



An  
Bord  
Pleanála

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

**Inspector's Report  
ABP-309059-20**

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**Strategic Housing Development**

Demolition of existing structures, 10-year permission for the construction of 1,002 no. apartments, childcare facilities and associated site works.

**Location**

The Former Ford Distribution Site, Fronting on to Centre Park Road, Marquee Road and Monahan's Road, Cork.

**Planning Authority**

Cork City Council

**Applicant**

Marina Quarter Limited

**Prescribed Bodies**

Irish Water  
Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media  
National Transport Authority  
Irish Aviation Authority  
Health and Safety Authority

**Date of Site Inspection**

25/02/2021

**Inspector**

Conor McGrath

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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 application site is located in the South Docks area of Cork City, approx. 2km east of the City Centre at Patricks Street. The site comprises an area of 5.97 ha gross / 3.64 ha net, bounded by Centre Park Road to the northwest, Marquee Road to the southwest and Monaghan's Road to the south. The lands to the east, previously the Showgrounds, are currently being redeveloped as Marina Park by the City Council, while the redeveloped Pairc Ui Chaoimh lies to the northeast of the site. The application site, known as the Former Ford Distribution Site, was used in more recent years for hosting music and cultural events.
- 2.2. The site is generally level, rising slightly to the northeast and is hard surfaced. The site boundaries are generally formed by fencing and scrub vegetation. Structures on the site are limited to an entrance canopy and adjoining industrial shed, and a smaller canopy structure, all located at the southwestern end of the site. There are a number of tall floodlighting structures across the site. To the north, an area of undeveloped lands and the clubhouse of the Lee Rowing Club occupy lands between the application site and the River Lee / Marina Walk.
- 2.3. Centre Park Road and Marquee Road are characterised by mature trees on both sides while there is a future road proposal comprising an extension of Monaghan's Road running along the southeastern boundary of the site. Existing open drainage channels along the northwestern and southeastern boundaries are reflective of the historic reclaimed nature of lands in this area.

## 3.0 Proposed Strategic Housing Development

The subject application seeks a 10-year permission for a strategic housing development comprising the following:

- a) The demolition of existing structures including a single storey building, entrance canopy, pump island canopy, flood lights and the decommissioning/removal of 3 no. underground fuel tanks.
- b) The construction of 1,002 no. apartments (comprising a mix of studio, 1, 2 and 3 bed apartments) in 12 no. blocks, ranging in height from 4 to 14-storeys.
- c) Commercial and community facilities, including 5 no. retail units, 1 no. Montessori school, 1 no. creche, a medical centre, bar, café, venue / performance area, 2 no. community resource spaces and ancillary signage.
- d) Internal and external amenities for residents, and open space / landscaped areas including pocket parks, linear park, residential squares and urban spaces.
- e) Ancillary car, motorcycle and bicycle parking.
- f) A reservation for the construction of the Monahan's Road Extension along the southeastern boundary of the site.
- g) 1 no. internal link road and 2 no. pedestrian streets through the site linking Centre Park Road and the Monahan's Road Extension.
- i) All associated ancillary development works, including storage, plant and management facilities.

An Environmental Impact Assessment Report and a Natura Impact Statement in respect of the development have been submitted with the application.

Development Parameters:

<b>Site Area</b>	<b>4.05ha gross incl linear park and northern plaza</b>	<b>3.64ha net</b>
<b>Proposed dwelling units</b>	1,002 no. units	
<b>Density</b>	275 / ha gross	247 / ha net
<b>Plot Ratio</b>	2.6 :1 gross	2.89:1 net
<b>Public Open space</b>	16% net, comprising pocket parks, plazas and residential squares.	
<b>Dual aspect apartments</b>	Approx. 50%.	
<b>Parking</b>	448 no. Car parking spaces (418 podium & 30 on-street spaces) 2,352 no. cycle spaces (1,851 resident, 501 visitor)	

The mix of unit types is as follows:

<b>Unit Type</b>	<b>No. of Units</b>
<b>Studio</b>	38 (3.8%)
<b>1-bed</b>	312 (31.1%)
<b>2-bed</b>	503 (50.2%)
<b>3-bed</b>	149 (14.8%)
<b>Total</b>	1,002

Residential facilities (1,135.2-sq.m) including Management Suite, Multi-purpose Rooms and gym are provided across the three blocks. Other non-residential uses are described as follows:

<b>Non-Residential Development</b>	<b>Gross Floor Space</b>
Retail (5 no.)	1,166.1-sq.m.
Community Resource	767.4-sq.m.
Childcare facilities (2 no.)	954.2-sq.m.
Medical Centre	484.1-sq.m.
Café	150-sq.m.
Bar	84.2-sq.m.
Venue / Performance area	887.4-sq.m.
<b>Total</b>	<b>4,493.2-sq.m. (5.7 % of cumulative GFA)</b>

The development comprises 12 no. blocks provided over three podium levels across the site, numbered from southwest to northeast, which reflect the phasing strategy for the site. The podiums are separated by public streets / connections running between Centre Park Road and the southeastern boundary of the site / future Monaghan's Road Extension. To the northeast of the site, adjoining The Marina, a fourth podium block is to be provided as part of a separate planning application for a mixed-use development thereon.

Building heights range from four to fourteen storeys. Heights of 11-storeys generally front onto the proposed Monaghan's Road Extension and Marina Park. One fourteen-storey element is proposed in the southeastern corner of the site, at the junction of Marquee Road and Monaghan's Road. Frontage to Centre Park Road is

comprised of eight to 11-storeys and building heights within the centre of the site reduce generally to 7 / 8-storeys.

Parking is provided below podium level open space. Car parking under Podium no. 1 is accessed from Marquee Road, while separate car park access for Podium no. 2 and 3 is provided from the proposed New Link Road / Street B separating those podiums.

The application seeks permission with an extended life of ten years and this is identified in the public notices. The proposed phasing of development is as follows:

- Phase 1 (years 1 – 3.5) will comprise Podium 1, including residential Blocks 1-4.
- Phase 2 (Years 3.5 to 7) will comprise Podium 2, including Blocks 5-8.
- Phase 3 (years 7 – 10) is the final phase, comprising construction of Podium 3.

The provision of commercial, social and community uses, public and communal open space will be phased with the development.

Documentation accompanying the application are listed in Appendix 1 to this report.

#### 4.0 **Planning History**

##### **PA ref. 08/32919:**

Permission granted for a mixed-use development consisting of 12 no. buildings ranging from 1 to 27 no. floors plus mezzanine, on a site comprising the subject application site and the site of proposed Podium 4. The development comprised:

- 560 no. residential units.
- 11 no. retail units including a 768-sq.m anchor store.
- 48,033-sq.m office space.
- Hotel with conference facilities.
- Events Arena with a capacity of approx. 5,000 people.
- Bar / restaurants and cafes.
- Creche, including bookmakers, pharmacy, medical unit and community/civic building.

The development also included the raising of ground levels to +4mOD and provision of 2,207 no. car parking spaces at sub-grade level -1 and -2. An appeal against this decision under ref. PL04.233448 was withdrawn. The life of this 10-year planning permission was extended and now expires on October 12th, 2024.

**ABP ref. PL28. JD.0023**

The Board determined that the proposed development of Marina Park and associated enhancement works in the vicinity of the Atlantic Pond and along the existing Marina, would not be likely to have significant effects on the environment and that an environmental impact statement was not, therefore, required.

The works included demolition of existing structures, the diversion of the existing watercourse and the development of parkland features including playgrounds, lawns, plazas and public open space, on lands adjacent to Monahan's Road (on former Munster Agricultural Society Showgrounds), Marina Park, Cork

**PA ref. 13/35808 ABP ref. PL28 .243384**

10-year permission granted in November 2014 for the refurbishment and expansion of Pairc Uí Chaoimh and for provision of new all-weather pitch and ancillary works as part of the creation of a Centre of Excellence.

**5.0 Section 5 Pre-Application Consultation – ABP-306166-20**

5.1. Pre-application consultation meetings were held with An Bord Pleanála on 07/02/2020 and 24/04/2020 in respect of the development of the subject site. The subsequent Opinion of the Board stated that the documents submitted with the request to enter into consultations required further consideration and amendment. It was identified that the following issues needed to be addressed:

1. Further consideration and / or justification of the development strategy and the implications of the City Docks Area Based Transport Assessment (ABTA) and South Docks Level Strategy.

2. Further consideration and / or justification in respect of site layout and architectural approach, density, design, including heights, massing and materials, connections and permeability, open space strategy and overall Masterplan.
3. Further consideration and / or justification in respect of the requirement for a 10-year permission, the phasing of development and the implication of the Area Based Transport Assessment (ABTA) and South Docks Level Strategy.
4. Further consideration and / or justification in relation to the residential amenities of prospective occupiers.
5. Further consideration and / or justification of the Visual Impact Assessment, in particular the interaction / interface with the public realm along Centre Park Road, Marquee Road and the Monaghan's Road extension.
6. Further consideration and / or justification of the documents are they relate to site specific flood risk assessment and flood management strategy and the implications of the South Docks Levels Strategy

Furthermore, the prospective applicant was requested to submit the following specific information:

1. Rationale for the residential density and housing mix with regard to the City Development Plan and relevant national and regional planning policy.
2. A housing quality assessment and a building lifecycle report for the proposed apartments, including details of all external materials, finishes and durability.
3. (a) A Traffic and Transport Impact Assessment (TTIA).  
(b) A report demonstrating compliance with DMURS and National Cycle Manual.  
(c) A Parking Strategy and Mobility Management Plan.  
(d) A Quality Audit that includes: (i) Road Safety Audit, Access Audit, Walking Audit and Cycle Audit.
4. A Building Height Survey that details existing and permitted buildings in Cork city over 6-storeys in height.
5. An analysis of wind microclimate with reference to pedestrian occupation and usability of new public spaces, and an analysis and assessment of the functionality of the roof top communal spaces.



6. Landscaping proposals including an overall landscaping plan indicating the full extent of tree retention and removal if proposed.
7. A report identifying the likely demand for school and crèche places and the capacity of existing schools and crèches in the vicinity to cater for such demand.
8. Sunlight, Daylight and Shadow Analysis
9. A Noise Impact Assessment and mitigation.
10. Site Specific Flood Risk Assessment.
11. Draft Construction and Demolition Waste Management Plan.

## 5.2. Applicant's Statement

In accordance with Article 297(3) of the Regulations, the application is accompanied by a statement of proposals to address the issues raised in the pre-application consultation opinion. I note the following points from this statement:

### 5.2.1. Response to issues raised under Articles 297 and 298

1. The Cork Metropolitan Area Transport Strategy 2040 (CMATS) and the City Docks Area Based Transport Assessment (ABTA) have been finalised. The proposed scheme accommodates the public transport provisions of these plans including street / corridor width requirements. Car parking has been reduced in line with the ABTA, and an average level of provision of 0.39 / unit is proposed, reducing across each phase of the development.

Regard has been had to the key findings and recommendations Cork South Docklands Levels Strategy (CSDL) and the finished floor levels of the scheme have been agreed with the City Council. Surface water drainage design is in line with the provisions of the strategy.

2. It is stated that a comprehensive Planning Application Design Statement has been submitted, which provides a detailed overview of the development strategy and an overall Masterplan for the site. Net density has reduced to 275 units / ha and a plot ratio of 2.6 is consistent with CDP standards. It is stated that greater variety is achieved in terms of building heights, with improved sunlight to amenity areas, and in respect of building materials and massing. Further detail on permeability and connectivity is provided.

3. Three phases of development are identified and a timeframe for the delivery of supporting on-site infrastructure and community facilities, complimented by external infrastructure provided the Cork City Council and State Agencies.

Given the scale of the development, a 10-year permission is sought. This provides for the delivery of over 100 units per annum and will allow the external infrastructure and community facilities (such as schools) to be delivered in tandem with the residential development.

4. Provision to enhance the residential amenities is stated to include:
  - Additional street level commercial / community uses and services.
  - Non-residential uses have increased to 4,493-sq.m. comprising 5 no. retail units, 2 no. childcare facilities, medical centre, bar, café, venue/performance area and 2 no. community resource spaces.
  - A larger commercial unit and community facility are sited at the local centre.
  - Consultation between the City Council and Department of Education regarding the provision of schools on zoned lands are advanced. Provision of a primary school will be linked to the phasing of the family sized units in the scheme.
  - Additional informal amenities / play areas have been added and connectivity to the Marina Park is improved.
  - A Sunlight / Daylight Analysis has been undertaken to ensure that all residential units and external amenity areas have sufficient sunlight / daylight.
5. It is stated that photomontages and a Landscape and Visual Impact Assessment (LVIA) are submitted, which pay particular attention to the interaction / interface with the public realm along adjoining roads. Active uses and street frontage add vibrancy and vitality to Marquee Road and Centre Park Road, while a landscaped linear park is provided along the Monahan's Road Extension.
6. The Site-Specific Flood Risk Assessment is stated to have regard to the South Docks Levels Strategy.

#### 5.2.2. **Additional information requested under Article 285(5)(b)**

In respect of the additional information requested under Article 285(5)(b), the applicants make the following points:

1. The Density of 275 / ha is appropriate for such brownfield lands. National policy guidance and the city Development Plan promote higher densities on such lands served by public transport.

In relation to Housing Mix, the proposed development accords with the objectives of the City Development Plan and Apartment Design Guidelines.

2. A housing quality assessment and building lifecycle report are submitted.
3. The application includes a Traffic and Transport Impact Assessment (TTIA), a report demonstrating compliance with DMURS and the National Cycle Manual, a Parking Strategy and Mobility Management Plan and a Quality Audit.
4. A Building Height Survey of the city is submitted identifying existing and permitted buildings over 6-storeys in height. The Report concludes that taller buildings on the subject site would fit into the trend for taller buildings in the city.
5. A Pedestrian Level Wind Microclimate Assessment is submitted which concludes that the development would perform well and generate a safe wind microclimate around the entire site.
6. Detailed landscaping proposals, including an overall masterplan for the site are provided, which detail the extent of tree protection, retention and removal. Sections of key interfaces between public open spaces and proposed residential units are provided.
7. Creche demand will be accommodated by facilities provided within the development.

There is capacity within existing primary schools to accommodate the initial phases of the proposed development. The scheme accounts for only 12% of the primary school student capacity of the zoned school sites with the South Docks. Post-primary students can be accommodated within the existing schools until such time as the post-primary school is constructed in the South Docks. The Department of Education is committed to meeting the needs of this area and delivering new education facilities (correspondence attached).

8. A Daylight, Sunlight and Overshadowing Study has been submitted.

9. The Environmental Impact Assessment Report (EIAR) includes details on the Noise Impact Assessment and mitigation measures and concludes that there will be no adverse noise impacts on the local population or on human health.
10. A detailed site-specific Flood Risk Assessment (FRA) is submitted
11. An Outline Construction and Demolition Waste Management Plan is submitted.

Evidence of notification of the identified authorities is included with the application documentation.

## **6.0 Relevant Planning Policy**

### **6.1. National and Regional Policy**

#### **6.1.1. National Planning Framework 2018-2040**

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas.

Activating these strategic areas and achieving effective density and consolidation, rather than urban sprawl is a top priority. A preferred approach would be compact development focussed on reusing previously developed, 'brownfield' land.

Objective 2a targets half of future population growth in the existing five Cities and their suburbs.

Objective 3a seeks to deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements, while Objective 3b further seeks to deliver at least half (50%) of all new homes targeted in the five Cities and suburbs, within their existing built-up footprints.

Objective 8 sets ambitious growth targets for Cork, proposing a c.50% growth in population to 2040. It emphasises compact growth requiring a concentration of development within the existing built-up area, including increased densities and higher building formats.

Objective 13 is that planning and related standards including building height and car parking in urban areas, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objective 35 seeks to increase residential density in settlements, through measures including infill development schemes, area or site-based regeneration and increased building height.

#### **6.1.2. Rebuilding Ireland: Action Plan for Housing and Homelessness**

The plan identifies five pillars for action. Pillar 3: Build More Homes, seeks to increase the output of private housing to meet demand at affordable prices.

The key action is to double housing output over the Plan period aided by measures including infrastructural funding through the Local Infrastructure Housing Activation Fund (LIHAF).

#### **6.1.3. Southern Region - Regional Spatial and Economic Strategy 2020**

The strategy for a strong, resilient, sustainable region, includes measures to strengthen and grow cities and metropolitan areas. Key principles include an adequate supply of quality housing, and regenerating and developing existing built-up areas as attractive and viable alternatives to greenfield development.

RPO 10: Compact Growth in Metropolitan Areas

- a. Prioritise housing and employment in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.
- b. Identify initiatives in Strategies for the MASP areas, which will achieve the compact growth targets on brownfield and infill sites at a minimum and achieve the growth targets identified in each MASP.

Cork MASP Policy Objective 1, includes

- b. To promote the Cork Metropolitan Area as a cohesive metropolitan employment and property market where population and employment growth is integrated with:
  - (i) the city centre as the primary location at the heart of the metropolitan area and region reinforced by;

- (ii) the continued regeneration, consolidation and infrastructure led growth of the city centre, Cork City Docklands, Tivoli and suburban areas,
- (iii) active land management initiatives to enable future infrastructure led expansion of the city and suburbs and

Cork MASP Policy Objective 2, includes

- b. Seek investment to achieve the infrastructure led brownfield regeneration of the Cork City Docklands and Tivoli as high quality, mixed use sustainable waterfront urban quarters, transformative projects which set national and international good practice standards in innovation, green and quality design, exemplary urbanism and place making.

Cork MASP Policy Objective 8: Key Transport Objectives (subject to CMATS)

- d. East-West Light Rail Public Transport Corridor: From Mahon to Ballincollig via the City Centre. The corridor requires development consolidation at appropriate nodal points for a high-capacity service.
- f. Core Bus Network: A comprehensive network of high frequency bus services operating on a core radial and orbital bus network as provided for in CMATS.
- g. Delivery of the Cork City Centre Movement Strategy 2018-2024.
- i. Implement and further develop upon the Metropolitan Area Cycle Network Plan 2017, invest in infrastructure to support the integration of the cycle networks, improve and develop primary, secondary and feeder cycle networks.
- l. Other Strategic Road Priorities will include implementation of City Centre Movement Strategy, Cork Docklands and Tivoli Docks bridge (South Docks Eastern Gateway Bridge, Mill Road) and road infrastructure (South Docks and North Docks Roads, Tivoli Access).

Cork MASP Policy Objective 9: To seek delivery of ...(including).

- k. Cork City Docks and Tivoli Bridge and Street Infrastructure (including Eastern Gateway Bridge) Cork Docklands infrastructure is a key enabler for Cork under the NPF.

Section 7.1 notes that the redevelopment of the North and South Docklands and Tivoli is one of the most significant urban regeneration schemes in Ireland. The City Council are seeking to regenerate the brownfield site as a sustainable, vibrant,

mixed use socially inclusive quarter, an extension of the city centre, capitalising on its waterside setting, access to city centre and public transport networks.

Cork Docklands are key to unlocking the travel demand for the proposed Light Rail system and will greatly enhance the potential for high-density mixed-use development in Docklands. Infrastructure Priorities for the docks include:

- Eastern Gateway Bridge, upgrades to Monahan Road, Centre Park Road and bridge approach roads, PT provision, transition area junction upgrades.
- Flood relief measures.
- Marina Park, Kennedy park, quayside amenities.
- Education and health infra.
- Potential Brownfield Site remediation.

#### 6.1.4. **Cork Metropolitan Area Transport Strategy (CMATS)**

CMATS is a Tier II Regional level plan, directly informed by national level policies, including the NPF. The strategy supports the delivery of the 2040 population growth target for the Cork Metropolitan Area. It provides the opportunity to integrate new development at appropriate densities with high-capacity public transport infrastructure in conjunction with more attractive walking and cycling networks and associated public realm improvements.

Key transport growth enablers are identified, including the delivery of large-scale regeneration projects for employment, housing and infrastructure in the docklands.

The provision of a Light Rail Tram system for the corridor between Ballincollig and Mahon, serving CIT, CUH, UCC, Kent Station, Docklands and Mahon Point meets the long-term objective for the metropolitan area for an east-west mass transit, rapid transport corridor and will unlock key development areas such as the Docks. In advance of its development, and to allow the consolidation of development to support its delivery, it is intended to serve this route with a high frequency bus service and to develop bus priority measures along the route, to enable a high level of performance in advance of its transition to light rail.

(Note: Contracts for initial route selection and design of this light rail project were awarded in August 2020.)

The proposed road network includes the South Docklands Access Roads. The Eastern Gateway Bridge will provide a key multi-modal access to the South Docks. Centre Park Road and Monahan's Road will need to be upgraded to accommodate increased demand by public transport, walking and cycling. Bus lanes are proposed for Monahan's Road and segregated light rail transit is proposed on Centre Park Road.

Significant improvements and expansion of the bus network are identified, including core radial routes between Mahon and Apple (Hollyhill) and Blarney / Tower, and routes utilising the proposed Eastern Gateway Bridge.

## 6.2. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the report of the Chief Executive, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities.
- Urban Development and Building Heights, Guidelines for Planning Authorities.
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual').
- Design Manual for Urban Roads and Streets (DMURS).
- National Cycle Manual.
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices').
- Childcare Facilities – Guidelines for Planning Authorities.
- Retail Planning Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.

## 6.3. **Local Policy**

### 6.3.1. **Cork City Development Plan 2015 - 2021**



The Core Strategy notes that the delivery of Docklands development is critical to the city achieving its population and employment targets and to the CASP strategy.

The application site is primarily zoned ZO16 Mixed Use Development and ZO9 Neighbourhood Centre. An area of land along the southeastern edge of the site is zoned Z014 Public Open Space.

Objective ZO16 promotes the development of mixed uses to ensure the creation of a vibrant urban area, working in tandem with the principles of sustainable development, transportation and self-sufficiency. Residential development is permitted on this zoning. The plan states that a vertical and horizontal mix of uses should occur where feasible, including active ground floor uses and vibrant street frontage on principle streets.

Objective ZO9 'Neighbourhood Centre' seeks to protect, provide for and/or improve the retail function of neighbourhood centres and provide a focus for local services. The stated purpose of these centres is to fulfil a local shopping function, providing a mix of convenience shopping, lower order comparison shopping and local services to residential and employment areas. Residential use is permissible.

Objective Z14 seeks to protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space for alternative purposes, including public open space within housing estates.

#### Objective 5.1 Strategic Transport Objectives (include)

- a. Provide for greater consolidation within the City Centre, Docklands, Key Development Areas and Strategic Corridors, facilitated through the integration of landuse and transport planning, investment and service provision.
- d. To encourage and facilitate cycling and walking for short / local trips by providing appropriate infrastructure, "soft-measures" that influence change in transport behaviour, and by encouraging proximate, compact landuses.
- f. To develop a Bus Rapid Transit system from Ballincollig to Mahon via the City Centre and Docklands.
- i. To provide new local roads, streets, upgraded streets, and pathways where required to increase connectivity.

#### Objective 5.17 Additions to Local Street Network

- a. Eastern Gateway Bridge – connecting Lower Glanmire Road to Monahan’s Road.
- e. Redevelopment of Centre Park and Monahan’s Road.

Objective 13.25 identifies aims for the Docklands.

- a) To promote the development of the North and South Docklands as major development opportunities of regional and national importance.
- b) Review the South Docks LAP.
- c) Support the upgrade of recreational and amenity facilities at Marina Park, Pairc Ui Caoimh and Monahan Road over this Plan period.
- d) Work with key stakeholders to overcome barriers to development of South Docks.

Section 13.64 notes that the lack of progress on the permitted development on the subject site (08/32919) was related to the economic recession, the lack of funding for transport and other infrastructure and the failure of Port activities to relocate.

Section 13.90 notes the building height strategy of the South Docks LAP. A general building height of 5-6 storeys with an additional setback storey has been established for the bulk of the area, with higher buildings (6-7 storeys with an additional storey setback) in the Neighbourhood and District Centres. Specific locations for tall buildings and local landmark buildings are identified.

16.14 identifies an indicative net plot ratio of 1.5 – 2.5 for the docklands area. Plot ratio is noted to be secondary to other built form and planning considerations and should not be used to justify a particular built form as qualitative standards will be overriding considerations. A key assessment of proposals is their context and fitting in with the existing pattern of development.

Paragraphs 16.25-26 and 16.34-38 relate to requirements for tall buildings. Cork’s tallest strategic landmark building should be that proposed for the Eastern gateway in the South Docks area (Podium 4).

16.25 The following building height categories are identified:

- Low-rise buildings (1-3 storeys in height);

- Medium-rise buildings (less than 32m in height, 4-9 stories approx.).
- Tall buildings (32m or higher, approx. equivalent of a 10-storey building).

### Dwelling Size Mix

Objective 6.8 Housing Mix: To encourage the establishment of sustainable residential communities by ensuring a mix of housing and apartment types, sizes and tenures is provided.

Section 16.45 states that whilst it is the long-term objective to ensure that half of dwellings in Zones 1 and 2 are 3-bed+ (family-sized units) it is considered more realistic to apply lower targets in the medium term and to increase the size of units to ensure that they are attractive dwellings for all household types. An extract from Table 16.4, Indicative Targets for Dwelling Size and Distribution, is set out below.

Dwelling type	House size	Zone 1 & 2 and all Apartment schemes
1 Person	1 Bed	Max 15%
2 Person	2 Bed	Max 50%
3 Person	3 / 3+ Bed	Min 35%

#### 6.3.2. **South Docks Local Area Plan 2008** (Note; this plan was extended until 2018).

The site is located within Precinct 16 – Marina, wherein development parameters include maximum gross plot ratios of 2.5:1 and achievement of 60% residential mix. The block is predominantly zoned Mixed use, with Neighbourhood Centre use on the Centre Park frontage.

Identified building heights are mixed, with 50% of buildings being 6/7-storeys plus set-back, while provision is made for one landmark building to the north of the subject site (phase 4) and a focal building at the Marquee Road – Monaghan’s Road junction.

#### 6.3.3. **Supplementary Development Contributions Scheme - Cobh/Midleton - Blarney Suburban Rail Project**

The site lies within the area subject to the Suburban Rail Supplementary Development Contribution Scheme. This project will consist of works and provision of rolling stock associated with:

- reopening of, and operation of suburban services on the Cork-Midleton line.
- provision of new services between Cork and Blarney (Mallow).
- upgrading of rolling stock and frequency on the Cobh line.

#### **6.4. Applicant's Statement of Consistency**

6.4.1. In accordance with the requirements of Section 8(1)(a)(iv) of the 2016 Act, a Statement of Consistency with local and national policy has been submitted with the application. Furthermore, a statement indicating why permission should be granted, notwithstanding that the proposed development materially contravenes the development plan other than in relation to the zoning of land, having regard to section 37(2)(b) of the Act of 2000, has also been submitted. This material contravention statement refers to contravention of the City Development Plan in respect of building height and apartment design.

6.4.2. The statement of consistency considers compliance with the following national, regional and local planning policy and guidance documents:

- Project Ireland 2040: National Planning Framework (2018).
- Rebuilding Ireland: Action Plan for Housing and Homelessness (2016).
- Southern Regional Assembly: Draft Regional Spatial and Economic Strategy (2019) {sic}.
- Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (May 2009).
- Urban Design Manual – A Best Practice Guide 2009.
- Design Manual for Urban Roads and Streets (DMURS) 2013 {sic}.
- 2018 Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2018.
- Urban Development and Building Heights Guidelines for Planning Authorities, 2018.
- Childcare Facilities Guidelines, June 2001.

- The Planning System and Flood Risk Management, Guidelines for Planning Authorities 2009

In summary, the statement notes the following:

- Development of this brownfield site is consistent with the objectives of the NPF.
- The development contributes to the targets set in Rebuilding Ireland and accords with the principles and criteria set out in the Sustainable Urban Housing Development in Urban Areas Guidelines and the Urban Design Manual.
- There is compliance with the principles set out in DMURS.
- The statement assesses the development against the criteria set out in the Urban Development and Building Height Guidelines 2018.
- In respect of SPPR3, it notes that extensive discussions have taken place with the planning authority regarding building heights.
- Childcare provision accords with the provisions of the Childcare Guidelines.
- A detailed Site-Specific Flood Risk Assessment is provided in accordance with the Flood Risk Management Guidelines.
- The statement confirms compliance with RPO 4, 7 and 8 of the Regional Spatial and Economic Strategy.
- A net residential density of 275 units / ha accords with the Guidelines on Sustainable Residential Development and the City Development Plan.
- The development provides a range and mix of dwelling types and sizes to meet the needs of the area, in accordance with County Development Plan Objective HOU 3-3 {sic}.
- The layout and design is based on the principles and 12 design criteria of the Urban Design Manual. A detailed Design Statement has been submitted.
- The scheme is consistent with Apartment Design Guidelines and a high-quality layout and design is achieved, based on a mix of high-quality apartments in a quality neighbourhood area and the sustainable development of the docklands area which prioritises pedestrians and cyclists.
- In terms of Landscape and Amenity and Sustainability, the scheme is based on the principles and criteria of the Urban Design Manual and a detailed Design Statement is submitted. The proposed apartments are consistent with Apartment

Design Guidelines. High-quality landscaping and amenity areas help create an attractive residential development. A high-quality design makes efficient use of land and provides dwellings which can be adapted to meet resident's future needs.

6.4.3. In terms of Local Planning Policy, the statement notes the following points:

Cork Metropolitan Area Transport Strategy (CMATS), 2019.

- The location on key future public transport routes, and proximity to the city centre and Blackrock / Mahon, will support the objectives of the strategy.
- Reduced parking provision will encourage use of other modes.

Cork City Development Plan, 2015-2021

- The location of the site supports the transport objectives of the plan.
- Strategic residential objectives of the plan are complied with, as well as provisions relating to density and housing mix.
- The development is stated to comply with the objectives for inclusive Neighbourhoods.
- Landscaping proposals meet development plan objectives for trees and woodland, and open space and recreational amenities.
- Environmental Infrastructure and Management objectives are met in terms of drainage and air and light emissions.
- The proposed mix of uses is consistent with the land use zoning objectives.
- The development management criteria and objectives of Chapter 16 are met.
- A plot ratio of 2.6 is marginally higher than the range of 1.5 – 2.5 provided for in the plan, however, plot ratio is identified as a secondary planning consideration.
- The development plan apartment specifications have been superseded by the 2018 Apartment Design Guidelines.

South Docks LAP 2008

Notwithstanding that the LAP has expired, the Statement of Consistency identifies compliance with the plan in respect of the following:

- Land use zoning objectives.

- Infrastructural objectives for the area, including transport. Funding has been secured for critical infrastructure including the Eastern Gateway Bridge.
- Street layout and connectivity.
- Seveso sites to the east of the site have since been relocated.
- While the housing mix standards in the LAP are not achieved, there is compliance with current apartment guideline standards.
- Objectives for social and community uses and other non-residential uses.
- Objectives relating to High Quality Design Principles and higher densities.
- The site has been identified as suitable for increased building height.
- The landscape and visual assessment considers the protection of views and vistas.
- The open space and public realm objectives of the LAP.
- Flooding and drainage objectives.
- Issues of contamination are addressed.
- The development is designed to be NZEB compliant.
- The specific objectives identified for this area, the Marina Precinct.

#### 6.5. **Material Contravention Statement:**

The statement accompanying the application notes that the proposed development is considered to materially contravene the Cork City Development Plan in respect of:

- i. the height of the proposed buildings and
- ii. apartment design (size and floor to ceiling height).

In both instances, the statement notes that national guidance has changed since the adoption of the Development Plan in 2015 and makes the following points:

Height:

- The Development Plan identifies the South Docklands as an appropriate location for Tall Buildings.
- As the site has not been specifically identified for a tall building, development would be limited to 'Medium-Rise' buildings, defined as < 9 storeys / 32 m.
- The proposed buildings range in height from 4 to 14 storeys with 11 of the blocks being 32m or higher, and therefore classed as Tall Buildings in the Plan.

- Regard is had to the provisions of the NPF and the RSES.
- The design approach responds to the distinct qualities of this former industrial site which benefits from high levels of public transport accessibility, consistent with SPPR 1 of the Building Height Guidelines.
- Significant investment has been committed to transport infrastructure in this area.
- The statement considers the development in the context of the criteria set out in section 3.0 of the Building Height Guidelines, at the scale of the relevant city / town, the district / neighbourhood / street and the site.
- In addition, the statement refers to other assessments undertaken, including microclimate assessments and other assessments as part of the EIAR.
- It concludes that the proposed development meets all of the relevant development management criteria set out under the Building Heights Guidelines.
- It notes that Section 3.2 of the Guidelines state that where “such criteria are appropriately incorporated into development proposals”, SPPR 3 shall apply in accordance with Section 28 (1C).

#### Apartment Size and Ceiling Heights

- Apartment design complies with the 2018 Apartment Design Guidelines.
- The Cork City Development 2015 was adopted prior the publication of the Design Standards for New Apartments Guidelines for Planning Authorities, 2018
- The apartments therefore fall below the minimum standards of the City development plan for floor area, private amenity space, and floor-to-ceiling heights.
- Compliance with the 2018 Apartment Design Guidelines is the key justification for contravening the City Development Plan in this regard.

#### Statement in Relation to the Material Contravention of the Development Plan:

The statement argues that permission should be granted for the proposed development in accordance with S.37(2)(b)(i) and (iii) of the 2000 act, as amended.

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

It is argued that the status of the development as a Strategic Housing Development confirms the strategic importance of the current application, as



confirmed by the location within the South Docklands which is identified as being of regional and national importance in the City Development Plan.

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

It is argued that permission should be granted as the proposed development is designed in compliance with the current National Guidelines which take precedent over the Cork City Development Plan 2015.

## **7.0 Planning Authority Submission**

7.1. In accordance with Section 8(5)(a) of the Act, the Chief Executive's report was received on 25<sup>th</sup> February 2021. This report contains:

1. The Chief Executive's views on the proposed development.
2. The opinion of the planning authority with regard to consistency with the relevant development plan or local area plan and a statement as to whether the authority recommends to ABP that permission should be granted or refused.
3. Copies of internal technical reports.
4. Recommended conditions in the event that the Board decide to grant permission for the proposed development.

## **7.2. Views of the Chief Executive.**

7.2.1. A draft City Development Plan is currently being prepared and will be published for public consultation in June 2021. Studies being prepared to inform the plan include:

- Cork City Urban Density, Building Height and Tall Building Study.
- South Docks Drainage Study (Final Draft December 2020)
- City Docks Area Based Transport Assessment (ABTA) May 2020.

7.2.2. At a meeting in February 2021, elected members raised the following issues:

- Concern regarding the delivery of the ancillary services.
- Concerns regarding the overall design, scale and density of development, which does not reflect the quality of the location.
- The lack of character and sense of place and precedent for further development in the South Docks.
- Deficiencies in the public realm and public open spaces.
- Deficiencies in transport, connectivity and parking provision.
- Prematurity pending an updated LAP for the area.
- Clarity is required with regard to Part V and affordability.
- The extent of consultation undertaken with local residents / representatives.
- Relationship with Seveso sites.
- Welcome for the development, which will have positive impacts for the area.
- Questions regarding the social audit and assessment of school and childcare capacity.
- Deficiencies in basic community fabric.
- Provision for disabled parking.
- Concern with regard to the 10-permission sought and market impacts.
- Potential role of the LDA in the area.

7.2.3. Planning Assessment:

Zoning / Principle of development:

- The development complies with National and Regional planning policy.
- The proposed mix of uses broadly complies with the land use zoning objectives.
- The emerging land use policy is that this area of the docklands (Polder Quarter) would be predominantly residential in nature.
- Additional non-residential uses would be desirable, and the adjoining site (Podium 4) would be appropriate in this regard.
- The location of non-residential uses fronting adjoining roads is successful and the neighbourhood centre contains a good mix of uses. Further neighbourhood uses could be provided on the zoned lands to the north of Centre Park Road.

## Urban Design / Architectural Assessment

- The configuration of blocks is successful.
- The layout creates a successful series of spaces, with visual linkages and light penetration, permitting taller buildings on the southeastern periphery.
- Building heights can be accommodated due to the location of the site.
- The architectural language is consistent, with a strong vertical emphasis. The elevational treatment provides a civic scale particularly adjoining the park.
- The extensive use of brick is welcome and the proposed roof profiles act as part of the collective memory of the former docklands.
- The design may not act as a precedent for similar heights across the docklands.

## Density

- The emerging height and density strategy for the area is not yet concluded but it is likely to be of a higher range given the characteristics of the area.
- The plot ratio of 2.75:1 exceeds the maximum plan standard of 2.5:1 and would require exceptional justification.
- This plot ratio is undesirable and if applied across the docklands area would impact on infrastructure carrying capacity.
- The proposed density is higher than that required to support the LRT proposals.
- This location fronting a key public space is not unique in the docklands and is not an exceptional design generator justifying this higher density.

## Building Height Strategy

- Building heights exceed the 2008 LAP strategy, which was developed as a coherent masterplan, consistent with the approach of the Building Height Guidelines.
- Reduced heights in the centre of the blocks would improve residential amenity by means of enclosure, mitigating overbearance, day / sunlight / overshadowing.
- Frontage to Marina Park would benefit from variation in the proposed 11-storey heights through some lower buildings, and additional massing and design inputs.
- Impacts on Centre Park Road and lands to the north in terms of Daylight, Sunlight and Overshadowing should be considered.
- The proposed 14-storey block is inconsistent with current planning policy.

- A new policy context will be set in the Urban Density, Building Height and Tall Building Study.

#### South Docks Drainage Study

- The landscape design rationale is not clear.
- The design approach for Marquee Road is not sufficiently strong for this proposed Green Corridor between the LRT and Marina Park and the accommodation of all uses thereon.
- A placemaking strategy for this important route should be undertaken.
- The Centre Park Road street corridor complies with policy requirements.
- This study is not yet finalised. While further work is required regarding residual flood risk, certain recommendations have been accepted in principle.
- The minimum recommended flood defence floor levels are met / exceeded.
- The treatment and transition in levels between the development and Marquee Road and Centre Park Road is successful.
- The treatment of Monaghan's Road Extension is less successful due to the additional level differential.
- Issues raised in relation to pedestrian crossings on Monaghan's Road Extension and proposed planting in this area will be considered as part of the Monaghan's Road Extension design process being undertaken by the City Council.

#### City Docks Area Based Transport Assessment (ABTA)

- ABTA was finalised in May 2020 and sets ambitious modal split targets.
- Proposed parking provision is compliant with the ABTA policy framework.
- Pending provision of the LRT, ABTA envisages local bus services followed by high quality bus network. A bus route along Centre Park Road is being investigated.

#### Residential Amenity

- The mix of housing units accords with the Apartment Design Guidelines.
- A HDNA assessing housing need and mix in the docklands has not yet been completed.
- The low level of provision of 3/4-bed units (15%) limits the sustainability of the proposal, contrary to Objective 6.8 of the development plan. A viable target for 3-4-bed units is 25% and this may be subject to condition.

- The arrangement of long internal corridors, requiring artificial lighting, would be more suited to the Build-to-Rent model, and raises potential for anti-social behaviour.
- The absence in some apartments of an internal hall / lobby between living space and corridors raises issues of security / privacy.
- The Planning Policy Report raises concerns with regard to the completeness of the assessment of Daylight, Sunlight and Overshadowing in only assessing ADF.

#### Open Space Strategy

- The quantum and distribution of open space accords with the Development Plan.
- Streets and pathways provide a high quality, attractive public realm, as a valuable extension to open spaces and parks, with appropriate planting and linear parks.
- The area is well served by amenities. Access to Marina Park will be provided by a signalised crossing of Monaghan's Road Extension and later via an underpass as part of the development of Podium 4.
- Active recreational needs should be accommodated on-site, possibly in the form of a roof-top MUGA.

#### Drainage / Flood Risk Assessment / Water Services

- No objections subject to conditions.
- In respect of the submission of the DAU, there is no requirement to design for a higher flood level at this time. Any requirement for future flood barriers would be for the wider Cork City and not just the docklands.
- With regard to potential contaminant pollution, compliance with EIAR mitigation measures and CIRIA guidance is recommended.

#### Traffic and Transportation & Road Design

- The development is aligned with ABTA objectives for the area.
- Modal shift is dependent on public transport infrastructure implementation and a robust MMP.

#### Social and Community Infrastructure & Childcare:

- The Dept. of Education has committed to providing schools to meet need in the area and the City Council has committed to providing zoned lands for educational purposes via a Draft S.247 agreement.
- The level of childcare is assessed by Cork City Childcare as satisfactory.

- The Board should consider whether the level of provision will be sufficient to meet the likely childcare demands of the development.

#### Part V

- While there was previous agreement in principle, following a review of costings the purchase of 10% of units may not be feasible and an alternative method of provision may need to be considered.

#### LIHAF Funding

- The development will benefit from funding of adjoining infrastructure.
- A S.247 agreement to provide below cost rental accommodation should be included as a condition in any grant of planning permission.

#### Archaeology:

- Conditions recommended.

#### Fire Officer:

- Issues identified include the control of a car park fire and design of the lift system with connectivity through to the residential blocks, which may require modifications to the development.

#### Natural Heritage

- No objection subject to implementation of the EIAR mitigation measures in full. AA screening and Appropriate Assessment is a matter for An Bord Pleanála.

#### Conclusion:

The development accords with national policy guidance and the general strategy and zoning objectives for the lands. It is generally compliant with the emerging strategy for the area and is welcomed as the first residential development at the eastern end of the docklands, which can make a significant contribution to addressing housing demand in the city. Subject to the following, the development is considered to be acceptable in principle.

- The development would require exceptional justification for exceedance of the density standards of the development plan, given the precedent it would set for development in the area.

- A reduction in heights would achieve the density targets and improve the daylight, sunlight, overshadowing of courtyard spaces.
- Further work is required for streets and spaces to meet the needs of pedestrians and users, and placemaking, particularly along Marquee Road.
- Rooftop MUGA facilities should be considered.
- Compliance with LIHAF Memorandum of Understanding will be required.

7.2.4. Recommendation:

That permission be granted subject to recommended conditions.

7.2.5. Internal Reports:

Copies of internal and associated technical reports are provided including:

- Planning Policy Section
- City Architect
- Parks and Landscape
- Drainage Section
- Water Services
- Traffic Operations
- Urban Roads and Street Design (Planning)
- Infrastructure Development Directorate
- City Archaeologist
- Environment
- Heritage Officer
- Fire Officer
- Housing Directorate
- Additional Report: Cork City Childcare

7.2.6. **Recommended Conditions:**

The planning authority identify 52 no. conditions to attach to any decision of the Bord to grant permission in this case. These include the following:

3. At the intersection between Monaghan's Road Extension and Marina Park (At the signalised crossing to Marina Park) a transition zone shall be provided to take account of the difference in levels between the proposed road and park to ensure universal access.
4. Provision for active recreation (e.g. MUGA) shall be made on the roof-top of one of the blocks.
5. Additional details of the Marquee Road Street shall be submitted to provide for a place making strategy for the street and enhancement of the Green corridor on the western side of the road.
6. A S.47 Agreement shall be submitted of the LIHAF Low-Cost Homes Strategy in accordance with the Memorandum of Understanding signed with the city council.
13. The precise road configuration of Centre Park Road, Monaghan's Road and Marquee Road shall be agreed. The developer shall deliver all aspects of transportation infrastructure within the red line boundary of the site on said road.
18. Omit on-street parking on Marquee Road and the New Link Road to enable the achievement of DMURS objectives. Flexible loading / set-down areas should be provided.
20. The development shall provide 1,851 residential bicycle parking spaces and 501 no. visitor bicycle parking spaces, of which 300 visitor spaces should be at surface / ground level.
27. Details regarding the maintenance of proposed attenuation tanks located within the public realm shall be agreed. The boundary of areas to be taken in charge should be revised or the tanks should be relocated.
32. Final pile and drainage / manhole / tank details should be submitted including details of measures to prevent groundwater upwelling where breach of the aquitard layer occurs.
34. In addition to mitigation measures identified in the EIAR and Construction Management Plan, works shall be managed in accordance with identified CIRIA guidance.
37. An Emergency Management Plan for flood events shall be agreed.



41. Engage with Cork Airport and the IAA to undertake a preliminary assessment of potential impacts on instrument flight procedures and communications, navigation and surveillance equipment.
42. Obstacle lighting.
- 45 b) Handling and disposal of asbestos in accordance with HSA guidelines.
  - c) Specialist asbestos survey and report, to include remedial measures.
47. Site investigations in respect of land contamination and preparation of a report and identified remedial measures for approval.
51. Sufficient measures for oil interception and avoidance of groundwater contamination, with monitoring by an environmental clerk of works.
52. The Construction and Demolition Waste Management Plan shall be revised to ensure the maintenance of adequate waste disposal records.

## 8.0 Prescribed Bodies

### 8.1. Notified Bodies

- 8.1.1. On foot of the opinion of the Board at pre-application consultation stage, the following authorities were to be notified in the event of the making of an application:
  1. The Minister for Culture, Heritage and the Gaeltacht.
  2. The Heritage Council.
  3. An Taisce.
  4. Irish Water.
  5. National Transport Authority.
  6. Transport Infrastructure Ireland
  7. Irish Aviation Authority.
  8. The Operator of Cork Airport.
  9. Cork City Childcare Committee

In addition, at application stage the Board referred the application to the Health and Safety Authority.

## 8.2. Submissions Received

### 8.2.1. Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit):

There are four potential conservation impacts:

(a) An increased need for future flood relief works affecting mudflats in the SPA.

An indirect effect may be a future requirement to raise existing flood defences to protect development in the area. It appears, however that such works should be assessed at plan level rather than for this individual project, which itself would not drive the need for such works. Such sea level rises may themselves reduce the suitability of existing intertidal mudflats for shorebirds.

(b) Pollution due to release of contaminants from site preparation and construction.

The excavation and / or treatment of contaminated soil / subsoil may result in discharges which increase hydrocarbon or heavy metal levels in the downstream wetlands or SPA mudflats. There is insufficient reasoning in the NIS regarding the risk and mitigation for this potential impact, and reference must be made to the EIAR for this information.

Given the nature of the identified contaminants, the potential for dilution is not clear and they may potentially concentrate impacts on the Atlantic Pond and Lower Lee Estuary, affecting birds that use them. It is recommended that the Board ensure that there are sufficient measures for oil interception during site excavation, and for avoidance of groundwater contamination, and sufficient environmental monitoring by an environmental clerk-of-works.

(c) Increased recreational disturbance due to increased population.

Development in this area may increase pressure for both nocturnal lighting and walking along the existing walkway between Blackrock Castle and Passage West adjacent to the SPA. Potential impacts on birds should be assessed before a decision is made to introduce lighting. The Board needs to consider whether this is a matter for assessment as part of the walkway upgrade works, or if it should form part of an in-combination assessment for this development.

(d) Infilling of lands within European Sites

The Construction and Demolition Waste Management Plan should be revised prior to the excavation of the site to avoid waste arising being used for unauthorised infilling of lands within European sites.

#### 8.2.2. Irish Aviation Authority

A preliminary assessment should be undertaken of potential impacts, including construction cranes, on instrument flight procedures and equipment at Cork Airport. In the event of a decision to grant permission, the applicant should be conditioned to agree an obstacle lighting scheme for structures on the site and provide prior notification of proposed crane operations.

#### 8.2.3. Irish Water

The applicant has been issued with a Statement of Design Acceptance for the development and standard conditions are recommended to attach to any grant of permission.

#### 8.2.4. National Transport Authority

- Delivery of CMATS is a critical objective in the RSES and the Cork Metropolitan Area Strategy Plan (MASP).
- This location is expected to benefit from improved bus services in coming years.
- CMATS proposes a light rail line in this locality, which is at route option and analysis stage.
- An interim high frequency bus service and bus corridor priority measures along the alignment of the light rail line is required in the short to medium term.
- The Cycle Network Map identifies a number of routes in the vicinity of the site and the Passage Railway Greenway Improvement Project is underway.
- CMATS Implementation Plan includes provision for the Docklands and Tivoli Road Network and Bridges, and schemes being progressed by the City Council include the Monahan's Road Extension Project.
- The provision of higher density development in this area complements CMATS' land use priorities.

- There is a need for a high-quality public realm, walking and cycling environment and associated permeability with the surrounding area and public transport, walking & cycling networks and services.
- In the event of permission being granted, conditions should require consultation with the City Council and NTA on detailed design of the associated local road network improvements and pedestrian and cycle access arrangements.

#### 8.2.5. Health and Safety Authority

In respect of the lower tier COMAH establishment, *Gouldings Chemicals*, at Centre Park Road, the Authority does not advise against the granting of planning permission in the context of Major Accident Hazards.

### 9.0 **Assessment**

I consider that the main issues arising for consideration under this heading are:

- Land use and Development Principle
- Life of Permission Sought
- Material Contravention
- Design and Layout
- Residential Amenity
- Microclimate
- Roads and Transportation
- Site Contamination

Issues of Environmental Impact Assessment and Appropriate Assessment are considered separately below, although there is overlap between these headings.

#### 9.1. **Land Use and Development Principle**

- 9.1.1. The proposed development comprises 1,002 no. dwelling units, plus additional residential facilities, and approx. 4,493-sq.m. of other mixed uses. The development exceeds 100 no. residential units and the overall floor area of other uses on the site does not exceed 15% of the overall floor area or a maximum of 4,500-sq.m. The

proposed development therefore meets the definition of Strategic Housing Development set out in Section 3 of the Act of 2016, as amended.

9.1.2. I note that the regeneration of Cork Docklands is identified in local and regional planning policy as being of strategic importance and key to ensuring compact growth of the city in line with national planning policy. This strategic role is reflected in a significant package of funding announced for the docklands area in March 2021 under the Urban Regeneration and Development Fund (URDF), supporting infrastructure works which include:

- Public Realm, Parks and Facilities – including Marina Park.
- Strategic Surface Water Drainage and Flood Protection.
- Transportation and Access – enhanced mobility through investment in strategic transport infrastructure which includes both the Eastern Gateway Bridge and Kent Station Bridge/Link Road.

9.1.3. The relevant development plan is the Cork City Development Plan 2015 – 2021. It is expected that the Draft City Development Plan 2022 – 2026 will go on public display in Summer 2021. The subject lands are predominantly zoned ZO16 ‘Mixed Use Development’, with an area zoned ZO9 for Neighbourhood Centre use on its northwestern side. The southeastern edge of the site is zoned Z014 Public Open Space, while the current city development the plan shows an indicative new street running along the site boundary through this space (Monaghan’s Road Extension).

9.1.4. The ZO16 zoning covers a large area of the docklands to the east and south of the application site. Within this zone, a range of uses are permissible in principle, including residential development. No split or mix of uses for Z016 lands is specified in the development plan and the proposed uses are all acceptable thereon. The previous LAP for the South Docks has expired and the planning authority submission suggests that the emerging strategy for the eastern docklands area will be predominantly residential in nature. I note the extant planning permission relating to these lands and consider that the proposed development of these mixed-use lands is acceptable in principle.

9.1.5. The mix of other uses is generally acceptable, and I concur with the submission of the planning authority with regard to the Z09 zoning objective and note that this objective extends also to the northern side of Centre Park Road. The development

would be the first scheme to come forward in this area of the docks. A level of ancillary uses is required to support and serve the predominant residential use proposed on the lands. A balance must be struck in terms of viability, however, and over-provision of retail and other uses would result in levels of vacancy which would erode the character and the amenities of the area, particularly around the Local Centre Square.

- 9.1.6. The application proposes Community Resource floorspace and Additional Residential Facilities floorspace, however, the distinction between these uses is not clear from application documentation. Community Resource floorspace is classified as non-residential within the application, but this is not defined as a use within the development plan. It is understood that this would be available to use by groups in the wider community. Having regard to the level of residential / community uses within the development, I would be concerned with regard to the intensity of use of such facilities. Animation of the Local Square within the Neighbourhood Centre zone will be important and an underutilised resource at this important location would undermine its success. In this regard, I would recommend that the permissible use of the Community Resource space in Podium 3 adjoining the Local Square at the corner of Centre Park Road, be extended to provide flexibility and include neighbourhood centre uses in accordance with the development plan zoning objective. Such amendment would not result in “other uses” exceeding the threshold set out in the definition of Strategic Housing Development contained in S.3 of the act.
- 9.1.7. The southeastern edge of the site is zoned Objective Z014: To protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing such land for alternative purposes. It is an objective of the development plan to provide for or retain all land zoned public open space in that use. This area forms the edge of a wider area of zoned public open space, which includes Marina Park to the east. Within this open space the development plan zoning map identifies the line of a new street / Monaghan’s Road Extension, which intersects the proposed New Link Road / Street B, running northwest to Centre Park Road.
- 9.1.8. Lands in the applicant’s ownership, identified in green in the submitted drawings, appear to define / reflect the boundary of the Z016 lands. All proposed buildings, car parks and other structures occur inside this green line. Works within the public open

space zone but within the red line boundary of the application include a proposed linear park which includes footpaths and landscaping bounding the proposed Monaghan's Road Extension. This space also accommodates circulation space adjoining street level commercial units and residential lobby for Podium 1 and stepped access to the courtyard level of Podium no. 1 and Podium no. 2. The space is traversed by a pedestrian connection from Street A and the New link Road / Street B between Centre Park Road and Monaghan's Road Extension.

- 9.1.9. The space is to be landscaped and publicly accessible and is designed to provide an open space interface between the adjoining residential development and this strategic road objective. The minor encroachment of access and circulation onto this space is not regarded as material or considered to undermine the vision or land use objective for the open space lands. In the absence of the Monaghan's Road Extension, this linear park would merge into and comprise part of the wider open space lands to the east. I note that the planning authority have raised no issue in respect of this zoning objective. I do not consider that the proposal in respect of this space contravenes the land use zoning objectives of the city development plan.

## 9.2. **Permission Life**

- 9.2.1. The application seeks planning permission with a ten-year life. The board may grant permission for such a longer period under section 41 of the act, having regard to the nature and extent of the proposed development and any other material considerations. I note that there is an extant permission for the mixed-use redevelopment of this site (PA ref. 08/32919), who's original 10-year life was already extended to 2024. No works have been undertaken on foot of this outstanding permission to date.
- 9.2.2. The proposed phasing strategy identifies external infrastructure to be delivered by the City Council or other Stage Agencies during each phase, however, the Design Statement does state that the project and such infrastructure can be delivered independently of each other, and are not interdependent. No specific barrier to delivery of the dwelling units or such infrastructure in a shorter timeframe is identified. I note that high frequency bus services are identified as a short-term

measure in CMATS, while correspondence from the Dept. of Education identifies a commitment to the delivery of schools to meet demand in the area.

- 9.2.3. Strategic housing legislation and procedures were introduced to bring about a more rapid delivery of housing to the market. It would not be consistent with such objectives to allow undeveloped land to retain the benefit of residential planning permission for extended periods. I acknowledge the scale of the development proposed, however, and consider that some extension to the 5-year default period would be appropriate. Should the Board decide to grant permission in this case, I would consider that a 7-year timeframe would be reasonable.

### 9.3. **Material Contravention**

- 9.3.1. The material contravention statement accompanying the application identifies potential material contravention of the city development plan in respect of
- Apartment design (floor area, private open space and ceiling heights): It is indicated that the proposed design complies with the Apartment Design Guidelines but would fall below the development plan standards.
  - Building height: The proposed development ranges from 4 – 14-storeys in height (approximately 18m - 47m). The buildings on the edges of the site are typically 10/11 storeys (33-37m). It is stated that the development exceeds the 9-storeys / 32m limit on building heights at this location.
- 9.3.2. Section 9(6)(c) of the 2016 Act provides that the Board may only grant permission for a strategic housing development that would materially contravene the development plan where the Board considers that, if s.37(2)(b) of the 2000 Act, as amended, were to apply, it would nonetheless grant permission for the proposed development.
- 9.3.3. Having regard to the provisions of S.37(2)(b) I make the following comments:

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

The proposed development occurs on zoned, brownfield lands close to the city centre in accordance with local and regional planning policy and is of a type and scale which meets the definition of Strategic Housing Development set out in section 3 of the Act of 2016, as amended. The development therefore satisfies the first criteria.



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

The policies and objectives of the development plan are not conflicting or unclear in relation to apartment design or building height.

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

I note that in accordance with s.9(3)(a), the Board is required to apply specific planning policy requirements contained in any guidelines issued by the Minister under s.28 of the 2000 Act and S.9(3)(b) provides that such specific planning policy requirements will apply (to the extent that they are different to any provision of the Development Plan) instead of the relevant provisions of the Development Plan.

#### **i) Apartment Design**

The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities were introduced, and amended, post-adoption of the current 2015 Cork City Development Plan, and provided revised standards for apartment development. SPPR3 identifies minimum floor areas and SPPR 5 refers to minimum floor to ceiling heights, while appendix 1 sets out minimum floor areas and standards. The 2015 City Development Plan has not been amended to reflect these guidelines, however. The proposed development complies with the requirements set out in these guidelines and I conclude that the Board may approve such development, even where specific standards of the city development plan are not complied with.

#### **ii) Building Height**

The Urban Development and Building Heights Guidelines were brought into effect subsequent to the adoption of the current City Development Plan. The Guidelines

support increases in building heights to achieve densification and consolidation of urban areas, including the reuse of brownfield sites.

SPPR 1 of the Guidelines provides that development plans shall not provide for blanket numerical limitations on building height. Section 3.1 identifies a presumption in favour of buildings of increased heights in town or city centre and other areas with good public transport. Criteria to be applied in considering applications taller than prevailing building heights are identified in section 3.2 and SPPR 3 provides that where those criteria are met, permission may be granted even in contravention of the development plan.

I note the following in respect of the criteria set out in section 3.2:

<b>Broad Principles</b>
<i>Assist in securing NPF objectives of focusing development in key urban centres, fulfilling targets related to brownfield, infill development and effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?</i>
Development of these strategically located brownfield lands at higher densities, in proximity to the city centre accords with the NPF objectives.
<i>Is the proposal in line with the development plan which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?</i>
No. The city development plan pre-dates the guidelines.
<i>Where the relevant development plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?</i>
Yes. The site is located within an identified strategic redevelopment area but is subject to general limits on building heights.
<b>At the scale of the relevant city/town</b>
<i>The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.</i>
Existing high frequency bus services, running between the Apple (Hollyhill) / city centre and Mahon Point, are accessible at Ballintemple an approx. 7-8 min walk

from the site. A limited / hourly service from Kent Station serves the site more directly via Centre Park Road / Monaghan's Road.

The site is within walking distance (<2km) of the city centre, approx. 2km from Kent Station and <3km from Mahon Point. The upgrade of the existing greenway connection to Mahon has commenced. Future high-capacity services and connections are planned, however, these do not appear to satisfy the wording of this criteria which appears to refer to current linkages.

The central location of the site ensures that it has good accessibility and access to the full range of public transport services.

*Development proposals incorporating increased building height, should successfully integrate into / enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner.*

This brownfield site is located in an area which is less sensitive in terms of its visual amenity context. The proposed development will improve the urban character of this area and integrate and address public realm improvements occurring at Marina Park. Provision is made on adjoining lands for a city scale landmark / gateway feature identified in the development plan. The application is accompanied by appropriate visual and landscape assessments, and I generally concur with the conclusions thereof.

*On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.*

The development provides for the appropriate higher density redevelopment of this strategically located brownfield area. The massing and layout of development is considered to be acceptable in terms of residential amenity, the creation of successful new spaces and linkages through the site and integration with adjoining open spaces and streets.

**At the scale of district / neighbourhood / street**

*The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.*

The development addresses the surrounding streets and open spaces in a satisfactory manner. Permeability and streetscape proposals are satisfactory.

*The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.*

The break-up and layout of blocks on the site avoids monolithic forms and creates and encloses new public spaces. Proposed finishes are satisfactory.

*The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of the Flood Risk Management Guidelines.*

Redevelopment of this brownfield site will enhance the urban landscape of this area. The development responds satisfactorily to adjoining streets and thoroughfares and creates new linkages across the site. The development satisfactorily addresses Marina Park. Flood risk is adequately addressed through the design approach and incorporation of varied levels across the development, which is handled well in the design.

*The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area and integrates in a cohesive manner.*

The massing and layout of development and street frontage will assist in defining the urban landscape, and appropriately addresses the adjoining Marina Park. The layout provides improved permeability and enclosure of new open spaces. Increased height is used to mark the junction of Marquee Road and Monaghan's Road, previously identified as a focal building location in the LAP. Provision is made on the adjoining site (Podium 4) for the city scale landmark / gateway feature identified in the development plan.

*The proposal positively contributes to the mix of uses and / or building / dwelling typologies available in the neighbourhood.*

The mix of dwelling units proposed will provide enhanced choice in this low-density area in accordance with the Apartment Design Guidelines, supported by an

appropriate mix of commercial / community uses in line with development plan policy.

**At the scale of the site / building**

*The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.*

The design and layout of blocks achieves a satisfactory level of design for this urban context. I note the report of the City Architect in this regard. Some minor modifications may be considered to further improve sunlight in public spaces.

*Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' or BS 8206-2: 2008 – 'Lighting for Buildings*

Based on the assessments undertaken, a satisfactory standard of development is achieved. Some minor modifications may be considered to further improve sunlight in public spaces.

*Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion,*

Satisfactory information is provided for an assessment and determination of the application to be made.

Section 3.2 also notes that Specific Assessments may be required, and I note the following in this regard:

- Assessments of wind micro-climate, sunlight and daylighting are provided, which include relevant mitigation measures in relation to the wind environment.
- The application is accompanied by an EIAR and a Natura Impact Assessment.
- The site does not fall within the safety zones associated with Cork Airport and the submission of the IAA does not raise a specific objection to the proposed development, although I acknowledge that obstacle lighting may be required. I note that the authority raised no objection to the previously permitted

development on these lands, which was of a greater height than the subject development.

- There are no submissions on the file which suggest that interference with telecommunication channels are likely.

I consider that the criteria set out in para. 3.2 of the Guidelines have been appropriately incorporated into the development proposal. I conclude therefore that the Board may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

9.3.4. Having regard to S.37(2)(b)(i) and (iii) above, I consider that the Board may consider a grant of planning permission notwithstanding that the development would materially contravene the provisions of the development plan in respect of apartment design and building height.

9.3.5. Other Matters Arising:

a) Housing Mix

The Chief Executive's report indicates that the development is not considered to accord with Objective 6.8 of the city development plan, having regard to the proportion of 3/4-bed units proposed. Objective 6.8 encourages the establishment of sustainable residential communities by ensuring a mix of housing and apartment types, sizes and tenures is provided but does not specify a specific breakdown of units. Table 16.4 of the plan identifies *Indicative Targets for Dwelling Size and Distribution* as follows:

<b>Dwelling type</b>	<b>House size</b>	<b>Dwelling size distribution targets</b>
<b>Zone 1 &amp; 2 and all apartment schemes</b>		
<b>1 Person</b>	1 Bed	Max 15%
<b>2 Person</b>	2 Bed	Max 50%
<b>3 Person</b>	3 / 3+ Bed	Min 35%

In response to this provision of the development plan, the applicant's Statement of Consistency notes the indicative nature of the development plan targets and further,

that they refer both to household size and the number of bedrooms. It describes how the development complies with these targets in respect of dwelling type, as follows:

<b>Dwelling type</b>	<b>House size</b>	
<b>1 Person</b>	Studio	4%
<b>2 Person</b>	1-bed apt	31%
<b>3 Person+</b>	2-bed apt	50%
<b>3 Person</b>	3-bed	15%

I find Table 16.4 of the development plan to be unclear with regard to the targets identified for bedspaces (dwelling type) vis bedroom number (house size), i.e. a 2-bed house would not generally be regarded as a 2-person dwelling type. Based on the development plan *dwelling type*, the proposed development would accord with the indicative development plan targets.

The proposed development complies with SPPR1 of the Apartment Design Guidelines in terms of housing mix and can therefore be considered to provide a reasonable and sustainable mix of housing which reflects current trends in household formation patterns. In the absence of a Housing Need Demand Analysis, the proposed development is considered to be in compliance with the general requirement expressed in objective 6.8 and is not considered to materially contravene the development plan.

#### b) Plot Ratio / Density

The planning authority report raises issues with the density / plot ratio of the proposed development vis the provisions of the development plan. I note that the city development plan describes plot ratio as a useful indicator when considering the capacity of a development site and ascribing building volumes, and in determining the necessary infrastructure that will be required to service a development. Section 16.14 identifies indicative plot ratios for the docklands of 1.5 – 2.5, based on a site area net of large public open spaces. The plan notes that plot ratio is secondary to other built form and planning considerations and should not be used to justify a particular built form as qualitative standards will be overriding considerations. In some cases, higher plot ratios may be permitted.

The proposed gross floor area described in the application is 105,513-sq.m., excluding parking which is incidental to the primary purpose of the building. A net site area of 3.64ha, which excludes the proposed linear park and the northern plaza provides for a proposed plot ratio of 2.89:1. Including these spaces would provide a gross site area of 4.05ha and a gross plot ratio of 2.6:1.

The comments of the planning authority reflect the internal Planning Policy Section report, which refers to the provisions of the, now expired, 2008 LAP. The LAP referred to plot ratios calculated on the basis of gross areas, including major and local roads and open spaces. Such gross plot ratio calculations would permit greater levels of development than those calculated based on net site areas. I am uncertain as to the basis for the referenced plot ratio of 2.75 in that report.

The planning authority submission recommends reductions in building heights to meet the plot ratio standard of 2.5:1 and improve residential amenity and lighting of open spaces and courtyards. No specific analysis or recommendations in this regard are provided and no conditions are specifically recommended in this regard. On the contrary, the report from the City Architect notes that the scheme is successful in the layout of space in terms of light penetration and views through and from the spaces. In general, I would concur with this opinion, although I have commented more specifically on Street B and the local Centre Square further below.

The proposed development immediately adjoins Marina Park which will be one of the major recreational amenity space in the city. With the exception of dockland sites with river frontage, most sites in the area will not front similarly important / key public spaces and I would disagree with the report of the Planning Policy Section in this regard. I note also that the net plot ratio of the proposed development is closer to that of the currently permitted development on the site which was acceptable to the planning authority in that case.

I would not concur with the commentary of the planning authority that an *exceptional justification* for the density of development proposed is required in this case. The proposed development comprises a high-density scheme at a strategic location in the city. The plot ratio standards are clearly described in the plan as indicative and as a useful indicator only, secondary to other design criteria. I note that there are no identified infrastructural constraints in the area which preclude the achievement of



such higher density development on the lands which would otherwise accord with strategic planning policy objectives for the area. The planning authority submission notes that a new building height and density strategy is being formulated for the city and further suggest that this area is likely to be deemed appropriate for increased heights.

I do not therefore consider that the suggested modification to proposed building heights to achieve the indicative plot ratio is justified on amenity grounds or that the development would give rise to an undesirable precedent for development in this strategic development area. Having regard to the specific wording and descriptions contained in the city development plan, I do not consider that the proposed development materially contravenes the objectives of the plan in this regard.

#### **9.4. Design and layout**

- 9.4.1. The proposed development would comprise the first significant redevelopment project within this part of the city and docklands, long identified as being of strategic importance for the metropolitan area. The nature and pattern of surrounding development is such that the development of the site is not particularly constrained and can largely create its own context and provide a catalyst for further development in the area.
- 9.4.2. The site is located within <2km of the city centre, with no difficulties or constraints in terms of the intervening topography. The provision of higher density development on such brownfield dockland sites is supported at national, regional and local planning policy level and transport infrastructure proposals set out in CMATS are predicated on consolidation of development along public transport corridors. The site adjoins strategic city recreational amenities at the Marina and Marina Park and I refer to my earlier comments above on the plot ratio standards identified in the development plan. In accordance with national policy guidance, the proposed residential densities on the site of 275 units / ha net are acceptable in principle.
- 9.4.3. I consider that the development can play an important role in the success of Marina Park, as the primary development bounding the park. Higher densities of development on the site will facilitate increased usage and passive surveillance thereof, notwithstanding the proposed intervening Monaghan's Road Extension.

- 9.4.4. The development is provided as three blocks / podiums separated by public streets or connections providing permeability between Centre Park Road and Monaghan's Road Extension / Marina Park. The layout of development has regard to future road and transport infrastructure and corridor requirements. Having regard to the future alignment of Centre Park Road, the proposed building heights are considered to create a satisfactory and appropriate relationship and sense of enclosure having regard to the development potential of adjoining lands to the northwest. Based on the orientation of the site and the analysis provided in the Daylight, Sunlight and Overshadowing Study, significant impacts on daylight or sunlight to lands on the opposite side of the road are not considered likely. I note the comments of the planning authority with regard to the design and layout of public spaces on Marquee Road. Having regard to the available space and uses proposed thereon, I consider that a condition of the nature recommended by the planning authority would be reasonable and appropriate.
- 9.4.5. The development proposes a Linear Park / landscaped area between the development and the proposed Monaghan's Road Extension. While this lies outside the ownership of the applicant, the consent of the local authority in this regard has been obtained. This landscaped area, zoned as public open space, will provide an attractive buffer between the proposed development and this future route. I note the reports of the planning authority with regard to the design quality and landscaping of this space. Final landscaping details and levels could be subject to agreement with the planning authority. While reports have raised issues with the design of pedestrian crossings from the linear park to Marina Park, these would be more properly addressed as part of the MRE design process and subject to the provisions DMURS.
- 9.4.6. Ground levels and finished floor levels within the development are dictated largely by drainage and flood risk mitigation requirements, as well as rising levels along the proposed Monaghan's Road Extension. Planning authority reports confirm that the development is consistent with the preliminary conclusions of the City Council Levels Strategy for this area. Residential uses are provided at level 1 with active frontage to adjoining roads and streets provided by ground level commercial and community uses generally. Communal residential courtyard / podium open space is elevated above the levels of public spaces and streets. Ground levels along the Monaghan's

Road Extension rise to the northeast and this difference in levels is accommodated within the proposed landscaped / linear park, although much of this frontage lacks active uses. Having regard to the challenges presented by the site, I regard the treatment of this frontage to be acceptable. I consider that the variation in levels across the site are generally handled well throughout the development, which also contributes some variety to the scheme.

- 9.4.7. The proposed materials and finishes are regarded as being of relatively high quality. Effort has been made to introduce some variety in the form of blocks particularly in measures such as roof detailing etc., and I refer to the report of the City Architect in this regard. Such variation is more evident from within the scheme or in shorter views thereto.
- 9.4.8. The application is accompanied by a report entitled, *Building Heights Survey Cork*, which identifies existing and permitted development of 6-storeys or more in the city and reviews trends in building height. This report notes that the greatest number of existing taller buildings are in the 6-7-storey category, located outside the historic city core. Apart from church spires and chimneys there are currently only four existing buildings over the equivalent of 12 residential storeys, including two industrial silos in the Docklands, while a number of buildings of 12+ storeys have been permitted, including the extant permission on the subject site. The report notes a more recent trend toward taller buildings in the city, with the greatest concentration within central areas, along the water edges and transport corridors and infrastructure. Referenced site include the proposed hotel on Custom House Quay recently granted permission by the Board (PA ref. 19/38589, ABP-308596-20)
- 9.4.9. The permitted development on the site (ref. 08/32919) provides for 12 buildings ranging in height up to 27 storeys (107m), with the tallest element located outside the subject application site, on Podium 4. The typical height of the permitted development is 8 commercial storeys (approx. 34m).
- 9.4.10. The current, predominantly residential, development proposal exceeds the building height standards of the current City Development Plan. Buildings ranges in height from 4 to 14 residential storeys (approximately 18m - 47m), with typical heights of 8-storeys (27m) to 10 / 11 storeys (33-37m). Having regard to the setting and context of the site, the proposed building heights do not impact on surrounding lands or

sensitive uses and I do not consider that the proposed heights would impact on the quality of residential amenity. Having considered the criteria set out in section 3.2 of the building height guidelines, considered above, I regard the proposed building heights as acceptable for this location. I note and generally concur with the report of the City Architect in this regard and his comments in relation to proposed building design and height. The delivery of a tall or landmark building on Podium 4 in line with the objectives of the city development plan will complete this urban block and provide a focal point in views at this location.

9.4.11. While building heights facing southeast to Marina Park are acceptable, the overall uniformity in heights may not provide the optimal solution given the longer views from the east and southeast. Block 2, at 14-storeys, is intended to act as a focal point at the junction of Marquee Road and Monaghan's Road, although its prominence is reduced somewhat due to the scale of the adjoining Block 4 and levels on the site. I would therefore recommend a reduction in the height of Block 4 by the omission of the tenth-floor level facing the Monaghan Road Extension in order to give increased prominence to Block 2 in such views, and allow it to function as a local feature. On balance, however, I consider that the scheme delivers a high quality of development.

## 9.5. Residential Amenity

9.5.1. Proposed apartments are designed to meet the requirements of the Guidelines on Design Standards for New Apartments and satisfactory levels of residential amenity area achieved in this regard. The proposed development provides a mix of dwelling types and sizes. No ground floor (level 00) residential units are provided and proposed ceiling heights of 2.6m are provided across the scheme, with increased heights in certain locations. The development is acceptable in this regard.

9.5.2. I would regard the subject site as a central and accessible urban location where dual aspect provision of 33% would be acceptable in accordance with the apartment design guidelines. The development describes a level of 50% provision of dual aspect. While a number of these units may not be regarded as truly dual-aspect, the level of provision remains satisfactory. Having regard to the scale of development proposed, exceedance of the minimum level of provision is welcome.

- 9.5.3. Reference is made in planning authority reports to the design of internal corridors within the development. Corridor width is regarded as reasonable and provides for opposing movements of buggies or wheelchair users. While natural lighting to corridors is limited, I note that travel distance from stair / lift cores is not excessive. The layout is the result of the overall design approach for the site and I consider that acceptable levels of residential amenity are achieved, having regard to the provisions of the apartment design guidelines.
- 9.5.4. The level of communal residential and public open space exceeds the minimum requirements of the development plan. The public spaces are suitably enclosed and supervised, while remaining easily accessible to the public. The scheme will also have ready access to adjacent public parks and recreational amenities. Animation of the larger Local Centre Square will be important, and I have already commented on the potential to reinforce active local / neighbourhood centre uses fronting this square. I note and generally concur with the report of the City Architect in relation to the design of spaces within the development, subject to my comments under 9.6 below.
- 9.5.5. The planning authority have recommended that active recreational facilities, such as a MUGA be provided at roof level on one of the blocks although no specific location is identified in this regard. In the absence of analysis of the structural, access and residential amenity implications of such a facility I am not satisfied that this would be amenable to condition. I note the proximity of the site to adjoining amenity areas and do not consider that this is an essential component of the development.
- 9.5.6. In general, separation between the proposed blocks addresses potential for overlooking within the scheme. The application documentation usefully describes the relationship between apartments at opposing corners of blocks in greater detail. Having regard to the urban context for this development, the layout and juxtaposition of blocks is regarded as acceptable in terms of residential amenity and achieves appropriate standards of urban design. Having regard to the location of the site and separation from surrounding residential properties, it is not considered that issues of overlooking or overshadowing impacts thereon arise.
- 9.5.7. Adequate provision for childcare is provided for on the site and is phased with the development. Based on the applicant's submissions, and the submissions of the

planning authority and the Department of Education, I am satisfied that there is the capacity and intent on their behalf to provide school facilities to meet the evolving needs of this area.

## 9.6. Microclimate

### 9.6.1. Wind Microclimate

The application is accompanied by a wind climate assessment, which is stated to use standard software modelling and the assessment is based on the consultant's in-house comfort criteria.

The assessment considers a number of different scenarios, including *Configuration 2: The Proposed Development with Existing Surrounding Buildings*, but without landscaping or any mitigation measures, and identifies areas requiring mitigation to achieve a suitable wind environment at ground, podium and balcony levels, including:

- Along thoroughfares, particularly a corner location and at the edges of blocks.
- At certain residential entrance locations.
- Along the north-western edges of amenity spaces in Podium 1, 2 and 3.
- At a large number of balconies across every block, which will experience summer season conditions windier than the required wind conditions.

In addition, locations at ground level and upper floor levels are identified which would experience strong winds exceeding the safety threshold, which require mitigation measures to ensure safe wind conditions for pedestrians and residents.

Identified mitigation measures include:

- Additional hedge and tree planting and other landscaping measures at identified locations along thoroughfares.
- Additional trees and evergreen hedge planting at the northwestern edges of podium level amenity areas.
- Solid balcony balustrades of 1.1m or 1.5m height based on location or windiness.

With the identified mitigation measures in place, the assessment of *Configuration 3, Proposed development with landscaping and mitigation*, concludes that the majority

of the development and surrounding spaces would be suitable and safe for their intended uses. Small sections of thoroughfare at the western corner of Block 1, the southern corner of Block 2, and the eastern corner of Block 12 are identified with walking use wind conditions during the winter season, however, having regard to the limited extent of such conditions I do not regard this conclusion as unacceptable.

With the proposed landscaping and mitigation measures in place, the assessment identifies that three no. balconies would still experience wind conditions in excess of the sitting or standing use conditions desired for a private amenity space during the summer season. Additional mitigation measures in this regard are identified in section 7.2.1.5 of the assessment, and I would regard it as appropriate that these be implemented in addition to the other measures identified in section 7.1 of the report.

The assessment concludes that no strong winds exceeding the safety threshold are expected to occur with the proposed landscaping and wind mitigation measures in place. Subject to the identified mitigation measures, I regard the proposed as acceptable in principle.

I note that the assessment is based on the entire development being in place. It is not clear whether the phased development of the podiums would impact on the report conclusions or whether any interim mitigation measures would be required pending completion of the overall scheme. I would therefore recommend that in the event of a decision to grant permission, further analysis to identify such temporary measures be undertaken. I do not consider that this requirement would undermine the conclusions of the environmental impact assessment undertaken in respect of the completed development. Any additional requirement for such mitigation measures would be temporary and of relatively short duration given the proposed phasing of construction and the recommendation above in respect of the duration of the life of the permission.

#### 9.6.2. **Daylight and Sunlight**

This brownfield site is generally bounded by low intensity industrial uses or areas of open space. The nearest sensitive / residential receptors are located at a relatively significant remove from the site to the southeast. The application is accompanied by a Daylight, Sunlight and Overshadowing Study, which refers to BRE publication "Site

Layout Planning for Daylight and Sunlight: A Guide to Good Practise” 2011 (BRE Digest 209).

The analysis of shadow cast shows little potential for impacts on adjoining lands and having regard to the urban context of the site, I do not consider that the development would prejudice the future development potential of adjoining lands or impact on the enjoyment of adjoining amenity spaces.

Sunlight access to internal spaces within the development is analysed in section 6 of the study, having regard to the guidance provided in BRE Digest 209. Each of the podium courtyard amenity areas are provided as staggered northern and southern spaces. The assessment indicates that 68% of the total area of private communal podium and roof level amenities spaces would receive at least 2 hours of sunlight, exceeding BRE recommendations. While access to direct sunlight is biased toward the more open southern communal courtyard areas, I note that those spaces are easily accessible to residents and the overall level of sunlight penetration to the courtyard spaces is regarded as acceptable.

In terms of public amenity areas within Street A, B and the Local Centre Square, the analysis indicates that approx. 66% of the space would exceed the BRE recommendation. The nature of Street A as an enclosed urban connection will not achieve high levels of sunlight penetration, however, the overall design approach is regarded as acceptable.

Public Amenity Area B includes the Local Centre Square and Pocket Park no. 2. The assessment indicates that 66% of this area receives more than 2 hours of sunlight on March 21<sup>st</sup>. I note, however, that the assessed area includes the New Link Road / Street B carriageway and car parking areas which are not amenity areas. I therefore consider that the assessment overstates the sunlight availability in Public Amenity Area B.

While no figures have been specifically provided for the level of sunlighting of the actual landscaped / public amenity space in the Local Centre Square, it is clear from the analysis provided that less than 50% of the space would achieve the reference value of 2 hours of sunlight on March 21<sup>st</sup>. The key influence on this space in this regard is considered to be Block 8. While I note that the referenced BRE Guidelines identify recommended standards rather than mandatory requirements, having regard



to the importance of Local Centre Square as an amenity space within the overall development, I would recommend modifications to provide for additional sunlighting to this space. This would involve modifying the footprint of Block 8 such that it does not extend beyond the building line to the north-east, which is formed by the southeastern elevations of Block 7 and Block

While Pocket Park no. 2 receives reduced levels of sunlight on March 21st based on the BRE recommendations, I note that it does achieve satisfactory sitting wind comfort conditions due to its enclosure.

No analysis of Street C and the proposed plaza at the northeastern end of the site in respect of sunlight is provided. Having regard to their orientation and the shadow analysis presented, it is considered that adequate levels of lighting would be achieved. Any subsequent development proposed on Podium 4 would be required to demonstrate that adequate levels of amenity were protected.

Subject to the recommended modification to Block 8, having regard to the location and urban nature of the development, the proposed development is regarded as achieving acceptable levels of design and amenity in terms of lighting of amenity spaces.

In terms of daylighting to proposed dwelling units, the Daylight, Sunlight and Overshadowing Study examines a selection of apartments at level 01, 02 and 04, which in some cases are obstructed by an overhang, to represent 'worst case' conditions within the development. The submitted results indicate that 94% of the proposed rooms tested achieve daylighting values in excess of the BRE guidelines. The assessment therefore concludes that the results from the development would be acceptable.

The approach to the assessment of daylighting is regarded as reasonable and having regard to the results achieved, the scheme is considered to generally accord with the BRE guidance referenced in both the Apartment Design Guidelines and the Building Height Guidelines. I note an issue raised in reports of the Planning Authority in relation to the adequacy of the daylight assessment, however, no deficiencies in the levels of daylighting achieved are identified.

Having regard to the scale of development proposed and its urban form and density, I consider the overall level of daylighting achieved across the development to be

acceptable. Some of the reduced values identified arise from the juxtaposition of blocks and the design objectives of creating enclosed urban spaces and pedestrian connections. I note that the BRE guidance document does provide for flexibility in the application of standards in this regard and the overall result in terms of residential amenity.

## **9.7. Roads and Transportation**

- 9.7.1. The application is accompanied by a Traffic and Transportation Assessment, a Car Park Management Plan, a Quality Audit, an Outline Mobility Management Plan and an Outline Construction Management Plan.
- 9.7.2. The application site is well located in the city, proximate to the city centre and the intervening topography is amenable to alternative transport modes. The low intensity of surrounding uses is such that there is spare capacity in the surrounding road network. The area has the benefit of cycle linkages east along the old railway line to the employment / commercial centre at Mahon Point, which are in the process of being upgraded as a greenway. Cycle facilities have recently been installed along Centre Park Road and Monaghan's Road and at time of inspection, there was relatively high levels of pedestrian and cycle activity on the adjoining roads and accessing the Marina amenity walk along the river frontage.
- 9.7.3. Significant transport infrastructure upgrades are planned for the area. The application and the planning authority reports refer to the South Docklands Area Based Transport Assessment (ABTA) which was finalised in 2020. It is stated that the ABTA is aligned with the provisions of CMATS and will inform a new LAP for the area. The planning authority indicate that the layout of development accords with the infrastructure requirements identified in the ABTA with regard to:
- Corridor width on Centre Park Road and Marquee Roads for future upgrade and public transport infrastructure provision.
  - Provision for the route corridor and alignment of the Monahan's Road Extension.
  - Car parking within the subject scheme.
- 9.7.4. LIHAF funding has been obtained by the City Council in respect of works in the area including Marina Park and the Monahan's Road Extension which is to facilitate

development in the area and eventually connect via the proposed Eastern Gateway Bridge to the N8 across the River Lee. It is understood that a tender in respect of this road project issued in May 2020, while a separate process is to be undertaken in respect of the Eastern Gateway Bridge. I note that further funding has recently been announced for docklands infrastructure works under the URDF.

- 9.7.5. In terms of cycle infrastructure, CMATS contains proposals for a cycle network in the city which includes Greenway and Primary Cycle Routes adjoining the application site and I note that upgrade works along the existing railway greenway between Marina and Mahon Point have commenced.
- 9.7.6. Direct public transport services to the site are currently limited to a once hourly service from Kent Station to Mahon Point via Centre Park Road – Monaghan’s Road. There are, however, frequent (10 min) services running along Blackrock Road, within approx. 7-8m walk of the site at Ballintemple. While the catchment of high frequency bus services has historically been regarded as being smaller than that of rail or light rail services, I note that recent studies indicate that a high level-of-service bus corridor can have a similar or larger catchment than light or metro rail equivalents and that users may be more influenced by quality of service than by transport mode<sup>1</sup>. In this regard, proximity of the site to such existing services at Ballintemple is considered to be reasonable.
- 9.7.7. Of significant importance for the development of the docklands area are proposed future improvements to public transport services identified in CMATS, including in particular proposed BRT (and longer-term LRT). In this regard I note that consultants have been engaged to undertake a LRT Route Feasibility Study. As part of Bus Connects, consultants have also recently been appointed to develop concept designs for the Core Bus Corridors (CBCs) and design an improved bus service network in the city. The proposed development, and adjoining lands, will be a significant beneficiary of such network improvements and achieving a critical mass of development along such routes is a valid planning objective. I note the submission of the NTA in this regard.

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<sup>1</sup> O’Connor, D., Caulfield, B. (2018). Level of service and the transit neighbourhood: observations from Dublin city and suburbs. Research in Transportation Economics, vol.69, pp.59-67. doi :0.1016/j.retrec.2018.07.014

[https://www.opr.ie/wp-content/uploads/2019/11/Level-of-Service-and-the-Transit-Neighbourhood\\_-\\_Observations-from.pdf](https://www.opr.ie/wp-content/uploads/2019/11/Level-of-Service-and-the-Transit-Neighbourhood_-_Observations-from.pdf)

- 9.7.8. The Traffic Impact Assessment considers the phased development of the site and applies TRICS trip rates to the proposed residential elements of the development. I would accept as reasonable the exclusion of the non-residential uses from the assessment having regard to their local function. Recorded modal share from the surrounding area is applied to the proposed development to assess trip generation, with a reduced car share of 40% applied in 2029 in recognition of improved public transport infrastructure planned for the area. Traffic and transport modelling undertaken by the city council for the area as part of CMATS and the ABTA, is also relied upon in the submitted transport assessment. At operational stage, the application provides for the implementation of a Mobility Management Plan although actions identified in the draft MMP relate only to the carrying out of resident surveys and the dissemination of information. The methodology adopted in the Traffic and Transport Assessment is regarded as satisfactory and I note the conclusions regarding the significance of traffic impacts on the surrounding road network.
- 9.7.9. Opening year traffic impacts are predicted to be low. Having regard to the existing capacity of the existing local road network, no significant effects are predicted. Within the wider city network, the assessment notes that junctions to the west of the docklands area approach capacity in future years, but that the contribution of the development is not significant in this regard. Such impacts should be seen in the context of wider City Council proposals aimed at improving connectivity between the city centre and the South Docks, including enhanced provision for public transport and sustainable transport modes. Capacity issues at identified locations are stated to be related to interventions such as signalisation of junctions and introduction of bus lanes, as part of wider traffic infrastructure works in the city area. The proposed development itself is found not to have significant effects on the operation of those junctions.
- 9.7.10. Having regard to the submitted assessment and the reports of the planning authority, and proximity to planned high-capacity public transport linkages and alternative transport options I do not consider that the proposed development would give rise to unacceptable impacts on the city road network.
- 9.7.11. The development provides for vehicular access to car parking for Podium 1 from Marquee Road. Parking for Podium 2 & 3 is provided from proposed the New Link Road / Street B, which will run between Centre Park Road and Monaghan's Road.

The development is not otherwise accessible by vehicles. The New Link Road / Street B is described in the application as a Local Street; however it is provided with a width of 6m in order to accommodate use by refuse / service vehicles. This street has an important role in the development, and I consider that through traffic and higher speeds therefore should be discouraged. A reduced width in accordance with DMURS would be appropriate, in line with this local street / access function and the likely frequency of service vehicle movements. A reduction in surface car parking along this street is also considered appropriate and I note the recommendations of the planning authority in this regard.

9.7.12. It is a strategic objective of the city development plan to control the supply of parking in order to promote sustainable transportation and reduce the requirement for car parking. The site is located within development plan parking zone 2B and the maximum level of provision for the development would be 1,151 no. residential car parking spaces on the site.

9.7.13. The development provides 448 no. parking spaces, comprised of 418 no. below podium spaces and 30 no. on-street spaces. The proposals in this regard refer to compliance with the reduced parking standards identified in the recent ABTA for the dockland area. Car parking is broken down between residential and non-residential spaces as follows:

- 397 no. residential spaces at podium level
- 21 no. non-residential spaces at podium level
- 1 no. residential on-street space
- 29 no. non-residential on-street spaces

9.7.14. The ratio of parking provision reduces with each phase of development, to an overall ratio of parking of 0.39 / dwelling unit. Provision includes five Car Club parking spaces at surface level on Street B and I note the letter of support accompanying the application from the service provider.

9.7.15. The planning authority welcome the reduced level of parking provision and advise that this is aligned with such current and evolving policy. Having regard to the central and accessible location of the site, and proposed infrastructural improvements in the area, as well as the provisions of the Apartment Design Guidelines, I consider that the car parking proposals for the site are acceptable. I

would note and concur with the planning authority comments, however, regarding the reduction in on-street car parking along Marquee Road and the New Link Road / Street B, in order to improve streetscape design and amenity.

- 9.7.16. Bicycle parking is provided on the basis of one space per bedroom plus 1 visitor space per two units, totalling 1,851 no. residential spaces and 501 visitor spaces. This is in accordance with the provisions of the Apartment Design Guidelines, which exceed the current city development plan standards and is acceptable. Residential parking is generally provided at lower level (Level 00), accessible either directly from the adjoining public spaces or via the main podium level car park. There are no significant ramps accessing the car parks and subject to final access arrangements being agreed with the planning authority, this is regarded as acceptable. 161 no. residential spaces are accessed from podium level courtyard / open space (level 01). The application suggests that non-residential uses will be catered for by the proposed visitor cycle parking. These visitor spaces are to be provided as public short-term spaces at street level (level 00), which is considered to be acceptable. I would recommend; however, that a proportion of the external spaces be provided under cover / shelter.

## 9.8. **Site Contamination**

- 9.8.1. Lands in this area of the city were originally reclaimed and the site comprises made ground overlying a layer of silt, 1 – 3m thick. Below the silt layer is a deep gravel layer, designated as a regionally important sand and gravel aquifer, Lee Valley Gravel (LVG). The limestone (bedrock) beneath the LVG is designated as a locally important aquifer of moderate vulnerability.
- 9.8.2. Ground levels on the site are higher than the adjoining roads and groundwater in the made ground flows to the adjoining open drainage channels to the north and south, which primarily discharge to the Atlantic Pond to the east and then on to the River Lee. There is reported to be secondary discharge to the River Lee via drains on the northern side of Centre park Road. Groundwater in the underlying lower-level gravels are directly connected with the Lee Estuary and is tidally influenced. There is limited connectivity between ground water in the made ground and the underlying

gravel aquifer or the River Lee, however, as the intervening silt layer acts as an aquitard.

9.8.3. The site assessment set out in the EIAR is based on desk studies, site visits and ground investigations. Historic uses on the site have resulted in some contamination of soils and site investigations have revealed the following:

- Heavy metals (principally lead) in the made ground across most of the site, in excess of the relevant standards.
- Chlorinated hydrocarbon and polycyclic aromatic hydrocarbon (PAHs) contamination at two locations in the made ground in the north and southwest of the site. In the north, the chlorinated hydrocarbons were also present in the top of the silt layer underneath the made ground.
- Asbestos was present in soil samples across the site.

9.8.4. Hydrocarbon contamination in the adjoining open drainage channels is recorded, including locations upstream of the site. While this reflects some background contamination, concentrations increase downstream of the site. The assessments identify no discernible impact on the River Lee, however. The site has existing adverse impacts on water quality, although I note that this is described in the submitted assessments as negligible. The development will require the excavation of 88,300m<sup>3</sup> of soil and approximately 2,000m<sup>3</sup> of asphalt, including 16,000m<sup>3</sup> of soil contaminated with chlorinated hydrocarbons as part of site remediation works. Soils will be classified and managed in accordance with waste regulation requirements. During construction, particularly during site stripping and clearance, potential short-term impacts arise from:

- Run-off of contaminants to adjoining drains.
- Release of contaminants to the underlying gravel aquifer and River Lee estuary.
- Potential human exposure to wind borne dust containing contaminants or to ground gas.
- Temporary storage and use of contaminants on-site during construction.

9.8.5. Surface water will be subject to treatment in oil interceptors prior to discharge off the site. The base of the excavations will be below the water level in the made ground. Any groundwater and surface ponding from rainfall events will be discharged to the local sewerage drainage network. Prior to any discharge, water will be passed

through silt traps and hydrocarbon/oil interceptors within the construction site confines. Significant impacts on downstream waterbodies from increased discharge of contaminated waters are not therefore considered likely. At operational stage, removal of contaminants from the site will have an overall beneficial effect on groundwater quality.

- 9.8.6. A risk of cumulative impacts with works at Marina Park and Monaghan's Road Extension arise, however having regard to the historic use of the adjoining showground lands this is regarded as low. Concurrent construction activity on all three sites could increase the risk of contaminants escaping from soils or substances stored on site, however, I note that adjacent works on Marina Park are well advanced.
- 9.8.7. Foundation methodology will utilise a piling approach to avoid compromising the integrity of the low permeability silt layer between the made ground and underlying gravel aquifer, preventing the movement of groundwater / contaminants along the pile during or after installation. Any dewatering undertaken will have a positive effect as water will be diverted from the local drains to the public sewer network following treatment.
- 9.8.8. Specific measures in respect of asbestos are required by legislation and subject to control by the HSA, including a monitoring program for the removal of the asbestos in soil and measures to obviate the release of airborne asbestos fibres. I note that the removal of soil contaminated with friable ACMs or damaged non-friable materials is a notifiable activity and must be carried out by a specialist asbestos contractor. For such activities, an air monitoring program by an independent analyst must be implemented to ensure that the control measures do not release airborne asbestos fibres who must complete a clearance certificate on completion of works. Further measures to mitigate dust emissions from the site are identified in the Dust Management Plan.
- 9.8.9. I refer to the details set out in the EIAR, NIS and associated documents including the Outline Construction Management Plan. I consider that the risk arising from the contaminated nature of soils on the site has been adequately addressed and that subject to the identified mitigation measures, the proposed development would result in an overall beneficial impact on the environment.



## 9.9. Drainage and Services

- 9.9.1. It is proposed to connect to mains water and wastewater services and Irish Water confirm that they have issued a statement of design acceptance in respect of the development, subject to standard conditions.
- 9.9.2. The South Docklands Levels Strategy (SDLS) is being undertaken by Cork City Council to inform the drainage strategy for the wider area. Constraints on drainage in the area include relatively shallow falls and the effect of tide locking on discharge from the network. Based on the planning authority submission, it is understood that this study is nearing completion but that key design parameters have been agreed and are accounted for in the proposed surface water drainage design.
- 9.9.3. The existing open drainage channel to the northwest is to be filled in and replaced with a new culvert which will take flows south and east of the site, while the existing culvert and drain on Marquee Road will be relocated and will connect into the drainage network being provided as part of the Marina Park development. I note the recommended conditions of the planning authority in relation to works to the existing drainage network, which are considered to be reasonable.
- 9.9.4. Operational surface water run-off will be collected and directed to tidal holding / attenuation storage on-site. This provides for storage for periods of tidal locking, prior to discharge to the wider drainage network. While the CSDLS limits peak discharge rates from development sites in the area, the application indicates that the volume of storm water storage capacity is dictated by the more restricted surcharge conditions / head at the outlet which are lower than that peak discharge limit. The scheme proposes an upper and lower surface water drainage catchment, where the upper catchment provides for a higher head and rate of discharge from the site. During an overtopping event or flood defence breach, the upper network would remain above flood levels. The design of the lower catchment includes measures such as non-return valves to take account of this risk of inundation.
- 9.9.5. I note the comments and recommendation of the planning authority in relation to the proposed surface water attenuation / storage design, and the taking in charge of such infrastructure. I consider that the recommended conditions are reasonable and adequate to satisfactorily address the issues raised.

## **Flooding:**

- 9.9.6. The application is accompanied by a site-specific flood risk assessment (SFRA). While the majority of the site is located within fluvial Flood Zone A, this area is defended by the existing polder flood defences along the river at the Marina. CFRAMS mapping identifies current peak fluvial river levels (1% AEP) of 2.73 - 2.74mOD and the existing fluvial flood risk to the site is described as low, and being mainly from the west rather than directly from the river to the north. The residual risk due to local breach of the polder defence or by overtopping is described as extremely low given the high standard of defence provided (in excess of 1 in 200 years) and the lack of evidence of significant past failures.
- 9.9.7. For the mid-range future scenario, predicted flood levels are 3.29m OD for a 1% AEP, which provides for potential effects of climate change in terms of river flow and sea level rise. The majority of the site continues to be classified as a 'defended area', although adjoining lower lands will be inundated. The SFRA describes the mid-range future scenario risk of fluvial flooding as low.
- 9.9.8. In terms of tidal flooding, the site lies within Flood Zone A for a 1:200 event, although it is within a defended area. Peak tidal 0.5% AEP levels of 2.99mOD - 3.00mOD are identified and the risk of tidal flooding is described as low. In terms of Mid-Range Future Scenario, the predicted 0.5% AEP in the vicinity of the site is 3.55mOD. While some inundation of the site would occur from a westerly direction, central parts of the site would remain "defended". The SFRA describes the tidal risk to the site as moderate. Future raising of the polder defences are therefore recommended to account for the pace of sea level rise.
- 9.9.9. The assessment identifies the risk of groundwater flooding as low and the maintenance of the low permeability silt / clay layer is important in this regard. Pluvial flooding is a feature of this area due to the drainage network backing up during periods of flood in the River Lee, however, the risk of flooding of the site is low due to the elevation of the site above adjoining road levels.
- 9.9.10. The SSFRA notes that other flood relief and transportation infrastructure works in the city centre area will contribute to a reduction in potential flooding of the south docklands area and further reduce residual risk of flooding. The development

proposal is understood to be consistent with or exceed the recommendations of the South Docklands Levels Study in relation to finished floor levels for vulnerable and less vulnerable uses.

- 9.9.11. Proposed flood management involves the differentiation of uses by vulnerability. Highly vulnerable uses are to be located above the levels recommended in the city council study, and all residential development will lie above the podium level of 5.35m OD. This provides 2m freeboard over the 1:1000-year flood event. Less vulnerable uses around the perimeter of the site are provided at ground level (level 00) in order to maintain active uses and frontage to adjoining roads. Proposed floor levels in this regard of 1.3m-1.75m OD, exceed city council recommendations, and will be above the level of adjoining transport corridors and on-site surface water drainage, to protect from pluvial flooding. In respect of such uses, flood resilience will be incorporated into the design and on-site flood defence measures will be provided. I note the comments of the planning authority with regard to the location of MV electricity substations, however, these services are located at podium level above flood levels and are not vulnerable to flooding.
- 9.9.12. The risk of groundwater flooding is to be mitigated by construction practise to maintain the integrity of the underlying aquitard. Residual risk of flooding from overtopping of polder defences are addressed by the flood resilient approach and emergency response plan, while residual risk of a rainfall exceedance event is addressed by increased ground levels falling away from the development and increased floor levels.

**Justification Test:**

- 9.9.13. As required in the Planning System and Flood Risk Management Guidelines, the SSFRA undertakes a Justification Test in respect of this development located within Flood Zone A, which notes the following:

Part 1: The lands are zoned under the current City Development Plan. That plan was subject to SEA and the preparation of a Strategic Flood Risk Assessment, and which determined that the justification test was satisfied.

Part 2: i) There will be no increase in off-site flood risk or impacts. Proposed mitigation measures minimise risk to people, property, the economy and the environment.

- ii) Significant mitigation, principally in terms of ground and floor levels, reduces the risk of flooding as far as reasonably possible.
- iii) Residual risks will be managed to an acceptable extent.
- iv) The proposal is consistent with the objectives of the development plan for the area. The design and treatment of levels across different use classes provides for active frontage and appropriately designed and landscaped spaces.

Having regard to the foregoing, the provisions of the development plan for the area and the submission of the planning authority in respect of flood risk, I am satisfied that the development satisfies the justification test set out in the guidelines.

## 10.0 **Environmental Impact Assessment (EIA)**

### 10.1. **Statutory Provisions**

This application was submitted to the Board after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.

The EIAR accompanying the application contains three volumes, including a Non-Technical Summary in Volume 1. Chapters 1 & 2 of Volume II set out an introduction to the EIAR including the methodology used, and a description of the proposed development and proposed works. Chapter 3 considers the need for the project and identifies alternatives considered.

The likely significant direct and indirect effects of the proposed development are considered in the remaining chapters of Volume II, which address the following headings<sup>2</sup>, in accordance with Article 3 of the EIA Directive 2014/52/EU:

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<sup>2</sup> I note an error in the EIAR index in respect of Chapters 12 and 13 of the report.

4. Landscape and Visual Impacts Assessment
5. Material Assets: Traffic and Transportation
6. Material Assets: Services, Infrastructure and Utilities
7. Land
8. Water (Hydrology)
9. Biodiversity
10. Noise and Vibration
11. Air Quality and Climate
12. Archaeology and Cultural Heritage
13. Population and Human Health
14. Significant Interactions
15. Schedule of Mitigation and Monitoring
16. Risk of Major Accidents or Disasters

Volume III contains appendices.

In terms of cumulative impacts, section 1.4 of the EIAR notes that the following projects were considered:

- Marina Park – Cork County Council.
- Monaghan’s Road Extension – Cork County Council.

Chapter 16 considers the risk of major accidents and disasters. The 2018 Guidelines on carrying out Environmental Impact Assessment state that the EIAR must include the expected effects arising from the vulnerability of the project to risks of major accidents and/or disasters that are relevant to the project. The two key considerations are:

- The potential of the project to cause accidents and/or disasters, including implications for human health, cultural heritage, and the environment.
- The vulnerability of the project to potential disasters/accidents, including the risk to the project of both natural disasters and man-made disasters.

The EIAR identifies a range of risks, associated mitigation measures and residual risks. I consider that the principal risks of major accident or disaster relate to

- Risk of contaminant escape from site excavation works.

I note that measures to control risks associated with the demolition and construction are incorporated into the Outline Construction Management Plan and Construction and Demolition Waste Management Plan, as well as the EIAR and NIS. Subject to identified mitigation measures, particularly the removal of contaminated materials off-site, risks are not assessed as significant.

- Flooding

A site-specific Flood Risk Assessment (FRA) has been carried out and proposed levels within the development adequately address the risk of flooding arising from tidal and fluvial events. The development will not give rise to significant off-site flood risks.

- Accidents at COMAH sites and

There is one COMAH site within approx. 0.7 km west of the proposed development – Goulding Chemicals Limited, a lower tier site. There are three other sites within 1.7km to 6.4km of the application site. The western periphery of the site appears to fall just within the consultation zone associated with Gouldings Chemicals and a submission from the HSA has been received which does not recommend against a grant of permission in this case.

I do not consider that the site will be subject to, or give rise to, significant risk of major accidents and/or disasters.

I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

In carrying out this EIA I have examined the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority and prescribed bodies has been set out above.

### 10.1.1. Alternatives

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

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

Chapter 3 of the submitted EIAR deals with Project Need and Alternatives Considered. In the context of planning policy for the City and the region, I do not regard the Do-Nothing option or alternative locations to be reasonable alternatives. Alternative design approaches to achieve the development objectives are set out in the EIAR, and the reasons for not proceeding with each, are identified, while alternative processes in terms of heating are also considered.

Having regard to the policy and zoning objectives for the area and the planning history relating to the site, it is considered that the issue of alternatives has been adequately addressed in the application documentation.

## 10.2. Assessment of Likely Significant Direct and Indirect Effects

### 10.2.1. Landscape and Visual Impact (Chapter 4):

Impacts

There will be short-term impacts on local views during construction, however, the effects will be limited in extent and duration and are not considered to be significant having regard to the brownfield nature of the lands and much of its surroundings.

On completion, the development will result in a significant change in the character of this area, from industrial to urban / residential however, such change is not in itself considered to be a significant negative effect having regard to the existing character of the site and its surroundings. The long-term change to the landscape and visual character of this area will occur as part of the overall transformation of the South Docks in line with local and regional planning policy. The most significant residual landscape and visual effects occur at a local level, within the short-middle distance, with some beneficial effects.

The EIAR assessment considers 32 viewpoints within a 4km radius. I consider the viewpoints selected to be satisfactory and representative of the surrounding area. No significant impacts are identified from walking or amenity routes, or protected views and vistas in the city. The EIAR describes the impact on views from a number of residential areas as moderate – significant adverse. Such views are relatively limited in extent, however. The change to the existing brownfield nature of the area is overall positive and will not have unacceptable effects on the amenities of those residential areas.

### Mitigation

Mitigation is provided in the overall design of the development and form of the blocks, including the relationship with Marina Park, as well as the landscaping of public spaces.

### Cumulative Impacts:

There will be positive cumulative impacts with the development of Marina Park. There will be some cumulative negative effects with the development of the Monaghan's Road Extension, however, in the context of the existing character of the area this is not regarded as significant. I note that that project has not yet been granted consent. The wider redevelopment of the docklands area will serve to reduce the overall impacts of the development.

### Conclusion

These brownfield lands have been zoned for urban development and have been the subject of a previous grant of planning permission. The site is not highly prominent or widely visible in the city and significant negative effects on the landscape quality or visual amenity of the area are not expected. There will be some beneficial effects from the development of this brownfield site.

I have considered all of the submissions and I am satisfied that impacts that are predicted to arise in relation to Landscape and Visual Amenity would be avoided managed and mitigated by the measures which form part of the proposed scheme and the proposed mitigation measures. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Landscape and Visual impact.



## 10.2.2. **Material Assets: Traffic and Transportation (Chapter 5)**

### Impacts

The site is centrally located within the city and occupies lands identified as a strategic development area. The existing road network adjoining the site has spare capacity and there are significant transport infrastructure proposals for the area. Reduced levels of car parking are provided in line with emerging policy for the area, as a measure to encourage modal shift. Cycle parking is provided in accordance with the provisions of the Apartment Design Guidelines.

Based on the assessment of trip generation, significant impacts on the road network are not anticipated. I note the extended construction phasing plan proposed as part of the application, however, construction traffic flows have been factored into the assessment. While issues with network capacity arise in future years at the western edge of the docklands area, the contribution of the proposed development to such issues is not significant. I note the submissions of the planning authority in this regard.

### Mitigation

Mitigation at construction stage relates to the planning and timing of works and provision of a construction mobility management plan and a construction traffic management plan. At operational stage, a Mobility management Plan will be implemented for residents, while the overall development provides reduced levels on on-site parking.

### Residual effects

Having regard to the strategic location of the site and proximity and connectivity to the city centre and employment zones, as well as planned high-capacity public transport linkages at this location, it is not considered that the development would give rise to significant residual adverse effects on the transport networks of the city, and will contribute to the delivery of a critical mass of development to support planned infrastructure in the area.

### Cumulative Effects

The assessment considers the completion and operation of the Monaghan's Road Extension by 2023 and is informed by strategic assessments for the area undertaken

by the planning authority (ABTA). No significant effects with this road or with Marina Park are anticipated.

Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Material Assets: traffic and transportation would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Material Assets: Traffic and Transportation.

### 10.2.3. **Material Assets: Services, Infrastructure and Utilities (Ch. 6)**

Impacts

There are existing water, drainage and utility services in the area, which are available to serve the development. Predicted impacts at construction stage include the potential for discharge of contaminated waters from the site and / or unrestricted surface water run-off, with potential impacts on downstream water quality and increased flood risk to adjacent lands. There is potential for increased water and wastewater demands during construction and some construction impacts on the adjoining road network. At operational stage, the development will give rise to increased loading on wastewater treatment services and demand for potable water. There is potential for uncontrolled and / or contaminated run-off from the site. Utility upgrades have the potential to benefit the surrounding area but may give rise to short-term minor traffic impacts associated with such works.

Mitigation

Mitigation at construction stage includes controls on the quality of surface water discharged from the site, measures to protect existing services and utilities in the area and provision of a connection to mains water and wastewater services for construction activities. Implementation of a Construction Management Plan will include Monitoring as part of the Regular site audits and consultation with relevant service providers and the local authority.

Operational mitigation includes the design of the surface water management system and appropriate maintenance thereof, and connection to mains water and wastewater services which have capacity to serve the development. The flood risk assessment concludes that the site is not at risk of flooding and will not increase the risk of flooding elsewhere. Monitoring and metering of utilities in accordance with various service agreements will be undertaken.

#### Residual effects

Residual effects include some increased loading on water and wastewater services, and some overall improvement in water quality due to the control of discharge from the site.

#### Cumulative Effects

No significant cumulative impacts are predicted. The surface water strategy is aligned with drainage works at Marina Park and the planning authority confirm that the development is consistent with the draft South Docks Levels Strategy.

#### Conclusion

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Material Assets: Service, Infrastructure and Utilities, would be avoided managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Material Assets: Services, Infrastructure and Utilities.

#### 10.2.4. Land (ch. 7)

Site investigations revealed evidence of hydrocarbon contamination on the site and the presence of heavy metals and asbestos in made ground. There is currently little hydraulic connectivity between ground water in the made ground and in the underlying gravel aquifer, due to the intervening layer of silt which acts as an aquitard. The site currently impacts on water quality in the surrounding open drainage channels and the LVG aquifer.

Construction will require the excavation of approximately 88,300m<sup>3</sup> soil and approximately 2,000m<sup>3</sup> of asphalt. This includes approx. 16,000m<sup>3</sup> of soil

contaminated with chlorinated hydrocarbons as part of necessary remediation works. Fill materials will be required to build up the site to the required levels and for under hard and soft landscaping areas. Any soil disposed of off-site (with or without treatment) will be classified in accordance with waste legislation and hazardous waste will be exported and disposed of outside of Ireland under a Transfrontier Shipment license.

#### Predicted Impacts:

In the do-nothing scenario, existing negligible adverse impacts arising from the presence of contaminated soils on the site will continue. Potential construction impacts arise from:

- Mobilisation of existing soil contamination into adjoining drains / watercourses due to exposure during site clearance, pending removal from the site.
- Mobilisation of contamination into the Lee Valley Gravel. Penetration of the silt layer (aquitard) by piling could increase the risk of temporary, localised groundwater flooding or open up a pathway to the aquifer.
- Temporary exposure of site workers and local residents to contaminated dust.
- Potential for temporary exposure of site workers to ground gas.
- Potential contamination due to the temporary storage of hazardous substances associated with the operation of plant e.g. fuels.
- Removal of contaminated materials will comprise a permanent beneficial effect.
- Dewatering may have a potential beneficial effect of dewatering due to the diversion of contaminated water to the local sewerage network instead of open drainage channels.

At operational Phase, potential impacts arise from

- Foundation structures will have permanent but imperceptible impacts on groundwater flow in the aquifer.
- There will be a minor reduction in recharge to made ground and the aquifer but there will be minor beneficial effects on groundwater quality.
- Potential exposure of site users and the environment to any retained contaminated soils, retained within the site.

## Mitigation

- Soil contaminated with chlorinated hydrocarbons will be excavated as part of remediation works.
- Implementation of the measures identified in the Construction Environmental Management Plan (CEMP) including controls on surface water discharge.
- Suitably experienced contractors shall carry out the remediation work, employing standard practices to manage risk from contaminated soils and ground gas which will be designed by the contractor dependent on his construction practices.
- An impervious liner and podium structures will prevent exposure to any retained contaminated soils on the site at operational stage. Suitable barriers/ventilation will be provided to minimise exposure of future site users to vapours / ground gas.
- During construction, the risk from contaminated dust / asbestos will be managed using standard health and safety measures as outlined in the Health and Safety Authority asbestos guidance (HSA 2013). Control measures will be devised based on a risk assessment to be carried out specific to the construction methods. I note the separate regulatory requirements which are enforced by the HSA.
- The piling methodology will be designed not to compromise the integrity of the low permeability silt layer between the made ground and LVG. Significant effects from temporary piling works are not therefore considered likely. There will be an overall negligible imperceptible impact in terms of groundwater flooding or movement of contaminated water.

## Monitoring

- Dust monitoring and groundwater level and quality monitoring during construction. The CEMP will outline the methods of monitoring and frequency.
- Independent air monitoring for the removal of the asbestos in soil, to ensure that proposed control measures do not release airborne asbestos fibres.

## Cumulative impacts:

The EIAR identifies similar risks from works at Marina Park and Monaghan Road Extension. Concurrent construction activity on all three sites could increase the risk of contaminants escaping from soils or substances stored on site, however, I note that works on Marina Park are well advanced. The combined effect could present a

slight / moderate short-term significant adverse effect on the open drainage channels, however, these channels are described as being of low ecological importance. There may be a negative imperceptible impact on recharge rates at operational stage with the Monaghan Road Extension.

#### Conclusion

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Land would be avoided managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Land.

#### 10.2.5. **Water (Hydrology) (Ch. 8)**

In terms of water quality, the EIAR notes the EPA classification of the Lee Estuary Lower, Lough Mahon and Cork Harbour as being of 'Moderate' status, improving to 'Good' at the Outer Cork Harbour. The Lee Estuary Lower and Lough Mahon downstream, are at risk of not achieving good water quality status. Groundwater hydrocarbon contamination identified within the site and in adjoining drainage channels, reflects the historic industrial uses in this area.

#### Impacts:

In the do-nothing scenario, there are current negative impacts with regard to drainage and surface water quality. There is a risk of pollution of downstream waters from construction and excavation activities, due to possible discharge of silt laden or contaminated waters to downstream water bodies, impacting on sensitive downstream features.

Run-off from the site connects directly to the Atlantic Pond and the EIAR predicts small adverse effects on the Atlantic Pond of imperceptible significance. The EIAR notes that the level of dilution downstream of the Atlantic Pond, in the Lee Estuary Lower is greater and the potential effect on the estuary and downgradient ecological sites is described as 'Negligible', of imperceptible significance.

#### Operational Impacts:

There will be a positive reduction in potentially contaminated groundwater discharging into the surrounding drainage network. There is a potential small adverse impact effect arising from hydrocarbon spills due to the presence of additional vehicles parking on site. There is no increased flood risk to downstream waterbodies or sensitive features.

#### Mitigation:

- A project-specific Construction Management Plan (CMP) will cover all potentially polluting activities and include an emergency response procedure.
- The CMP will align with specific CIRIA guidance, as well as guidance from IFI, Institute of Civil Engineering and Transport Infrastructure Ireland.
- Training of all personnel in the implementation of CMP procedures.
- Standard good practise measures to avoid impacts on water quality in receiving downstream waterbodies are identified, including the interception of treatment of waters prior to discharge off-site to address silt and hydrocarbon contamination.
- The design of surface water drainage, including SUDS measures and use of hydrocarbon interceptors, will have a beneficial effect for downstream water features.

#### Monitoring:

- Earthworks will be monitored by a Resident Engineer to ensure they conform to the methodology outlined in the construction management plan.
- Groundwater level and quality monitoring during construction.
- Monitoring to ensure that excavated soils for disposal are consistent with the relevant classifications under waste legislation.
- An appropriate operational maintenance regime for trapped gullies / catchpits to prevent excessive run-off of silt from the site.

#### Residual Effects:

No significant residual effects are identified.

#### Cumulative effects:

Cumulative effects with Monaghan's Road Extension and Marina Park are not considered to be significant. Phase 1 of the Marina Park is already underway and there is likely to be limited overlap in the construction phase of two developments. At operational stage, the proposed development will improve the quality of water discharged from the site. The surface water strategy connects in with new drainage infrastructure in the Marina Park development and the two developments will permanently improve the drainage network for the area.

The EIAR assumes that standard best practice will be implemented during construction of the Monaghan Road Extension to avoid sediments or pollutants entering watercourses. It is assumed the road will adhere to standard road drainage requirements, and will have no significant effects on the water environment during operation. That project will be subject to separate screening for EIA and AA as part of the required consent process.

Significant cumulative impact on water quality or flood risk are not considered likely.

#### Conclusion

I note the comments from Dept. of Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media in respect of potential impacts of contaminants on downstream waterbodies. Dilution is a considered to be relevant consideration in respect of silt run-off. Subject to the mitigation measures identified in the EIAR I note that the remediation of the site will have long-term beneficial effects through the removal of contaminated materials from the site in line with relevant guidance and regulations. The interception of contaminated waters prior to discharge to drains and other waterbodies during construction and excavation works, reinforced by on-going monitoring of water quality, will ensure that significant effects do not arise.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Water (Hydrology) would be avoided managed and mitigated by the measures which form part of the proposed scheme and the conditions recommended below. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Water (Hydrology).

#### 10.2.6. Biodiversity (Ch. 9)



(I refer also to Section 11.0 Appropriate Assessment below)

The site is generally hard paved and is generally of low ecological value. The nearest designated conservation area is Douglas River Estuary, 1.6 km from the site boundary, which comprises part of Cork Harbour SPA and Douglas River Estuary pNHA. There are connections to other downstream conservation sites, including Great Island Channel SAC, Cork Harbour SPA, Monkstown Creek pNHA and Dunkettle Shore pNHA.

Given separation from those sites, direct disturbance / displacement impacts are not considered likely for any designated site and I note that the site does not support habitats of ex-situ ecological value for mobile faunal species. Adjoining drainage channels are of low ecological significance. No bat roosts were identified during surveys of the site and separation from the nearest recorded roost site is such that significant foraging impacts are not predicted. Bat species identified using the site are relatively widespread and common nationally, and are largely considered to be of 'Least Concern' in terms of conservation status, apart from Leisler's Bat. The site is primarily outside of the known national distribution of Nathusius' Pipistrelle and Lesser Horseshoe Bat. The study site is therefore described as being of lower local value for bats.

A limited area of Near Threatened plant species, Common Toadflax, is identified on the site, however, the extent of substrate suitable to support this species is described as limited.

Two stands of the highly invasive knotweed species, Bohemian Knotweed (*Fallopia x bohemica*), are present within / on the boundary of the site. This hybrid species is listed on the Third Schedule of the 2011 European Communities (Birds and Natural Habitats) Regulations and is a species which it is an offense to disperse, spread or otherwise cause to grow in any place. Soils and other material containing Knotweeds are also identified in the regulations as vector materials, subject to the same strict legal controls. Failure to comply with the legal requirements set down can result in either civil or criminal prosecution.

The IAPS Site Assessment and Management Plan (Appendix 9.3 of the EIAR) states that it relies on methodologies necessary to ensure strict compliance with the legislation. A knotweed management programme has already been initiated on the

site and is on-going. Following previous treatment in 2019, the current condition of infestation is classified as healthy regrowth. The preferred management solution is a multi-annual control programme to continue to the process of eradication.

Where development works are proposed within infested areas prior to eradication having been validated, implementation of a Construction stage invasive alien plant species management plan, to fully remediate the infested soils, will be prepared and implemented, in advance of commencement of construction activities. This would provide for removal of all associated infested soil and bio-secure disposal. It is stated that this plan should include assessment and provision for vertical and horizontal ground protection along property boundaries, and any other relevant measures to ensure strict bio-security compliance.

I am satisfied that subject to the implementation of the identified mitigation measures this matter can be satisfactorily resolved. The measures proposed are known and understood to be consistent with best practice and are considered to be effective. I am satisfied that this matter can be conditioned, as the identified mitigation measures proposed are deemed to be effective and satisfy the requirements under S.I. No. 477 of 2011.

## Impacts

Potential identified effects include:

- Potential construction impacts on surface-water quality impacting on fauna associated with downstream water-features, due to release of silt, nutrients or other contaminants via on-site drainage channels.
- The development will primarily impact features of lower local or of no ecological value, with permanent imperceptible effect on semi-natural habitats and flora.
- The loss of Near Threatened Common Toadflax and suitable habitat / substrate will have a local negative but non-significant effect on its distribution.
- The loss of non-native trees will have a slight negative effect on habitat and flora.
- The culverting of existing open drainage channels of lower local importance will have a neutral imperceptible effect.
- The potential spread of invasive plants, especially Bohemian Knotweed, could have a moderate negative impact, of a local scale.

- The suitability of existing trees and buildings for roosting bats is low to moderate.
- Significant disturbance or displacement impacts are not predicted.

The EIAR considers the impact of discharge to mains sewerage and Cork City WWTP. While the plant is currently non-compliant in relation to Total Nitrogen and Phosphorus, reference is made to improvements under consideration. It is stated that discharge does not have an observable negative impact on water quality or WFD status. The plant has sufficient capacity to accept the additional loading from the development, and impacts are therefore described as neutral.

Mitigation:

#### Habitats & Flora

- Construction mitigation measures identified under Chapter 7 Land, and Chapter 8 Water of the EIAR, in respect of contamination on the site.
- Implement measures identified in the Outline Construction Management Plan for the management and control of construction stage surface-water run-off to protect downstream water-features.
- Restrict the footprint of construction activity and protect trees/shrubs being retained. Landscaping to provide a net gain of pollinator friendly planting.
- Management / eradication of invasive plants in line with current guidelines and the final Construction (and Environmental) Management Plan and the IAPS Site Assessment and Management Plan.
- No uncontrolled releases of wastes into the environment.
- The operational surface-water strategy will manage and control run-off from the site, to include regular maintenance / servicing in line with industry standards.
- Discharge to the public waste-water network for treatment at Cork City WWTP.

Fauna: Birds, Non-volant Mammals, Bats, Other Taxa & Aquatic

#### Construction Phase

- Timing of the removal of woody vegetation outside the bird nesting season.
- Inspection of trees and buildings prior to removal to identify potential for bat roosts. The subsequent removal shall be appropriately supervised and subject to consultation with NPWS and derogation licencing where relevant.

- Where a fauna species is found actively using the development footprint for breeding / resting, relevant site clearance/construction works will cease and advice sought from a suitably qualified / experienced Ecologist.
- Measures to avoid fauna becoming trapped in open excavations.
- Minimising construction operations during the hours of darkness, with lighting designed to minimise impacts.
- A net gain of pollinator friendly tree/shrub planting and maintenance and provision of wildlife corridors.
- Measures identified in the Natura Impact Assessment.

#### Operational Phase

- Ongoing maintenance and management of habitats / landscaped areas through a Habitats & Landscape Wildlife Management Plan.
- Lighting design to reduce impacts and light spill.
- The storm drainage system (including hydrocarbon interceptors etc.) design and maintenance in line with industry standards.
- Measures identified in the Natura Impact Assessment.

#### Monitoring:

- Appointment of a suitably qualified/experienced Ecologist in the role of Ecological Clerk of Works (ECoW) responsible for implementation and management of the identified construction mitigation measures.
- Groundwater level and quality monitoring.

#### Residual Effects:

Residual effects are described in the EIAR as generally neutral, but include:

- Slight positive effect for tree / treeline habitat features and associated flora as new planting / landscaping matures.
- Negative but non-significant for the permanent loss of a small patch of Common Toadflax and suitable habitat.
- Positive regarding the appropriate management / eradication of invasive plants.

#### Cumulative Effects:

The site and adjoining drainage channels are generally of low ecological value. No significant cumulative impacts in respect of loss / change in habitat and associated flora / fauna are considered likely. Subject to the adherence of other relevant developments to standard environmental practice regarding soil and water management during construction and operational phases, no significant negative cumulative impacts in relation to water features and associated biodiversity are identified.

#### Conclusion

I have considered all of the application documentation and submissions received, and I am satisfied that impacts predicted to arise in relation to Biodiversity would be avoided managed and mitigated by the measures which form part of the proposed scheme and by appropriate conditions. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Biodiversity.

#### 10.2.7. Noise and Vibration (ch. 10)

The EIAR describes the current baseline noise environment as typical of an urban location. Traffic on adjoining roads is the predominant influence on the noise environment. The nearest sensitive receptors are located at Birchgrove residential estate to the south, approx. 160m from the site.

#### Impact:

Construction Phase: The EIAR assesses a number of construction scenarios around the site and makes the following conclusions:

- Noise levels will be lower than the recommended BS 65 dB criterion for general construction activity, and the 70 dB National Roads Authority (TII) criterion for short term operations such as slab breaking and piling.
- At most off-site receptors, LAeq 1h levels will be lower than 55 dB.
- The highest levels will be received at dwellings at Birchgrove.

- Predicted LAeq 1h levels will reach 55-59 dB during piling works near the southwestern corner of the site, a daytime LAeq 1 h increase of 5-9 dB. As piling moves away from this corner, levels will decrease to below 50 dB.
- During breaking works, LAeq 1h levels at Birchgrove may rise to 61-64 dB for up to one week, an increase of up to 14 dB.
- No increase over baseline LAeq 1h levels is expected at locations to the north of the river.
- Construction traffic noise impacts will be negligible.
- Construction operations are not expected to give rise to off- site groundborne vibration, and PPV levels are highly unlikely to approach identified criteria.

#### Operational Phase

- No significant impacts are expected with respect to emissions associated with commercial elements of the development, such as air management or deliveries.
- Operational noise, including traffic noise, would not negatively impact on existing residential amenity.
- There is potential for inward noise impacts with differing levels of transport infrastructure, including light rail on Centre Park Road, Monaghan Road Extension and the Eastern Gateway Bridge.

#### Cumulative Impacts

Cumulative construction impacts with Marina Park are unlikely. Cumulative construction impacts with Monaghan's Road Extension are likely and a number of construction scenarios are assessed which conclude that the relevant criterion values are not likely to be exceeded at any receptors.

#### Mitigation:

In terms of acoustic design, it is indicated that the following features have been incorporated in the design:

- Most facades face internally to the site, with a low number of facades facing out towards roads.
- Internal landscaping will soften the soundscape, acoustically and psychologically.
- Promotion of bicycle usage will reduce onsite and local car movements.

#### Construction Phase

- Application of British Standard BS 5228-1:2009+A1:2014.
- Preparation and implementation of a Noise and Vibration Management Plan  
Timing of construction and plant activities and use of flat spectrum alarms.
- Use of bored rather than driven piles.
- General construction site and plant management measures
- Appointment of a local community liaison officer and notification of local residents where evening or night-time operations are required.
- Maintenance of a register of complaints, including details of follow-up action.
- Potentially noisy plant will be subject to assessment prior to movement onto site.

#### Operational Phase Mitigation

- Application of identified glazing standards to proposed apartments and fitting of non-mechanical ventilation with acoustic grade vents.

#### Monitoring

- The Noise and Vibration Management Plan (NVMP) will include noise monitoring in the vicinity of the site throughout construction work.
- The EIAR recommends vibration monitoring at Pairc Ui Chaoimh throughout periods of piling, subject to agreement with the GAA.

#### Residual Impacts:

No significant residual impacts on nearby or internal receptors are predicted.

External noise levels on balconies at certain facades may exceed WHO criteria; however, the EIAR notes that residents will have access to quieter spaces within the site and in the adjacent Marina Park. Having regard to the central urban location of the site and subject to the identified mitigation measures, I do not consider the impacts of the proposed development to be unacceptable in this regard.

#### Conclusion:

I have considered all of the application documentation and submissions received, and I am satisfied that impacts in relation to Noise and Vibration would be satisfactorily avoided, managed and mitigated by the measures which form part of the proposed scheme and by appropriate conditions. I am satisfied that the

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

#### 10.2.8. Air Quality and Climate (Ch. 11)

##### Impacts

The sensitivity of the receiving environment to dust soiling is described as low. Potential short-term dust generating activities comprise demolition, excavation construction and track-out. The EIAR concludes that there is a low risk of significant dust soiling. Construction stage plant and traffic impacts on air quality climate and human health are described as imperceptible, negative, local and short-term.

While the EIAR describes the risk to human health as a result of construction works as low, I note that chapter 11 does not refer to the contamination of soils across the site and the requirement for specific mitigation measures in respect of asbestos, as referenced in Chapter 7, *Land*.

Having regard to the scale of likely operational traffic movement, significant effects on air quality are not considered likely. No significant effects in respect of flood risk are predicted. The climatic impact of greenhouse gas emissions at operational stage are negative, long-term and imperceptible.

##### Cumulative

- There is potential for cumulative dust emissions with adjoining development if the construction phases overlap.
- Subject to the identified dust mitigation measures, the predicted cumulative impacts on air quality are deemed short-term, negative and not significant.
- Significant cumulative construction impacts on climate are not likely.
- Cumulative traffic impacts with Monaghan's Road Extension will result in a long-term, negative and imperceptible impact to air quality and climate during the operational stage.

##### Mitigation:

- Measures identified in Chapter 7, *Land*.



- Implementation of measures identified in the Dust Management Plan, as part of the overall Construction and Environmental Management Plan (CEMP), and ongoing monitoring of deposition during construction.
- Location of the site proximate to the city centre and planned high-capacity public transport corridors will facilitate a more sustainable operational model of development with potentially reduced overall transport emissions.
- Project design includes measures to reduce impacts on climate including sustainable design in accordance with building regulations, high BER rating, electric car charging points and increased bicycle parking provision, high efficiency heating.

#### Monitoring.

The Dust Management Plan identifies standard measures for minimisation of dust generation and emission from the site and will be incorporated into the overall Construction Management Plan (CMP). Section 11.4.3 of the EIAR notes that monitoring is not proposed for the construction phase of the proposed, however, this is an identified measure in the submitted Construction Management Plan. I note also that mitigation and monitoring is required in respect of site excavation and clearance activities as outlined in Chapter 7, Land. In particular, independent air monitoring for the removal of the asbestos in soil, to ensure that proposed control measures do not release airborne asbestos fibres. These chapters of the EIAR should therefore be read in conjunction.

#### Residual Impacts:

Significant residual effects are not predicted.

#### Conclusion

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Air Quality and Climate would be satisfactorily avoided, managed and mitigated by the measures which form part of the proposed scheme and by appropriate conditions. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Air Quality and Climate.

### 10.2.9. Cultural Heritage (Ch. 12)

#### Impacts

The proposed development will have no predicted impacts on known archaeological resources during the construction phase. Ground works have low potential to impact on unknown archaeological features. The proposed development will have no predicted impacts on designated architectural heritage resources and existing buildings and structures are not of heritage interest. No operational impacts on cultural heritage are predicted.

#### Cumulative Impacts:

I note that assessments undertaken in respect of the redevelopments of Pairc Uí Chaoimh did not identify any features of archaeological significance in this area. No recorded features are identified in Marina Park or the Monaghan Road Extension sites. Significant cumulative impacts on cultural heritage are not anticipated.

#### Mitigation and Monitoring

Ground excavation works will be subject to appropriate archaeological monitoring, in accordance with licensing requirements.

#### Residual Effects:

None predicted.

#### Conclusion

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Cultural Heritage would be satisfactorily avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Cultural Heritage.

## 10.2.10. Population and Human Health (Ch.13)

### Impacts

In the do-nothing scenario the land would likely remain a vacant brownfield site with the potential for occasional short-term use. This would not be in accordance with the planning strategy for the docklands area and Core Strategy of the Cork City Development Plan. No significant impacts on population or human health in terms visual amenity, noise, air quality and transport from the proposed development are considered likely and I refer to the above sections of this report.

The construction phase will generate increased employment and capital spend on materials and services, which will benefit the local economy, with positive and short-term impacts. Commercial aspects of the development will give rise to operational employment opportunities which will have a positive, long-term effect. The development of approx. 1,000 homes will have a significant permanent positive impact on the population in the area, contributing to compact growth of the City, in line with the settlement strategy. The development provides facilities while will also serve future development and adjoining zoned lands.

There will be an increased demand for childcare facilities. Provision within the development will result in a neutral to slight positive long-term impact on such demand. The development will give rise to additional demand for primary school and the post-primary school spaces. There is adequate capacity to meet demand in the short term. In the medium to long term, the construction of 2 primary schools and 1 secondary school on committed, zoned lands within the study area will meet the needs of the area.

Public and communal open space provision exceeds the requirements of the development plan. The development will link with adjoining amenity routes. Human health risks which are not addressed elsewhere in the EIAR, relate to Construction Health & Safety, and availability of Recreation and Amenity Facilities. On-site health and safety will be addressed in the Construction Management Plan and relevant health and safety legislation. Construction traffic impacts on traffic flow and safety are predicted to be negative, short-term but not significant. I note the predominantly industrial nature of lands in the surrounding area in this regard. Chapter 7 Lands, identifies issues of site contamination. Excavation of contaminated

materials and soils presents a potential risk to public health during works. Similarly, excavations giving rise to the release of ground gas may impact on the health of site workers. Longer-term beneficial effects are likely from the remediation of the site.

No potential significant negative operational impacts in terms of health and safety are identified. Potential impacts on cycling and pedestrians will be positive, due to access to public amenity and recreational facilities, with positive impacts on human Health.

#### Cumulative Impacts

No significant negative cumulative impacts with Marina Park or Monaghan Road Extension are anticipated.

#### Mitigation Measures

No likely significant negative impacts have been identified for population, or land use, and the EIAR identifies no requirement for further or additional mitigation measures. Health and safety risks will be managed in accordance with regulatory requirements and measures are set out in the CMP.

Subject to further identified mitigation measures, all areas at ground, podium and balcony levels would have suitable and safe wind conditions for the intended use. Similarly, subject to mitigation measures identified elsewhere in the EIAR, particularly compliance with requirements relating to waste and contaminated materials and the treatment of asbestos within soils, significant effects on population or human health are not considered likely.

The submitted Daylight, Sunlight and Overshadowing Study finds that the proposed development is compliant with BRE guidance. I have recommended minor modifications in respect of sunlight to the Local Centre Square.

#### Monitoring

Compliance with planning conditions and building regulation requirements, including project certification will be required. I note also monitoring provisions proposed under other headings of the EIAR.

Conclusion:

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Population and Human Health would be satisfactorily avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Population and Human Health.

10.2.11. **The interaction between the above factors**

Having regard to the foregoing, I note the following interactions:

Landscape and Visual Impact	Population and Human Health	Change in the landscape character and impact on existing views from residential areas and surrounding roads.
Material Assets -Traffic & Transportation	Population and Human Health	Additional traffic at construction and operation stages on the surrounding road network and associated impacts in terms of noise and disturbance.
	Noise & Vibration Air Quality and Climate	Emissions associated with additional traffic at construction and operation stages on the surrounding road network
	Water	Potential for spills and leakages from vehicles
Material Assets: Services and Infrastructure	Water	Increased demand for water services and loading on the municipal wastewater treatment plant. Potential contaminated run-off from the site during construction.

	Biodiversity	Additional loading on the municipal wastewater treatment plant discharging to Louth Mahon. Lighting impacts on nocturnal species. Disturbance during construction and site clearance.
Land	Population and Human Health / Air Quality	Potential during construction for dust and particulate emissions to air as well as the potential for the release of contaminated dust.
	Water	Potential discharge of contaminated run-off to surface water or groundwater
	Biodiversity	Site clearance potentially resulting in the spread of invasive species. Disturbance during site clearance and construction.
	Cultural Heritage	Site clearance may impact on unrecorded features of interest.
Hydrology / Water	Biodiversity	Potential discharge of contaminated run-off to surface water or groundwater. Additional loading on municipal WWTP discharging to Lough Mahon
Noise and Vibration	Population and Human Health	Noise and vibration emissions during construction activity. Additional traffic movement at construction and operational stages.
Air Quality and Climate	Population and Human Health	Potential for dust and particulate emissions to air during construction

### Cumulative Impacts

The EIAR considers cumulative impacts with the redevelopment of Marina Park and the Monaghan Road Extension. Work on Marina Park is well progressed and significant overlap in construction activity is not likely. No consent application has

yet been lodged for the Monaghan Road Extension, however, having regard to the extended life of this project, some overlap in construction phases is likely. That application will be subject to Screening for EIA.

The proposed development could occur in tandem with the development of other sites that are zoned in the surrounding area, however, there are no current applications or permitted developments in this area. I note that the planning authority indicate that the development is consistent with strategic assessments and recommendations in terms of traffic and transportation and drainage / levels in the wider docklands area, as set out in the ABTA and Strategic Levels Study.

#### 10.2.12. **Reasoned Conclusion on the Significant Effects**

Having regard to the examination of environmental information contained above, and in particular to the EIAR and other information provided by the developer, and the submissions from the planning authority and prescribed bodies in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

Impacts on surface and ground waters in respect of silt and other contaminants during construction, mitigated by:

- The excavation and removal of contaminated soils from the site.
- Implementation of the Construction Environment Management Plan and identified measures for the control and treatment of surface waters prior to discharge from the site.
- Compliance with standard guidance for the management of surface waters on construction sites.
- The use of a piling methodology to maintain the integrity of the low permeability silt layer between the made ground and the underlying aquifer.

Impacts on air quality from contaminated soils mitigated by:

- Adherence to regulatory requirements, as administered by the HSA, to be subject to independent air quality monitoring.

- Implementation of the Construction Environment Management Plan and Dust Management Plan.

Potential spread of invasive species mitigated by the measures identified in the I.A.P.S. Site Assessment Report & Management Plan as part of the Construction and Environmental Management Plan.

Potential Noise and Vibration impacts on sensitive receptors, mitigated by

- Implementation of a Construction and Environmental Management Plan and a Noise and Vibration Management Plan.
- Duration and timing of construction activities.
- Adherence to identified emission limit values, and monitoring in the vicinity of the site throughout construction work.
- Use of bored pile construction rather than driven piles.
- Glazing to proposed dwelling units in accordance with identified standards and the fitting of mechanical ventilation with acoustic grade vents.

A significant direct positive effect with regard to Population and Human Health due to the increase in housing stock that would be made available in the city and to the Cork Metropolitan Area.

## **Conclusion**

The submitted EIAR has been considered with regard to the guidance provided in the Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, Department of Housing, Planning, Community and Local Government (2018), (Draft) Revised Guidelines on the Information to be contained in Environmental Impact Assessment Reports, Environmental Protection Agency 2017, and (Draft) Advice Notes for Preparing Environmental Impact Statements September Environmental Protection Agency 2015. The assessments provided in the individual EIAR chapters are generally considered satisfactory. The likely significant environmental effects arising as a consequence of the proposed



development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or requiring significant amendments to it.

## 11.0 **Appropriate Assessment**

### 11.1. **Screening**

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

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

11.2.1. The applicant has submitted a Natura Impact Statement as part of the planning application – *Natura Impact Statement for a Proposed Mixed-Use Development at The Former Ford Distribution Site, Centre Park Road, Cork. In Support of the Appropriate Assessment Process.* December 2020.

- Section 1 provides an introduction and details of the methodology adopted.
- Section 2 describes the site and the proposed development, including the identification of inputs to the environment.
- Section 3 identifies relevant Natura 2000 sites and potential pathways. Impacts on the Blackwater River (Cork/Waterford) SAC were screened out at Stage I.
- Stage II of the assessment further considers impacts on Cork Harbour SPA and Great Island Channel SAC in relation to:
  - potential construction / operational surface water run-off
  - potential operational waste-water discharge impacts.
- Section 4 is titled Assessment: Natura Impact Assessment. It identifies elements of the project potentially impacting on the Natura network and mitigation measures to protect Natura sites.

Having reviewed the documents and submissions on the case, I am satisfied that the information provides a reasonable basis for the examination and identification of

potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

### 11.3. Screening for Appropriate Assessment

11.3.1. The proposed development is not directly connected with or necessary for the management of any European Site and therefore it needs to be determined if the development is likely to have significant effects thereon.

#### 11.3.2. Proposed development

The development site is described in section 2 of the submitted NIS and in further detail in the various sections of the EIAR. The site is currently under hard standing and contains limited industrial structures and buildings, while site investigations have identified areas of contamination across the site. A Third Schedule invasive species was recorded on the site, however, no habitats or species that are qualifying interests for any Natura 2000 site were recorded and the site does not contain ex-situ habitats of value for such qualifying interests.

I have described the proposed development in section 3.0 of this report and detailed descriptions of the development and construction methodology are contained in Chapter 2 of the EIAR. The proposal broadly comprises the redevelopment of this brownfield site and construction of 1,002 no. apartments in 12 no. buildings over podium level parking. A number of commercial and community uses are proposed at ground / street level. The development will be constructed in three phases and the application seeks a planning permission with a life of ten-years. Finished floor levels are to be raised having regard to the drainage characteristics of this area and the findings of the flood risk assessment. The development will connect to mains sewerage and water services. Excavated soils will include approx. 16,000-cu.m. of contaminated soils. The development will require the excavation of approx. 88,000m<sup>3</sup> soil and approximately 2,000m<sup>3</sup> of asphalt, including approx. 16,000m<sup>3</sup> of soil contaminated with chlorinated hydrocarbons as part of necessary remediation works.

The site is currently drained by open channels to the north and south, which discharge eventually to the River Lee. The main outfall in this wider area is via the Atlantic Pond, downstream and to the east of the application site. Some revisions to

the local drainage network are proposed, however, the primary outfall will remain the same.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms likely significant effects on European sites:

- Discharge of silt laden / contaminated waters from the site during construction works.
- Habitat disturbance / species disturbance (construction and / or operational).
- Operational surface water and wastewater emissions.
- Spread of invasive species.

#### 11.3.3. Submissions and Observations

I note that the submission from the Development Applications Unit raises the following points:

- The development may give rise to a future requirement to raise existing flood defences as an indirect effect.
- The assessment of the potential for discharge of hydrocarbon or heavy metal levels to the downstream wetlands or SPA mudflats is insufficient.
- Measures for oil interception are required during site excavation works, for the avoidance of groundwater contamination, and for environmental monitoring by an environmental clerk-of-works.
- There may be increased demand for lighting and nocturnal walking along the walkway between Blackrock Castle to Passage West adjoining Cork Harbour SPA.
- The Construction and Demolition Waste Management Plan should ensure that project waste disposal records are fully maintained and avoid waste being used for unauthorised infilling of lands within European sites.

#### 11.3.4. European Sites

The development site is not located within or immediately adjacent to any European site. The closest sites are identified below.

- Cork Harbour SPA (004030) – 2.4km downstream to the east. Closest point approx. 1.6km south of the site without hydrological connection.
- Great Island Channel SAC (001058) approx. 7.3km downstream of the application site.
- Blackwater River Cork / Waterford SAC 14.7km

There are hydrological connections between the application site and Great Island Channel SAC and Cork Harbour SPA via existing and proposed surface water and wastewater drainage systems. There are no relevant pathways or hydrological connections between the application site and the Blackwater River (Cork / Waterford) SAC and this site is screened out from further assessment.

### **Cork Harbour SPA 004030**

Cork Harbour is of major ornithological significance. Several Annex 1 species occur regularly, and the site provides feeding and roosting sites for the bird species that use it. The qualifying interests and conservation objectives are set out below:

### **Cork Harbour SPA 004030**

<b>Qualifying Interests: Wintering bird species</b>		
Grebe (Little and Great Crested)	Teal	
Grey Plover	Redshank	
Great Crested Grebe	Pintail	
Lapwing	Black-headed Gull	
Cormorant	Shoveler	
Dunlin	Common Gull	
Grey Heron	Red-breasted Merganser	
Black-tailed Godwit	Lesser Black-backed Gull	
Shelduck	Oystercatcher	
Bar-tailed Godwit	Golden Plover	
Wigeon	Greenshank	
Curlew		
<b>Conservation Objective:</b>		
To maintain the favourable conservation condition of the qualifying interests in Cork Harbour SPA, defined by the following list of attributes and targets:		
<b>Attribute</b>	<b>Measure</b>	<b>Target</b>
Population trend	Percentage change	Long term population trend stable or increasing
Distribution	Range, timing and intensity of use of areas	No significant decrease in the range, timing or intensity of use of areas

		other than that occurring from natural patterns of variation
<b>Qualifying Interest - Breeding birds</b>		
Common Tern		
<b>Conservation Objective:</b> To maintain the favourable conservation condition of Common Tern in Cork Harbour SPA, defined by the following list of attributes and targets:		
<b>Attribute</b>	<b>Measure</b>	<b>Target</b>
Breeding population abundance: apparently occupied nests	Number	No significant decline
Productivity rate: fledged young per breeding pair	Mean number	No significant decline
Distribution: breeding colonies	Number; location; area (hectares)	No significant decline
Prey biomass available	Kilogrammes	No significant decline
Barriers to connectivity	Number; location; shape; area (hectares)	No significant increase
Disturbance at the breeding site	Level of impact	Human activities should occur at levels that do not adversely affect the breeding common tern population
<b>Qualifying interest - Habitat:</b>		
Wetlands		
<b>Conservation Objective:</b> To maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. This is defined by the following attribute and target		
<b>Attribute</b>	<b>Measure</b>	<b>Target</b>
Habitat area	Hectares	The permanent area occupied by wetland habitat should be stable and not significantly less 2,587ha other than occurring from natural patterns of variation

The Conservation Objectives Support Document identifies factors that can adversely affect the achievement of Objective 1 including:

- Habitat modification: activities that modify discrete areas or the overall habitat(s) in terms of how listed species use the site, that could result in the displacement from the SPA and/or a reduction in their numbers.
- Disturbance: anthropogenic disturbance in or near the site that could result in the displacement of listed species from the SPA, and/or a reduction in numbers.
- Ex-situ factors: listed waterbird species may at times use habitats situated within the immediate hinterland or areas outside of the SPA but ecologically connected to it. Significant habitat change or increased levels of disturbance within these areas could result in the displacement of listed waterbird species from areas within the SPA, and/or a reduction in their numbers.

The maintenance of the 'quality' of wetland habitat lies outside the scope of Objective 2. However, the scope of Objective 1 covers the need to maintain, or improve where appropriate, the different properties of the wetland habitats contained within the SPA.

### **Great Island Channel SAC 001058**

The main habitats of conservation interest are the sheltered tidal sand and mudflats and the Atlantic salt meadows. This SAC overlaps with part of the Cork Harbour SPA, with its estuarine habitats providing foraging and roosting resources for wintering waders and wildfowl for which the SPA is designated. The qualifying interests and conservation interests are set out below:

<b>Great Island Channel SAC 001058</b>		
<b>Qualifying Interests</b>		
Tidal Mudflats and Sandflats (1140),		
<b>Conservation Objective:</b> To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Great Island Channel SAC, which is defined by the following list of attributes and targets.		
<b>Attribute</b> Habitat area	<b>Measure</b> Hectares	<b>Target</b> The permanent habitat area is stable or increasing, subject to natural processes.
Community distribution	Hectares	Conserve the following community type in a natural condition: Mixed sediment to sandy mud

		with polychaetes and oligochaetes community complex.
<b>Qualifying Interests</b>		
Atlantic Salt Meadows (1330).		
<b>Conservation Objective:</b> To restore the favourable conservation condition of Atlantic salt meadows in Great Island Channel SAC, defined by the following list of attributes and targets:		
<b>Attribute</b>	<b>Measure</b>	<b>Target</b>
Habitat area,	Hectares	Area stable or increasing, subject to natural processes, including erosion and succession.
Distribution	Occurrence	No decline or change in habitat distribution, subject to natural processes
Physical structure: sediment supply	Presence/absence of physical barriers	Maintain/restore natural circulation of sediments and organic matter, without any physical obstructions
Physical structure: creeks and pans	Occurrence	Maintain/restore creek and pan structure, subject to natural processes, including erosion and succession
Physical structure: flooding regime	Hectares flooded; frequency	Maintain natural tidal regime
Vegetation structure: zonation	Occurrence	Maintain range of coastal habitats including transitional zones, subject to natural processes including erosion and succession
Vegetation structure: vegetation height	Centimetres	Maintain structural variation within sward
Vegetation structure: vegetation cover	Percentage cover at a representative number of monitoring stops	Maintain more than 90% area outside creeks vegetated
Vegetation composition: typical species and subcommunities	Percentage cover at a representative number of monitoring stops	Maintain range of subcommunities with typical species listed in SMP
Vegetation structure: negative indicator species	Hectares	No significant expansion of common cordgrass, with an annual spread of less than 1% where it is known to occur

The Conservation Objectives Supporting Document identifies the main threats to its conservation significance come from road works, infilling, sewage outflows and marina development.

### 11.3.5. Identification of likely effects

Having regard to the Conservation Objectives of the SAC and SPA, factors potentially impacting on the sites arising from the proposed development are identified as:

- Habitat loss / modification
- Spread of invasive species.
- Disturbance of qualifying species of the SPA
- Ex-situ Impacts

The proposed development will not result in the direct loss or modification of habitats within any European sites. Impacts on water quality may impact on the qualifying interests of the site. Construction activity has the potential to give rise to the discharge of silt, contaminants or other polluting material to the surrounding drainage network which discharges to the Atlantic Pond / River Lee and lower estuary, upstream of the European Sites.

The proposed development will connect to mains wastewater services which flow to the Carrigrennan Wastewater Treatment Plant, discharging to Lough Mahon. The plant operates under an EPA licence (D-0033-01) and there is adequate capacity to accommodate flows from the proposed development. The 2019 Annual Environmental Report (AER) notes, however, that discharge from the plant is not in compliance with emission limit values in respect of nitrogen and phosphorus. Improvement works identified in the AER and in EPA publication, *Urban Waste Water Treatment in 2019*, include the provision of a higher level of treatment to reduce the amount of phosphorus released and meet licence requirements. The applicants refer to studies of the SAC undertaken in 2014 for Cork Council, to assess likely impacts of increased wastewater loadings generated by the 2022 development plan population targets. That study identified a need to upgrade deficient wastewater infrastructure, particularly in respect of the Carrigtohill and Midleton WWTPs. No issues were raised in respect of the Carrigrennan WWTP however<sup>3</sup>.

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<sup>3</sup> O'Neill, F.H., Brophy, J.T., Devaney, F.M., Nash, R. & Barron, S.J. (2014) Assessment of the Conservation Status of the Great Island Channel SAC (001058). Report for Cork County Council.



I note that there is no reported observed impact on water quality in the receiving waters, while neither the Department nor the planning authority have raised any concerns regarding wastewater impacts on the European sites in their submission on the application.

The proposed development would equate to a very small percentage of the overall licenced discharge at the plant, and thus would not impact significantly on overall water quality within the Cork Harbour area or the European Sites. I note also that, while unrelated, the Cork Lower Harbour Main Drainage Scheme is ongoing and has already delivered improvements to wastewater treatment and overall water quality in the harbour area. I do not therefore consider that the proposed development will give rise to likely significant effects on the European sites by reason of discharge to Carrigrennan WWTP.

The presence of invasive species (Bohemian knotweed) on the site is noted. This hybrid species is listed on the Third Schedule of the 2011 European Communities (Birds and Natural Habitats) Regulations and is a species which it is an offense to disperse, spread or otherwise cause to grow in any place. Soils and other material containing knotweed are also identified in the regulations as vector materials, subject to the same strict legal controls. Failure to comply with the legal requirements set down can result in either civil or criminal prosecution. I note the conclusions of the submitted NIS with regard to the potential spread of knotweed from the site, which are considered to be reasonable. The remediation of the site / eradication of such infestation, in line with the recommendations of the IAPS Site Assessment and Management Plan, is a mandatory requirement irrespective of proximity to any European Site, and is not therefore regarded as a mitigation measure.

No ex-situ effects are considered likely having regard to the unfavourable nature of habitats on the site and adjoining lands for the qualifying species of the European Sites.

In respect of disturbance, I note the location of the site within the central city area, approx. 2.5km from the SPA boundary at Blackrock / 1.6km north of Douglas Estuary. The area is subject to existing levels of background noise and activity given its location on the edge of the urban area. It is noted that Great Island Channel SAC is designated for habitats rather than fauna and no disturbance or displacement

impacts are therefore considered relevant. The Dept. of Tourism, Culture, Arts, Gaeltacht, Sport and the Media raise possible disturbance issues arising from increased recreational activity along an existing popular walkway adjoining the SPA from Blackrock Castle to Passage West at a remove from the application site, and associated pressure for lighting and night-time use thereof. Any lighting proposals in respect of that walkway would serve the wider city population and are not related to the proposed development. Any proposals in this regard should be subject to screening on their own merits and do not form part of an in-combination assessment for this development.

While the Departmental submission refers to the potential use of C & D waste for unauthorised infilling of lands within the above European sites, I do not consider that such unauthorised development can be presupposed. The Outline Construction and Demolition and Waste Management Plan describes procedures for the handling and disposal of waste materials in accordance with relevant waste management legislation. Compliance with these legislative requirements is not regarded as a measure intended to avoid or reduce the harmful effects of a project on a European site and are not therefore regarded as mitigation measures for the purposes of AA screening. Compliance with such legislation would satisfactorily address concerns regarding such unauthorised development.

I note the comments from the Development Applications Unit in respect of flooding. The application is accompanied by a site-specific flood risk assessment. The proposed development is not considered to be at risk of flooding and will not create a risk of flooding elsewhere. As noted in the Departmental submission, there are existing extensive areas of the city at much greater risk of flooding which would drive any possible future requirements for additional flood relief works in the wider city area before the subject development. I do not consider therefore that further consideration of any significant effects is required in the context of this planning application.

I consider that the potential for in-combination wastewater impacts can be excluded having regard to the scale of development proposed in the context of the wider city, the current capacity of the Carrigrennan Wastewater treatment plant, and planned upgrade works thereto. I note proposals for the adjacent development of Marina Park and the Monaghan's Road Extension. Having regard to the status of works on

Marina Park it is likely that they will be substantially complete before works commence on the proposed development. Development of the Monaghan's Road Extension will likely occur concurrently with the proposed construction works. There is potential for impacts in terms of water quality impacts during construction and from the increased vehicular movements in this area. That development has not yet been subject to a development consent process.

In conclusion, potential significant effects on the European Sites Cork Harbour SPA (004030) Great Island Channel SAC (001058) are identified a impacts on Water Quality due to run-off of silt and other contaminants from the site at construction and operational stages.

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

#### **11.3.6. 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 project individually (or in combination with other plans or projects) could have a significant effect on Cork Harbour SPA (004030) and Great Island Channel SAC (001058), in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

#### **11.4. Stage II Appropriate Assessment**

The application is accompanied by a Natura Impact Statement, as outlined above, which arrives at the following conclusions:

- Elements of the proposed development may result in potential impacts on Cork Harbour SPA and Great Island Channel SAC in the absence of environmental protection measures including potential impacts from construction / operational surface-water run-off.
- Potential waste-water impacts are not considered relevant, and no mitigation measures are required.

- With the implementation of the specified mitigation measures, no indirect habitat loss or deterioration of the Natura 2000 sites in relation to silt-laden or contaminated surface-water run-off arising from the construction or operational phases of the proposed development is likely.
- Mitigation measures will be integrated as part of the proposed development for the protection of water-features.

#### 11.4.1. Appropriate Assessment of implications of the proposed development

The following is a summary of the objective assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

#### 11.4.2. European Sites

The following sites are subject to Appropriate Assessment:

- Cork Harbour SPA 004030
- Great Island Channel SAC 001058

The qualifying interests and conservation objectives for these sites are set out in section 11.3.4 above. The aspects of the proposed development that could adversely affect the conservation objectives of these European sites have been identified as impacts on Water Quality due to run-off of silt and other contaminants from the site at construction and operational stages.

Tables 1 and 2 below summarise the appropriate assessment and integrity test. The conservation objectives, targets and attributes as relevant to the identified potential adverse effects have been examined and assessed in relation to all aspects of the project (alone and in combination with other plans and projects). I have also examined the Natura 2000 data forms as relevant and the conservation objectives supporting documents for these sites available through the NPWS website ([www.npws.ie](http://www.npws.ie)). Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed. In terms of possible in-combination

effects, plans, programmes and existing and proposed developments were considered. This allows for clear, precise and definitive conclusions to be reached in terms of adverse effects on the integrity of European sites.

**Table 1 Cork Harbour SPA**

Qualifying Interest -	Conservation Objective:	Potential adverse effect	Mitigation Measures	In-Combination Effects	Can adverse effects be excluded?
<p><b>Wintering bird species</b></p>	<p>Maintain the favourable conservation condition of the qualifying interests, defined by the following list of attributes and targets  <b>Attribute &amp; Target:</b></p> <ul style="list-style-type: none"> <li>• Long term population trend stable or increasing.</li> <li>• Distribution: No significant decrease in the range, timing or intensity of use of areas other than from natural patterns of variation.</li> </ul>	<p>Impacts on Water Quality and habitats due to run-off of silt and other contaminants at construction and operational stages.</p>	<ul style="list-style-type: none"> <li>• Separation from Natura Network sites.</li> <li>• Specific measures identified in section 4.2.1 of the NIS and Section 3.1.4 of the Outline Construction Management plan including: <ul style="list-style-type: none"> <li>○ Exclusion zones and barriers to prevent sediment washing into adjoining drains.</li> <li>○ Temporary construction drainage and in place before earthworks commence.</li> <li>○ Temporary sediment control measures and hydrocarbon/oil interceptor facilities provided where site works involve discharge to local drainage network.</li> <li>○ Collection of ponding or infiltration water and</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Adjoining works in Marina Park include measures to improve overall drainage and water quality in the area, including diversion of the adjoining open drain to the south.</li> <li>• This project is well progressed and was subject to AA screening.</li> <li>• Works on proposed Monaghan’s Road Extension will involve excavation and construction activity. Subject to similar best practise measures and AA screening, significant in-combination effects are not anticipated.</li> </ul>	<p>Yes</p>

			<p>discharge to the public sewer following on-site treatment.</p> <ul style="list-style-type: none"> <li>○ Removal of any contaminated ground material to an appropriate, licenced facility reducing longer-term impacts on water quality.</li> </ul>		
<p><b>Breeding birds: Common Tern</b></p>	<p>To maintain the favourable conservation condition of Common Tern in Cork Harbour SPA, defined by the following list of attributes and targets:</p> <ul style="list-style-type: none"> <li>– Breeding population abundance (occupied nests)</li> <li>– Productivity rate</li> <li>– Distribution: breeding colonies</li> <li>– Prey biomass available</li> <li>– Barriers to connectivity</li> <li>– Disturbance at the breeding site</li> </ul>	<p>Impacts on Water Quality and habitats due to run-off of silt and other contaminants at construction and operational stages.</p>	<ul style="list-style-type: none"> <li>● Separation from identified breeding sites of the Common Tern in the harbour area.</li> <li>● Specific measures identified in section 4.2.1 of the NIS, Table 15.1 of the EIAR and Section 3.14.2 of the Outline Construction Management plan including: <ul style="list-style-type: none"> <li>○ Exclusion zones and barriers to prevent sediment washing into adjoining drains.</li> <li>○ Temporary construction drainage and in place before earthworks commence.</li> </ul> </li> </ul>		<p>Yes</p>

			<ul style="list-style-type: none"> <li>○ Temporary sediment control measures and hydrocarbon/oil interceptor facilities shall be provided where site works involve discharge to local drainage network.</li> <li>○ Collection of ponding or infiltration water and discharge to the public sewer following on-site treatment.</li> <li>○ Removal of any contaminated ground material and transportation to an appropriate licenced facility reducing longer-term impacts on water quality.</li> </ul>		
<b>Habitat: Wetlands.</b>	To maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.	Impacts on Water Quality and habitats due to run-off of silt and other contaminants at construction and operational stages.	Specific measures identified in section 4.2.1 of the NIS, Table 15.1 of the EIAR and Section 3.14.2 of the Outline Construction Management plan including: <ul style="list-style-type: none"> <li>○ Exclusion zones and barriers to prevent</li> </ul>		Yes



	This is defined by Habitat area.		<p>sediment washing into adjoining drains.</p> <ul style="list-style-type: none"> <li>o Temporary construction drainage and in place before earthworks commence.</li> <li>o Temporary sediment control measures and hydrocarbon/oil interceptor facilities shall be provided where site works involve discharge to local drainage network.</li> <li>o Collection of ponding or infiltration water and discharge to the public sewer following on-site treatment.</li> <li>o Removal of any contaminated ground material to an appropriate licenced facility reducing longer-term impacts on water quality.</li> </ul>		
<b>Conclusion</b>					
Subject to the control of silt and contamination in accordance with identified measures, significant adverse effects can be excluded. There will be longer-term positive impacts on water quality through the removal of contamination sources from the site.					

Following the appropriate assessment and the consideration of mitigation measures, I conclude with confidence that the project would not adversely affect the integrity of Cork Harbour SPA in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

**Table 2 Great Island Channel SAC**

Qualifying Interest -	Conservation Objective:	Potential adverse effect	Mitigation Measures	In-Combination Effects	Can adverse effects be excluded?
Tidal Mudflats and Sandflats (1140)	<p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Great Island Channel SAC, which is defined by:</p> <ul style="list-style-type: none"> <li>- Habitat area</li> <li>- Community distribution</li> </ul>	Impacts on Water Quality and habitats due to run-off of silt and other contaminants at construction and operational stages.	<p>Separation from Natura Network sites. Specific measures identified in section 4.2.1 of the NIS, Table 15.1 of the EIAR and Section 3.14.2 of the Outline Construction Management plan including:</p> <ul style="list-style-type: none"> <li>o Exclusion zones and barriers to prevent sediment washing into adjoining drains.</li> <li>o Temporary construction drainage and in place before earthworks commence.</li> <li>o Temporary sediment control measures and hydrocarbon / oil interceptor facilities where site works involve discharge to local drainage network.</li> <li>o Collection of ponding or infiltration water and discharge to the public</li> </ul>	<ul style="list-style-type: none"> <li>• Adjoining works in Marina Park include measures to improve overall drainage and water quality in the area, including diversion of the adjoining open drain to the south. This project is well progressed and was subject to AA screening.</li> <li>• Works on proposed Monaghan’s Road Extension will involve excavation and construction activity. Subject to similar best practise measures and AA screening, significant in-combination effects are not anticipated.</li> </ul>	Yes

			<p>sewer following on-site treatment.</p> <ul style="list-style-type: none"> <li>o Removal of any contaminated ground material to an appropriate licenced facility reducing longer-term impacts on water quality.</li> </ul>		
Atlantic salt meadows	<p>To restore the favourable conservation condition of Atlantic salt meadows in Great Island Channel SAC, defined by:</p> <ul style="list-style-type: none"> <li>- Habitat area</li> <li>- Distribution</li> <li>- Physical structure: natural circulation of sediments and organic matter</li> <li>- Physical structure: creeks and pans</li> <li>- Physical structure: flooding regime</li> <li>- Vegetation structure: zonation</li> <li>- Vegetation structure: vegetation height</li> </ul>	<p>Impacts on Water Quality and habitats due to run-off of silt and other contaminants at construction and operational stages.</p>	<p>Separation from Natura Network sites. Specific measures identified in section 4.2.1 of the NIS and Section 3.1.4 of the Outline Construction Management plan including:</p> <ul style="list-style-type: none"> <li>o Exclusion zones and barriers to prevent sediment washing into adjoining drains.</li> <li>o Temporary construction drainage and in place before earthworks commence.</li> <li>o Temporary sediment control measures and hydrocarbon / oil interceptor facilities shall be provided where site works involve discharge</li> </ul>	<ul style="list-style-type: none"> <li>• Adjoining works in Marina Park include measures to improve overall drainage and water quality in the area, including diversion of the adjoining open drain to the south. This project is well progressed and was subject to AA screening.</li> <li>• Works on proposed Monaghan's Road Extension will involve excavation and construction activity. Subject to similar best practise measures</li> </ul>	Yes

	<ul style="list-style-type: none"> <li>- Vegetation structure: vegetation cover</li> <li>- Vegetation composition: typical species and subcommunities</li> <li>- Vegetation structure: negative indicator species</li> </ul>		<ul style="list-style-type: none"> <li>to local drainage network.</li> <li>o Collection of ponding or infiltration water and discharge to the public sewer following on-site treatment.</li> <li>o Removal of any contaminated ground material and transportation to an appropriate licenced facility reducing longer-term impacts on water quality.</li> </ul>	<p>and AA screening, significant in-combination effects are not anticipated.</p>	
<p><b>Conclusion</b></p> <p>Subject to the control of silt and contamination in accordance with identified measures, significant adverse effects can be excluded. There will be longer-term positive impacts on water quality through the removal of contamination sources from the site.</p>					

Following the appropriate assessment and the consideration of mitigation measures, I conclude with confidence that the project would not adversely affect the integrity of Great Island Channel SAC in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

### 11.4.3. **Appropriate Assessment Conclusion**

The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the project, it has been concluded that it may have a significant effect on Cork Harbour SPA and Great Island Channel SAC. An Appropriate Assessment of the implications of the project on the qualifying features of those sites in light of their conservation objectives was therefore undertaken. 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 Cork Harbour SPA and Great Island Channel SAC, 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 the main considerations set out below, and there is no reasonable doubt as to the absence of adverse effects:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of Cork Harbour SPA and Great Island Channel SAC.
- Detailed assessment of in-combination effects with other plans and projects including current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Cork Harbour SPA and Great Island Channel SAC.

## 12.0 **Conclusions and Recommendation**

The proposed development is regarded as acceptable in principle on these zoned lands proximate to the city centre. The area has been long identified as being of strategic importance for the consolidation of growth in the city and the development is aligned with strategic planning, transport and drainage policies for the area.

I note the extant planning permission on the site and the overall objectives of strategic housing legislation. In this regard I consider that a permission for a period of 7-years would be reasonable in the case of this large-scale development and in the absence of other strategic barriers to the development of the lands.

The development will deliver a significant number of residential units and achieve satisfactory levels of residential amenity. Having regard to the existing brownfield nature of the site, it is considered that the development will give rise to a positive change in the landscape character and visual amenities of the area. In this regard, the development will be seen in conjunction with Marina Park, an important city-wide amenity.

There are water, drainage and utility services available to serve the development and the development is acceptable from a flood risk management viewpoint and will not increase the risk of flooding elsewhere. The treatment of varying levels across the site is considered to be successful. Significant environmental impacts are not considered to arise and there will be longer-term benefits from the remediation of this site. Short-term construction risks can be adequately mitigated.

Having regard to the foregoing, I recommend that the Board grant permission for the proposed development subject to such conditions and modifications to the proposed development as it specifies in its decision in accordance with section 9(4)(b) of the Act, as set out below.

## **13.0 Recommended Order**

### **Planning and Development Acts 2000 to 2019**

#### **Planning Authority: Cork City Council**

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 11<sup>th</sup> Day of June 2020 by Marina Quarter Limited care of McCutcheon Halley Planning, 6 Joyce House, Barrack Square, Ballincollig, Co. Cork.

## **Proposed Development:**

The development will consist of:

- a) The demolition of existing structures including a single storey building, entrance canopy, pump island canopy, flood lights and the decommissioning / removal of 3 no. underground fuel tanks.
- b) The construction of 1,002 no. apartments (comprising a mix of studio, 1, 2 and 3 bed apartments) in 12 no. blocks, ranging in height from 4 to 14 storeys.
- c) Blocks 1 to 12 also include commercial and community facilities, including the provision of 5 no. retail units, 1 no. Montessori school, 1 no. creche (provided as part of a two-storey building connected to Block no. 3), a medical centre, bar, café, venue/performance area, 2 no. community resource spaces and ancillary signage.
- d) The provision of internal and external amenities for residents and open space / landscaping areas to include pocket parks, linear park, residential squares and urban spaces.
- e) Ancillary car, motorcycle and bike parking.
- f) Reservation for the Monahan's Road extension.
- g) The provision of 1 no. internal link road through the site linking Centre Park Road and the Monahan's Road extension.
- h) The provision of 2 no. pedestrian streets through the site linking Centre Park Road and the Monahan's Road extension; and
- i) All associated ancillary development works, including storage, plant and management facilities.

## **Decision**

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations hereunder and subject to the conditions 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.

### 13.1. **Reasons and Considerations**

Having regard to

- I. the central and accessible location of the site and the policies and objectives of the Cork City Development Plan 2015 – 2021, including the zoning objectives for the lands, wherein residential use is acceptable in principle.
- II. the provisions of the National Planning Framework with regard to compact growth in Cork City, and of the Southern Region, Regional Spatial and Economic Strategy with regard to the regeneration of Cork City Docklands.
- III. to the provisions of the *Guidelines for Planning Authorities on Sustainable Residential Development In Urban Areas* and the *Urban Design Manual – A Best Practice Guide*, issued by the Department of the Environment, Heritage and Local Government, the *Sustainable Urban Housing: Design Standards for New Apartments* issued by the Department of Housing, Local Government and Heritage, the *Urban Development and Building Heights Guidelines for Planning Authorities* issued by the Dept of Housing, Planning and Local Government, the *Design Manual for Urban Roads and Streets (DMURS)* issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government; the *Planning System and Flood Risk management Guidelines for Planning Authorities*, issued by the Department of the Environment , Heritage and Local Government, the *Childcare Facilities – Guidelines for Planning Authorities*, published by the Government of Ireland, the *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, issued by the Department of Housing Planning and Local Government*.
- IV. the nature, scale and design of the proposed development and to the pattern of development in the surrounding area,

- V. the planning history relating to the site,
- VI. existing and planned transport and recreational infrastructure in the area,
- VII. to the submission of the Chief Executive and the submissions of prescribed bodies in respect of the application,
- VIII. to the report of the planning inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of residential amenity, and in terms of pedestrian and traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### **Appropriate Assessment: Stage 1**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Natura Impact Statement Report submitted with the application, the Inspector's Report, and submissions on the file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than European Site Cork Harbour SPA (004030) Great Island Channel SAC (001058), which are European sites for which there is a likelihood of significant effects.

#### **Appropriate Assessment: Stage 2**

The Board considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on Cork Harbour SPA (004030) Great Island Channel SAC (001058), in view of the sites' conservation objectives. The

Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

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

- a) the site-specific conservation objectives for the European sites,
- b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts on surface water and ground water quality,
- c) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the sites' 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 conclusion is based on the following:

- a) The excavation and removal of contaminated soils from the site.
- b) The measures identified to control the quality of surface water discharges which provide for the interception of silt and other contaminants prior to discharge from the site during construction and operational phases, and for the avoidance of ground water contamination.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development;

(b) The Environmental Impact Assessment Report and associated documentation submitted in support of the planning application;

(c) The submissions from the Chief Executive and the prescribed bodies in the course of the application; and

(d) The Inspector's report.

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

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

#### **Reasoned Conclusions on the Significant Effects:**

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

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

Impacts on surface and ground waters in respect of silt and other contaminants during construction, mitigated by:

- The excavation and removal of contaminated soils from the site.

- Implementation of the Construction Environment Management Plan and identified measures for the control and treatment of surface waters prior to discharge from the site.
- Compliance with standard guidance for the management of surface waters on construction sites.
- The use of a piling methodology to maintain the integrity of the low permeability silt layer between the made ground and the underlying aquifer.

Impacts on air quality from dust, including that generated by contaminated soils mitigated by:

- Adherence to regulatory requirements, as administered by the Health and Safety Authority (HSA), to be subject to independent monitoring of air quality.
- Implementation of the Construction Environment Management Plan and Dust Management Plan.

Potential spread of invasive species mitigated by the implementation of Invasive Species Management Plan as part of the Construction and Environmental Management Plan.

Potential Noise and Vibration impacts on sensitive receptors, mitigated by

- Implementation of a Construction and Environmental Management Plan and a Noise and Vibration Management Plan.
- Duration and timing of construction activities.
- Adherence to identified emission limit values, and monitoring in the vicinity of the site throughout construction work.
- Use of bored pile construction rather than driven piles.
- Glazing to proposed dwelling units in accordance with identified standards and the fitting of mechanical ventilation with acoustic grade vents.

A significant direct positive effect with regard to Population and Human Health due to the increase in housing stock that would be made available in the city and to the Cork Metropolitan Area.

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

### 13.2. **Conclusions on Proper Planning and Sustainable Development:**

The Board considered that the proposed development is broadly compliant with the provisions of the Cork City Development Plan 2015-2021, apart from the building height and apartment design parameters, and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a land use zoning objective of the Development Plan, it would materially contravene objectives of the Plan with regard to building height and apartment design. The Board considers that, having regard to the provisions of section 37(2)(b) (i) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the development plan would be justified for the following reasons and considerations:

- (a) The proposed development is considered to be of strategic or national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended; and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under-supply as set out in *Rebuilding Ireland Action Plan for Housing and Homelessness 2016*, and to facilitate the achievement of greater

density and height in residential development in an urban centre close to public transport and centres of employment.

(b) It is considered that in respect of building height, permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework, in particular objectives 13 and 35, and the *Urban Development and Building Height Guidelines for Planning Authorities*, in particular SPPR1 and SPPR3.

(c) It is considered that in respect of apartment design and size, the proposed development should be granted permission having regard to Government Policy set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020).

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b)(i) and (iii) of the 2000 Act were satisfied for the reasons and considerations set out.

Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and mix of unit types and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area or be prejudicial to public health, would be acceptable in terms of urban design and height and in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 13.3. **Conditions**

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

development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

2. Mitigation and monitoring measures outlined in the plans and particulars submitted with this application, including the measures identified in Chapter 15 of the Environmental Impact Assessment Report '*Schedule of Mitigation and Monitoring*', the *Outline Construction Management Plan* contained in Appendix 2.1, and the I.A.P.S. Site Assessment Report & Management Plan contained in Appendix 9.3, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

3. The mitigation measures contained in the Natura Impact Statement which was submitted with the application shall be implemented in full.

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

4. The proposed development shall be amended as follows:
  - a) The height of Block 4 fronting the proposed Monaghan's Road Extension / Marina Park shall be reduced by one storey.
  - b) The footprint of Block 8 shall be modified such that it does not extend beyond the building line to the north east, which is formed by the southeastern elevations of Block 7 and Block 9.

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



**Reason:** In the interests of visual amenity and strengthen the role of Block 2 as a local landmark building, and to improve the quality of public urban spaces, including the achievement of improved levels of sunlight and amenity.

5. The period during which the development hereby permitted may be carried out shall be seven years from the date of this order.

**Reason:** Having regard to the nature and scale of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

6. The permitted use of the multi-purpose room within the Community Resource facility in Block 9, at the corner of Centre Park Road and the Local Centre Square, shall include uses permissible under ZO 9 Neighbourhood Centres land use zoning objective, as defined in the Cork City Development Plan 2015-2021. Revised details to facilitate such use shall be submitted to and agreed in writing with the planning authority prior to first occupation of the unit.

**Reason:** In order to facilitate appropriate levels of street level activity at this important nodal location.

7. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity

8. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

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

9. Proposals for a street, building and public space naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs and dwelling numbers, shall be provided in accordance with the agreed scheme. No advertisements / marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

**Reason:** In the interest of urban legibility.

10. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services. Details to be agreed in writing prior to the commencement of development on the site shall include:

- a) A finalised surface water attenuation / storage solution which shall be suitable for the groundwater conditions at the application site.
- b) Revised drainage and / or taking in charge details such that surface water attenuation tanks shall not be located on lands intended to be taken in charge by the local authority.
- c) Final details of proposed works to existing drainage channels or culverts as part of the proposed development.

**Reason:** In the interests of public health

11. Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate that Sustainable Urban Drainage System measures have been

installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of public health and surface water management

12. (a) The mitigation measures identified in the Flood Risk Assessment Report (23 November 2020) submitted with the application shall be implemented in full. Any proposed changes to the measures shall be agreed in writing with the planning authority prior to the commencement of development on the site.

(b) Prior to first occupation of any unit on the site, a Flood Emergency Management Plan shall be submitted to and agreed in writing with the planning authority. Such plan shall be subject to regular review by the management company for the development.

**Reason:** In the interests of public health and safety

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

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

14. (a) All mitigation measures identified in the Pedestrian Level Wind Microclimate Assessment (30 November 2020) shall be implemented in full, including in particular, the measures identified in section 7.2.1.5 of that report.

(b) Prior to first occupation of residential units in Phase 1 and Phase 2, a further assessment shall be undertaken to ascertain the requirement for additional temporary mitigation measures pending the completion of subsequent phases of development on the site. Details in this regard shall be agreed in writing with the planning authority prior to the commencement of development on the site.

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

15. (a) The site shall be landscaped and paving and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.
- (b) The palette of materials to be used, including street furniture, paving etc to be used in public spaces shall be agreed in writing with the planning authority prior to the commencement of development on the site.

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

16. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs within and adjoining the site which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.
- (c) No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained on the site.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

17. A schedule of landscape management and maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years from

completion of the overall development, and shall include details of the arrangements for its implementation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of visual amenity

18. Final landscaping and finished ground levels within the proposed linear park shall be agreed in writing with the planning authority prior to the commencement of development, which levels shall ensure that universal access to pedestrian crossings of the Monaghan's Road Extension is achieved.

**Reason:** In order to provide universal access between the development and Marina Park.

19. The developer shall engage with the operators of Cork Airport and with the Irish Aviation Authority and shall:

- a) Undertake a preliminary assessment of the potential impact of the proposed development, including construction cranes, on instrument flight procedures, and communications, navigation or surveillance equipment at Cork Airport.
- b) Agree an obstacle lighting scheme for structures on the site.
- c) Provide at least 30-days' notice of any proposed crane operations on the site.

**Reason:** In the interests of public and aircraft safety

20. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

21. (a) The road network serving the proposed development, including junctions, surfacing, parking / set-down areas, car park access roads layouts, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and the design standards outlined in the Design manual for Urban Roads and Streets (DMURS) 2020 and the National Cycle Manual. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

(b) Prior to the commencement of development, full design details in respect of shared surfaces and raised tables at proposed junctions, including geometry and materials, shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of amenity and of traffic and pedestrian safety, and to ensure an appropriate standard of development.

22. (a) A revised strategy for the design and treatment of footpaths, public spaces and landscaped areas along Marquee Road shall submitted to and agreed in writing with the planning authority prior to the commencement of development.

(b) On-street parking on Marquee Road and Street B / New Link Road shall be omitted and revised details in respect of the provision of set-down / loading areas and disabled parking spaces only, shall be submitted to and agreed in writing with the planning authority.

(c) Carriageway width on Street B / New Link Road shall be reduced to 5.5m in accordance with its role as a local street.

**Reason:** In the interests of pedestrian safety and to provide an improved quality of public urban space.

23. (a) All findings of the Quality Audit at initial and detailed design stages shall be finalised and incorporated into the development in a manner to be agreed in writing with the planning authority prior to the commencement of development.

(b) A stage 3 / 4 Road Safety Audit in respect of the proposed development shall be undertaken and the findings of the audit shall be incorporated into the

development. Final details in this regard shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interests of road safety

24. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

25. Final design details in respect of surface level visitor / short-term bicycle parking, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development on the site. Details to be agreed shall include the proportion and location of cycle parking spaces to be provided as covered spaces and the design of parking structures.

**Reason:** To ensure that a satisfactory quality of bicycle parking is available to encourage sustainable travel patterns.

26. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents / occupants / staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

27. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

28. Details of all security shuttering, external shopfronts, lighting and signage shall be as submitted to An Bord Pleanála with this application unless otherwise submitted to, and agreed in writing with, the planning authority prior to occupation of the commercial/retail units.

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

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

- a) Location of the site and materials compounds including areas identified for the storage of construction refuse.
- b) Location of areas for construction site offices and staff facilities.
- c) Details of site security fencing and hoardings.
- d) Details of on-site car parking facilities for site workers during construction.
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- f) Measures to obviate queuing of construction traffic on the adjoining road network.



- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- i) Details of appropriate mitigation measures for noise, dust and vibration, and the location and frequency of monitoring of such levels.
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants / contaminants enter local surface water sewers or drains.
- l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.
- m) Measure to fully remediate the site in accordance with a Construction Stage Invasive Plant Species Management plan, in advance of the commencement of construction activities.

**Reason:** In the interest of amenities, public health and safety.

30. A suitably qualified / experienced Ecologist shall be appointed in the role of Ecological Clerk of Works, who shall be responsible for the implementation, management and monitoring of the identified construction mitigation measures, and the Construction and Environmental Management Plan.

**Reason:** In the interest of amenities, public health and safety.

31. Construction and demolition waste shall be managed in accordance with a finalised Construction and Demolition Waste Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the

Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, including contaminated materials, and details of the methods and locations to be employed for the prevention, minimisation, handling, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. Full project waste disposal records shall be maintained and be available for inspection by the planning authority.

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

32. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

33. Prior to the commencement of development, details of a S.47 Agreement in respect of the LIHAF Low-Cost Homes Strategy shall be submitted to and agreed in writing with the local authority.

**Reason:** In order to comply with the requirements of the Local Infrastructure Housing Activation Fund and ensure the provision of low-cost housing.

34. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

35. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

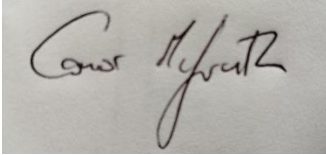
36. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution

Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions\*\*\* of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

37. The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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



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Conor McGrath  
Senior Planning Inspector  
31st March 2021

## **Appendix 1: Schedule of documentation submitted with the application**

- Cover letter and Schedule of Documents
- Response to An Bord Pleanála Opinion
- Planning and Design Statement
- Completed SHD Application Form and planning fee
- Public Notices
- Letter of Consent from Cork City Council
- Draft Section 47 Agreement
- Copy of Notification Letters sent to Prescribed Bodies and Cork City Council
- Statement of Consistency
- Part V Proposals and Part V Site Layout Plan and Schedule
- Housing Quality Assessment
- Schedule of Accommodation
- Site Location Maps prepared
- Architectural Drawings & Schedule
- Site Layout Plans at 1:500
- Site Sections at 1:500
- Floor Plans, Elevations, and Sections at 1:200
- Plan of areas proposed to be Taken in Charge
- Phasing Plan
- Architects Design Statement
- Landscape Plans
- Landscape Design Strategy including sections
- Tree Survey Report and drawing
- Document Schedule
- Engineering Drawings
- Site Infrastructure Report (including correspondence from Irish Water)
- DMURS and the National Cycle Manual – Compliance Statement
- Traffic and Transport Assessment
- Outline Mobility Management Plan
- Car Parking Management Plan
- Flood Risk Assessment Report
- Outline Construction Management Plan
- Outline Construction and Demolition Waste Management Plan
- Operational Waste Management Plan
- Quality Audit including Road Safety Audit
- Public Lighting Report & Layout
- Energy Statement
- Building Height Survey Cork
- Pedestrian Level Wind Microclimate Assessment
- Sunlight, Daylight and Overshadowing Study
- Preliminary Fire Safety and Access & Use Strategy
- Building Lifecycle Report
- Childcare Demand Report
- School Demand Report
- Social Infrastructure Audit

- Material Contravention Statement
- Natura Impact Statement
- Photomontages
- CGI'S
- EIAR