken place. The Report has not specified these locations. A third party submission received from the CSSA includes extracts from an OS Tracing Map dating from the period 1949-1950. One of the submitted maps includes a reference to a children's burial ground in the area to the north west of the folly and within the SHD site (Section 12.1.4 above refers). The applicant, in response to this mapping, notes that the children's burial ground is not referenced on later published OS maps for the area and that aerial photography produced for the Irish Air Corps in 1951 shows no indication of disturbance in the area to the north west of the folly. I accept these observations. In relation to the observation by the applicant that there has been previous disturbance in the area, I would note that the roadway constructed in the mid-2000's has not encroached onto the area immediately north west of the folly where the burial ground is referenced.

On the basis of available information, the potential for unrecorded burials within the application site cannot be excluded. This is acknowledged by all parties to the application, including the applicant. I consider that the mapping evidence submitted by the CSSA, when taken in conjunction with the findings of the Commission of Investigation raises a reasonable concern in relation to the potential for unrecorded burials (including modern human remains) within the site.

The applicant proposes to monitor works within the site during construction and to inform the Gardai and the Commission (or any other statutorily appointed body) should unrecorded remains be discovered. The submission received from the designated Minister makes specific reference to the need for further archaeological investigations by appropriate experts prior to the commencement of works and on-going monitoring in the course of any subsequent works. Many of the third party

submissions refer to the need for clarity prior to a grant of permission and to the need to avoid development in the area of the children's burial ground.

Given the level of uncertainty that pertains in relation to the potential for unrecorded burials within the application site and in relation to the nature and extent of any such burials that may exist, I consider that further investigation is required prior to any works commencing on site.

I have considered whether this matter can be satisfactorily address by way of planning condition. In particular, I have considered the potential consequences of a planning condition for unrecorded burials and for the completion of the proposed development.

- There is a question in my view in relation to whether the applicant would be entitled solely by reason of planning permission to undertake excavations on this site. The proposed Institutional Burials Bill detailed in Section 12.6.6 above seeks to provide a statutory basis under which the Government can authorise interventions on sites of this nature and to provide a framework for same. In considering the terms of any condition that might be applied, I refer the Board to the forensic controls operated at a comparable site on behalf of the Commission of Investigation detailed in Section 12.6.6 and to what is envisaged under the General Scheme of the Institutional Burials Bill. I would suggest that the standard of investigation required for sites of this nature is outside of the scope of a planning condition and what can reasonably be enforced through the planning system.
- In terms of the consequences for the proposed development, I would note that there is no clear path for the completion of the proposed development, in the event that unrecorded burials are uncovered. It is likely that further investigations by or on behalf of a public authority would be required with the effect of deferring the development for a substantial period. The findings could also require material alterations to the permitted development where it is found to encroach onto a burial site.
- I would note the guidance set out in Chapter 7 of the Section 28 Development Management Guidelines (2007) in relation to the drafting of

planning conditions. Section 7.1 states that conditions must be relevant to planning and to the development being permitted. The guidance states that conditions should not be imposed if they cannot be made effective and should be framed to require a certain act to be done on or before a certain timeframe (S7.3.3); and that it may be unreasonable to apply a condition which has the effect of deferring the development for a very long period (S7.3.5) and one that would radically alter the nature of the development (S7.7).

Given the complex and sensitive nature of the matters arising in this instance I consider that a grant of permission would be premature until such time as it is established whether there are remains present within the site or not. I recommend that permission is refused on this basis.

Should the Board take a different view and decide to grant permission subject to condition, I suggest that the permission addresses the need for investigation of the site prior to works commencing and for on-going monitoring in the course of subsequent works. The Board may also wish to advise that it is a matter for the applicant / developer to ensure that all and any necessary legal consents are in place prior to the undertaking of works within the site.

12.2.8. Other Matters

There have been two requests for an Oral Hearing, to hear further evidence in relation to available mapping and to allow for further submissions in relation to the Final Report of the Commission of Investigation (published on last date for submissions). There is no indication that any substantial new information or evidence can be presented during an Oral Hearing, that would provide for definitive conclusions to be made in relation to the matter of unrecorded burials. In relation to the Final Report of the Commission, I would suggest that it is not a matter for the Board to hold an enquiry into the findings of a judicial Commission of Investigation and that in doing so the Board may be operating outside of its statutory remit. On this basis, I recommended against the holding of an Oral Hearing.

The matters raised in the CSSA submission in relation to the status of burial grounds operated by religious institutions are addressed in the Final Report of the Commission of Investigation (para 38.31 to 38.33).

In relation to the issue of appropriate memorialisation, I would suggest that this matter becomes relevant in the context of the subject site, in the event that an unrecorded burial site is identified within or in the immediate vicinity of the site. In the event of a grant of permission, the Board may wish to address this matter by condition.

12.2.9. Legacy Issues Conclusion

Having regard to the extent of uncertainty relating to the potential for unrecorded burials within the site and in relation to the implications of same for the proposed development I recommend that permission be refused.

12.3. Principle of Development

12.3.1. Land Use Zoning

The Cork City Development Plan 2015-2021 is the relevant Development Plan for the area. The site is zoned ZO4 'Residential, Local Services & Institutions' primarily with an objective "to protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3". The proposed uses are permitted under the zoning objective (Section 15.10 of the CDP refers). A number of third party submissions suggest that the lands would be better used for community and amenity purposes, however, I am satisfied that the land use zoning supports the uses proposed.

Sections of the site extends into lands that are zoned ZO12 'Landscape Preservation Zones' with an objective "To preserve and enhance the special landscape and visual character of landscape preservation zones". These lands are also subject to a related site specific objective SE4. There is a presumption against development within this zone, with development only open for consideration where it achieves the specific objectives set out in Chapter 10, Table 10.2". This zoning relates to lands that formed a parkland setting to Bessboro House, a Protected Structure and are situated to the south east, south, south west and west of the house. The proposed upgrade to the foul sewer runs west through the ZO12 lands and the proposed pedestrian / cycle access onto the greenway extend over ZO12 lands.

Table 10.2 of the City Plan sets out specific objectives for the SE4 lands at Bessboro as follows: To reinstate Historic Landscape; To seek use of grounds as a

Neighbourhood Park in context of local area plan (H); and To allow development within the immediate environs to the north of Bessboro House consistent with the landscape and protected structure significance of the site.

No residential or commercial uses are proposed in this area under the SHD application. I consider that the works proposed on the ZO 12 lands relate to drainage and transport infrastructure for the benefit of the wider area that is not specifically excluded on ZO 12 lands and would not conflict with the zoning objective or contravene the specific objectives detailed in Table 10.2 for the Landscape Preservation Zone at Bessboro.

A submission received from a third party questions compliance with the Development Plan Core Strategy, stating that material contraventions on lands to the north allowed residential units to be built on lands zoned for industrial use (250 no. units in total) and that the quota for housing in the area has been met. I would note that the site is in the Mahon 'Key Development Area' which has a stated housing capacity of 1,100 units. The sites referenced in the submission are outside of this area.

On the basis of the foregoing, I am satisfied that the proposed development is acceptable in principle and that it accords with the zoning objectives relating to the site.

12.4. Quantum of Development and Building Height

A number of the third party submissions express concern in relation to the density and height of the development, stating that the height is not in keeping with the character of two storey residential development in the wider area.

12.4.1. Density

The proposed plot ratio is 1.5 and the proposed density is 155 no. units per hectare. The plot ratio is within the permissible range for 'Suburban Key Development Areas' detailed in Table 16.1 of the City Plan. Chapter 16 promotes densities of over 50 dwellings per hectare along bus routes, on larger development sites and in major development areas and mixed use areas. The CE's Report notes that the SHD site is 1.3 km from the closest neighbourhood centre (15 min walk) and is served by the 202, 215 and 219 bus services. The report does not indicate any objection to the

proposed density but does highlight the fact that the removal of a single floor from each block to address landscape concerns would reduce the density to 119 units per hectare. The submission received from the NTA indicates that the area will benefit from an improved public transport network and cycle network under the Cork Metropolitan Area Transport Strategy 2040 (published 2020) and that the provision of residential development at this location is complementary to land use priorities outlined in the CMATS. The NTA's comments are reflected in the Report of the PA's Traffic Operations Section.

Policy at national, regional and local level encourages higher densities in appropriate locations. Project Ireland 2040: National Planning Framework (NPF) promotes the principle of 'compact growth'. Of relevance, are objectives 27, 33 and 35 of the NPF which prioritise the provision of new homes at locations that can support sustainable development, encouraging increased densities in settlements where appropriate. The site is within the Cork Metropolitan Area, where 'consolidation' is supported in the RSES. Section 28 guidance, including the Building Heights Guidelines, the Sustainable Residential Development Guidelines and the Apartment Guidelines, assist in determining the locations that are most appropriate for increased densities.

The Apartments Guidelines 2018 (amended 2020) defines the types of location in cities and towns that may be suitable for increased densities with a focus of the accessibility of the site by public transport and proximity to city/town/local centres or employment locations. I consider that the subject site falls within the category of an 'Intermediate Urban Location'⁸, given its location within 1 km of employment sites and high frequency urban bus services in Mahon to the east and its distance of c. 1.3 km from Mahon District Centre. The guidelines note that such locations are generally suitable for smaller-scale, higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (this will also vary, but broadly greater than 45 dwellings per hectare net). The guidelines also note that the scale and extent of development should increase in relation to proximity to public transport as well as shopping and employment locations. The area will transition to an

⁸ Locations within 800-1000 metres of a principle town or suburban centre or employment location; within 1,000-1,500 metres of high capacity urban public transport stops (such as DART or Luas); or up to 1,000 metres from high frequency urban bus services (min 10-minute peak hour frequency).

accessible urban location⁹ over time as planned public transport infrastructure detailed in the Cork Metropolitan Area Transport Strategy 2040 (LRT and Bus Connects) comes on stream. The guidelines note that such locations are generally suitable for large scale higher density apartment developments. I would note that the site is also within 5 km of Cork City Centre with a direct cycle connection to the city via the Passage Rail Greenway which runs immediately east of the site. It is my view that, given the site's location relatively close to existing and planned retail, employment and public transport services at Mahon and proximity to Cork City (5 km), that the density is not excessive.

12.4.2. Building Height

The proposed development comprises 3 no. apartment blocks of 5-7 storeys in height. Block A is 5 no. storeys with a maximum height of 17.35 metres (+28.85 m OD), Block B is 6 no. storeys with a maximum height of 20.7 metres (+31.6 m OD) and Block C is 6 - 7 no. storeys with a maximum height of 23.6 metres (+34.0 m OD). Buildings in the vicinity including Bessboro House (Protected Structure) a three storey Georgian building with 1-2 storey outbuildings and more recent community / institutional buildings to the north that are 1-2 storeys in height. Development to the east in the Mahon City Gate and Mahon Retail Park include 4-5 storey commercial office and medical buildings and large retail warehousing units.

The National Planning Framework (Objective 35) and the Building Height Guidelines (SPPR1 and SPPR3) support increased building height and density in urban areas having due regard to the locational context, availability of public transport services and other associated infrastructure. The Development Plan sets out a building height strategy for suburban areas in Section 16.27 and 16.28. The site is within the Mahon Key Development Area and is over 0.5 ha in area. In such areas building heights of 3-5 storeys and in 'exceptional circumstances' heights of up to 23 metres are permissible. Blocks A and B are below 23 metres in height, while there is a modest exceedance of less than a metre in the case of Block C. The proposed development is generally consistent with the provisions of the plan in relation to building height and I consider that the modest exceedance in the case of Block C

⁹ Locations within 1000-1500 metres of principal city centres or significant employment locations; within 800-1000 metres of high capacity urban public transport stops (such as DART or Luas) and within 400-500 metres of high frequency urban bus services (min 10-minute peak hour frequency).

would not contravene, materially the provisions of the Development Plan.

Landscape and visual impacts are considered separately below.

12.5. Historic Landscape, Built Heritage and Archaeology

Historic Landscape and Architectural Heritage

- 12.5.1. I refer the Board to the Architectural Heritage Impact Assessment (AHIA), Landscape and Visual Impact Assessment (LVIA) and photomontage booklet submitted with the application. I also refer the Board to the CE's Report and to the Reports of the Conservation Officer, City Architect and Senior Parks and Landscape Officer. I would note that no report has been received from the Built Heritage Section of the Department for Housing, Local Government and Heritage. A letter of notification was issued to the DAU.
- 12.5.2. A number of third party observations express concern in relation to the impact of the proposed development on the historic landscape at Bessborough, noting 'Landscape Preservation Zone' and 'Area of High Landscape Value' designations. A number of observations refer to objectives of the City Plan that require development to be consistent with the landscape and protected structure significance of the site. A number of submissions highlight the fact that the Mahon LAP 2014 (now expired) refers to Bessboro House, Bessboro Farm and demesne as one of only two relatively intact historic landscapes left in the city. Observers argue that the proposed development will damage and destroy this landscape and that it contravenes the intention of the LAP to conserve and enhance landscape assets. One submission argues that the proposed development will block a view of Bessboro House from the south. One submission refers to the Bessborough farm pasture stating that it is also part of the history of the site and should be conserved.
- 12.5.3. The SHD site is an undeveloped section of the former Bessborough estate. It is at the south eastern end of the estate and to the east of Bessborough House (Protected Structure). The site itself comprises disturbed grass and scrub, spoil and overgrown roadways and tracks and is poorly maintained. There are significant tree stands along the eastern site boundary and immediately west and south of the site. The lands to the south and west of the site are part of the historic informal parkland setting to Bessboro House. The site is outside of this historic parkland (AHIA Fig's 4, 5 and 6 refer). There is a landscape designation pertaining to the site that seeks 'to

conserve and enhance the character and visual amenity of areas of high landscape value' (Objective 10.4). Development is permissible in these areas where it results in a neutral / positive impact on the landscape. The lands immediately south and west of the site (the historic parkland setting) are zoned ZO12 Landscape Preservation Zone with an associated site specific objective SE4. Objective ZO12 seeks to 'preserve and enhance the special landscape and visual character of landscape preservation zones'. The Plan states that these lands have limited or no development potential. Objective SE4 is to reinstate historic landscape; to seek use of grounds as a neighbourhood park in context of local area plan; and to allow development within the immediate environs to the north of Bessboro House consistent with the landscape and protected structure significance of the site. Landscape assets to be protected under SE4 include (J) monuments and historic routes, (G) lands forming the setting to existing landmark buildings / protected structures and (C) significant tree groups. There is an old railway corridor to the east of the site that is now used as a greenway and the Douglas River Estuary and Lough Mahon are to the south. Bessborough House would appear to have had a historic visual relationship with the Douglas River Estuary and Lough Mahon, however, this has been significantly altered by the construction of Corks South Ring Road between the estate and the estuary.

Structures of conservation interest close to the site include Bessboro House (Protected Structure and NIAH), Bessboro Castle Folly (NIAH) and a farmyard complex (NIAH).

Bessboro Castle Folly (NIAH Ref. 20872007) and the surrounding tree canopy are the closest structures of conservation interest to the site. The folly is a heritage and landscape feature dating from c. 1880 that is protected, as part of the curtilage of Bessborough House a Protected Structure and under zoning objective 'ZO12' and site specific objective SE4. There is a burial ground to the immediate north of the folly that is associated with the Sacred Heart convent. The groups of trees around the folly and to the west of the site are also protected under the zoning and site specific objective. The proposed Blocks A, B and C are located to the north of the folly and arranged axially around the folly, with a setback of over 40 metres from the structure. In considering the impact on the folly and on the designated landscapes the Report of the PA's Conservation Officer notes that the landscape context for

Bessboro has changed from rural to urban over time. It is noted that any development on these lands should seek to build on the existing qualities, create a new but respectful relationship between new and old and strengthen the centrality of the existing landscape features. The Report states that the concept of the four linear blocks (inc. the block proposed on lands to the south of the SHD site) on an axis with the folly and the stepped building height will be successful as an architectural composition within this landscape, neither dominating the folly, nor appearing incongruous when seen in the distant views from the south as an extension of the buildings already part of the Bessboro complex. The City Architect expresses a similar view stating that the design approach is a reasonable urban design approach on a former country house / landscape setting. Both the Conservation Officer and the City Architect express concern in relation to the L shaped aspect of Block C and the height of the shorter section at the northern end on the basis that this weakens the architectural composition of the linear arrangement around the folly. It is recommended that the northern section is reduced in height from 6 to 3 no. storeys in order to provide emphasis to the linear blocks that radiate from the Folly with steeped heights. The Report of the Senior Parks and Landscape Officer expresses concern about the impact on the folly stating that the block to the north west will overlook and be clearly visible from the space. I concur with the views set out in the Reports of the PA's Conservation Officer and City Architect in relation to the design approach employed. I would not share the views expressed by the Senior Parks and Landscape Officer in relation to impact on the Folly on the basis that a substantial setback / buffer has been provided. In relation to the northern section of Block C, given the wider landscape designations that pertain to the site and to adjoining lands (as discussed above) and the more onerous requirement to preserve landscape character within the Z012 zone, I consider that there is a need to maintain open views through the development to and from significant landscape features such as the folly and accept the recommendation that the height of the northern section is reduced from 6 to 3 no. storeys. I am satisfied that this matter can be satisfactorily addressed by condition.

Bessboro House (RPS Ref. 004090 and NIAH Ref. 20872005) is a three storey Georgian country house dating from c. 1760. The house is located over 100 metres to the west of the proposed development (later additions are closer). The proposed

development is positioned to the side of the house and is not in the line of any principal views to and from the house which are orientated to the south. The proposed development will not be visible from the original house as it is screened by later development. From the area to the front of the house the upper sections of the blocks are visible through tree planting in winter but would be heavily screened when trees are in foliage. Photomontage VP1 and Section Drawing 1638-SHD-303 illustrate the relationship. I am satisfied that the proposed development is situated outside of the landscape setting to the house and that it would not interfere with principal views to and from the house. The proposed development is visually separate to the protected structure and I am satisfied that it would not impact unduly on the character or setting of this structure.

Bessborough Farm (NIAH Ref. 20872006) comprises a complex of farm buildings dating from c. 1880. The buildings are over 100 metres to the north west of the site. I consider that the level of setback is acceptable and that the issue of significant impact does not arise.

The historic entrance to Bessborough House and other remaining landscape features are to the west of the site and at a remove from the proposed development. I note the reference in a third party submission to a pond along the eastern boundary. I did not identify this feature on inspection. I conclude that the potential for impacts on historic structures / landscape features in the wider estate does not arise.

- 12.5.4. In relation to impacts on the historic landscape, I would note that the land use zoning objective for the site supports urban development at this location. The proposed development must also be considered in the context of landscape designations that apply to the site and to the lands to the south. Concerns raised in third party submissions in relation to the impact on the 'Area of High Landscape Value' and 'Landscape Preservation Zone' are general in nature. The Report of the Senior Parks and Landscape Officer states that the mature trees within the grounds and on the boundary of the Bessboro lands define its importance in landscape terms and that it is essential that these trees remain the dominant element in keeping with the zoning. In terms of direct impacts on landscape features it is proposed to remove two mature / semi-mature trees along the eastern boundary and a further two trees that are dead / dying or in decline will be felled but left in situ as deadwood. The

development is setback from other trees within and adjoining the site. I consider that the impact arising from tree removal is negligible in landscape terms. In terms of indirect impacts, the Senior Parks and Landscape Officer argues that the 7 storey block will exceed the height of all trees and become the dominant element in the landscape. The concerns raised, are not shared by the Conservation Officer or City Architect. The CE's Report in response to the concerns raised suggests that the Board consider omitting a floor from each of the blocks. The upper sections of Block C will exceed the height of the trees. However, this of itself does not mean that Block C is a dominant feature within the landscape. I consider that the proposed development using the linear arrangement around the folly is placed into the historic landscape, that it responds to the landscape and that it would not dominate or reconfigure the setting. On this basis, I consider that the proposed development would not contravene Objective 10.4 to conserve and enhance areas of high landscape value. In relation to the landscape to the south, while the proposed development will be visible within this landscape, it will not alter this landscape or impact on any key landscape features associated with this landscape (Objective SE4 refers) and I am satisfied that the design of the scheme has due regard to the transitional zoning. In the wider area I would note that the proposed blocks will be visible through planting and above tree lines. The LVIA concludes that while landscape changes within the site will be noticeable within the wider area, the landscape will remain unchanged. The issue of visual impact is discussed in more detail in Section 12.5 below.

Impacts arising from the laying of underground infrastructure within the Landscape Preservation Zone to the south and west of the site would be confined to the construction phase. These impacts would be non-significant and short term in nature.

To conclude, I consider that the proposed development would not contravene the relevant policies of the Development Plan relating to the protection of structures (Objective 9.23) and historic landscapes (Objective 9.26) or other structures of conservation interest (Objective 9.28) and would not materially contravene landscape designations pertaining to the site (Objective 10.4) and to adjoining lands (ZO12 and SE4).

Archaeology

12.5.5. I refer the Board to the 'Archaeological Assessment' prepared by John Cronin and Associates and to the report of the City Archaeologist which forms part of the CE's Report. The site is located within the grounds of a historic estate. There are two Recorded Monuments within the Bessborough Estate, Bessborough House (CO074-077) and an associated Ice House (CO074-051). There are no known archaeological features within or in the immediate vicinity of the SHD site. A programme of archaeological testing was initiated on the landholding in December 2019 under licence from the National Monuments Services, however, the licence was withdrawn prior to the completion of trench testing. Three of a series of eight test trenches excavated within the wider landholding were located within or partially within the SHD site. The assessment states that no archaeological features or finds were discovered during testing. The testing report (including details of trench locations and layout) has not been submitted with the application. The 'Archaeological Assessment' concludes that the archaeological potential of the main site is negligible and that no further archaeological mitigation measures are necessary. The City Archaeologist disagrees with this conclusion. The Report states that while the potential may be low, in the absence of test trenching results, it is recommended that all ground works should be monitored by a suitably qualified licenced archaeologist. The National Monuments Services have not made a submission in relation to the subject application. In view of the sites location within a demesne landscape and close to other archaeological features, and in the absence of trench testing results, I would suggest that the recommendation of the City Archaeologist is reasonable. This matter can be satisfactorily addressed by condition in the event that permission is granted.

12.5.6. The proposed sewer line falls within the Zone of Notification for the Ice House (CO074-051) at its western end. It is proposed to monitor groundworks that fall within 100 metres of the Ice House associated with proposed sewer due to the proximity of the works to the Recorded Monument. The sewer follows the line of an existing sewer on lands that have been subject to previously disturbance in the mid-2000's. On this basis I consider the proposed mitigation measures to be acceptable.

12.5.7. I note the argument put forward in the submission received from the CSSA the proposed development would be contrary to Objective 9.17 of the Development Plan due to the impact on a historic burial site and to objectives 9.4 and 9.7 relating to the protection of archaeological heritage. The CE's Report refers to previous advice from the National Monuments Service that human remains associated with the Mother and Baby Homes era are not covered under Section 26 of the National Monuments Acts. The provisions of Objectives 9.4, 9.7 and 9.17 of the City Plan would not appear to apply in this instance given the timing of burials referenced in the submission.

In conclusion, I consider that the potential for impacts on archaeological heritage can be adequately addressed through mitigation measures detailed above and that this can be satisfactorily addressed through condition.

12.6. Visual Impact

12.6.1. The Bessboro lands have a prominent location within Cork, sitting in an elevated position to the north of the South Ring Road (N40) and the Douglas Estuary and Lough Mahon. While the lands are visible from the suburbs to the south particularly from elevated lands, mature deciduous tree planting along the Bessboro estate boundary provides substantial screening to the SHD site. There are two protected views and prospects identified in the Development Plan (Map 16 V2 refers) that relate to the SHD site. LT14 is a landscape / townscape view from Carr's Hill toward Montenotte / Tivoli Ridge to the north of the site. AR4 is a primary approach road view of Bessboro House when viewed from the Carrigaline Road / Carr's Hill. Bessboro House is also identified as a 'Landmark' and is visible from the south through the tree planting. The submitted photomontages address the protected views.

The applicant is accompanied by a Landscape and Visual Impact Assessment (LVIA) and photomontage booklet that considers 8 no. viewpoints. Table 12.1 below sets out an assessment of each viewpoint to include cumulative impacts with the proposed Block D (Section 34 application).

Table 12.1 Assessment of Visual Impact.

No.	Location	Description of change.
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1	Bessboro Centre. 149 m west	Sensitivity due to conservation and landscape designations. Mid to upper sections of blocks visible through tree planting / vegetation. I consider the visual effect to be moderate in the winter period and not significant when trees are in foliage. Block D to south would not be readily perceptible behind SHD development and tree planting.
2	N28 / Rochestown Road bridge. 1.1 km south west.	Long range viewpoint 1.1 km south of site. High sensitivity due to protected View and Prospect AR4. Limited and intermittent visibility above tree line. Visual effect not significant to imperceptible. Cumulative impacts similar.
3	Charlemount Heights, Rochestown. 1.2 km south.	Long range open panoramic view from elevated lands. Upper sections of the blocks visible in distance above tree line. The buildings are viewed alongside a cluster of similar scaled buildings at Mahon City Gate and Retail Park. Visual effect is moderate and neutral given the baseline context at Mahon. In terms of cumulative impacts Block D is more prominent. The LVIA concludes that the cumulative impact is moderate adverse.
4	Jacob's Island. 740m south east.	Medium range view from public walkway – designated amenity route in CDP. View dominated by Douglas Estuary and associated vegetation with part of a warehouse structure visible. Upper sections of the blocks visible above tree line. Noticeable visual change to a largely open view. The LVIA concludes that the visual impact is Moderate Neutral. In terms of cumulative impacts Block D is more prominent. The LVIA concludes that the cumulative impact is moderate adverse.
5	Greenway Bridge – 172 m south east.	Short range view into site from N40 overbridge 172 m south east. The LVIA states that the sensitivity of the view is medium. I consider it to be high give the position on a strategic greenway and into site with heritage and landscape designations. Overall building formation clearly visible. View

		funnelled towards Folly. Magnitude of visual change high but effect moderate due to protection of key landscape features such as tree lines and the folly which remain dominant. In terms of cumulative impacts Block D would be set forward of and obscure views of the proposed SHD development. Block D dominates the view to a greater extent. Cumulative visual impact to be moderate – significant given the dominance of Block D within the view.
6	View from N40 Mahon interchange bridge - 553 m east.	Medium range view. Upper floors of Block C and A visible above trees line and existing development at Mahon. Low change. Block D has greater visibility from this viewpoint, which is considered positive given the urban context of the view.
7	City Gate R852 – 160 m east of the site.	Short range view. Upper floors of blocks visible over existing development. Read as part of overall composition of buildings at this location. Moderate neutral effect. In cumulative view the composition of buildings is extended by Block D.
8	Bessboro Access Road – 267 m north of the site.	Short range view from open lands to the south. Medium sensitivity due to landscape designation applying to the site. Full building formation visible through existing fencing. Significant visual impact that is considered positive and consistent with the land use zoning. Key landscape features such as tree lines are not overwhelmed. Imperceptible cumulative visual effects as Block D will not be seen in this view.

12.6.2. The proposed development exceeds the prevailing 2-3 storey building height in the area and is more in line with the more recent commercial developments to the east. The introduction of residential development into an open landscape will give rise to a level of visual change both on local views and on longer range views. The effect of visual change is not considered to be significant negative in any of the viewpoints

considered in Table 12.1 above. I am satisfied that the viewpoints provide a representative sample.

- 12.6.3. I consider that the height, scale and appearance of the development will not be out of character with the emerging pattern of development in the area and will be viewed as an extension of the baseline urban condition to the immediate east and the Mahon Key Development Area of which the site is part. The proposed development would not obstruct views to or from Bessborough House (PS). I consider that the level of visual separation / interaction between the development and Bessborough House (PS and Landmark) is acceptable given the intervening planting and distance. I consider that the proposed development provides a positive addition to the wider city skyline and that it would not unduly dominate or undermine the historic landscape at this location. This is consistent with the view set out in the PA's CE Report.

Cumulative impacts are considered in the LVIA in conjunction with other recent grants of permission (Section 1,7,3 refers). It is concluded that the nature of visual impact would be similar in most cases with the other permitted development in place no potential for significant negative cumulative impacts are identified. I accept the conclusions of the LVIA in this regard.

12.6.4. Design / Public Realm

The blocks radiate out from an existing '19th century 'Folly' that is outside of the applicant's landholding. The Blocks are well set apart and the spaces between the blocks are given over to circulation and open space including shared surface areas and a small amount of surface car parking (16 no. spaces). The layout includes an undercroft car park between Blocks B and C with a communal open space on the podium level above. The main access is from the access road to the north and it is also proposed to create two pedestrian / cycle access points onto the adjacent greenway – one ramp and one stepped. The masterplan for the landholding includes an 8 storey block to the south of the proposed development that is part of the same 'radial' arrangement around the 'Folly.' This Block is the subject to a separate application to Cork City Council as detailed in Section 12.1 above. The overall design strategy for the site is acceptable in my view. The City Architect notes that the architectural language of brick clad apartments blocks, the solid to void

proportions and recessed balconies are satisfactory. I would concur with this view. The landscape strategy is also generally acceptable (subject to the agreement of provisions to protect mature trees during works) and takes due cognisance of the historic demesne landscape within which the site sits.

12.7. Quality of Residential Development

12.7.1. The following assessment considers the quality of blocks overall to ensure that the scheme as a whole would meet the relevant quantitative and qualitative standards. The assessment has regard to guidance set out in the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities' 2018; and the Cork City Development Plan 2015-2021.

12.7.2. Housing Mix

The proposed development would provide for the following housing mix:

Beds	Apartments	%
1-bed	88	49.2
2-bed (3 person)	17	9.5
2-bed (4 person)	68	38
3-bed	6	3.4
	179	100%

The CE's Report notes that the applicant has not submitted a Statement of Housing Mix as required under Objective 6.6 of the Development Plan and suggests that the Board may consider attaching a condition requiring a greater proportion of 3 or 4 bed units. I would note that the applicants Statement of Consistency includes a statement on housing mix. SPPR1 of the Apartment Guidelines states that apartment developments may include up to 50% one-bedroom or studio type units and that there shall be no minimum requirement for apartments with three or more bedrooms. The proposed development meets the requirements of SPPR 1 and on this basis I consider that the proposed housing mix is acceptable.

12.7.3. Apartment Design and Layout

The schedule of floor areas set out in the Housing Quality Assessment indicates that floor areas for all apartment units meet or exceed the minimum specified in SPPR3 of the apartment guidelines.

Section 3.7 of the guidelines stipulate that no more than 10% of the total number of two bed units in any private residential development may comprise two-bedroom, three person apartments. There are 17 no. two-bedroom three person apartments in the scheme overall equating to c. 9.5% of the two-bed units overall.

Section 3.8 of the guidelines 'Safeguarding Higher Standards' requires that the majority of all apartments in any scheme (> 10 units) shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bed unit types by a minimum of 10% (any studio apartments must be included in the total but are not calculable as units that exceed the minimum by at least 10%). A total of 150 no. units exceed the minimum floor area standard. The requirement is met and exceeded.

SPPR 4 requires a minimum of 33% dual aspect units for developments in more central and accessible urban locations and a minimum of 50% dual aspect units for developments in suburban or intermediate locations. The housing quality assessment submitted with the application indicates that 107 no. units or 59 percent of the units are dual aspect. The standard of 50% in SPPR 4 of the Guidelines is exceeded.

SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with.

SPPR 6 specifies a maximum of 12 apartments per floor per core. This requirement is complied with.

Appendix 1 of the guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living / dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas. Private open space is provided in the form of balconies and the minimum space and depth standards are met.

12.7.4. Open Space

Appendix 1 of the Apartment Guidelines sets out the following minimum area requirements for communal amenity space in new apartment developments:

Unit	No.	Per Unit (sq.m.)	Total Requirement
1 bed	88	5 sq.m	440 sq.m
2 bed (3 person)	17	6 sq.m	85 sq.m
2 bed (4 person)	68	7 sq.m	476 sq.m
3 bed	6	9 sq.m	54 sq.m
Total	179		1055 sq.m.

The scheme provides for a total of 1,549 sq.m of semi-private open space. The requirement of the guidelines is met and exceeded within the scheme.

Table 16.6 of the City Plan seeks provision of Public Open Space at a rate of 15% in the case of greenfield sites and LAP areas such as this. The proposed development provides for a total of 2,410 sq.m of public open space. This exceeds the 15% requirement based on the net site area of 1.053 ha.

12.7.5. Communal Facilities

The Apartment Guidelines promote the provision of communal rooms for use by residents in apartment schemes, particularly in larger developments. The proposed development includes some communal facilities within Block A. I consider the level of provision to be sufficient.

12.7.6. Amenity of Proposed Units (Daylight, Sunlight, Overshadowing and Noise)

I refer the Board to the 'Daylight Reception Analysis', 'Sunlight Reception Analysis' and 'Sunlight and Shadow Illustrations' prepared by DK Partnership. In considering daylight, sunlight and overshadowing impacts, I would note that the Section 28 Urban Development and Building Height Guidelines, 2018 (Section 3.2) and the Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2018 / 2020 (Section 6.6) state that regard should be had to quantitative performance approaches outlined in guides like the BRE guide '*Site Layout Planning for Daylight*

and Sunlight (2nd edition) or BS 8206-2: 2008 – '*Lighting for Buildings – Part 2: Code of Practice for Daylighting*'¹⁰.

The submitted assessments were carried out in accordance with the relevant BS and BES guidance. The Daylight Reception Analysis considers the quality of daylight to proposed units based on an assessment of Average Daylight Factor. The analysis results indicate that all selected habitable rooms have achieved an ADF equal / in excess of the recommended BRE guideline. The selected units include a representative sample of units at lower levels and assumes that all Blocks, including Block D are in place. I am satisfied that the proposed development performs to a high standard and exceeds the BRE standards.

The Sunlight Reception Analysis (inc. Appendix Sunlight and Shadow Illustration) addresses the effects of the proposed development on the sunlight and shadow status of amenity spaces within the proposed development and on neighbouring lands. Under BRE guidance over 50% of proposed amenity areas within a development should have access to sunlight for a minimum of 2 hours a day when assessed for 21st March. For existing spaces there is also a requirement that the level of sunlight should not reduce below 80% of its former value. The analysis indicates that all spaces would exceed the BRE sunlight / shadow criteria.

The application is not accompanied by a Microclimate / Wind assessment. I am satisfied having regard to analysis of comparable schemes and taking account of the height of the blocks and the level of mature vegetation surrounding, that the potential for significant impacts can reasonably be excluded in the absence of detailed analysis and modelling. Any localised discomfort that may arise due to wind, for example to balconies or at podium spaces, can be mitigated to an acceptable level by inserting suitable screening (higher screens or vegetative screening). This matter can be satisfactorily addressed by way of condition.

The application is accompanied by an Acoustic Design Statement (ADS) prepared by AWN Consulting. The statement considers the potential for inward noise impacts

¹⁰ In the UK the 2008 BS document has been replaced / superseded (BS EN 17037:2018 Daylight in buildings). My assessment relies on the documents referenced in Section 28 Guidance.

from the South Ring Road (N40). In the absence of national standards, the statement relies on UK guidance in The Professional Guidance on Planning & Noise 2017 (ProPG) and noise reduction criteria in BS8233 Guidance on sound insulation and noise reduction for buildings. The predicted noise levels at the facades of the blocks for day and night periods are presented in Figure 9, 10, 11 and 12. The ADS concludes that the development has a medium noise risk but is suitable for residential development subject to mitigation. The proposed mitigation include specific glazing and ventilation measures. I am satisfied that the identified impacts can be adequately mitigated.

12.7.7. Impact on Residential Amenity

A third party submission raises concerns in relation to the impact of the proposed development on the residential amenity of his property. The submission states that the property is within 100 metres of the proposed development. I would note that the stated address is close to the Bessboro estate but is over 600 metres from the site boundary. The submission states that the proposed development may overshadow and reduce natural light to nearby dwellings. Another third party submission questions the potential impact on a residential care facility in the Bessboro grounds located c. 200 metres to the north of the site. The closest dwelling is c. 350 metres from the site and there is a residential development under construction c. 360 metres to the north of the site.

The Development Plan does not stipulate a minimum separation distance between residential developments. However, the level of separation distance in this instance is significant and I consider that the issue of undue overlooking can be excluded based on a preliminary assessment.

In relation to sunlight, daylight and overshadowing impacts, I am satisfied that the distance between the proposed development and existing residential properties is significant and on that on the basis of distance it is reasonable to conclude that no impact can arise, taking account of the recommended standards and guidance material (BRE 209 and BS 2008).

12.7.8. Waste Management

Provisions are made for waste at ground level within the blocks. I am satisfied that adequate provision is made for waste management. In the event of a grant of permission I recommend that a condition is included that requires an Operational Waste Management Plan to be submitted for agreement prior to the commencement of development.

Construction Phase Impacts

In relation to construction phase impacts I consider that impacts arising from noise, vibration and dust emissions have the potential to impact adversely on the amenities of neighbouring properties. However, any impacts arising during the construction phase will be short-term in nature and subject to the implementation of the mitigation measures set out in the submitted Construction Management Plan and adherence to standard construction hours, I am satisfied that undue impacts would not arise. In the event of a grant of permission I recommend that a finalised Construction Management Plan and Traffic Management Plan is submitted to the PA for agreement. I also recommend that the standard condition in relation to hours of operation is attached.

12.7.9. Quality of Residential Development Conclusion

To conclude, I consider that the design and layout of the development is satisfactory with regard to national and development plan guidance for residential development and that it would offer a reasonable standard of residential accommodation and amenity for future residents of the scheme. Furthermore, I consider that the proposed development would not give rise to undue impacts on the amenities of the area.

12.8. Drainage and Water Supply

12.8.1. The Engineering Report describes the applicant's landholding as an amalgamation of three serviced sites and part of the internal road network. The site is served by an access road and water and drainage infrastructure constructed in the mid – 2000's under PA Ref. 03/27028 and ABP Ref. PL28.203096.

12.8.2. Foul Drainage

The site is currently served by a 150mm private foul sewer that runs through the Bessborough estate lands and connects to the IW network at a location that is c. 600

metres to the west of the site. This sewer is included within the site boundary. The comments in the submission received from Irish Water (IW) in relation to wastewater are summarised as follows: the minimum sewer diameter required for the proposed development is 225 mm; it will be necessary to take the sewer in charge and to acquire wayleaves over it, as part of the connection agreement; the applicant will be required to obtain any and all appropriate permissions from the private owner and a wayleave in favour of Irish Water.

The Engineering Report states that it is proposed to upgrade the sewer and to divert some sections within the main development site. However, the engineering drawings show a new 225 mm sewer running alongside the existing 150mm sewer to the point of connection. There is ambiguity in the submitted details. I note that the IW response to pre-connection enquiry refers to a requirement to upgrade the existing 225mm sewer (Engineering Services Report Appendix 3 refers). I suggest, in the interest of clarity and to meet the requirements of Irish Water, that a condition is included in the event of a grant of permission that requires the applicant to upgrade the existing 150mm sewer to 225mm.

The private sewer (to be upgraded) extends over a distance of 600 m (approx.) on lands that are outside of the applicant's landholding. There is no letter of consent or detail of any other legal rights that may exist on the file. I would note that the site is described as an amalgamation of serviced sites served by private infrastructure installed in the mid-2000's. A third party submission from the owner of lands to the north and west. The submission refers to legal rights over services and rights of way. The observer does not raise the issue of consent to run the site through his lands. On this basis I suggest that a refusal would not be warranted and that the matter can be addressed by condition. I would suggest (in the event of a grant of permission) that the standard Irish Water condition is attached, requiring the applicant to enter into a connection with Irish Water prior to the commencement of development. Section 34 (13) of the P&D Act provides that a person shall not be entitled solely by reason of a permission to carry out any development. It will be a matter for the applicant to secure any and all necessary legal consents to undertake the works to the private sewer and to meet the consent requirements of Irish Water prior to the commencement of any development.

The matters raised by the third party landowner in relation to wayleaves and rights of way are largely legal in nature. I note the request to apply a condition that requires the applicant to increase the diameter of the proposed sewer so that it can service the wider area. I consider that the matter falls outside of the Board considerations under the subject application.

12.8.3. Water Supply

The site is served by a 100 mm watermain and it is proposed to connect to this near the northern section of the site. The submission of Irish Water states that a drinking water connection can be facilitated without upgrade, but that the private water main serving the site will have to be taken in charge by IW as part of the connection. The submission notes that this sewer is not within the ownership of the applicant and the applicant will be required to obtain any and all appropriate permissions from the owner and a wayleave in favour of Irish Water. A full capacity / condition report will be required for the third party infrastructure at connection stage. Similar to the conclusions in respect of the private wastewater network, in the event that permission is granted I would suggest that the standard Irish Water condition is attached. It will be a matter for the applicant to secure the necessary legal consents to meet the consent requirements of Irish Water.

12.8.4. Surface Water Drainage

The applicant proposes to connect to an existing private stormwater network that serves the site. The Report of the PA's Drainage Section indicates that the proposed storm water system is acceptable. The Report notes that the drainage infrastructure within the site is not taken in charge and that agreement from the owners of the drainage would be required in relation to any diversions. Clarification is also required in relation to whether the drainage infrastructure will be offered for taking in charge, although this is not set out as a requirement. The PA are satisfied that the issues can be addressed by way of condition.

12.9. Transport

12.9.1. The application is accompanied by Traffic and Transport Assessment (TTA), Mobility Management Plan and a Walking and Cycling Assessment and Review. The site is accessed via an existing access road that extends from the Bessborough Road to the north. It is proposed to provide pedestrian and cycle connections onto a

greenway which runs to the east of the site. This will provide a more direct route to retail and employment uses in Mahon to the east and to a bus stop on the Mahon Link Road. The greenway also provides a direct connection to Blackrock Village and Cork City Centre.

In terms of public transport, the area is served by the 202, 215/ 215a and 219 bus routes. The proposed connection via the greenway will provide access to a bus stop on the Mahon Link Road that is 400 metres (10 min) from the site. The 202 Bus has a service frequency of every 10 minutes and connects to Cork City Centre and the 219 provides a connection to UCC and CIT. The Cork Metropolitan Area Transport Strategy 2040 (CMATS) includes proposals for Light Rail Transit and Bus Connects in this area.

12.9.2. Car and Cycle Parking

A total of 67 no. car parking spaces are proposed (0.37 per unit). Submissions received from third-parties express concern in relation to the level of car parking provision indicating that there is already insufficient car parking in the area. The PA indicate no objection. The applicant refers to a maximum requirement for 229 no. spaces based on the standards set out in Table 16.8 (Zone 3) of the Development Plan. The TTA argues that the lower rate will encourage the use of sustainable transport modes. The Section 28 Sustainable Urban Housing Apartment Guidelines 2018 (amended 2020) allow for a reduction in car parking at suburban locations that are served by public transport or close to town centres or employment areas. I consider the site to be in an 'intermediate urban location' based on the definitions set out in the Apartment Guidelines as discussed in Section 12.3 above. In such areas planning authorities are asked to consider reduced provision and to apply an appropriate maximum car parking standard. The area will transition to an accessible urban location over time as planned public transport infrastructure detailed in the Cork Metropolitan Area Transport Strategy 2040 (LRT and Bus Connects) comes on stream. In such areas the default policy in the Apartment Guidelines is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. Given the site's location close to existing and planned public transport services at Mahon and to employment and retail services at Mahon, coupled with its relative proximity to Blackrock and Cork City I consider that the rate

of car parking provision can be justified in this instance as a means of encouraging use of sustainable transport modes.

A total of 370 no. cycle parking spaces are proposed. The level of provision exceeds the requirements set out in the Sustainable Urban Housing Apartment Guidelines 2020 (Section 4.17) and is acceptable in my view.

12.9.3. Greenway Connections

It is proposed to provide pedestrian and cycle connections onto a greenway which runs to the east of the site. A submission received from a third party raises concerns in relation to the impact of the access points on the safety of the greenway. I would note that the PA have south the connections and have not raised any concerns in relation to the impact on the greenway. I consider the accesses to be acceptable in principle and in keeping with national policy to increase connectivity within urban areas. I would suggest that detailed drawings and sections are required, however, this matter can be addressed by condition.

12.9.4. Traffic and Transport Assessment

The issue of transport impacts is raised in third party submissions. The submitted TTA examines the cumulative impact associated with the development of 246 no. units and a creche on the applicant's landholding (SHD and S34 applications). It includes an assessment of impact on four road junctions (R852 Skehard Rd / Church Road / Scally's SuperValu; 2. Bessboro Road / R852 Skehard Rd; 3. R852 Skehard Road / Blackrock Avenue/ R852 Mahon Link Road; 4. Bessboro Rd and Site Access). A modal split of 40% of trips by sustainable modes is assumed on the basis of existing / planned transport infrastructure and the proposed parking provision. Census 2016 indicated 23% sustainable travel usage in the adjacent residential areas. Trip generation rates for the development are forecast using the NRA / TII approved TRICS database. Table 7.3 of the TTA indicates that the proposed development will result in 84 no. am trips and 79 no. pm trips. The modelling considers an Opening Year of 2024, Opening Year +5 (2029) and Opening Year +15 (2039). LinSig software was used for Junctions 1, 2 and 3 (signalised), while Arcady was used for junction 4 (non-signalised). I am satisfied that the methodology used in the TTA is robust and note that the PA's Traffic Operations Section do not raise any issues in relation to the data used. The analysis

indicates that Junctions 1, 2 and 3 will operate above capacity in future years. Junction 3 is currently operating over its capacity in the morning and evening peak.

The TTA indicates that the road network in the area experiences congestion and that this will continue with or without the proposed development in place. The proposed development would make a small contribute to this congestion. I am of the view that proposed development, of itself, would not have a significant impact on the local road network. The CMATS sets out a strategy for significant investment in the sustainable transport network in Cork City with a view to achieving greater use of public transport and reduced car dependency. The proposed development provides for consolidation and densification at a location that is proximate to Cork City and at a location where significant investment in the transport network in planned. On the basis of the foregoing, I am of the view that the proposed development would not have a significant impact on local traffic conditions and that it supports the aspirations of the CMATS in relation to sustainable travel.

12.9.5. Construction Traffic

Section 4.3 of the TTA addresses construction phase traffic impacts. The volume of traffic generated during construction will be lower than that generated during the operational phase and will not impacts significant on the local road network, subject to appropriate traffic management measures. This can be addressed through the agreement of a traffic management plan with the PA, in advance of construction. This can be addressed by way of condition.

12.9.6. Conclusion Traffic and Transport

Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts and that any outstanding issues are of a minor nature and may be dealt with by condition.

12.10. **Other Matters**

12.10.1. Ecology

The NIS prepared by Kelleher Ecological Services includes a description of ecology on site based on a walkover survey (S2.2). The site is dominated by rough grassland, which has not been managed for some time, and areas of scrub encroachment. The site does not currently support habitats of ex-situ ecological

value for relevant qualifying interests of any Natura 2000 site. The survey identifies the non-native species of Japanese Knotweed (high risk), Buddleia (medium risk) and Winter Heliotrope (medium risk) within the site. The NIS states that an Invasive Species Management Plan will be put in place. The trees to the east, south and west of the site are identified as significant ecological features. Two mature / semi-mature trees are to be removed along the eastern boundary to facilitate fire tender access. A Bat Survey Report prepared by Kelleher Ecological Services has also been submitted. The report notes that the removal of trees could impact negatively on bats due to reduced roosting, commuting and foraging opportunities and that there is also potential for disturbance and displacement of Bats during construction works.

The PA's Heritage Officer seeks an Ecology Report prior to the commencement of development with measures to protect and enhance biodiversity. The Report notes the findings of the Bat survey and states that subject to the implementation of the mitigation measures outlined that this is satisfactory. The Report of the Nature Conservation Section (DHLGH) recommends a condition that requires a full Bat Survey to be undertaken (at the appropriate times of year) within and adjacent to the site with provisions to monitor the use of the area by bats during construction and for a period of two years thereafter.

I am satisfied that the submitted details provide an adequate overview of the ecology on site. The request of the Heritage Officer in relation to the need for a full Ecological Survey and details for enhancement is reasonable. The Nature Conservation Section requires a more robust approach in relation to the protection and monitoring of Bat species. The Parks and Landscape Report refers to the need for further detail in relation to the exact location of the trees and in relation to the protection of trees. There is a need for details of the proposed Invasive Species Management Plan. I am satisfied that all of these matters can be satisfactorily addressed by way of planning condition.

12.10.2. Section 34 Planning Application

The CE's Report and a number of third party submission express concern in relation to the applicant's decision to separate the development on the landholding into separate applications. It is suggested that if the SHD proposal is to be assessed

without the fourth block, the scheme will appear unfinished and that the SHD scheme should appear complete in its own right. While I acknowledge the concerns raised, I accept the reasoning put forward by the applicant for submitted two applications and the legal basis for same, which relates to the provisions of the 2016 Act. I am satisfied that the SHD development can be considered as a standalone development.

12.10.3. Flood Risk Assessment

The site is located within Flood Zone C and the submitted SFRA indicates that no issues arise in respect of flooding.

12.10.4. Part V

The applicant has submitted Part V proposals. The PA indicate that the proposal is capable of complying with the requirements of Part V subject to agreement.

12.10.5. Childcare

The proposed development includes a creche with capacity for 70 no. children that is intended to serve the proposed SHD development, and the 67 no. units proposed on adjacent lands. The rate of provision meets the standards set out in the Section 28 Childcare Facilities Guidelines 2001 and as updated by the Sustainable Urban Housing Design Standards for New Apartment's Guidelines 2018 (updated 2020).

12.10.6. Fire Officer

The Report of the PA's Fire Officer raises a number of issues relating to compliance with Fire Regulations. The matters raised are governed by the Building Regulations and are not a matter for the subject application.

12.10.7. Site Notice

A number of third party submissions refer to the fact that one of the site notices was not in place during the consultation period. Correspondence received from the applicants planning consultant during the 5 week consultation period, advises of recurring issues relating to the removal of site notices by other parties. It would appear that notices were replaced on a number of occasions during the consultation period. I consider that it is clear from the correspondence on the file that reasonable steps were taken by the applicant during the course of the consultation period to maintain public notices at the site.

13.0 Screening for Environmental Impact Assessment

- 1.1. The site forms part of the historic Bessborough estate which is located in the wider Blackrock / Mahon suburban area of Cork City. The proposed development relates to the construction of 179 no. residential units and a creche on a site of 1.153 hectares and is part of a larger 246 no. unit residential development on the landholding of 1.7 hectares. The site has been subject to previous disturbance arising from the construction of a roadway and drainage infrastructure in the area in the mid-2000's. The site comprises grassland, artificial surfaces, scrub and a treeline along the eastern boundary.
- 13.1.2. The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district. The main development site is zoned ZO4 (Residential, Local Services and Institutional Uses) and is subject to an Area of High Landscape Value designation. Infrastructure works extend onto lands zoned Z12 Landscape Preservation Zone. The predominant lands uses in the area are residential, institutional, community, commercial and retail. The site is not considered to fall within a business district. In any case the overall proposal for 246 no. residential units and a creche on a site of 1.7 hectares is below the mandatory threshold for EIA both within and outside of a business district.
- 13.1.3. The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Report which includes the information required under Schedule 7A to the planning regulations. The nature and the size of the proposed development is well below the applicable thresholds for EIA. The uses proposed would be similar to predominant land uses in the area. The proposed development will not increase the risk of flooding within the site. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water supply. The site is not

subject to a nature conservation designation and does not contain habitats or species of conservation significance. The AA set out in Section 14.0 concludes that the potential for adverse impacts on Natura 2000 site can be excluded.

- 13.1.4. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA screening assessment report submitted with the application. Please refer also to the screening determination set out in Appendix I to this Report.

14.0 Appropriate Assessment

14.1. Stage 1 Appropriate Assessment Screening

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

14.1.1. Compliance with Article 6(3) of the Habitats Directive

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. 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).

The applicant has submitted a Natura Impact Statement as part of the planning application. The NIS has been prepared by Kelleher Ecology Services Ltd and is supported by an Avian Survey. The Report provides a description of the proposed development, identifies European Sites within a possible zone of influence of the development and identifies potential impacts in relation to the Cork Harbour SPA and Great Island Channel SAC.

Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

14.1.2. Need for Stage 1 AA Screening

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

14.1.3. Brief Description of the Development

The applicant provides a description of the project in Section 2.3 of the Screening Report. The development is also summarised in Section 3 of this Report. In summary, permission is sought for a housing development comprising 179 no. apartments in three blocks of 5-7 storeys, a creche and ancillary works on a site of 1.153 hectares. The site is greenfield in nature but has been subject to disturbance associated with the construction of an access road and drainage infrastructure. The site is part of a 1.7 hectare landholding that includes the lands immediately to the south of the site. The site forms part of the historic Bessboro estate, which sits within the wider Blackrock / Mahon suburbs. Lands immediately adjoining are undeveloped. The site is situated just north of the N40 Cork South Ring Road and the Douglas River Estuary / Lough Mahon transitional waterbody. Lands to the

north, east and west of the estate are in residential and commercial use. The site is serviced by private water and drainage networks that are connected to the public network. Surface water from the site will drain (via existing infrastructure) to a public storm sewer network that discharges to Douglas River Estuary / Lough Mahon to the south west of the site. The dominant habitat on site is rough grassland and scrub and the site does not currently support habitats of ex-situ ecological value for relevant qualifying interests of any Natura 2000 site. The ecology team undertook site visits in October and November 2020 in order to assess potential waterbird usage of and movements across the site. One qualifying species of the Cork Harbour SPA, Black-Headed Gull was noted flying over the site during the surveys. No other qualifying species of Cork Harbour SPA were recorded. The non-native invasive species of Japanese Knotweed, Buddleia and Winter Heliotrope were recorded within the site.

14.1.4. Submissions and Observations

The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 8, 9 and 10 of this Report. Submission received from third parties highlight the proximity of the site to Natura 2000 habitats at Douglas Estuary and the potential for impacts on flora and fauna.

14.1.5. Zone of Influence and Potential for Impacts

Figure 2.1 of the NIS shows Natura 2000 sites in the Cork. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a Natura 2000 site. The nearest Natura 2000 sites are the Cork Harbour SPA [Site Code 004030] located c. 60-100 metres to the south of the site at the closest point and the Great Island Channel SAC [Site Code 001058] located c. 4.5 km east of the site at the closest point. There are no other Natura 2000 sites within a 15 km radius of the site.

Section 3.1 of the NIS identifies potential impacts associated with the proposed development taking account of the characteristics of the proposed development in terms of its location and the nature and scale of works proposed, examines whether there are any European sites within the zone of influence, and assesses whether there is potential for a significant effect or effects on any European sites, either alone or in combination with other plans or projects. The site is not located in a Natura

2000 site and as such the potential for direct impacts can be excluded. Having regard to the source-pathway-receptor model the potential for indirect impacts arising due to surface water runoff, waste-water discharge, disturbance / displacement and the spread of invasive plant species needs to be considered. The NIS identifies the need to consider the potential for impacts arising from flooding, however, I have excluded any possibility of risks associated with flooding as the site is not within a flood zone and is at low risk of flooding.

Taking account of the characteristics of the proposed development in terms of its location and scale of works, and the conservation objectives for European sites within the zone of influence, I consider that the following impact mechanisms need to be examined:

Construction Phase

- Surface water run-off from the site that contains silt, sediments and/or other pollutants impacting water quality in downstream Natura 2000 sites.
- Disturbance and displacement of species of qualifying interest of Natura 2000 sites due to disturbance associated with construction activities and increased human activity during the construction.
- Indirect habitat loss or deterioration.
- The potential for the spread of invasive species that would result in habitat loss or damage in downstream locations including Natura 2000 sites.

Operational Phase

- Surface water run-off from the site that contains silt, sediments and/or other pollutants impacting water quality in downstream Natura 2000 sites.
- Foul effluent discharges impacting water quality in downstream Natura 2000 site.
- Disturbance and displacement of qualifying species (inc. collision risk) due to disturbance associated with the transition to the site to urban land use and increased human activity in the area.

14.1.6. European Sites

Summary of European Sites within the possible zone of influence:

Cork Harbour SPA [Site Code 004030]

c. 0.06km south of the proposed development. Discharge Points: surface water sewer discharge within the designated area and WWTP outfall >4.0 km.

CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Qualifying Interests/Species of Conservation Interest: Little Grebe (*Tachybaptus ruficollis*) [A004], Grey Plover (*Pluvialis squatarola*) [A141], Great Crested Grebe (*Podiceps cristatus*) [A005], Lapwing (*Vanellus vanellus*) [A142], Cormorant (*Phalacrocorax carbo*) [A017], Dunlin (*Calidris alpina*) [A149], Grey Heron (*Ardea cinerea*) [A028], Black-tailed Godwit (*Limosa limosa*) [A156], Shelduck (*Tadorna tadorna*) [A048], Bar-tailed Godwit (*Limosa lapponica*) [A157], Wigeon (*Anas penelope*) [A050], Curlew (*Numenius arquata*) [A160], Teal (*Anas crecca*) [A052], Pintail (*Anas acuta*) [A054], Black-headed Gull (*Chroicocephalus ridibundus*) [A179], Shoveler (*Anas clypeata*) [A056], Common Gull (*Larus canus*) [A182], Red-breasted Merganser (*Mergus serrator*) [A069], Lesser Black-backed Gull (*Larus fuscus*) [A183], Oystercatcher (*Haematopus ostralegus*) [A130], Golden Plover (*Pluvialis apricaria*) [A140], Redshank (*Tringa totanus*) [A162], Common Tern (*Sterna hirundo*) [A193] and Wetlands and [A999]

Great Island Channel SAC (001058)

c. 4.5 km east of the proposed development. Discharge points: surface water sewer discharge 5.3 km and WWTP outfall n/a.

CO - To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] and Atlantic salt meadows (*Glaucopuccinellietalia maritimae*) [1330].

14.1.7. Consideration of Impacts on Cork Harbour SPA [Site Code 004030] and Great Island Channel SAC (001058):

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.
- There are no surface water features within the site. During the construction phase surface water from the proposed development will drain, via a private sewer serving the Bessboro lands, to the public stormwater sewer, which in turn discharges to the Douglas Estuary River. The outfall location is within the designated area of the Cork Harbour SPA. The Great Island SAC is c. 5.3 km to the east of the outfall location. The NIS concludes that there is a hydrological connection between the development site and the Cork Harbour SPA via the surface water network and that there is the possibility that surface water runoff containing silt or contaminants could reach the SPA and have effects on the qualifying interests of the site. A precautionary approach is taken in relation to the potential for impacts on the Great Island Channel SAC due to its location within Cork Harbour and the occurrence of tidal inundation onto this site. During the construction phase environmental control measures are to be implemented as part of the project to ensure the appropriate management and control of surface water runoff arising from the development. Construction phase surface water environmental controls are listed as part of the mitigation measures for the project under Section 4.2.1 of the NIS and in the submitted Construction Management Plan. The measures outlined include measures that are intended to reduce or avoid significant effects on QI's of the Cork Harbour SPA and the Great Island Channel SAC. The potential for effects on QI's of these Natura 2000 sites cannot, therefore, be screened out and Stage II Appropriate Assessment is required in respect of the Cork Harbour SPA and as a precaution more distant Great Island Channel SAC.
- During the operational phase clean, attenuated surface water will discharge to the surface water system and Cork Harbour in small and controlled volumes. (See Engineering Services Report). The pollution control measures to be undertaken during the operational phase are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely

significant effects on the qualifying interests the Cork Harbour SPA and the Great Island Channel SPA can be excluded given the distant connection, the nature and scale of the development and the volume of the receiving waters within Cork Harbour (dilution factor).

- The foul discharge from the proposed development would drain, via the public network, the Cork City WWTP before discharging to Lough Mahon. The outfall point is over 4 km from the Cork Harbour SPA. Irish Water have reported some non-compliance at the WWTP in relation to total nitrogen and phosphorous emissions. However, ambient monitoring of the transitional and coastal receiving waters indicate that discharge from the WWTP do not have an observable negative impact on water quality or WFD status of the receiving waters (Irish Water 2019). The NIS notes that the WWTP has significant capacity to accept additional organic loading of 573 PE from the overall development proposed on the applicant's landholding. The foul discharge from the site is negligible in the context of the overall licenced discharge at Cork WWTP, and thus its impact on the overall discharge would be negligible. On this basis, I am satisfied that the potential for significant impacts on the Cork Harbour SPA and the Great Island Channel SAC due to impacts arising from foul discharges from the proposed development can be screened out and this issue does not need to be carried forward for further consideration.
- Direct disturbance / displacement impacts: The designated area of the Cork Harbour SPA is located 60 metres from the proposed sewer upgrade and c. 100 metres from the main development site at the closest points. The SPA is designated for the protection of a range of waterbird species that typically forage and roost along the intertidal mudflats and coastal wetlands or fields. The potential for direct disturbance and / or displacement of waterbird species associated with the SPA due to noise and / or disturbance during the construction and operational phases is considered. The nearest area of waterbird habit (mudflats) associated with this Natura 2000 site is c. 60 metres from the site. The N40 South Ring Road is located between the site and the SPA and the site is screened from the mudflats by a mature treeline. It is considered that the background noise levels associated with the N40 and other existing urban activities will outweigh the noise from the construction

works, particularly for waterbirds / receptors located on mudflats adjacent to the public road. No impacts are envisaged. The potential for light spillage into the SPA is excluded due to the nature and extent of artificial lighting to be installed during construction and operational phases, the level of vegetative screening (tree line) to the south of the site and the buffer provided by the N40 dual carriageway.

- The potential for ex-situ impacts outside of the boundary of the SPA on waterbirds from the Cork Harbour SPA is considered. Disturbance and displacement, including the potential for collision risk is considered. Avian Surveys (Appendix A) were undertaken in on dates in October and November 2020 to determine the potential for waterbirds from the Cork Harbour SPA to utilise the site or commute over the site. The site does not support habitats of ex-situ ecological value for qualifying interest species of the Cork Harbour SPA. The surveys indicated that the site is not used by any qualifying species of the Cork Harbour SPA or any other waterbirds for foraging / roosting. In addition, the site is not of known historical importance for waterbirds. One qualifying species of the SPA – Black Headed Gull - was found to overfly the site during the avian surveys. Local movements of low numbers of this species were recorded on and in the vicinity of the study site. The flight heights observed over the study area were up to 40 m above ground level with 64% >20m above ground. The proposed Blocks are 17.3 m, 20.7 m and 23.6 m above ground level. The NIS states that Black Headed Gulls (along with other water birds) are adept at navigating around urban environments (being commonly associated with the River Lee within Cork City Centre) and will quickly habituate to the presence of new structures and react accordingly. The proposed development will not have aviation lights or other bright lights that might attract or disorientate waterbirds. Given the absence of local waterbird usage of the study site for foraging / roosting combined with the relatively low level of flyovers of the site by local waterbirds, the potential for significant collision impacts as a result of the proposed development are excluded. On the basis of the foregoing the potential for significant impacts on waterbirds that are a qualifying species of the Cork Harbour SPA due to disturbance / displacement / collision effects can be screened out. I consider

that the survey methodology and timing of bird surveys are adequate to support the conclusions of the NIS.

- Site survey has identified the invasive species Japanese Knotweed (high risk), Buddleia (medium risk) and Winter Heliotrope (medium risk) within the site. Japanese Knotweed and Buddleia are listed on the third schedule of the EC (Bird and Habitats) Regulations 2011 and it is an offence to disperse, spread or otherwise cause them to grow in any place. The potential for the spread of invasive species that would result in habitat loss or damage in downstream locations including Natura 2000 sites, is also raised in the NIS. It is noted that there are no watercourses or drains on the site that could act as a conduit for the spread of these species into the nearby Cork Harbour SPA. Therefore, the potential for habitat loss or damage within the SPA due to the spread of invasive species is screened out.

14.1.8. Screening Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the potential for significant effects on two European Sites within the Cork Harbour area as a result of the project individually or in combination with other plans or projects cannot be excluded in view of the Conservation Objectives of those sites, and that Appropriate Assessment is therefore required for the following sites:

- Cork Harbour SPA [004030]
- Great Island Channel SAC [001058]

14.2. Stage 2 Appropriate Assessment

The relevant European sites for Stage 2 AA are the Cork Harbour SPA [004030] and Great Island Channel SAC [001058]. This Stage 2 assessment will consider whether or not the project would adversely affect the integrity of these European sites, either individually or in combination with other plans and projects in view of the conservation objectives for both sites.

AA: Table 2: Qualifying Interests, Conservation Objectives and Potential for Impacts

Cork Harbour SPA [Site Code 004030] c. 0.05km south of the proposed development. Discharge Points: surface water sewer discharge within the designated area and WWTP outfall >4.0 km.	
Conservation Objectives and Qualifying Interests / Special Conservation Interests	Potential Impacts
<p>CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> <p>Qualifying Interests/Species of Conservation Interest: Little Grebe (<i>Tachybaptus ruficollis</i>) [A004], Grey Plover (<i>Pluvialis squatarola</i>) [A141], Great Crested Grebe (<i>Podiceps cristatus</i>) [A005], Lapwing (<i>Vanellus vanellus</i>) [A142], Cormorant (<i>Phalacrocorax carbo</i>) [A017], Dunlin (<i>Calidris alpina</i>) [A149], Grey Heron (<i>Ardea cinerea</i>) [A028], Black-tailed Godwit (<i>Limosa limosa</i>) [A156], Shelduck (<i>Tadorna tadorna</i>) [A048], Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157], Wigeon (<i>Anas penelope</i>) [A050], Curlew (<i>Numenius arquata</i>) [A160], Teal (<i>Anas crecca</i>) [A052], Pintail (<i>Anas acuta</i>) [A054], Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179], Shoveler (<i>Anas clypeata</i>) [A056], Common Gull (<i>Larus canus</i>) [A182], Red-breasted Merganser (<i>Mergus serrator</i>) [A069], Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183], Oystercatcher (<i>Haematopus ostralegus</i>) [A130], Golden Plover (<i>Pluvialis apricaria</i>) [A140], Redshank (<i>Tringa totanus</i>) [A162], Common Tern (<i>Sterna hirundo</i>) [A193] and Wetlands and [A999]</p>	<p><u>Direct Effects:</u> No direct effects due to separation distance.</p> <p><u>Indirect Effects:</u> Potential for indirect effects from wastewater discharge; operational phase surface water discharge; disturbance / displacement; and invasive species screened out above. The potential for indirect impacts on the Douglas River Estuary / Lough Mahon Transition Waterbody in the absence of site specific mitigation measures is identified in the NIS. This waterbody is associated with the SPA. Stage II Assessment required.</p>

Great Island Channel SAC [Site Code 001058] c. 4.5 km east of the proposed development. Discharge points: surface water sewer discharge 5.3 km and WWTP outfall n/a.	
Conservation Objectives and Qualifying Interests / Special Conservation Interests	Potential Impacts

<p>CO - To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p> <p>Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] and Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330].</p>	<p><u>Direct Effects:</u></p> <p>No direct effects due to separation distance.</p> <p><u>Indirect Effects:</u></p> <p>Potential for indirect effects from wastewater discharge; operational phase surface water discharge; disturbance / displacement; and invasive species screened out above. The potential for indirect impacts on the Douglas River Estuary / Lough Mahon Transition Waterbody in the absence of site specific mitigation measures is identified in the NIS. Given the location of the SAC within Cork Harbour in combination with the occurrence of tidal inundation onto this site, a precautionary approach is considered appropriate regarding the potential relevance of construction related run off controls to this site. Stage II AA required.</p>
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14.2.1. Evaluation of Effects

Section 4.2.1 of the NIS and the Construction Management Plan detail mitigations measures to be employed during the construction phase of the proposed development aimed at avoiding significant adverse effects arising from construction related run off. The environmental controls listed in Section 4.2.1 include site specific mitigation measures are proposed to prevent silt laden and contaminated run off reaching the nearby Douglas River Estuary / Lough Mahon Transition Waterbody which is associated with Cork Harbour SPA and in a more indirect way with the Great Island Channel SAC. Specific measures are proposed to avoid sediment erosion and to control sediment run off (silt fencing and cut – off diversion drains). I would note that the NIS refers to the inclusion of Harris fencing on the northern boundary in error and this would appear to relate to the southern site boundary. This issue can be satisfactorily addressed by way of condition in the event that permission is granted. Specific measures are also proposed to control oil and fuel spills from construction plant and equipment and to prevent run off from concrete leaching. The NIS concludes that subject to the mitigation measures outlined any adverse effects on the Cork Harbour SPA [004030] and Great Island Channel SAC [001058] as a result of surface water run are not likely to occur. I consider that the proposed mitigation measures are clearly described, are reasonable, practical and enforceable. I am satisfied that the measures outlined fully address any potential impacts on the Cork Harbour SPA and Great Island Channel SAC arising from the proposed development and that this conclusion can be made on the basis of objective scientific information.

14.2.2. Cumulative and In-Combination Effects

I do not consider that there are any specific in-combination effects that arise from other plans or projects. The NIS considered the combined impacts of the overall development proposal on the applicant's landholding. Given the negligible contribution of the proposed development to wastewater discharge, I consider that any potential for in-combination effects on water quality in the Douglas River Estuary and Lough Mahon water body. Furthermore, other projects within the area which

can influence water quality via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

14.2.3. AA Conclusion:

The proposed strategic housing development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that the likelihood of significant effect on the following sites could not be excluded:

- Cork Harbour SPA [004030]
- Great Island Channel SAC [001058]

14.2.4. 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. 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 integrity of the two European sites listed above, or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects. This is consistent with the findings of the submitted NIS.

15.0 Recommendation

15.1.1. I recommend that permission be refused for the reasons and considerations set out below.

16.0 Recommended Draft Board Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 30th November 2020 by MWB Two Ltd, care of HW Planning, 5 Joyce House, Barrack Square, Ballincollig, Co. Cork.

Proposed Development: The development will consist of the construction of a strategic housing development of 179 no. residential units to be provided in 3 no. apartment buildings ranging in height from 5 to 7 storeys and all ancillary site works. The proposed development includes the construction of 88 no. 1-bedroom apartments, 85 no. 2 bedroom apartments and 6 no. 3-bedroom apartments. The development will include step-down housing and facilities for the elderly in Building A, a creche at ground floor level in Building B and building management facilities including plant and storage areas across all 3 no. apartment buildings. Ancillary site works will include the provision of a substation and switch room and an upgrade of the existing sewer line. The proposed development will provide for new pedestrian and cyclist entrances onto the Passage West Greenway and vehicular access will be via an existing access road off the Bessboro Road. The proposed development also includes communal open space areas, landscaping, under-podium and on-street car parking spaces, bicycle parking spaces, bin stores, public lighting and all ancillary site development works. The application contains a statement setting out how the proposal will be consistent with the objectives of the Cork City Development Plan 2015 - 2021 and the Mahon Local Area Plan 2014. A Natura Impact Statement has been prepared in respect of the proposed development.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

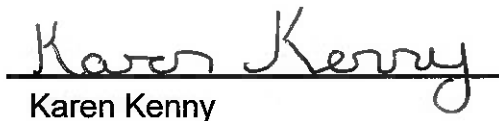
Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

17.0 Reasons and Considerations

1. Having regard to the conclusions of the Fifth Interim Report (2019) and the Final Report (2020) of the Commission of Investigation into Mother and Baby Homes and to the information contained in a written submission received, the Board considers that there are reasonable concerns in relation to the potential for

unrecorded burials within the application site, associated with the former use of the lands as a Mother and Baby Home over the period 1922-1998. The Board considers that it would be premature to grant permission for the proposed development prior to establishing if there are unrecorded burials within the site and the extent of any such burials. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

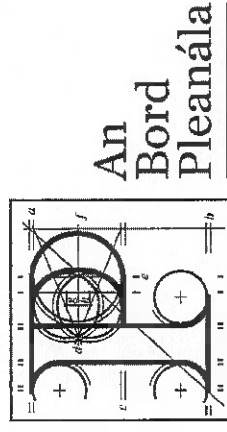


Karen Kenny

Senior Planning Inspector

12th March 2021

18.0 Appendix I EIA Screening Form



EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference

ABP-308790-20

Development Summary

179 apartments and a creche.

Yes / No /
N/A

1. Has an AA screening report or NIS been submitted?	Yes	NIS
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	No
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives -- for example SEA	Yes	Cork City Development Plan 2015-2021 subject to SEA and SFRA.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
		(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			

1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	Not significant in scale in context of the wider City.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	Uses proposed consistent with land uses in the area. Z04 suburban zoning applied. Residential use permitted in principle. No changes to topography or waterbodies.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials used will be typical of any urban development project. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Materials used will be typical of those used in construction activities. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Construction Management Plan. No operational impacts in this regard are anticipated.	No

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Construction Management Plan. No operational impacts in this regard are anticipated.</p> <p>Operational waste will be managed via an operational waste management plan. Foul water will discharge to the public network. No significant operational impacts anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Risks during construction will be mitigated by measures detailed in the submitted Construction Management Plan. No operational impacts in this regard are anticipated.</p> <p>In the operational phase the development will connect to public network.</p>	<p>No</p>

1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Potential for construction activity to give rise to noise and vibration emissions. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Construction Management Plan. No operational impacts in this regard are anticipated.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	Construction activity is likely to give rise to dust emissions and surface water runoff. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Construction Management Plan and in the NIS. No operational impacts in this regard are anticipated.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk having regard to the nature and scale of development. The issue of Flood Risk has been satisfactorily addressed in the submitted FRA. There are no Seveso / COMAH sites in the vicinity of this location.	No

1.10 Will the project affect the social environment (population, employment)	Yes		No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Redevelopment of this site as proposed will result in an increase in residential units within the urban area of Cork City. The anticipated population of the development is small in the context of the wider urban area. No social environmental impacts anticipated.	No
		Yes, overall proposal 246 no. residential units and a creche. Cumulative effects considered in respect of visual / landscape, water and drainage, traffic and NIS.	
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna	No	No. Potential for significant effects on Natura 2000 sites has been screened out. Refer to Section 14.0 of the Inspectors Report.	No

<p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>			
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, overwintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No habitats of species of conservation significance identified within the site or in the immediate environs.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>Site within former demesne landscape, with landscape / historic features and cultural importance. Impact considered in Section 12 of the above assessment. Development considered to be acceptable in context of landscape, historic and archaeological terms subject to conditions.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>

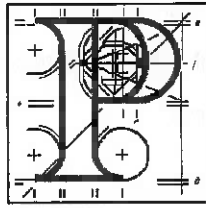
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	There are no open watercourses in the area. The development will implement SUDS measures to control surface water run-off.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No.	No
2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	N40 South Ring Road to the south, Passage Rail Greenway to the east. No impacts envisaged.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	Community facilities existing on wider estate lands. Sensitive uses contained within enclosed sites. No significant impacts are envisaged.	No

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

C. CONCLUSION

No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	
Real likelihood of significant effects on the environment.	No		

An Bord Pleanála



Memorandum

To: Tom Rabbette, Assistant Director of Planning

File Reference: ABP-308790-20

Strategic Housing Development of 179 no. apartments, creche and all associated site works, Bessboro, Ballinure, Blackrock, Co. Cork.

Oral Hearing

The above application for a Strategic Housing Development has been lodged under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016. It is noted that the issue of holding an oral hearing has been raised in two submissions and the relevant fee paid.

In my opinion there is sufficient information on file to allow for a proper and full assessment of the case without recourse to an oral hearing. I also note the observer submissions and the contents thereof.

Section 18 of the Act of 2016 provides that An Bord Pleanála may in its absolute discretion hold an oral hearing. Before deciding if an oral hearing for an application under section 4 should be held, An Bord Pleanála:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

Having regard to the information on file, to the nature of the proposed development and to the location of the development site, I do not consider that there is a compelling case for an oral hearing in this instance.

I therefore recommend that an oral hearing need not be held.


Karen Kenny
Senior Planning Inspector
8th March 2021