



An
Bord
Pleanála

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

Inspector's Report ABP-310105-21

Strategic Housing Development

Demolition of existing structures,
construction of 243 no. student bed
spaces and associated site works.

Location

Kellehers Auto Centre, Wilton Road,
Victoria Cross, Bishopstown, Co.
Cork.
(www.shdstudentvictoriacross.ie)

Planning Authority

Cork City Council

Applicant

Bellmount Development Limited

Prescribed Bodies

(1) Transport Infrastructure Ireland
(2) Irish Water

Observer(s)

(1) Robert & Maura White

- (2) Harry Wong.
- (3) Sean & Megan O'Conail
- (4) Vincent & Betty Fitzpatrick
- (5) Thomas C Kenefick

Date of Site Inspection

24th June 2021

Inspector

Colin McBride

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	4
4.0 Planning History.....	5
5.0 Section 5 Pre Application Consultation	6
6.0 Relevant Planning Policy	11
7.0 Third Party Submissions	14
8.0 Planning Authority Submission	17
9.0 Prescribed Bodies.....	21
10.0 Assessment.....	22
11.0 Recommendation	69
12.0 Reasons and Considerations	69
13.0 Recommended Order.....	71
14.0 Conditions	76

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 appeal site, which has a stated area of 0.22 hectares, is located to the south west of Cork City centre and on the eastern side of Wilton Road. The appeal site is occupied by Kellehers Auto Centre, which consists of a large commercial structure currently in use as a garage. The appeal site has an existing vehicular entrance at the south western corner of the site from Wilton Road. The southern boundary of the site is defined by the Curragheen River. To the north of the site and adjoining the existing garage structure on site is a single-storey structure in use as a restaurant (Wylam Chinese). Part of the site extends along the road frontage beyond the front elevation of the existing restaurant premises and there is vehicular entrance off Wilton Road to the north. To the north west of the site is UCC University Hall Student Accommodation with a five-storey block to the east of the site and four-storey block to the north east. To the north of the site and at the junction of Wilton Road and the N22, there is a student accommodation under development (Crow's Nest). On the opposite side of Wilton Road there is a mixture of development consisting mainly of two-storey residential properties and a three-storey property with ground floor retail. To the south of the site and on the southern side of the Curragheen River is a residential development including Orchard Court an apartment development comprising of 2 no. four-storey blocks including a block with its northern façade facing the site and located along the southern bank of the Curragheen River. To the south east of the site and east of Orchard Court are two-storey dwellings within The Grove housing development.

3.0 Proposed Strategic Housing Development

- 3.1 The proposed development comprises of the demolition of the existing structure on site and the construction of 40 no. student accommodation apartments (ranging in

size from single bed studio apartments to 8-bed apartments) comprising of a total of 243 no. bed space ranging in height from 5 to 10 storeys, student amenity facilities including student amenity space, 2 no. study rooms, media area, games area, ICT room and laundry room; the provision of landscaping and amenity areas including a courtyard space, a riverfront amenity and 2 no. rooftop terraces, the provision of a bus stop, a set down area, 1 no. access point and footpaths on Victoria Cross Road and all associated ancillary development including pedestrian/cycling facilities, lighting, drainage, boundary treatments, bin and bicycle storage, ESB Sub-station and plant at ground and roof top levels.

The breakdown of units in the proposed development is as follows...

3 no. studio apartments, 31sqm.

6 no. three bed apartments, 70sqm.

6 no. four bed apartments, 97sqm.

1. no. six bedroom apartment, 131sqm.

24 no. eight bedroom apartments, 165-181sqm.

The development is split into three blocks, Block A, B and C. Block A runs parallel to the Wilton Road to the front of the site and ranges in height from 7 to 10 storeys. Block B is located to the rear of the site (along the eastern boundary) and is 6 storeys in height. Block C is located in the centre of the site between Block A and B and is 5 storeys in height. A glazed bridge connects Block B and C at fourth floor level.

4.0 Planning History

4.1 Subject site

PA Ref. 07/32295 (ABP PL.28.229112) refers to a grant of permission for 36 Apartments in 2 no. 5 storey buildings with access off Victoria Cross Road.

SHD applications for Student Accommodation include inter alia:

ABP-300325-17 refers to a 2018 grant of permission for (4 to 10 storeys) 225 bed spaces, healthcare facility, commercial/café unit at the former Crows Nest site at Victoria Cross. Currently under construction.

ABP 303437-19 refers to a grant of permission in 2019 for 554 student bed spaces at O’Riordan’s Joinery, Bandon Road.

ABP307441-20 refers to a 2020 grant of permission for 216 bed spaces at San Paula, Orchard Road.

ABP307605-20 refers to a 2020 grant of permission for 279 bed spaces at 92-96 North Main Street.

ABP 307634 -20 refers to a 2020 grant of permission for 280 bed spaces at The Former Deals Premises, Washington Street West.

Other recent applications in the vicinity: ABP 306714-20 refers to a 2020 grant of permission (on appeal) for student accommodation (154 no. bed spaces) at the former Kellehers Tyres Service Centre, Victoria Cross Road.

5.0 Section 5 Pre Application Consultation

5.1 A Section 5 pre-application virtual consultation took place with the PA and prospective applicant on the 19th November 2020 in respect of a development of 48 apartments containing 265 no. student bed spaces, ancillary facilities and all ancillary site works. The main topics discussed were –

- Development Strategy: layout; height; design; visual impact; amenity space; interface with public road and river.
- Access and Transportation: Implications of Metropolitan Transport Strategy (CMATS); car parking strategy; traffic/access impact on adjoining restaurant.

- Impact on Adjoining properties: Impact on residential amenities; interface with adjoining properties.
- Visual Impact Assessment: Impact on protected views; localised impact at street level.
- Drainage and Flooding: Specific flood risk assessment and flood management study.

Copies of the record of the meeting and the inspector's report are on this file.

5.2 In the Notice of Pre-Application Consultation Opinion dated 09th day of December 2020 (ABP-308043-20) An Bord Pleanála stated that it was of the opinion that the documents submitted required further consideration and amendment in order to constitute a reasonable basis for an application with regard to the following: -

1. Further consideration/justification of the documents as they relate to the development strategy for the proposed scheme, in terms of the overall layout, apartment, building and open space design, as well as height, form and massing, specifically with regard to impacts in relation to residential amenity (existing and future) including overbearance, sunlight-daylight and overshadowing.

2. While the site may be considered suitable for high density development and may be able to absorb height and taller elements within it, further consideration/justification of the documents as they relate to the visual impact of the development, in particular in terms of design, materiality and massing. Further consideration/justification of the documents should also address the visual impact of the development, and the development's visual relationship with the existing development(s) adjacent to it, as well as within the wider city area.

5.3 The opinion also stated that the following specific information should be submitted with any application for permission.

1. A report that addresses issues of residential amenity (both existing residents and future occupants), specifically how the proposed height and setback from the

boundaries will limit the potential for overlooking and overshadowing. The report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units. Contextual elevations should be provided where appropriate. A full sunlight and daylight analysis should be provided. Noise impact should also be addressed.

2. A report that addresses the demand for and concentration of student accommodation in the area, having regard to the proposed increased number of units.
3. A schedule of accommodation demonstrating compliance with relevant standards, including the standards as set out in Table 16.5a of Variation No. 5 of the Cork City Development Plan 2015-2021.
4. A site specific Student Accommodation Management Plan which includes details on management outside of term-time.
5. A draft construction and demolition waste management plan.
6. A response to the issues raised by the Drainage Department contained in the Planning Authority's Opinion received by An Bord Pleanála on the 23rd September 2020.
7. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

5.4 A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

1. Irish Water.
2. Transport Infrastructure Ireland.

3. National Transport Authority.
4. The Minister for Culture, Heritage and the Gaeltacht.
5. The Heritage Council.
6. An Taisce.

5.5 Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016.

- The response indicates that the proposal has been reduced in scale from 265 no. bedrooms (48 units) to 243 no. bedrooms (40 units), reduction Block B from 8 to 6 storeys, reduction of Block C from 8 to 6 storeys on the eastern portion of the site, increased setback from Wilton Road to accommodate future planned transport infrastructure, projecting balconies omitted on western facing facades.
- The response includes a statement regarding the materials and treatment of elevations with an outline of façade treatment and materials to be used.
- The response includes a statement regarding the interface with the public road including noting the increased setback, interface along the Curragheen River, details of connectivity through the site and public realm and details of amenities spaces provided and their compliance Development Plan policy requirements.
- In response to transport and access the increased setback along Wilton Road is noted and facilitates future public transport infrastructure improvement under the CMATS strategy.
- The proposal does not inhibit the potential/future redevelopment of the restaurant, the existing vehicular access is maintained. An existing right of way/wayleave for a main sewer is maintained.
- Car parking is not provided in the scheme due to proximity to UCC and existing public transport. There are a number of car parks identified in the local area (c. 50m away).
- The response indicates that the design and setback/cross section has adequate regard to future public transport infrastructure plans (CMATS).

- A Daylight, Sunlight and Overshadowing report has been prepared and submitted which demonstrates good performance in relation to such. To address issues of overlooking in some cases there are measures including installation of opaque glass louvre fins. The increased setback of Block A and reduction in scale of Blocks B and C are appropriate response to impact on adjoining properties.
- A Landscape and Visual Impact Assessment including photomontages has been provided.
- A site-specific Flood Risk assessment has been prepared and submitted.
- A report addressing residential amenity has been submitted including an assessment of future occupants and adjoining residential amenity with reference to Daylight, Sunlight and Overshadowing report and Microclimate report.
- A report has been submitted addressing the demand for and concentration of student accommodation. The report refers to The National Student Accommodation Strategy 2017, which identifies demand and the concentration of existing student accommodation. The response includes a schedule of accommodation demonstrating compliance with development plan requirements of student accommodation.
- A site-specific Student Accommodation Management Plan has been submitted including details of management outside of term time.
- A draft Demolition and Waste Management Plan and a preliminary Construction and Environmental Management Plan is submitted and a response to issues raised by the Drainage Department during pre-application consultation.
- A Material Contravention Statement is submitted detail how the proposal would material contravene objectives in relation to building height, apartment size and setbacks from the river and such is justified having regard to the provisions of Section 37(2)(b)(i)(ii) and (iv).

6.0 Relevant Planning Policy

6.1 National Planning Policy

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Climate Action Plan

Other policy of note is:

- National Planning Framework
- Regional Spatial & Economic Strategy for the Southern Region
- Metropolitan Area Strategic Plan
- Dept. of Education and Skills 'National Student Accommodation Strategy' (July 2017)
- Dept. of Education and Science 'Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999' (1999).
- Dept. of Education and Science 'Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999.' (July 2005)

- 6.2 The Cork City Development Plan 2015-2021 is the operative plan for the area. The site is zoned ZO 10 Local Centre – The objective is to protect, provide for and improve retail function of local centres and provide a focus for local centres.

Views and Prospects affecting the site.

- CH1 View of County Hall (top floor) to Saint Finbarr's Cathedral.
- CH2 View of County Hall (top floor) to Saint Anne's Cathedral
- LT17 View form Wilton Road northwards towards the Shanakiel Ridge.
- AR2 View from Carrigrohane Road to County Hall.

Variation 5 (July 2018) to the Cork City Development Plan 2015-2021 inserted the following objective 6.5 in to the plan: Section 6.5 "Student Accommodation: In accordance with the National Student Accommodation Strategy, the City Council will support the provision of high quality and managed, purpose built student accommodation, on campus, in areas in close proximity to Third Level Institutes and in locations within easy access of public transport corridors and cycle routes serving Third Level Institutes."

It also inserted Section 16.68 into the Development Plan as follows: "The City Council will support the provision of high quality and managed, purpose built student accommodation, on campus, in areas in close proximity to Third Level Institutes and in locations within easy access of public transport corridors and cycle routes serving Third Level Institutes. Chapter 6 Residential Strategy outlines the City Council's policy on student accommodation, referring to the national policy set out in the National Student Accommodation Strategy. When assessing planning applications for such developments, the criteria that will be taken into account include:

- Location and accessibility to Third Level Educational facilities and the proximity to existing or planned public transport corridors and cycle routes;
- The scale of development (capacity) and the potential impact on local residential amenities;
- The provision of amenity areas and open space, (quality and quantity);
- The provision of on-site facilities, including storage facilities, waste management, bicycle facilities, leisure facilities, (retail /café uses), car parking and amenity, (quality and quantity);

- The architectural quality of the design having regard to its context, including scale, height, massing, on-site layout and materials. The internal design and layout should be robust and capable of future adaptation and change of use.
- Include a Management Plan demonstrating how the scheme will be professionally managed and operated 'year round' (term-time and out-of-term periods).
- Demonstrate how the scheme positively integrates with receiving environment and the local community and creates a positive and safe living environment for students.
- Demonstrate adherence to the Minimum Standards for Purpose Built Student Accommodation as outlined in Table 16.5a."

Building Height: Section 16.25 and 16.29 within the context of Cork City the following building height categories can be identified:

- Low rise building (1-3 storeys in height)
- Medium rise buildings (less than 32m in height, 4-9 storeys approx.). Buildings which are taller than the general building height in any area will be considered 'taller' even where they are less than 10 storeys.
- Tall buildings (32m or higher, the approx. equivalent of 10 storey building with a commercial ground floor and residential in the remaining floor).

Section 16.29 Height in the City Centre and Inner Urban Areas Within the City and Inner City Areas (developed until 1920) the general building heights are varied due to their naturally evolving character and varied building types and styles. The City Centre typically has a general building height of 3-5 storeys. Due to the importance of the City Centre as an area of historic and architectural character, the building height of any new development within the City Centre should generally respect the area's existing character and context and should be in accordance with the prevailing hierarchy/character of buildings, save in exceptional circumstances where an increase in building height can be justified on sound urban design or architectural grounds.

7.0 Third Party Submissions

5 no. third party submissions were received. The concerns raised are summarised below: -.

7.1 Submission by Robert & Maura White, The Grove, Orchard Road, Cork.

- Overdevelopment of the site causing overshadowing, overlooking of the observers dwelling in The Grove and other dwelling and apartments. The development at the Crows Nest site is not a justification for the proposal with the different circumstances for this site.
- There is an oversupply of student accommodation with reference to a decision by the Board to refuse permission for change of use of part of student complex to short term tourist accommodation. This should be considered for alternative residential accommodation with a high demand due to employment activities in the area.
- Overspill of parking onto adjoining roads and area caused by such development and their use for short term accommodation during the summer. The use of such for tourist accommodation should be restricted if permitted.
- The roof terrace and balconies should be removed due to overlooking of existing dwellings and potential for noise disturbance.

7.2 Submission by Harry Wong proprietor of Wylam Restaurant.

- Insufficient details regarding proposed boundary treatment with the observer's property and potential impact of construction on the adjoining property due to the adjoining nature of the development and the observers property.
- The observer raises a number of environmental and recreational concerns including adverse impact on the functioning of the entrance to the observers property in terms of traffic safety, the impact of noise and vibration during construction, the impact of construction works in terms of access and egress arrangements have not been considered, the observers property will be

overlooked and overshadowed by the proposal, the proposal is in an area of high flood risk with concern regarding impact of flood risk on the adjoining property.

- The proposal would constitute a traffic hazard without a physical barrier to provide suitable protection from all modes of traffic. The provision of plaza to the front of the site is problematic for the operation of the observer's property with concerns about illegal parking and anti-social behaviour. This area should be retained within the observer's property to ensure vehicles can access the existing restaurant.

7.3 Submission by Sean & Megan O'Conaill, The Grove, Orchard Road, Cork.

- Overdevelopment of the site and out of character at this location, adverse impact on residential amenities. Previous application refused in the area for a smaller development on the basis of impact on residential amenity.
- Significant adverse impact on daylight and sunlight to the observer's' property.
- The design and form of the development does not integrate well with the receiving environment.
- Noise impact of the proposal with concerns regarding potential noise impact of student accommodation based on experience of existing student accommodation in the area with concern about such in terms of the provision of balcony areas and roof top terraces. Adverse impact of noise and vibration during construction stage.
- Significant increase in traffic during construction and operational phase with an adverse impact on the residential amenity of existing properties. The Traffic Impact Assessment and Mobility Management Plan are inadequate in the failure to acknowledge the traffic impact of the proposal.
- The provision for 4 no. car parking spaces for the development is insufficient. Lack of parking is already an issue in the area with existing student accommodation having insufficient parking. The use of such accommodation as holiday accommodation during the summer months also generates a parking demand. There are existing issues in the area with parking in

residential development generated by the existing student accommodation and the proposal would exacerbate this.

- The observers question the demand for student accommodation in light of current public health situation (Covid -19).
- The proposal would devalue the observer's property.
- The impact of increased traffic on the remains of the former Lime Kiln site (a protected structure) on Orchard Road is not assessed.
- The proposal does not comply with development plan policy in that it fails to have regard to its location in a residential area and impact on existing dwellings.
- Procedural issue including access to documents and reference to a number of relevant legal cases.

7.4 Submission by Vincent & Betty Fitzpatrick, The Grove, Orchard Road, Victoria Cross, Cork, Co. Cork.

- Visual impact on existing houses due to scale. Overbearing impact and out of character in the area.
- The area is unsuitable as the proposal will bring additional traffic to an area already busy in terms of traffic.
- The proposal is too dense.
- Noise pollution/traffic congestion causing air pollution.
- Impact of student accommodation in the area will result in disturbance.
- Overlooking of existing dwellings and devaluation of property.
- Traffic hazard due to provision of an additional entrance off a busy road.

7.5 Submission by Thomas C Kenefick, The Grove, Orchard Road, Cork,

- The observer notes that there have been a number of student accommodation blocks been permitted and built in the area with concerns regarding the impact of such in terms of physical scale.

8.0 Planning Authority Submission

8.1 In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Cork City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 28th June 2021. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to the site description, proposal, pre-application consultations, planning history, interdepartmental reports, Area Committee Meeting details, policy context. A summary of representations received was outlined.

Summary of Inter-Departmental Reports

Water Services: No objection subject to conditions.

Infrastructure Development report: No objection subject to conditions including set-back as per drawings and provision of alternative drop off/set down that will not impede the operation of future bus lane.

Community Culture Place making: No objection subject to conditions.

Traffic Regulation and Safety: No objection subject to conditions.

Environment Report: No objection subject to conditions.

Housing and Community Services: No objection.

Architects Report: No objection.

Drainage Section: No objection subject to conditions.

A detailed and informative report has been received from the planning authority.

Pertinent issues raised therein shall be referred to throughout my assessment.

The report raises a number of concerns regarding the design scale and recommends a number of amendments.

- The report raises concerns regarding the plot ratio of the development (3.05) and the fact it is significantly higher than CDP recommendations.
- The report questions the overall quality of the open space at ground floor level noting it is a circulation space rather than a meaningful amenity space and that there is potential for it to have inadequate access to natural light.
- The level of separation between Block B and existing University Hall apartments to the east is considered inadequate (10m) with concerns regarding impact on light levels for the existing development and the occupants of proposed development. It is recommended that the northern portion of Block B be omitted (omission of 6 no. apartments/46 bed spaces).
- Visual impact from protected view LT17 is raised with concerns regarding scale of the proposal and canyoning effect with the approved development nearby (Crows Nest). It is recommended a reduction in height of Block A with omission of 2 no. floors of the 10-storey portion and 1 no. floor of the 7-storey portion (omission of 3 no. apartments (24 bed spaces)).
- Objective 10.9 requires provision of a 10m setback from the river bank with it recommended that the southern elevation at ground floor level of Block B be setback 5m to facilitate such.

The report concludes that having regard to the nature and scale of the proposed development (subject to recommended amendments), the established pattern of development in the area and the relevant provisions of the current City Development Plan and national guidelines (the Sustainable and Urban Development and Building Heights, Guidelines for Planning Authorities 2018 and Sustainable Urban Housing: Design Standards for New Apartments 2018), it is considered that the proposed development would be consistent with the provisions of these plans and therefore be consistent with the proper planning and sustainable development of the area.

Recommended Conditions

1. Development as per plans and particulars submitted;
2. Permission for student accommodation only and change of use to other residential will require permission; amendments including omission of northern portion of Block B, omission of 2 no. floors from 10 storey portion of Block A and 1 no. floor from 7 storey portion of Block A. Set back of ground floor of Block A, B and c.5m along southern elevations.
3. Name of development to be agreed.
4. Samples of external finishes.
5. Details of signage to be agreed.
6. Landscaping of outdoor spaces in accordance with landscaping scheme.
7. No access to roof spaces other than designated amenity spaces.
8. Excavated material and river bank measures.
9. Construction waste.
10. Noise restrictions on construction works.
11. Waste management proposal to be agreed.
12. Engage services of consultant to deal with contaminated land.
13. Measures to deal with, dust, noise, odours, runoff and spillages.
14. Noise emission limits during operational phase.
15. Quality audit.
16. Details of set down/loading area including finishes to be agreed.
17. Details of cycle parking for written agreement.
18. Raised table/shared surface to be provided at the development access junction.
19. Bond to be lodged.
20. Applicant/developer to enter into agreement with Irish Water.
21. Section 48 Development Contribution.

22. Details of legally incorporated management company to be submitted and agreed.
23. Details of areas to be taken charge.
24. Condition specifying no parking to be provided in the scheme.
25. A minimum of 263 cycle parking space to be provided.
26. All findings of the Road Safety Audit to be closed out.
27. Details of road markings to be agreed.
28. Operational Plan must include implementation/management plan for arrival/departure of students at start and end of term.
29. Construction Traffic Management Plan.
30. External lighting condition.
31. Set back of building line to be as per site plan.
32. Details of alternative drop-off/set-down arrangements that will not impede future bus lanes shall be submitted and agreed.
33. Irish water connection condition.
34. Works to be in accordance with CIRA documents.
35. Mitigation measures outlined in the Flood Risk Assessment to be implemented.
36. Submission of an Emergency Management Plan for flood events.
37. Maintain sufficient space between river edge and proposed internal or above ground infrastructure to allow for future flood relief works.
38. All drainage and flood defence details including those not specified in conditions to be submitted for approval.

The report includes a summary of the views of relevant Elected Members, as expressed at the South Central Area Committee meeting held on 21/06/2020 and are broadly summarised below:

- Conflict of interest, elected member connections to the site.

- Demand/capacity for student accommodation. Co-ordination with other student accommodation.
- Excessive height and density, overshadowing of amenity space at ground level and adjoining area.
- Lack of parking will result in on-street car parking.
- Appropriateness of the nature (shared space) and level of development in light of current public health scenario (Covid-19).
- Question regarding zoning policy at this location and whether policy on student accommodation is cohesive.
- Indication of support for student accommodation in that it will free up housing stock.

9.0 Prescribed Bodies

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

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Minister for Culture, Heritage and the Gaeltacht (archaeology)
5. An Taisce
6. The Heritage Council

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

Transport Infrastructure Ireland

Transport Infrastructure Ireland have no observations to make.

Irish Water

The applicant has engaged with Irish Water and has been issues with a Statement of Design Acceptance. Irish Water request that the Board attaches a number of conditions in the event of grant of permission.

10.0 **Assessment**

10.1 I have had regard to all the documentation before me, including, inter alia, the report of the planning authority; the submissions received; the provisions of the Cork City Development Plan 2015-2022; as extended; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of the proposed development
- Quantum of Development
- Quality and Amenity of Residential Development
- Visual Impact, Building Height, Design
- Impacts on amenities of adjoining properties
- Traffic and transportation
- Material Contravention
- Flood Risk
- Ecological Impact
- Appropriate Assessment
- Environmental Impact Assessment-Screen

10.2 **Principle of the proposed development:**

There are a number of matters which I propose to address in the context of the principle of the proposed development. These are addressed in turn as follows:

- Compliance with Planning Policy
- Need for Accommodation
- Concentration and Management of Accommodation

10.2.1 Compliance with Planning Policy

In terms of planning policy I consider that there are two principle considerations which I will address in turn:

- Zoning
- Student Accommodation

10.2.2 Zoning

The site is within Zone 10 - Local Centre the objective of which is 'to protect, provide for and/or improve the retail function of local centres and provide a focus for local centres'. Section 15.17 of the Cork CDP states that residential uses are also acceptable within this zone and therefore I would suggest that the proposed student accommodation use would be appropriate within this zone given it is a residential use. The appeal site is in close proximity to the UCC Campus which is located a short distance to the east and is a logical location for additional student accommodation. In addition there is already a significant level of student accommodation within the area zoned Z10 at this location, which includes the appeal site with UCC University Hall Student Accommodation to the east/north east and a student accommodation development under construction to the north (Crows Nest).

10.2.3 Student Accommodation

Cork City Development Plan deals specifically with student accommodation at Section 16.68 of the Plan and includes a number of criteria which they consider should be taken into account in the consideration of any proposal such as that now before the Board. To avoid repetition, I refer the Board to the relevant section in this assessment where the matters arising below are specifically addressed.

- The location and accessibility to educational facilities and the proximity to existing or planned public transport corridors and cycle routes. This matter is addressed under traffic and transportation access at Section 10.7 below.
- The potential impact on local residential amenities. This matter is specifically addressed at Section 10.4 below and I would note that the management of accommodation is addressed at Section 10.2.7 below.
- Adequate amenity areas and open space. This matter is addressed below at Section 10.3 visual impact, building height, design.
- The architectural quality of the design and also the external layout, with respect to materials, scale, height and relationship to adjacent structures. This matter is addressed below at Section 10.3 visual impact, building height, design and amenity spaces.

Objective 6.5 included in Chapter 6 of the City Plan states that all permissions for student housing shall have a condition attached requiring that planning permission is required for a change of use from student accommodation to other type of accommodation. It is stated that future applications for this type of change of use will be resisted except where it is demonstrated that over-provision of student accommodation exists in the city. The applicant is proposing to use the accommodation for tourist accommodation outside of term time. I would refer to the permitted development under construction to the north (Crows Nest) for student accommodation permitted under ABP-300325-17. In granting permission a condition was attached restricting use of accommodation for non-student use outside of term time. I would suggest to the Board that if they are minded to grant permission for the development that a condition is attached which restricts occupancy of the proposal to student accommodation, including use as visitor or tourist accommodation outside academic term times without a prior grant of planning permission for change of use.

10.2.4. Need for Accommodation

The applicant has submitted a report on Supply, Demand and Concentration of Student Accommodation. Some of the observations have questioned the need for the level of accommodation and nature and type of such accommodation in the

context of the current public health situation (Covid 19). The report refers to The National Student Accommodation Strategy. The National Student Accommodation Strategy was launched in July 2017 and is described as an important action in the Government's overall plan to accelerate housing supply. Rebuilding Ireland sets a target to bring on-stream an additional 7,000 purpose built accommodation bed spaces by 2019. While there were 179,354 full-time enrolments in the 2015/2016 academic year, in terms of increased demand, the Department of Education and Skills (DES) has previously indicated there is potential for the number of full-time enrolments in DES aided HEIs (Higher Education Institutes) to increase by 27% by 2030. The strategy also looks at projected supply and demand for purpose built student accommodation (PBSA) in the State and for Cork notes that in 2019 there will be a demand for 6,463 bed spaces with a supply of 4,351 (excess of 2,111) and while supply is projected to increase by 2024, the increasing demand would provide an excess of 1,901 bed spaces.

The applicants report uses the projections in the National Student Accommodation Strategy and an assessment of the number bed spaces permitted and under construction and identifies that there would still be an estimated shortfall of 1,441 purpose built student bed spaces by the end of 2024. The applicant refers to the Report on Student Accommodation: Demand and Supply, Higher Education Authority, 2015 which uncovered that Cork has an extremely low provision of purpose built student accommodation with just 3,788 bed spaces in comparison to Limerick which has a smaller student population and 6,816 bed spaces. I consider based on the information provided by the applicant and a number of reports cited relating to student accommodation that it is clear that there is a need for this accommodation type both nationally and within Cork City. A number of observers criticise the proposal for the accommodation proposed at this location in terms of concentration of accommodation type as well as questioning the need for such accommodation in light of the current public health environment relating to Covid-19. I would be of the view that there is sufficient information to determine that there is demand for additional student accommodation and in the case of Covid-19, it is too early to definitively state that this situation will be different. Speculation regarding the

impact of current public health scenario is not justification for precluding the proposal.

10.2.5. Concentration and Management of Accommodation

A number of observations express concern at the concentration of student accommodation within Victoria Cross and its impact on the long-term residential character of the area. I would also note that in the pre-application opinion issued by the Board that the applicant was requested to prepare a report that addresses the demand for and concentration of student accommodation in the area, together with an adequately detailed management plan that will address the ongoing operation of the student accommodation facility. The Supply, Demand and Concentration of Student Accommodation report deals with concentration under section 4. The report deals with student accommodation demand and concentration. While the demand is clear as outlined above in terms of need, it is noted that c.61% of bed spaces in Cork are provided in the private rental accommodation sector. UCC, currently own and manage 1,230 bed spaces in 4 separate complexes exclusively to UCC students. There are c.23 other purpose built accommodation complexes operated and owned privately and which are not exclusive to UCC students. The report also refers to proposals for student accommodation either with extant permissions or in planning. In terms of concentration it is stated that the highest demand for private rental accommodation is generally located within 1.5km of the centre of the Campus. The report includes a map of the area in the vicinity of the site and the UCC Main Campus. There are 7 existing student accommodation complexes within the vicinity of the site with 4 complexes adjacent. While I acknowledge that this is a significant number, yielding a significant number of students, the proximity of the location to the Main University Campus is a key factor. The ability to walk and cycle to the Campus from this location is key and I would suggest is sustainable. Locating such accommodation further away from the University on sites not proximate enough to walk or cycle would encourage car journeys which I would note would increase traffic on the public roads. Therefore I consider that in terms of concentration of student accommodation that the subject site is in a suitable location. While I address residential amenity in Section 10.4 below, the applicant has submitted Student Accommodation Management Plan.

This plan outlines details of on-site management, which provides for on-site management and a set of polices, rules and regulations for occupants of the facility. The management structure, facilities management protocol and security measures are outlined in the report. It is also noted that it is proposed to let the accommodation out-of term as tourist accommodation during which time the property will continue to be managed (this issue is addressed in Section 10.2.3). Reference is also made to the unmanaged nature of the private rental sector which it is stated is the main contributor of anti-social behaviour in the area surrounding the University. I would note that there is potential concern at the noise which may emanate from the open space areas. While I can appreciate the concerns at the potential for late night revelry, the proposed management of the development includes for 24/7 management. In this regard I would suggest that managed student accommodation such as that proposed may be preferential within any residential area to unmanaged accommodation rented by students in the private rental sector. Therefore I consider that the principle of the proposed development is appropriate.

10.3 **Quantum of Development:**

10.3.1 The proposal is for 40 student apartments (243 no. bed spaces) on a site of 0.22 hectares in size. The statement of consistency identifies that it has a net residential density of 182 units per hectare, which is stated to be in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 and variation no. 5 (Student Accommodation) of the CDP. Standard density calculations are not readily applicable to student development. Table 16.1 of the CDP set out an indicative plot ratio of 1.0-1.5 for 'Inner Suburban (pre 1920 city) and 1.5-2/5 for the City centre. The proposal has a plot ratio of 3.05 based on a gross floor area of 6,711sqm on a site of 2,200sqm site. A number of submissions received from third parties and comments of the elected members (CE's Report refers) raise concerns in relation to the quantum of development proposed stating that the development will result in overdevelopment of the site.

10.3.2 Policy at a national and regional level encourages higher densities in appropriate locations. National Policy Objectives 33 and 35 of the National Planning Framework

promotes increased scale and densities in settlements. The Sustainable Residential Development in Urban Areas Guidelines (2009) promote minimum net densities of 50 units per hectare within public transport corridors (within 500m of bus stop or 1km of rail/light rail) with no upper limit. The Apartment Guidelines defines locations in cities and towns that are suitable for increased densities, with a focus on the accessibility of the site by public transport and proximity to city/town/local centres or employment locations. The guidelines state that 'central and / or accessible' urban locations are generally suitable for small to large scale and higher density development that may wholly comprise apartments. The guidelines note that the scale and extent of development should increase in relation to proximity to core urban centres and public transport as well as employment locations and urban amenities.

10.3.3 The appeal site is in a central location adjacent the UCC campus and existing student accommodation and there are three bus stops within 500m of the site including one in front of the appeal site, one further south on the opposite side of Wilton Road and one to the north west along the N22. There are proposals for upgrading of public transport facilities along Wilton Road with Bus Connects proposals. Increased density is appropriate at this location given the need to deliver sufficient housing units within a built up area in close proximity to the college campus, the city centre and public transport infrastructure as well as the need to ensure efficient use of land. This is consistent with the conclusion of the CE's Report that the increased density is justifiable, given the regeneration zoning and associated public transport routes. The acceptability of this density is subject to appropriate design and amenity standards, which are considered in the relevant sections below.

10.4 **Quality and Amenity of Residential Development:**

10.4.1 The following assessment considers the quality and amenity of the development relative to relevant quantitative and qualitative standards for residential development. There are no national design standards for student accommodation other than the standards in the Guidelines on Residential Development for 3rd Level

Students issued by the Department of Education and Science under Section 50 of the 1999 Finance Act.

The guidelines set out the following general standards:

- Student accommodation should be grouped as 'house' units, with a minimum of three and maximum of eight bed spaces.
- GFA's should range from 55 sqm to 160 sqm.
- Shared kitchen/dining/living room space is to be based on a minimum of 4 sq. m per bed space in the unit.
- The minimum areas for bedrooms are: 8sq.m for a single study bedroom; 12 sq.m for a single study bedroom with ensuite; 15 sq.m for a twin study bedroom; 18 sq.m for a twin study bedroom with ensuite; and 15 sq.m for a single disabled study bedroom with ensuite.
- Bathrooms shall serve a maximum of 3 bed spaces.

10.4.2 Variation no. 5 (Student Accommodation) of the Cork City Development Plan 2015-2021 sets out minimum standards for purpose built student accommodation under Table 16.5 (attached) and these accord with the standards set out under the Guidelines on Residential Development for 3rd Level Students issued by the Department of Education and Science under Section 50 of the 1999 Finance Act. The size/dimensions of accommodation meet the standards set out in both the guidelines lines cited. Provision of amenity space is in the form of balcony areas (GFA 237sqm), landscaped courtyard/river walk (GFA 503sqm), 2 no. roof terraces (GFA 394sqm). Internal amenity spaces (communal lounge and games room) are also provided (GFA 363sqm). Table 16.5 identifies a requirement of 5-7sqm of communal private open space per bed space. Based on the level of communal amenity space (1497sqm) the level provided is 6.2sqm per bed space which is in accordance with CDP policy.

10.4.3 The proposal includes 122 bicycle parking spaces. Table 16.9 of the CDP set out the required standard with 0.5 spaces required per bed space. The proposal is for

243 bed spaces with a requirement of 121.5. The proposal is compliant with CDP standards for such however it was considered that the level of bicycle parking is insufficient in the CE report with a condition suggested to provide for a minimum of 263 bicycle parking spaces. I would be of the view that the applicant has provided the standard required under the City Development Plan and that the level of bicycle parking on site is sufficient. I would also draw attention to the fact that the development is in close proximity/walking distance to the main university campus. I am satisfied that provision of bicycle parking consistent with the specified standard in the City Development Plan is sufficient to cater for the proposed development.

10.4.4 I refer the Board to the submitted Daylight, Sunlight and Overshadowing report. The assessments in this report are based on the BRE Site Layout Plannin for Daylight and Sunlight (Second Edition 2011). The proposed development is assessed in terms of Average Daylight Factors (ADF):

If a predominantly daylit appearance is required, then ADF should be 5% or more if there is no supplementary electric lighting, or 2% or more if supplementary electric lighting is provided. There are additional recommendations for dwellings of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. These additional recommendations are minimum values of ADF which should be attained even if a predominantly daylit appearance is not achievable.

10.4.5 The applicant has undertaken a calculation of the amount of daylight received by rooms and the results are set out under Section 8 of the submitted report. The overalls results indicates that 72.9% of the bedrooms achieve an ADF of greater or equal to 1.0% and 92.5% of the living rooms achieve an ADF of greater or equal to 1.5%. The units have a shared living and kitchen function with the BRE guidelines having no value specified for shared living/kitchen accommodation. The British Standards BS 8206-2:2008 are where these values in the BRE guidelines are derived from. The BS guidance states that “where one room serves more than one purpose, the minimum average should be for the room type with the highest value. For example, in a space which combines a living room and a kitchen the minimum average daylight factor should be 2%). In the case of the proposed development all living spaces bar 3 no. units meet the 1.5% value (1.44, 1.3 and 0.84%). In relation

to the BS standard of 2% for shared living/kitchen all but 5 of the units meet this standard. (B002, B101, B201, B301 and B401).

10.4.6 The Daylight, Sunlight and Overshadowing report also includes an assessment of Annual probable hours of sunlight to windows in the proposed development with the majority of living spaces achieving 25% of their annual probable sunlight hours. The assessment also indicates that the majority of living spaces would achieve 5% of their probable sunlight hours during the winter months (21st Sept and 21st Mar) in line with BRE guidance. I would note that there is substantial compliance with recommendations of the BRE guidelines in the case of ADF and annual probable hours of sunlight in the case of the proposed development. There are shortfalls in some case, however the majority of the development does meet the recommended standards. In addition there are communal facilities in the development including a lounge area games room and external amenity spaces. I would consider that given the nature of the accommodation, which is student accommodation and the short term nature of tenancy, the standard met in relation to daylight are acceptable in this case. I refer to the fact that the standards in relation to daylight and sunlight are a general guide only and the BRE guidance states that they need to be applied flexibly and sensibly. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply.

10.4.7 The BRE guidance recommends that at least 50% of the amenity areas should receive a minimum of two hours sunlight on 21st March (spring equinox). The report submitted does not provide an assessment of amenity spaces within the proposed development and is confined to an assessment of a neighbouring amenity space. There are 2 no. outdoor amenity spaces with landscaped courtyard/river walk at ground floor level (503sqm) and 2 no. roof terraces, one at fifth floor and one at the seventh floor (394sqm). Given the location of the roof terrace relative to adjoining development, the required standard is likely to be available. I would also consider that the standard is likely to be available in some of the amenity areas at ground floor level such as the river walkway, which has a southern aspect and some of the

ground floor courtyard area due to access to sunlight from the south. I would consider that the likelihood is 50% of the amenity areas receive a minimum of two hours sunlight on 21st March (spring equinox), however this is not confirmed in the report.

10.4.8 It is stated in the Building Heights guidance that “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 PA or ABP should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution”. I would consider a reasonable balance is being struck between providing for a specific type of development for which there is a demand for, at a location appropriate for such (proximity to the campus) and at an accessible location that should be developed at efficient density and level of development. I would consider that this is the case in relation to the proposed, which is satisfactory in terms of overall quality and the amenity of future residents.

10.5 **Visual Impact and Building Height, Design:**

10.5.1 The issue of building height and visual impact is raised in the observations. I would note that the Cork City Plan states that tall buildings are buildings of 32 metres or higher (approximate equivalent of a 10-storey building with a commercial ground floor and residential above) as is set out in Section 16.25 of the Plan. Block A is partially 10 storeys in height with a ridge height of 34.05m. A number of observations raise concerns regarding inappropriate building height. The City Plan identifies specific areas suitable for tall buildings (s.16.7 & s.16.34). The applicants includes a Building Height Report, which outlines both national, regional and local policy in relation to building. The report identifies the area as having a number of structures of height including the County Hall and a number of structures, both existing and permitted varying from 6-7 storeys up to 10 storeys (including Crows Nest student accommodation, Victoria Mills student accommodation, permitted

development at former Bottle Factory site) in addition to County Hall. The report also details other structures in the wider urban area of considerable height both existing and permitted. The report outlines the concept for the proposal and identifies that a structure of this height is appropriate at this location and will contribute positively to the urban character of the area.

10.5.2 In relation to CDP policy there is ambiguity in the Plan in respect of tall buildings.

Section 16.34 states that Maps 2 & 7 in Volume 2 identify the locations suitable for tall buildings and then states that all other areas of the city are not considered appropriate for tall buildings. Section 16.37 states that tall buildings will normally be appropriate where they are accessible to a high quality public transport system which is in operation or proposed and programmed for implementation. The Plan does not specify that this refers to the areas identified on Maps 2 & 7. It states then that significant intensification will only be considered appropriate where public mass transit is either in operation or where its delivery is programmed. Again it does not specify that this refers to the areas identified on Maps 2 & 7.

10.5.3 As I note above, I consider that there is an ambiguity in the Plan in relation to tall buildings and therefore I consider that the proposal would not materially contravene the Plan in this regard (a material contravention statement has been submitted). I also consider that the plan facilitates the consideration of tall buildings where they are accessible to a high quality public transport system particularly at gateways and therefore it is not the case that tall buildings cannot be considered outside of the two areas specified on Maps 2 & 7. Furthermore, there are tall buildings in the vicinity of the site which establish a context of higher buildings within this area. I would confirm that in section 15.9 of the Chief Executives report it is stated that the only aspect of the development that materially contravenes the City Development Plan is the set back from the river (Objective 10.9) and that “it is considered that it is compliant with all relevant planning policy and guidance and would not materially contravene the Cork City Development Plan 2015-2021”. Given the existing context within which the site is located, the location of the site in close proximity to bus routes/planned transport infrastructure and most significantly in this instance, its proximity to the

UCC campus, I consider that in principle the proposal for tall buildings can be considered on this site.

10.5.4. While I have addressed building height as it relates to planning policy in section 10.5.1 and 10.5.2 above, the matter of the visual impact of the proposal on protected views and structures and visual amenity in general is outlined in this section. I would note that the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the application accompanied by a series of photomontages taken from 20 specifically chosen viewpoints. There are a number of protected views identified in the area with the LVIA and photomontages addressing such.

10.5.5 Map 18 of the City Plan outlines the protected views and prospects. The LVIA identifies a number of the protected views on Map 18 that have the potential to be impacted. The views identified are CH1, CH2 and AR2 with a further view identified relating to a landmark building in the form of County Hall with a viewing platform from the top level with panoramic views. CH1 and CH2 relates to views towards County Hall, which is a protected structure and AR2 relates to an approach road view (east along the N22). The photomontages submitted illustrate the existing scenario and the proposed scenario. Both set of photomontages (existing and proposed) include the approved development of up to 10 storeys under construction to the north west of the site (Crows Nest). The views identified relate to approach roads, designated views and prospects and existing developments within the surrounding area including residential development. The LVIA identifies landscape sensitivity, measures the magnitude of landscape change and the significance of potential landscape effects for all viewpoints identified.

10.5.6 The majority of viewpoints are classified as being high in sensitivity and such include viewpoints in close proximity to the site along Wilton Road and in the intervening area. Viewpoints also classified as high sensitivity correspond to the protected views identified on Map 18 with CH1, CH2, AR2 and the view from the top of County Hall building. The viewpoints further away including north of the river are classified as being lower in sensitivity (medium). In case of all views the magnitude of landscape

change is classified a negligible to medium at worst for the various view points and the significance of impact ranges from imperceptible to moderate with only one view classified as having a moderate to negative impact (viewpoint 6) from the Grove Housing development.

10.5.7 The Chief Executives Report identifies concerns regarding impact on protected view LT17, which is a view north along Wilton Road to Shanakiel Ridge to the north and is represented by viewpoints 7 and 8. It is considered that Block A is excessive in height and in conjunction with the approved Crows Nest development creates a canyon effect. It was recommended that two floors be omitted from the 10 storey portion of Block A and one floor from the 7 storey portion.

10.5.8 I would consider that the scope and detail provided in the LVIA is satisfactory and that the photomontages submitted adequately demonstrate the visual impact of the proposed development. I would be of the view that the development although representing an increased scale of development at this location is located in an area that has the capacity to absorb the visual impact of the proposed development. There are structures of similar and larger in scale in the vicinity including the County Hall and permitted student accommodation currently under construction. I would note that the photomontages show that the proposed development is subordinate in scale to both the County Hall and the permitted student development in the vicinity and that these structures in addition to other existing structures ensure that the development integrates well into the urban landscape at this location with most views in the surrounding areas being partial views. In relation to protected view LT17 and viewpoints 7 and 8, I would note that the development is visible from these locations and along Wilton Road, however I would consider that the development is not excessive in terms of visual impact with existing structures providing a backdrop sufficient to absorb the visual impact of the proposal. I would consider that the omission of the floors suggested in CE report in relation to Block A to be unnecessary in relation to the issue of visual amenity. In relation to viewpoint 6, which is from the Grove housing development, the development is visible but is only partially visible and softened by existing mature vegetation along the southern bank of the Curragheen River. I would consider that the visual impact from this

location to be acceptable in an urban context such as this. I am satisfied that the scale of the development is acceptable and that the visual change arising from the proposed development will be positive and that it is consistent with emerging planning policy for the area. One of the observations raise concerns regarding impact on a protected structure along Orchard Road. The appeal site is sufficiently removed from any protected structures so as to have no adverse impact on the integrity or setting of any structure of architectural heritage value.

10.5.9 The architectural character of the proposal is contemporary in nature features external finishes of brick, metal frame windows and detailing, and a high degree of glazing. The photomontages illustrate the architectural character and external finishes. In my opinion the architectural style is very much in keeping with similar development including the student accommodation under construction to the north (Crows Nest) and would constitute an acceptable standard of development in terms of architectural character, design and external finishes. The proposal entails proposal for hard and soft landscaping in relation to the amenity areas, open space and the plaza area along the road frontage of the site. These proposals are of a satisfactory standard in terms of urban design.

10.5.10 I would conclude the proposal provides for a development of acceptable height, scale, bulk and architectural character at this location and the proposal would be acceptable in the context of the overall visual amenities of the area as well as providing for an improved streetscape character and legibility at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.6 **Impact on the amenities of adjoining property:**

10.6.1 The site is bounded to the south by the Curragheen River and to south of the river is a four-storey apartment block (Orchard Court) with its long facade running parallel to the river bank and facing northwards towards the site. The Grove housing development is located further to the east and south east of the site and features two-storey dwellings. The observations submitted include submission from residents

of the Grove with concern regarding the overbearing impact of the proposal, overshadowing, reduced sunlight / daylight and overlooking as well as a potential noise/disturbance. To the north of the site is a single-storey structure in use as a restaurant currently attached to the existing structure for demolition on site. One of the observations is from the proprietor of this property raises concerns regarding the impact of proposal on the future operation of the restaurant in terms of traffic impacts and physical impact including construction impact and overshadowing. The other potential impact in terms of adjoining amenity relates to the existing University Halls student accommodation to the east due to proximity between the proposed development and existing development. Despite no observation from the proprietors/operators of the existing student accommodation, the proximity between proposed and existing is raised in CE report with conditions requiring modifications.

10.6.2 To the south of the site on the opposite side of the Curragheen River is a four-storey apartment block with its northern facade facing the site. To the east of Orchard Court is the Grove housing development consisting of two-storey dwellings. All three of the proposed blocks have an elevation along the southern boundary, Block A is 7 storeys on its southern elevation and features balcony areas and a roof terrace at 7th floor level, Block C is 5 storeys and also features balcony areas on its southern elevation and a roof terrace at 5th floor level and Block B is 6 storeys and also has balcony areas on its southern elevation. Block C is directly north of the 4 storey apartment block in Orchard Grove with a separation of 10.654m between the facades of Block C and Orchard Court. Block A and Block C are located offset from the northern facade of the Orchard Court apartment block. There is a greater degree of separation from the dwellings in the Grove housing development, which are located to the south east of the site. The front of the dwellings are orientated to the river with a service road, green area and existing trees located along the bank of the river.

10.6.3 To the east of the site is an existing block of student accommodation (UCC University Hall), which consists of a 5 storey block. The level of separation between the eastern facade of Block B and the western facade of the existing University Halls block is just over 10m. The Chief Executive's report raise concerns regarding the

proximity and scale of such in term of light levels, privacy and recommends that the northern element of Block B be omitted. The applicants indicate that the design of the proposal has regard to the existing University Hall apartment block. The applicant indicates that potential overlooking from Block B exists in the case of three apartment (one each at first, second and third floor) due to proximity to existing windows (noted as being bedroom windows). The applicant notes there is variation in the alignment and height of the windows on the eastern elevation of Block B relative to the existing development so they are offset and direct overlooking is minor. In addition it is proposed to install opaque glass louvered fins on the windows serving the apartment in question to mitigate impact.

10.6.4 The existing restaurant is immediately adjoining the site and the existing structures on site are attached to the restaurant structure. The proposal entails demolition of the existing structures with the new structures detached from the restaurant structure with provision of external space adjacent such (courtyard area, refuse store and bicycle parking).

10.6.5 Overlooking/overbearance

The issue of overlooking and overbearance is raised in the observations. The majority of the observations are raised by residents of the Grove housing development to the south west and in particular overlooking from the roof terrace areas/balconies on the proposed development. The dwellings in the Grove are two-storey dwellings with the nearest dwellings in the Grove orientated with their elevations facing northwards with front gardens, a service road and a green area/vegetation along the southern bank of the river. The level of separation between the nearest Block within the appeal site (B) and the dwellings in the Grove is 42m. Any views from the proposed development from the upper levels are of the front elevation and front gardens of the dwellings, views from the lower levels are obscured by existing mature vegetation along the southern bank of the river. In addition there are landscaping proposals to provide screening along the roof terraces. Viewpoint 6 of the LVIA illustrates the visual impact of the proposal from the Grove housing development. I am satisfied that the development is sufficiently separated from the existing dwellings in terms of distance and that any views of the

existing dwellings do not overlook private amenity space and that the impact of the proposal in relation to the Grove housing development is acceptable. In terms of overbearance the view of the proposed development is well illustrated in viewpoint 6. I am satisfied that the development although visible from the existing dwellings would not have an overbearing impact with sufficient distance between the dwellings and the appeal site, including public areas consisting of the service road, open space as well as the river. The level of existing vegetation along the southern bank of the river provides a significant level of screening of the proposed development. The proposed development would not have an overbearing impact on the existing two storey housing.

Block B runs parallel to the 5 storey University hall student block to the east with a separation distance of 10m between the two. It is indicated that there are a number of instances on the first to third floor where there are opposing windows 10m from each other and that it is proposed to opaque glass louvered panels on the windows on the eastern facade of Block B to prevent overlooking (15 no. windows serving 3 no. apartment at first to third floor level). To the east of the site is an existing block of student accommodation (UCC University Hall), which consists of a 5 storey block. The level of separation between the eastern facade of Block B and the western facade of the existing University Halls block is 10m. The Chief Executives report raise concerns regarding the proximity and scale of such in term of light levels, privacy and recommends that the northern element of Block B be omitted. The applicants indicate that the design of the proposal has regard to the existing University Hall apartment block. The applicant indicates that potential overlooking from Block B exists in the case of three apartment (one each at first, second and third floor) due to proximity to existing windows (noted as being bedroom windows). The applicant notes there is variation in the alignment and height of the windows on the eastern elevation of Block B relative to the existing development so they are offset and direct overlooking is minor. In addition it is proposed to install opaque glass louvered fins on the windows serving the apartment in question to mitigate impact. The proposal includes measures to prevent overlooking of the adjacent student accommodation and the nature of the proposed development is similar in type to the existing block to the east. I would consider that the design of Block B and

the specific measures to prevent direct overlooking are satisfactory to deal with any privacy concerns. In relation to overbearance, I would note that the proposed Block B is offset relative to the existing university hall building and is similar type of development in terms of nature and scale, provides for measures to mitigate against overlooking including offset windows in terms of location and height, and specific measures where there are directly opposing windows. In addition I would reiterate the short term nature of the accommodation. I would consider that the proposal is satisfactory in terms of its physical impact and would not result in any significant overlooking or overbearing impact on the existing development to the east. In this regard I would recommend that amendments to Block B would be unnecessary in event of a grant of permission.

In the case of the Orchard Court development, the existing four-storey block is located along the southern bank of the river and has its long side facing north towards the site. All three have south facing facades, Block A is 7 storeys along the southern facade with balconies from 1st to 6th floor, Block C is 5 storeys with balconies from 1st to 4th floor (angled to south west) and Block B is 6-storeys with balconies from 1st floor to 5th. Block A and B and are offset in relation to the northern facade of Orchard Court with only Block C located directly opposite the northern façade (this facade is angled to the south east). The balconies in Block C are angled away from the northern facade of Orchard Court and all other windows on the southern facade of Block C serve bedrooms and are narrow windows as well as being angled south east and not directly towards the facade of Orchard Court. In addition the apartments on Orchard Court have no balcony areas/private open space on the northern façade with all of these elements provide on the southern elevation (this suggests that living space in these apartments is on the southern side of the Block). I would be of the view the proposal is satisfactory in the context privacy. In relation to overbearance the four storey block is located directly south of Block C, which is at 5-storeys is the smallest in height. Block A and B are located further away/offset in terms of separation. The proposed development would not have an overbearing impact and provide a pattern and type of development similar in nature to the existing apartment development within Orchard Court.

I am satisfied that the overall scale and physical impact of the proposed development is satisfactory in the context of adjoining amenities and that the proposal would not give rise to a significant level of overlooking or an overbearing impact on adjoining properties. I would be of the view that the level of impact the proposal would have in this regard would be acceptable in an urban area in close proximity to the city centre and that the development of the site to the degree proposed is consistent with development objectives under national, regional and local planning policy.

10.6.6 Loss of Daylight/Sunlight/Overshadowing

Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that 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 Guidelines state that 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' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. 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 PA or ABP should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines (updated 2020) also state that PA's should have regard to these BRE or BS standards (S6.6 refers).

The applicant's assessment of daylight, sunlight and overshadowing relies on the standards in the following document: - BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011). I have considered the reports submitted by the applicant and have had regard to BRE 209 – Site Layout Planning

for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) – the documents referenced in Section 28 Ministerial Guidelines. I have given a detailed description of the interface between the proposed development and existing housing in Sections 10.6.2 and 10.6.3 above. I have also carried out a site inspection, considered the third party submissions that express concern in respect of potential impacts as a result of overshadowing/loss of sunlight/daylight and reviewed the planning drawings. In considering the potential impact on existing dwellings I have considered – (1) the loss of light from the sky into the existing houses through the main windows to living/ kitchen/ bedrooms; and (2) overshadowing and loss of sunlight to the private amenity spaces associated with the houses (rear gardens in this instance).

The BRE guidance on daylight is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. Criteria set out in Section 2.2 of the guidelines for considering impact on existing buildings are summarised as follows:

- (i) Is the separation distance greater than three times the height of the new building above the centre of the main window? In such cases the loss of light will be small. If a lesser separation distance is proposed further assessment is required.
- (ii) Does the new development subtend an angle greater than 25° to the horizontal measured from the centre line of the lowest window to a main living room? If it does further assessment is required.
- (iii) Is the Vertical Sky Component (VSC) $>27\%$ for any main window? If VSC is $>27\%$ then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum.
- (iv) Is the VSC <0.8 of the value before? The BRE guidance states that if VSC with new development in place is both, 27% and, 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.
- (v) In the room impacted, is area of working plan which can see the sky less than 0.8 the value of before? (i.e., of 'yes' daylighting is likely to be significantly affected).

Where room layouts are known, the impact on daylight distribution in the existing buildings can be assessed.

The tests above are a general guide only and the BRE guidance states that they need to be applied flexibly and sensibly. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new residential development (student accommodation) within Cork City, and increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical.

The Daylight, Sunlight and Overshadowing report submitted identifies the neighbouring properties assessed at section 6 (Assessment Methodology) of the report and they include residential properties with the 2 no. University Hall blocks (labelled 1 and 2) to the east of the site, the apartment block at Orchard Court to the south (labelled 3) , 4 no. properties on the opposite side of Wilton Road to the north east (4,5,6 and 7) and the student development under construction to the north west (Crows Nest) all assessed. The assessment is confined to residential properties. The assessment is carried out based on three elements...

Vertical Sky Component (VSC): Where VSC of 27% or greater is achieved “enough skylight should still be reaching the existing building” and daylighting will not be seriously affected. Where VSC is less than 27% further analysis is required

Average Daylight Factors (ADF): If a predominantly daylight appearance is required, then ADF should be 5% or more if there is no supplementary electric lighting, or 2%

or more if supplementary electric lighting is provided. There are additional recommendations for dwellings of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. These additional recommendations are minimum values of ADF which should be attained even if a predominantly daylit appearance is not achievable. This relates to the daylight levels in the proposal and the results are examined under Section 10.4 above, Quality and Amenity of Residential Development.

In order for an amenity space to appear to be adequately sunlit throughout the year, at least half of the amenity space should receive at least two hours of sunlight on the design day, March 21st. If as a result of a new development, an existing garden or amenity area does not meet the above, and the area can receive two hours of sun on March 21st is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

The results of VSC are represented in Section 7 of the report and a 3D model of surrounding development showing windows that achieve a VSC greater or equal to 27% are in green, windows achieving less than 27% but with a new VSC greater or equal to 80% of its former value in yellow and windows achieving a VSC less than 27% and 80% less than their former value in red. The full results are tabulated in Appendix B of the report.

The two existing University Hall buildings labelled 1 and 2 are impacted a variable amount. Building 2 located immediately to the east is more severely impacted with the majority of windows assessed falling below the 27% with some windows retaining between 20-30% of their former value. Building 1 is impacted to a lesser extent with the majority of windows retaining above 80% of their former VSC value.

Building 3 for the purposes of assessment is the northern façade of Orchard Court. All windows on this facade currently have a VSC above 27% with all falling below the 27% value post development and these windows retaining between 38.47% up to 64.88% of their former value.

Buildings 4, 5, 6 and 7 are on the opposite side of Wilton Road and (Building 5 is excluded due to being commercial in nature). The windows assessed are on the public road side facing the site and all windows assessed are currently above the 27% and in all case will fall below this value ranging from between 62.81-74.45% of their former value.

The Crows Nest student development currently under construction is assessed also and windows assessed retain above 27% VSC values post development.

The report indicates that the applicants carried out further analysis to determine if any level of substantial development could occur on the site without adversely affecting VSC of the neighbouring properties. This included different configurations including revised block heights and layouts. Significant improvements to VSC were recorded if the proposed development is reduced from 10-storeys to 5-storeys across all three blocks (3D colour coded model provided), however even this arrangement would not lead to full compliance with Building 2 (University hall block to the east) and Building 3 (northern faced of Orchard Court) still failing to meet the criteria.

The report indicates that a number of the buildings impacted are student blocks and based on the fact that the majority of the rooms are bedrooms the pattern of use is less sensitive to daylight than residential usage (shorter tenure/less frequently occupied) should be taken into account. The analysis indicates that the reality of any substantial development on this site would have an adverse impact on the VSC of nearby properties and such is to be expected in such an area due to relative height and proximity of neighbouring structures. The assessment notes that consideration should be given to the fact that the comparison is being made between an under-utilised site and the proposed development, which will have some form of impact. It is requested that flexibility regarding BRE standards should be applied to balance the objective of achieving urban regeneration with any potential impacts.

An assessment of VSC was not carried out for the Grove housing development to the south east. I would note the majority of the third party observations are from residents of the Grove and such raise concerns regarding daylight and sunlight impact/overshadowing. Under section 2.2.4 of the BRE guidelines it is stated that “loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these case loss of light will be small”. It is further stated in section 2.2.5 that if the proposed development is taller or closer than this, a modified form of the procedure adopted for new buildings can be used to find out whether an existing building still receives enough skylight” (VSC). I have applied the criteria under 2.2.4 of the BRE guidelines in the case of the proposed development and the Grove housing development (based on centre of window height of 1.5m), a distance of 97.5m (10-storey portion) and 70.5 (seven storey portion) from Block A, 67.5m from Block B and 52.5m from Block C. There are a number of houses within the Grove within these distance from the proposed Blocks. Based on these measurements there would be a requirement to assess VSC in relation dwelling no.s 5-12 the Grove. The remainder of the dwellings in the Grove are sufficient distance from the proposed development. There is another apartment block within Orchard Court south of the four-storey block assessed in the report which is partially within the distance that would require further assessment. This block runs perpendicular to the Block closest the site with its northern gable end facing north.

Sunlight results are under section 9 of the report (for Annual probable sunlight hours in the proposed development see Section 10.4.4 above (Quality and Amenity of Residential Development)). The assessment of Annual probable hours of sunlight (APSH) to windows in the existing buildings surrounding the site (Buildings 1, 2, 3, 4, 5, 6 and 7, and Crows Nest student accommodation) indicate that the buildings achieve 25% of their annual probable sunlight hours. The assessment also indicates that the majority of the buildings would achieve 5% of their probable sunlight hours during the winter months (21st Sept and 21st Mar) in line with BRE guidance. There is no assessment of the dwellings in the Grove in relation to access to sunlight with specific reference to 3.2.2 BRE guidelines.

The BRE guidance recommends that at least 50% of the amenity areas should receive a minimum of two hours sunlight on 21st March (spring equinox). The report submitted provides an assessment of amenity space associated with the Crows Nest student accommodation to the north of the site. The assessment indicates that this amenity space will achieve 2 hours of sunshine on the 21st March as pre BRE guidelines. The proposal does not include an assessment of any other amenity spaces due to the fact that most amenity spaces serving adjoining development are located to the rear of properties, which face the site or located south of the appeal site in the case of the Grove housing development and Orchard Court.

The Daylight, Sunlight and Overshadowing Report includes modelling of overshadowing for various times on the 21st of March, 21st June and 21st of December to illustrate overshadowing impact all year round. The results of the overshadowing show minimal impact on properties to the south with the most significant impact experienced to the north and north west. The fact that the appeal site is in a built up area with existing structures of medium to tall height (five-storeys upwards located to the north and east) the level of increased overshadowing is not significant. In the case of Orchard Court to the south and the Grove housing to the south east, their locations south ensure that overshadowing impact is not significantly altered over the existing arrangement. In relation to the properties on the opposite side of Wilton Road, to the north and east of the site including the restaurant and student apartments there is level of increased overshadowing. Given the location of the location of the site in an area zoned Local Centre and in close proximity to the city centre, existing mid to tall buildings there is a reasonable expectation of development of the site in comprehensive manner and at building heights defined as mid to tall in height. I would consider that a five-storey structure on the site (in keeping with existing student development immediately adjacent the site) would produce the same level of impact in terms of overshadowing on the adjoining properties to the north, north west and east. I would consider that a degree of overshadowing in relation to these properties is unavoidable at this location and in this regard the proposal is satisfactory in the context of overshadowing.

In my opinion the impact of overshadowing, daylight and sunlight is satisfactory in the context of the adjoining properties to the north, north west and east. I would be of the view that the development of the site to a lower level, consistent with mid-rise buildings on adjoining sites would give rise to similar impacts and that the development of the site to an appropriate scale is imperative in the interest of making efficient use of zoned land, in the context of its location close to the city centre, in close proximity to existing and planned public transport infrastructural improvements, its proximity to the university campus and to meet national strategic objectives regarding housing provision in appropriate locations.

In the case of residential development to the south and south east I have outlined the results of the various assessment submitted by the applicant including pointing out any shortfalls in the information provided. I would consider that the impact on the existing development in Orchard Court is satisfactory and would note that any impact is confined to the northern side of the existing Block with the southern elevation being the one with all living and private amenity space unaffected. The block in Orchard Court further to the south is not likely to be impacted with its northern gable located a short distance south and its main facades orientation being east and west. I would reiterate the Building Height Guidelines which state that “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 PA or ABP should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution”. I would consider that the level of impact in relation to Orchard Court is acceptable and satisfactory and the development of the site to an appropriate scale is imperative in the interest of making efficient use of zoned land, in the context of its location close to the city centre, in close proximity to existing and planned public transport infrastructural improvements, its proximity to the university campus and to meet national strategic objectives regarding housing provision in appropriate locations.

In relation to the Grove housing development the applicants report included an analysis of overshadowing of the Grove. As outlined above the impact of overshadowing on the properties would not be significant with their location to the south east of the site being a significant factor. In addition the private amenity spaces of these dwellings are located to south and rear of no. 5-12 and unlikely to be impacted to any degree. In relation to annual probable sunlight hours (APSH) section 3.2.2 of the BRE guidelines states “that obstruction of sunlight may become an issue if some part of the development is situated within 90 degrees due south of a main window wall of an existing building”. The dwellings in the Grove are located to the south east of the new development and do not require assessment in relation to APSH/sunlight access.

In the case of the dwellings in the Grove, I have set out that dwellings no.s 5-12 are in close enough proximity to merit further assessment in regards to impact of daylight (VSC) based on the BRE guidelines. In this case the applicant did not carry out such an assessment. Based on a worst case scenario and in the event that the VSC levels of windows on the front elevation of these dwellings fail to retain a level of 27% or fall below 0.8 of their previous value, I would note that these dwellings are not impacted adversely in terms of overshadowing or access to sunlight as well as the fact that these dwellings are dual aspect with south/south eastern facing elevations as well as elevations facing north/north west. As stated above the standards in relation to daylight and sunlight are a general guide only and the BRE guidance states that they need to be applied flexibly and sensibly. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new residential development (student accommodation) within Cork City, and increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in

so far as is reasonable and practical. In this regard I would be of the view that the level of impact on the dwellings in the Grove is reasonable in the context of the urban location of the site and the reasonable expectation of development of the site to a scale appropriate having regard to its location relative to the city centre, public transport infrastructure and the existing educational institution as well as in the context of national, regional and local planning policy objectives.

10.6.7 Impact on the existing restaurant premises to the north

The existing restaurant to the north is currently attached to the structure for demolition on site. The restaurant has a separate vehicular entrance to the north but there is currently no physical boundary between the appeal site and the restaurant with vehicles currently able to drive between the two properties internally. The observation by the restaurant owner raises concern regarding the changes along the road frontage of the site and the impact on the operation of the restaurant as well as impact of construction.

The alterations proposed do not impact the existing vehicular access serving the restaurant. There is a change in the layout of the development along Wilton Road and a changed relationship with the site to the south in that there is no open boundary or access to existing parking that exists on the appeal site. The restaurant would appear to be retaining a level of car parking to the front of their premises that corresponds with the limit of their ownership. The restaurant may have benefited from additional parking in the evening times when the existing autocentre was shut, and the development of the site reduces the potential parking available to the existing restaurant. The appeal site is in separate ownership and I would consider it unfair to preclude development on it on the basis that it would impact the existing restaurant in relation to car parking or traffic circulation. The existing restaurant is retaining its vehicular access and parking spaces under their control. I would note that there are proposals for a set down area and improved bus stop provision along the front of the site. In addition there are public car parks a short distance from the appeal site, which is accessible to a high degree of residential development including the proposed development. I am satisfied that overall design, nature and scale of the

proposed development has adequate regard to the amenities of the existing restaurant.

10.6.8 Noise and Micro Climate

The submitted Noise Impact Assessment and Acoustic Design Statement. The report includes an assessment of the acoustic impact during both construction and operational phases. It is noted noise mitigation measures are incorporated in the preliminary Construction and Environmental Management Plan. The impact of noise at operational stage is not anticipated to be significant with usage of enhanced glazing and ventilation to prevent significant noise impact. A Wind and Microclimate Modelling report is submitted. It is predicted that the proposed development height will not lead to a significant acceleration of wind speed at street level or at adjacent buildings. I am satisfied that significant microclimate impacts are not likely to arise.

The observations raise concerns regarding noise impact and disturbance in relation to balcony areas and roof top open spaces. As noted earlier in this report the proposal is for a managed student accommodation facility with managerial staff, security and a code of conduct and rules for occupants. I am satisfied that the managed nature of the proposal is sufficient to ensure that the likelihood of disturbance/noise in the case of external open space areas will be minimised.

10.6.9 Construction Impact

The overall impact of construction in terms of noise, disturbance and traffic is raised in the observations. In particular the observation from the proprietor of the restaurant to the north raises concerns regarding construction impact due to the fact the existing structure for demolition is attached to his building and the impact of construction works on the operation of the existing restaurant. The applicant has submitted a Preliminary Construction Environmental and Demolition Waste Management Plan. This plan outlines measures to be carried out to minimise disruption caused by construction works.

I would acknowledge that the construction will have potential to be disruptive in terms of noise, dust and disturbance, however I would note that the period is a temporary period and necessary to ensure the development of an underutilised zoned and serviced site. I am satisfied subject to appropriate construction management measure including restrictions on construction hours that the proposal would be acceptable in the context of adjoining amenities.

In the case of the existing restaurant structure there is an onus on the applicant to ensure that demolition work carried out on site has adequate regard to the structural integrity of the existing premises. I would also note that no construction work will be permitted in the evening hours.

10.6.10 Conclusion

I would consider that the design, scale and layout has adequate regard to the amenities of adjoining properties. As stated above the standards in relation to daylight and sunlight are a general guide only and the BRE guidance states that they need to be applied flexibly and sensibly. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new residential development (student accommodation) within Cork city, and increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical. In this regard I would be of the view that the level of impact on adjoining properties is reasonable in the context of the urban location of the site and the reasonable expectation of development of the site to a scale appropriate having regard to its location relative to the city centre, public transport infrastructure and the existing educational institution as well as in the context of national, regional and local planning policy objectives. I would recommend that the

proposed development is granted permission and would not recommend any alterations.

10.7 Traffic and transportation:

10.7.1 The proposal entails setback of the Block A from Wilton Road with the provision of pedestrian plaza area along Wilton Road, a vehicular access providing access to the courtyard (service entrance) and two laybys one north of the vehicular access and one south. The layby to the south of the entrance is to facilitate planned Bus Connects proposals and is to provide for a future bus stop with these plans and set back agreed with Cork City Council based on Cork Metropolitan Area Draft Transportation Study (CMATS). The layby to the north of the vehicular access is to facilitate set down and pick up/taxis. The existing vehicular access to restaurant to the north of the site is maintained.

10.7.2 The proposed development does not include any car parking. Some concern has been expressed in the observations regarding the lack of parking with reference to students being car owners/drivers and also the impact of traffic picking up and dropping off. In addition the proposal for use of the accommodation for tourist accommodation would generate traffic and parking demand outside term times. The overspill of parking into residential areas such as the Grove housing development is noted with this being an existing issue due to student accommodation in the area.

10.7.3 I would suggest that the purpose of the proposed accommodation located within close proximity of the University is to facilitate sustainable modes of transport, such as walking and cycling, to the Campus. This is a sustainable means of providing accommodation off-site rather than encouraging use of cars thereby adding to traffic using the existing local road network. I consider that it is appropriate in this instance car parking does not form part of the proposal. The applicant has submitted a mobility management plan. This plan outlines existing conditions and public transport infrastructure as well as details of future planned upgrades to public transport and pedestrian cycling infrastructure.

10.7.4 While on-site parking to facilitate for the students during term is not proposed, justifiably in my opinion, it is clear that there is a demand for drop off and pick up facilities at the start and end of terms. It is proposed to appoint a Mobility Manager whose role includes the development of a taxi/drop off management plan to ensure efficient operation of the set down area. The CE report includes suggested condition no. 28 requiring an implementation plan for the management and co-ordination of arrival/departure of residents at the start and end of term.

10.7.5 The proposal has adequate regard to future planned public transport proposals and it is notable that TII raised no objection to the development. The proposal provides for a set down and a proposal to implement a plan to manage pick up and drop off at the start and beginning of terms (subject to condition) I am satisfied that the proposal would be acceptable in the context of traffic safety and convenience. It has already been determined in this report that the site is an appropriate location for student accommodation and due to its proximity to the main campus it is appropriate to provide a dense development without any parking. I would note that there are a number of public car parks in walking distance of the site and I would not consider it appropriate to preclude the development on the basis of lack of car parking or traffic issues.

10.8 **Flood Risk:**

10.8.1 A Flood Risk Assessment (FRA) has been submitted. The FRA outlines historical flood events. The site is located close to the confluence of the River Lee, located to the north of the site and the Curragheen River located to the south of the site and it is noted in the FRA that there is a history of flooding in the area with flood maps revealing a number of flood events within 2.5km of the site the most significant of which was in November 2009 when there was widespread flooding in Cork City including the subject site. Reference is made in the FRA to the Lee Catchment Flood Risk Assessment and Management Study (Lee CFRAMS) undertaken by the OPW and Cork City and County Councils which has resulted in the prediction of water levels arising from a series of scenarios of both fluvial (riverine) and tidal flood events. The drawings accompanying the CFRAMS include predicted flood levels for a number of node points. The FRA considers the two closest node points, each on

the Lee River (8SOU_3659 & 8SOU_3472) and Curragheen River (8CUR_581 and 8CUR_327) to be the most relevant and Table 5 of the FRA includes the levels and AEP for each of the nodes. In determining the most appropriate ground floor level node point 8SOU_3472 on the River Lee is considered the most appropriate. This provides that the ground floor level has been determined based on the 1% AEP for the mid-range future scenario of 5.29m OD for the River Lee.

10.8.2 The FRA outlines the planned Lower Lee Flood Scheme, which is designed to cater for the 1% Annual Exceedance Probability (AEO) fluvial flood event and 0.5% AEP tidal flood event. This comprises of a flow regulation structure with a flood defence level of 5.8m OD at the location of this structure. The appeal site benefits from this flood defence measure and falls within the lands defended against River Lee flood events but retaining residual risk from extreme Curragheen flood events.

10.8.3 The ground level of the development has been determined based existing flood mapping and flood defence measures and in accordance with DEHLG/OPW guidelines should be set above the anticipated 1%AEP (1 in 100 river) flood level and 0.5% AEP (1 in 200 coastal flood level) including an allowance for climate change with appropriate freeboard, to mitigate against risk of flooding.

10.8.4 The ground level has been determined based on 1% AEP for fluvial mid-range future scenario of 5.29m OD for the River Lee and applying a freeboard of 0.3, giving a final level of 5.59m OD. This level is below the proposed flood defence level of 5.8m OB for the Lower Lee Drainage Scheme in the vicinity of the site. In advance of the Lower Lee Flood Defence Scheme an appropriate floor level is deemed to be 5.9m for the appeal site.

10.8.5 In relation to pluvial flooding mitigation the option of defending the entire site from inundation from the Curragheen River was considered but deemed impractical due to the need to maintain courtyard access for service/emergency vehicles and avoid severing local flood paths flow paths to the river from the adjacent flood plain. A partial defence strategy was chosen to protect vulnerable receptors by increasing

floor level of occupiable buildings. The proposal includes rainwater collection and discharge to the river and an underground storage tank. There will be no nett increase in surface water run-off as the existing site is already fully built and paved. The volume of water displaced due to the raised footprint of the site equates to the storage capacity for the underground tank with no nett loss to floodplain storage.

10.8.6 The FRA includes a justification test with the appeal site located in Flood Zone B and classified a vulnerable development (residential). Firstly the justification test for development plans and secondly the justification test for development management. I would note that the guidelines state at section 3.8 that the plan making justification test is required at plan preparation and adoption stage where it is intended to zone the land. Notwithstanding, that it would not appear to be relevant to this stage of the proposal, the conclusion for both development plan and management stages is that the site passes the justification test. In respect particularly of the test for development management I would note that reference is made to the mitigation measures outlined in the report and which are outlined in the preceding paragraphs in this section. Therefore, I consider that the conclusion is reasonable on this basis. I would note that the Drainage Division of Cork City Council includes a proposed condition which requires that the mitigation measures identified in the FRA be implemented and any mitigation measured not specifically identified shall be agreed with the PA. While I consider that the flood risk assessment is robust I would suggest that the conditions proposed from the City Council are reasonable and if the Board are minded to grant permission should be included.

10.9 **Material Contravention:**

10.9.1 The applicant has submitted a Statement of Material Contravention with Cork City Development Plan 2015-2022 with the application. The public notices make reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). There are three issues raised in the applicant's Material Contravention statement, which are...

River and Waterway Corridors: Objective 10.9 regarding River and Waterway Corridors specifies a requirement to keep a minimum of 10m from the top of the riverbank. In this case this standard is not provided.

Building height: The subject site is not identified as location for tall buildings limiting the site to medium-rise development of up to 9 storeys and no higher than 32m. The proposed development is up to 10 storeys in height and a maximum ridge height of 34.05m.

Apartment Size: Chapter 6 of the CDP specifies minimum floor area for apartments and private open space. The plan has standards for apartments ranging from one to four bed unit and no specifications for student accommodation. The proposal has been designed to comply with variation no. 5 (Student Accommodation) 2018 and the Sustainable Urban House design: Standards for New Apartments.

10.9.2 I have considered the issues raised in the applicants submitted statement and advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) in relation to the river and waterways corridor objective.

10.9.3 I draw the Board's attention to the height of the proposed development. The site is located in an area not specified for tall buildings (classified as above 9 storeys and 32m). The majority of the development on site does not exceed this standard however a portion of Block B is 10 storeys and 34.05m in height. I would refer to section 10.5.2 of this report that highlights the ambiguity in the Plan in respect of tall buildings and the fact that I do not consider that the proposal would material contravene development plan policy in relation to building height. As highlighted in the same section the Planning Authority have highlighted in the Chief Executive's Report that the proposal sought does not materially contravene development plan policy in regards to building height.

10.9.4 Notwithstanding my view regarding building height and planning policy, if the Board are of the view that the proposal does materially contravene development plan

policy on height I would highlight the content of the Statement of Material Contravention submitted with the application which describes the justification for the proposed height. I consider that the site is appropriate for increased height in light of guidance in the Urban Development and Building Height, Guidelines for Planning Authorities (SPPR3) particularly in consideration of the Development Management Criteria in section 3.2 of the guidelines relating to proximity to high quality public transport services, character of the location, the contribution of the proposal to the street, improvement of legibility and daylight and sunlight considerations alongside performance against BRE criteria. My assessment of the development against the section 3.2 criteria in the Building Height Guidelines is set out in detail in sections above. Specific assessments have also been provided to assist my evaluation of the proposal, specifically CGI visualisations and photomontages of views, Landscape and Visual Appraisal, and Daylight and Sunlight Report. In addition to section 3.2 and SPPR3 of Building Height Guidelines I consider that the Board can invoke NPO13 and 35 of the NPF.

10.9.5 In relation to Objective 10.9 and the requirement for a 10m set back from the river to the south it is stated that with the increased set back from the Wilton Road to facilitate the Bus Connects proposals and the nature and size of the site, it is not possible to provide a minimum set back of 10m. The applicant has noted that the design and layout of the development has been dictated by requirements to provide an increased set back along Wilton Road to facilitate planned transport infrastructure. I would consider that the overall design, scale and layout of the development is acceptable in the context of the proper planning and sustainable development of the area and that the level of set back from the river provided is satisfactory to ensure an appropriate level of development on the site and meet national objectives to provide additional housing set down under National Framework Plan and additional student accommodation under National Student Accommodation Strategy (July 2017) whose main objective is “to ensure that there is an increased level of supply of purpose built student accommodation”.

10.9.6 In relation apartment size and layout, the CDP includes minimum standards under Chapter 6, but does not include specific standards for student apartments. The

current proposal does not meet these standards but does meet the standards set down under Variation No. 5 (Student Accommodation) of the City Development Plan adopted on the 09th of July 2019 and the Design Standards for New Apartments Guidelines for Planning Authorities, 2018 (superseded by 2020 guidelines). I would again state that the proposal would not constitute a material contravention of development plan policy in relation to apartment size with an adopted variation providing clarity regarding standards for student accommodation and the proposal complying with such. In addition I would again note that the Planning Authority in the CE report indicate that the proposal is not a material contravention of development plan policy in relation to apartment size.

10.9.7 In relation to all elements raised in the material convention statement the proposal for student accommodation on this site would have regard to the potential of the development to contribute to the delivery of several National Policy Objectives of the NPF, specifically NPOs 3a, 3c, 5, 32, 33 and 35 in relation to compact urban development and the provision of additional residential units at existing settlements, I consider that section 37(2)(b)(i) applies as the development is considered to be of strategic and 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 under supply as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.

10.10 **Ecological Impact:**

10.10.1 An Ecological Impact Assessment was submitted. The assessment included surveying of all flora and fauna on site. The appeal site is an urban site in constant use characterised by an existing commercial development with a hardstanding area. The survey results indicate that there were no suitable bat roosts identified, any bird species identified on site are of the common variety, the nearest location that otters are known to exist was 2km from the site and there are no invasive species on site. The appeal site is not of high ecological value and with no protected species

identified on site or in close proximity. The proposed development would be satisfactory in the context of ecological impact.

10.11 Appropriate Assessment:

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

10.11.2. Compliance with Article 6(3) of the Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

10.11.3 The applicant has submitted a Natura Impact Statement (NIS as part of the planning application. The NIS has been prepared by Malone O'Regan (April 2021) and is supported by an Ecological Impact Assessment. The Report provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. Two sites are identified within the zone of influence of the proposed development based on proximity and potential hydrological links...

Great Island Channel SAC (001058) 11.7km east of the site.

Cork Harbour SPA (004030) 5km south east of the site.

Natura 2000 Site and Distance from Subject Site:	Conservation Objectives:	Qualifying Interests:
Great Island Channel SAC (001058) 11.7km east of the site.	To maintain or restore habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.	Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]
Cork Harbour SPA (004030) 5km south east of the site.	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected.	Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Grey Heron (<i>Ardea cinerea</i>) [A028] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142]

		Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999]
--	--	--

10.11.4 Assessment of likely effects:

In the screening report the potential effects identified are based on the hydrological connectivity between the site and the Great Channel Island SAC and Cork Harbour SPA with the Curragheen River running to the south of the site and draining into the River Lee and the designated sites identified. Potential effects are associated with siltation and pollutants during the construction and operational phase. Effects on the two qualifying interest of the Great Island Channel SAC are screened out on the basis that the designated site is a significant distance from the appeal site and that any possible pollutants will either dilute within the watercourse or settle to the bottom before reaching the Cork Harbour c. 8km from the site. In the case of Cork Harbour SPA there is potential for impairment of water quality and indirect impacts on the food supply chain for all of the bird species identified as qualifying interests.

10.11.5 Screening conclusion:

The screening report concludes that significant effects cannot be excluded in the case of the Cork Harbour SPA, and a Stage 2 Appropriate Assessment is required. I would be of the view that based on a precautionary approach that significant effects cannot be excluded in the case of the Cork Harbour SPA and a Stage 2 Appropriate Assessment is required.

10.11.6 Stage 2 Appropriate Assessment

The relevant European sites for Stage 2 AA is the Cork Harbour SPA. This Stage 2 assessment will consider whether or not the project would adversely affect the integrity of these European sites, either individually or in combination with other plans and projects in view of the conservation objectives of the site.

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

Cork Harbour SPA (004030) 5km south east of the site.

Conservation Objectives and Qualifying Interests / Special Conservation Interests	Potential Impacts
<p>CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected.</p> <p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Grey Heron (<i>Ardea cinerea</i>) [A028] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054]</p>	<p>Direct Effects</p> <p>No direct effects due to separation distance.</p> <p>Indirect Effects</p> <p>Potential impacts due to hydrological connections via surface water pathways, impairment of water quality impacts on food supply. See screening above.</p>

Shoveler (<i>Anas clypeata</i>) [A056]	
Red-breasted Merganser (<i>Mergus serrator</i>) [A069]	
Oystercatcher (<i>Haematopus ostralegus</i>) [A130]	
Golden Plover (<i>Pluvialis apricaria</i>) [A140]	
Grey Plover (<i>Pluvialis squatarola</i>) [A141]	
Lapwing (<i>Vanellus vanellus</i>) [A142]	
Dunlin (<i>Calidris alpina</i>) [A149]	
Black-tailed Godwit (<i>Limosa limosa</i>) [A156]	
Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]	
Curlew (<i>Numenius arquata</i>) [A160]	
Redshank (<i>Tringa totanus</i>) [A162]	
Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]	
Common Gull (<i>Larus canus</i>) [A182]	
Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]	
Common Tern (<i>Sterna hirundo</i>) [A193]	
Wetland and Waterbirds [A999]	

10.11.7 Evaluation of Effects

The submitted 'Natura Impact Statement' in Section 7.2 describes what it calls mitigation measures to avoid likely significant effects arising from potential surface and water pathways. During the construction phase standard pollution control measures (specified in AA and preliminary CEMP) are to be used to prevent sediment or pollutants from leaving the construction site and entering the surface and ground water systems. During the operational the proposal is connected to the Irish Water drainage infrastructure. Furthermore, in the context of the potential for likely significant effects, and having regard to the circumstances of the site and the characteristics of the proposed development including the possible loading of any hazardous materials, it is highly unlikely that contaminated surface water runoff or groundwater from the construction or occupation phases of the proposed development would reach the Cork Harbour SPA. Even if an unlikely pollution event

were to occur and contaminants from the site reached the designated area of a Natura 2000 site, the volume of the runoff means that there is no realistic prospect that it could have a significant effect that would hinder the achievement of the conservation objectives of the Natura 2000 site.

10.11.8 Cumulative and In-combination Effects

Wastewater for the proposal would discharge to the Carrigrennan wastewater Treatment Plant and Irish Water have indicated no objection to the proposal. I do not consider that there are any specific in-combination effects that arise from other plans or projects. Given the negligible contribution of the proposed development to the wastewater discharge, I consider that any potential for in-combination effects on water quality in Cork Harbour SPA can be excluded. Furthermore, other projects within the Cork Area which can influence water quality in Cork Harbour via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

10.11.9 Conclusion

I am satisfied that the measures outlined fully address any potential impacts arising from the proposed development and that it has been demonstrated based on the information in the submitted Natura Impact Statement that with implementation of mitigation measures including construction management and operational measures that the proposed development, individually or in combination with other plans and projects would not adversely affect the Cork Harbour SPA (004030) or any other designated Natura 2000 site.

10.12 **Environmental Impact Assessment-Screening:**

10.12.1 The site is an urban brownfield site (zoned Z10) occupied by existing commercial development comprising of an automotive garage and hardstanding area. The proposed development relates to the demolition of the existing structure and construction of 40 no. student accommodation apartments (ranging in size from single bed studio apartments to 8-bed apartments) comprising of a total of 243 no.

bed space ranging in height from 5 to 10 storeys, student amenity facilities including student amenity space, 2 no. study rooms, media area, games area, ICT room and laundry room; the provision of landscaping and amenity areas including a courtyard space, a riverfront amenity and 2 no. rooftop terraces, the provision of a bus stop, a set down area, 1 no. access point and footpaths on Victoria Cross Road and all associated ancillary development including pedestrian/cycling facilities, lighting, drainage, boundary treatments, bin and bicycle storage, ESB Sub-station and plant at ground and roof top levels.

10.12.2. The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district. In addition, Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

10.12.3. The proposal for 40 no. residential units (student apartments) on a site of 0.22 ha is below the mandatory threshold for EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I would note that the uses proposed are similar to predominant land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The AA Screening and subsequent Stage 2 Appropriate Assessment set out in Section 10.10 concludes that the potential for adverse impacts on Natura 2000 site can be ruled out.

10.12.4. The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental

impact assessment. The application is accompanied by an EIA Screening Report which includes the information required under Schedule 7A to the planning regulations. In addition, the various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Planning and Design Statement
- Landscape and Visual Impact Assessment
- Landscape Design Rational
- Civil Engineering Report
- Stormwater Management and SUDS Assessment
- Ecological Impact Assessment
- Mobility Management Plan
- Noise Impact Assessment and Acoustic Design Statement
- Wind and Microclimate Modelling
- Daylight, Sunlight and Overshadowing Report
- Planning Statement
- Preliminary Site Investigation Report.

10.12.5 Noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment

Directive have been taken into account I would note that the following assessments / reports have been submitted.

- Appropriate Assessment Screening and Natura Impact Statement has been undertaken pursuant to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) and also addresses requirements arising from the Water Framework Directive (and River Basin Management Plans) and the Urban Wastewater Treatment Directive.
- The Flood Risk Assessment addresses the potential for flooding having regard to the OPW CFRAMS study which was undertaken in response to the EU Floods Directive.
- A Construction and Environmental Waste Management Plan has been submitted that addresses requirements under the EC Waste Framework Directive and EC Environmental Noise Directive.
- The SEA carried out for the Cork City Development Plan 2015-2022, which zones the development site for development including residential.

10.12.6 The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening.

10.12.7 I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an

environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

11.0 Recommendation

- 11.1 In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an emerging area where a wide range of services and facilities exist and proximate to good public transport links. In my opinion, the proposal will provide a quality development, with an appropriate mix of units and an acceptable density of development, in accordance with national policy.
- 11.2 I am satisfied that the proposal will not impact on the visual or residential amenities of the area, to such an extent as to warrant a refusal of permission. In fact, I consider that the proposal, if constructed as permitted would add to the visual amenity of the area and enhance the streetscape at this location. I have no information before me to believe that adequate services and facilities are not available in the wider area, to cater for the development as proposed.
- 11.3 I consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines. I also consider it to be in compliance with the proper planning and sustainable development of the area and having regard to all of the above, I recommend that permission is granted, subject to conditions.

12.0 Reasons and Considerations

Having regard to the following:

- (a) the site's location close to Cork city centre, within an emerging built-up area, in close proximity existing public transport infrastructure and accessible to the inner city,
- (b) the provisions of the Cork City Development Plan 2015-2022, including the zoning objective ZO 10 Local Centre 'to protect, provide for and improve retail function of local centres and provide a focus for local centres',
- (c) the proximity to the main campus of University College Cork,
- (d) the policies set out in the Cork City Development Plan 2015,
- (e) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (f) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (g) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (h) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020
- (i) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (j) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (k) National Student Accommodation Strategy (2017),
- (l) the nature, scale and design of the proposed development,
- (m) the availability in the area of a wide range of social, community and transport infrastructure,
- (n) the pattern of existing and permitted development in the area,
- (o) the planning history within the area,
- (p) the report of the Chief Executive and associated appendices and
- (q) the report of the Inspector and the submissions and observations received,

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

13.0 Recommended Order

Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 30th day of April 2021 by Bellmount Developments Limited.

Proposed Development: The proposed development will consist the demolition of existing structure on site and the construction of 40 no. student accommodation apartments (ranging in size from single bed studio apartments to 8-bed apartments) comprising of a total of 243 no. bed space ranging in height from 5 to 10 storeys, student amenity facilities including student amenity space, 2 no. study rooms, media area, games area, ICT room and laundry room; the provision of landscaping and amenity areas including a courtyard space, a riverfront amenity and 2 no. rooftop terraces, the provision of a bus stop, a set down area, 1 no. access point and footpaths on Victoria Cross Road and all associated ancillary development including pedestrian/cycling facilities, lighting, drainage, boundary treatments, bin and bicycle storage, ESB Sub-station and plant at ground and roof top levels. The application contains a statement setting out how the proposal will be consistent with the objectives of the Cork City Council Development Plan 2015-2021 and also contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

Decision: Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under 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.

Reasons and Considerations

Having regard to the following:

- (a) the site's location close to Cork city centre, within an emerging built-up area, in close proximity existing public transport infrastructure and accessible to the inner city and proximity to the university campus,
- (b) the provisions of the Cork City Development Plan 2015-2022, including the zoning objective ZO 10 Local Centre 'to protect, provide for and improve retail function of local centres and provide a focus for local centres',
- (c) the proximity to the main campus of University College Cork,
- (d) the policies set out in the Cork City Development Plan 2015,
- (e) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (f) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (g) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (h) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020

- (i) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (j) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (k) National Student Accommodation Strategy (2017)
- (l) the nature, scale and design of the proposed development,
- (m) the availability in the area of a wide range of social, community and transport infrastructure,
- (n) the pattern of existing and permitted development in the area,
- (o) the planning history within the area,
- (p) the report of the Chief Executive and associated appendices and
- (q) the report of the Inspector and the submissions and observations received,

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

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Cork Harbour SPA (004030) 5km south east of the site is the only European Sites in respect of which the proposed development has the potential to have significant effects.

The Board considered the Natura impact statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the

proposed development for the affected European Site, namely Cork Harbour SPA (004030) in view of the site's conservation objectives.

The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

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

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's conservation objectives.

Environmental Impact Assessment

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 299C of the Planning and Development Regulations 2001 (as amended), the Board concluded that, by reason of the nature, scale and location of the subject site,

the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case

Conclusions on Proper Planning and Sustainable Development:

The Board considered that the proposed development is, apart from set back from the river (Objective 10.9) is, broadly compliant with the current Cork City Council Development Plan 2015-2021 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 zoning objective of the Development Plan, it would materially contravene the Plan with respect to set back from the a river. 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) It is considered that section 37(2)(b)(i) applies as the development is considered to be of strategic and 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 under supply as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.

(b) In relation to 37(2)(b)(iii) it is considered that permission should be granted for the proposed development having regard to the primary objective of the National Student Accommodation Strategy (2017) "to ensure that there is an increased level of supply of purpose built student accommodation" and also having regard to National Policy Objectives of the NPF, specifically NPOs 3a, 3c, 5, 32, 33 and 35.

Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not

seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 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. The proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

3. The proposed development shall be implemented as follows:

(a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application.

(b) Student House Units shall not be amalgamated or combined. Reason: In the interests of the amenities of occupiers of the units and surrounding properties.

4. 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 matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

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

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

6.

(a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:- (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component. (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

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

Reason: In the interests of clarity and public health.

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

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

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

(a) The design vehicular entrance shall be amended so that the materials proposed in the footpaths shall be continued across the vehicular access to clearly indicate pedestrian priority.

(b) A Mobility Management Plan which addresses all of the uses within the proposal and the term-time and out-of-term use of the accommodation shall be submitted to and agreed with the Planning Authority.

(c) 122 bicycle parking spaces shall be provided within the development;

(d) One disabled car parking space shall be provided within the proposed development.

(e) Findings of the Stage 1/2 Road Safety Audit and the undertaking of a Stage 3/4 Road Safety Audit shall be agreed and discharged with the Planning Authority.

(f) Public lighting and all external lighting shall be agreed with the Planning Authority.

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

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

a) Location of the site and materials compound(s) including area(s) 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 the course of 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 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) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) 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.

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

11. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in

writing with, the planning authority prior to commencement of development.
Thereafter, the waste shall be managed in accordance with the agreed plan.

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

12. Mitigation and monitoring measures outlined in the plans and particulars, including inter alia the Natura Impact Statement, 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.

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

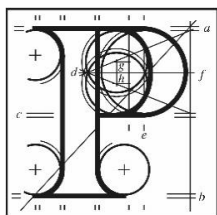
Reason: In order to safeguard the residential amenities of property in the vicinity.

14. 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.

Colin McBride
Planning Inspector

30th July 2021



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-310105-21
Development Summary		Construction of student accommodation consisting of 243 bed spaces
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	NIS
	No	No

2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?		
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Refer to section 10.12.5 in my report

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	Not significant in scale in context of the wider area.	No

<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>Demolition of commercial at transitional location between industrial / commercial uses and residential. Uses proposed consistent with land uses in the area and with the Z10 zoning. Residential uses and transition to more urban format of development permitted. No changes to topography or waterbodies.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials used will be typical of any urban development project. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Materials used will be typical of those used in construction activities. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted preliminary Construction and Waste Management Plan. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted preliminary Construction and Waste Management Plan.</p> <p>No operational impacts in this regard are anticipated. Operational waste will be managed via an operational waste management plan. Foul</p>	<p>No</p>

		water will discharge to the public network. No significant operational impacts anticipated.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	No significant risk identified. Risks during construction will be mitigated by measures detailed in the submitted preliminary Construction and Waste Management Plan. No operational impacts in this regard are anticipated. In the operational phase the development will connect to public wastewater network and attenuated surface water will discharge to watercourse.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Potential for construction activity to give rise to noise and vibration emissions. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted preliminary Construction and Waste Management Plan. No operational impacts in this regard are anticipated.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	Construction activity is likely to give rise to dust emissions and surface water runoff. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Waste Management Plan. No operational impacts in this regard are anticipated.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk having regard to the nature and scale of development. The issue of Flood Risk has been satisfactorily addressed in the submitted FRA.	No

<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Development of this site as proposed will result in an increase in residential units within the city. The anticipated population of the development is small in the context of the wider urban area. No social environmental impacts anticipated.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>No</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	<p>No</p>	<p>No. Potential for significant effects on Natura 2000 sites has been screened out.</p>	<p>No</p>
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No habitats of species of conservation significance identified within the site or in the immediate environs.</p>	<p>No</p>

<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>Yes</p>	<p>The Curragheen River runs along the southern boundary of the site. The proposal entails measures to prevent pollution detailed in the submitted preliminary Construction and Waste Management Plan. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>Yes</p>	<p>The Curragheen River runs along the southern boundary of the site. The issue of Flood Risk has been satisfactorily addressed in the submitted FRA.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>No</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>Residential / community and social land uses. No significant impacts are envisaged.</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts

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

C. CONCLUSION

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

Inspector: _____

Date: _____

