



An
Bord
Pleanála

Inspector's Report ABP-310378-21

Strategic Housing Development

Amendments to previously permitted strategic housing development reference ABP-301991-18 to increase the number of units from 413 no. units to 437 no. units and amendments to Blocks 4, 7, 8, 9 and 10.

Location

Jacob's Island, Ballinure, Mahon, Cork.

Planning Authority

Cork City Council.

Applicant

Montip Horizon Limited.

Type of Application

Section 146B

Prescribed Bodies

Transport Infrastructure Ireland
Irish Aviation Authority
National Transport Authority

Inspector

Stephen Rhys Thomas

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1.0 Introduction

- 1.1. An Bord Pleanála received a request for alterations to a previously permitted development (reference ABP-301991-18) on 31st May 2021, from HW Planning on behalf of the applicant Montip Horizon Limited to alter the permission granted for 413 apartments with ancillary tenant amenity and management facilities, neighbourhood centre consisting of a crèche and 3 retail units, landscaping, road improvement works, substation and all ancillary site development works on lands at Jacob's Island, Ballinure, Mahon, Cork. The request for alterations is made under Section 146B of the Planning and Development Act, 2000, as amended.
- 1.2. In accordance with Section 146B (2)(a) of the Planning and Development Act 2000 (as amended) and following a review of the submitted details, it was concluded that the alterations to which this request relates, amounted to a significant alteration to the overall development, and it could not be reasonably concluded that the Board would not have considered the relevant planning issues differently to a material extent, and that other planning issues for consideration might also arise. As a result, the alteration was considered to constitute the making of a material alteration of the terms of the development concerned.
- 1.3. Pursuant to subsection (3)(b)(i) notice was subsequently served on the requestor to require the submitted information to be placed on public display and submissions sought, prescribed bodies to be issued a copy of the proposal, and additional drawings to be submitted.
- 1.4. Following the receipt of this information and display period up to 8th November 2021, a determination is now required under subsection (3)(b)(ii) of the Act whether to —
 - (I) make the alteration,
 - (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or
 - (III) refuse to make the alteration

2.0 Site Location and Description

- 2.1. According to the Planning Inspectors report at the time of the initial site inspection, the site location and description is as follows:
- 2.2. The proposed development is located within the South Mahon area of Cork City, south of the Mahon Shopping Centre and N40 ring road and comprises a peninsula into Lough Mahon. The site is relatively flat with large areas of the site already disturbed from earlier phases of construction activity. There are four existing apartment blocks between six and eight storeys in height, wrapped around by the proposed development. These blocks are known as blocks 1 (Falcon), 2 Kestrel), 5 (Heron) and 6 (Kingfisher). The remainder of existing development in the vicinity is characterised by two storey and three storey duplex units arranged around a conventional cul-de-sac roads layout.
- 2.3. The site is accessed via a single carriageway road from a junction off the N40 dual carriageway. A bus terminus is located within the site at the entrance to the existing apartment blocks. Lough Mahon, a large and expansive tidal waterbody is located to the east of Jacob's Island. A large expanse of tidal mudflats are exposed at low tide. A small portion of the site is located to the west and incorporates cycle and bus lane improvements on the Mahon Interchange.
- 2.4. The location of block 3 is at the northern apex of the site adjacent to the N40 and block 4 is north of existing blocks 2 and 5. The ground is almost level with the N40 at this location and an embankment gradually rises southwards along and combines to form the alignment of the access slip road to Jacob's Island and Mahon. Characteristic of disturbed ground, the area is colonised by scrub vegetation and a large depression has filled with water to form a pond. The boundary to the waterfront walkway is a combination of earth banking, fencing and informal mature hedging.
- 2.5. The location of blocks 7, 8 and 9 is mostly comprised of ground that has been excavated to form the underground car park area of previous development. Consequently, the ground of this area is roughly level with the existing underground car park to blocks 1, 2, 5 and 6. The balance of land on this site is arranged in heaps of earth and some hardstanding. A small number of semi-mature trees have been planted along the southern boundary behind hoarding.

2.6. Block 10 is positioned on land that is slightly lower than the access road to Jacob's Island. The western side of the site slopes upwards to meet the Mahon Interchange infrastructure. The site has a large area of hardstanding, some fencing in poor condition and colonised by semi-mature shrub and tree species throughout.

3.0 Legislation

3.1. Section 146B – 146B(1) Subject to subsections (2) to (8) and section 146C, the Board may, on the request of any person who is carrying out or intending to carry out a strategic infrastructure development, alter the terms of the development the subject of a planning permission, approval or other consent granted under this Act.

Section 146B (2) (a) As soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned.

(b) Before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if, in the particular case, the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation.

3.2. Alteration a material alteration –

Section 146B (3)(b) If the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall—

(i) by notice in writing served on the requestor, require the requestor to submit to the Board the information specified in Schedule 7A to the Planning and Development Regulations 2001 in respect of that alteration, or in respect of the alternative alteration being considered by it under subparagraph (ii)(II), unless the requestor has already provided such information, or an environmental impact assessment report on such alteration or alternative alteration, as the case may be, to the Board, and

(ii) following the receipt of such information or report, as the case may be, determine whether to—

- (I) make the alteration,
- (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or
- (III) refuse to make the alteration.

Section 146B (4) Before making a determination under *subsection (3)(b)(ii)*, the Board shall determine whether the extent and character of—

- (a) the alteration requested under *subsection (1)*, and
- (b) any alternative alteration it is considering under *subsection (3)(b)(ii)(III)*

are such that the alteration, were it to be made, would be likely to have significant effects on the environment (and, for this purpose, the Board shall have reached a final decision as to what is the extent and character of any alternative alteration the making of which it is so considering).

(5) If the Board determines that the making of either kind of alteration referred to in *subsection (3)(b)(ii)*—

- (a) is not likely to have significant effects on the environment, it shall proceed to make a determination under *subsection (3)(b)(ii)*, or
- (b) is likely to have such effects, the provisions of *section 146C* shall apply.

Section 146B (8) (a) Before making a determination under *subsection (3)(b)(ii)* or (4), the Board shall—

- (i) make, or require the person who made the request concerned under *subsection (1)* to make, such information relating to that request available for inspection for such period,

(ii) notify, or require that person to notify, such person, such class of person or the public (as the Board considers appropriate) that the information is so available, and

(iii) invite, or require that person to invite, submissions or observations (from any foregoing person or, as appropriate, members of the public) to be made to it in relation to that request within such period,

as the Board determines and, in the case of a requirement under any of the preceding subparagraphs, specifies in the requirement; such a requirement may specify the means by which the thing to which it relates is to be done.

Section 146(C)

146C.— (1) This section applies to a case where the determination of the Board under section 146B(4) is that the making of either kind of alteration referred to in F477[section 146B(3)(b)(ii)] is likely to have significant effects on the environment.

4.0 Policy Context

4.1. Section 28 Ministerial Guidelines

4.1.1. Having considered the nature and extent of the proposal, the receiving environment and the documentation on file, I consider that the directly relevant section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the ‘Sustainable Residential Development Guidelines’).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the ‘Apartment Guidelines’).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).

- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme
 - The Regulation of Commercial Institutional Investment in Housing May 2021 Guidelines for Planning Authorities
- Other relevant national guidelines include:
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
 - Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.

4.2. Development Plan

Cork City Development Plan 2015-2021

- 4.2.1. Cork City Council has started the preparation of a new Cork City Development Plan 2022-2028. Following the initial public consultation, which closed on 21st August 2020, the Council has commenced the second stage of public consultation on the Draft Cork City Development Plan 2022-2028 and there will be a further round of public consultation in Spring 2022. From the information I have available to me the Cork City Development Plan 2015-2021 is still the operative plan for the area.
- 4.2.2. The site includes a number of zonings. Most of the site is zoned ZO 20 – Mixed Use Zoning Jacob’s Island with the objective to provide for mixed use development to accommodate up to 15,000 sq.m of business and technology offices and residential uses. A liner part of the site adjacent to Lough Mahon is zoned ZO 14 Public Open Space. Part of the site is zoned ZO 9 neighbourhood centres with the objective to protect, provide for and/or improve the retail function of neighbourhood centres and provide a focus for local services. Paragraph 15.16 of the plan states that convenience, lower order comparison and residential uses and local services are acceptable in this zone.

4.2.3. Para 4.19 relates to neighbourhood centres and states that anchor stores in these centres should not exceed 1500 sq.m net and should normally serve a pedestrian catchment of c. 800m.

Objective 14.1 refers to the Mahon Local Area Plan and states that the LAP vision will be achieved by:

- Expanding the population and improving residential amenity;
- Gradually replacing low density industry with height density employment accessible to those living in the area;
- Creating strong focal places and Mahon Point and neighbourhood centres providing local services and a physical focus for their areas;
- Supporting a shift to non-car modes for transport, environmental, social and health reasons: and
- Conserving landscape, building heritage and environmental assets;

4.2.4. Chapter 6 relates to residential strategy and includes residential strategic objectives. Chapter 16 of the City Plan refers to development management and outlines the qualitative and quantitative standards against which it is proposed to assess proposals. These include urban design (objective 16.3). Density is addressed in section 16.40 and 16.41. Densities of greater than 50 per ha will normally require a mix of houses and apartments with densities higher than this baseline level appropriate in other types of location such as along bus routes, at larger development sites and major development areas and mixed use areas.

4.2.5. Section 16.46 deals with residential design. Section 16.49 refers to proposals for new residential developments which it is stated will be assessed having regard to density, plot ratio, accessibility, statement of housing type, access to neighbourhood facilities, design and quality of proposed layout, orientation, overlooking and overshadowing, adequate public and private open space and provision of waste storage facilities.

4.2.6. Tall buildings are addressed in paragraphs 16.25 and paras 16.34-38 with objectives 16.7 stating that the City Council will aim to protect the special character of Cork City which have been identified as having potential for tall buildings with these areas the South Docklands and South Mahon. Objective 16.8 relates to Tall Building in South Mahon and notes that a tall building to mark the gateway into the city from the

Harbour, the Jack Lynch tunnel exit and the Dublin Road N8 should be provided in the location identified in Volume 2/Map 8.

It continues that this apex tall building must be located to be the focus for the following strategically significant views:

- From Lough Mahon/Cork Harbour as a signpost when viewed from the River
- From the N8 Dublin Road/Glanmire Road
- When emerging from the Jack Lynch tunnel on the N25

The tall building should be located at the apex of the Jacob's Island Lands at its eastern side and the tall building should be:

- Of high design quality and designed to be seen from the Harbour, the Dunkettle roundabout, the Dublin Road and Southern Ring Road (westbound from tunnel);
- Maximum height of 64m high approx. 67.5m OD or equivalent of approximately 16-20 storeys;
- Either a slender point building with a slenderness ratio of at least 3:1, a sail like building or an apex building in design;
- In residential use, the possibility of ground floor commercial use to provide for the needs of residents and users of the Mahon walkway;
- Tall building should be approx. twice the height of its adjacent building;
- Particular consideration should be given to daylight/sunlight/amenity impacts on adjacent blocks and public space;
- Proposals to re-orientate the buildings so that it addresses the sites context in a positive fashion (i.e. the apex of the river) will be considered on its merits providing they do not result in significant loss of area to the proposed park;

Mahon Local Area Plan 2014

- 4.2.7. The subject site is located within this LAP area and is within Sub-Area 9: Jacob's Island. The overall vision (section 3.1) states that Mahon will develop into a coherent mixed use suburb that meets the needs of the community and make it an attractive place to live with the objectives for achieving same as per objective 14.1 above in the City Plan. Section 3.2.2 and Table 3.3 provide the population targets for the LAP

area and the proposal falls within 'tranche 1' (2011-2021). Precinct objectives or specific sub area objectives are set out in the LAP including objectives relating to residential density with indicative additional population targets, a new neighbourhood centre, a tall building and providing that the area provides a development opportunity.

5.0 Planning History

5.1. ABP-301991-18 Parent Permission

5.1.1. The Board granted permission subject to 21 conditions on 3rd October 2018 under the Strategic Housing Development provisions, involving the construction of 413 apartments with ancillary tenant amenity and management facilities, neighbourhood centre consisting of a crèche and 3 retail units, landscaping, road improvement works and substation on a site of 3.43 Hectares. The detail of the proposed development was as follows:

- Six apartment blocks ranging from 6 to 25 storeys; blocks 8,9 and 10 six storey, block 7 seven storey, block 4 eight storeys and block 3 twenty five storeys.
- 25 studio apartments (6.1%)
- 70 one-bedroom apartments (16.9%)
- 298 two bedroom apartments (72.2%)
- 20 three bedroom apartments (4.8%)
- Retail space in three units 861 sqm
- Crèche 392 sqm
- Upgrades to a section of the Mahon Link Road (R852) north of the Mahon Interchange to incorporate a dedicated bus and cycle lane.
- Communal Open Space 1.27 Hectares (37% of site area)
- 409 car parking spaces and 754 bicycle parking spaces.
- Net residential density 137 units per Hectare

5.1.2. None of the conditions imposed by the Board involved any substantial amendments to the proposed development. Conditions relevant to this request include:

2. Prior to commencement of development, full details in respect of the bus lane works on the Mahon Link Road and upgrades to the signals and traffic controllers associated with the Mahon Interchange (Junction 10 N40) shall be submitted to and agreed in writing with the planning authority. These works shall be completed in full and to the written satisfaction of the planning authority at the expense of the applicant prior to commencement of construction on any residential unit.

Reason: To ensure the timely and orderly development of the site for housing with the required supporting infrastructure.

4. The period during which the development hereby permitted may be carried out shall be five years from the date of this Order.

Reason: In the interests of proper planning and sustainable development.

6. A Mobility Management Plan covering all uses shall be submitted to the planning authority for their written agreement, within one year of the occupation of the first apartment. It shall be updated annually thereafter for a period of five years and submitted to the planning authority for their written agreement.

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

15. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

17. Details of crane height, location and type, including suitable markings and lighting, to be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of aviation safety.

6.0 Requested Alterations

6.1. The requestor is making a request to An Bord Pleanála for alterations relating to ABP-301991-18 and comprise:

1. An increase in the number of units across five blocks of the permitted development is sought from the 413 units permitted to 437.
2. The increased in overall unit number will result from an amended unit mix that includes a greater proportion of studios, 1-bedroom units and 2-bedroom units and a reduction in 3- bedroom units. The proposed amendments will result in just over 26% of studio and 1-bedroom units as opposed to the permitted 23%. The amended scheme results in a minor increase in the percentage of 2-bedroom units from 72.2% to 72.3%. The proportion of 3-bedroom units will reduce from just under 5% to 1.4%.
3. Amendments to Block 4 of the development including:
 - a. An increase in the number of units from 67 to 71.
 - b. The taller element changed from metal clad penthouse to brick clad, following line of the floors below.
 - c. Smaller element of each block remains as metal clad penthouse to top floor, with a simplification of the roof form.
 - d. Bicycle storage numbers amended to reflect unit numbers and revised mix.
4. Amendments to Blocks 7,8 and 9 including:
 - a. The taller element changed from metal clad penthouse to brick clad, following line of the floors below.
 - b. Smaller elements of each block remain as metal clad penthouse to top floor, with a simplification of the roof form.
 - c. Amendments to typical floors for fire lobby & smoke shaft provision.

d. Bicycle storage numbers amended to reflect unit numbers and revised mix.

5. Amendments to permitted Block 10 of the development including:

- a. Introduction of residential units at ground floor level and overall increase in number of apartments from 59 to 69.
- b. Re-location and reduction in floor area of permitted crèche from 392 sq. m to 338 sq. m.
- c. Reduction in permitted retail from three units totalling 861 sq. m to a single unit of 595 sq. m.
- d. Simplification of roof form to metal clad penthouse.
- e. Amendments to landscape layout
- f. Communal outdoor space at ground level to replace permitted Level 01 roof garden.
- g. New external bike store
- h. Block 10 car parking numbers reduced from 86 to 82 spaces.

6. An amendment to Condition 4 of the decision to allow for a seven period during which the permitted development may be carried out.

6.2. The following documentation is submitted in support of the requested alterations:

- Planning Statement,
- Architectural Drawings,
- Comparison Plan Report,
- Housing Quality Assessment,
- Environmental Impact Assessment Screening.

7.0 Submissions

7.1. Submission of Cork City Council

7.1.1. None

7.2. Submission of Irish Aviation Authority

7.2.1. The developer should engage with Cork Airport and the Irish Aviation Authority's Air Navigation Service Provider to assess the potential impact (from development and crane operations) on instrument flight procedures and communications, navigation and surveillance equipment at Cork Airport.

7.3. Submission of the National Transport Authority (NTA)

7.3.1. Concerns are expressed about additional development at this location. In this context transport assumptions for the proposed development should be informed by CMATS. CMATS was completed in early 2020 and some projects are underway that are relevant to the site's location; Cork BusConnects Bus Network Redesign and BusConnects Infrastructure.

7.3.2. With reference to condition 2 of the Board Order, details that concern accessibility mitigation measures and sustainable transport modes should be informed by BusConnects projects and agreed with the planning authority.

7.4. Submission of the Transport Infrastructure Ireland (TII)

7.4.1. The proposed development is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), for the following reason:

Official policy in relation to development involving access to national roads and development along such roads is set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January, 2012). Section 2.7 of the DoECLG Guidelines concerns development at National Road Interchanges or Junctions. The proposal, if approved, would create an adverse impact on the national road and associated junction and would, in the Authority's opinion, be at variance with the foregoing national policy.

7.4.2. The concerns expressed by TII in the initial application (ABP-301991-18) remain. The amendment represents a further intensification of development which will create a further unacceptable impact on the operation, capacity and safety of the N40 and associated interchange.

8.0 Assessment

8.1. The following are considered to be the principal matters for consideration with regard to the requested alterations:

- Principle of Development
- Residential Accommodation
- Amendments to Retail Units and Crèche
- Drainage and Services
- Traffic and Transport
- Impacts on Residential Amenities
- Lifespan of permission

These matters may be considered separately as follows.

8.2. Principle of Development

8.2.1. The requested additional residential accommodation units and reduction in commercial floor space and units is acceptable in principle on lands zoned 'Mixed Use Jacob's Island', '9 Neighbourhood Centres'. The Mahon Local Area Plan (LAP), Sub-Area 9, Precinct objectives or specific sub area objectives are set out in the LAP including objectives relating to residential density with indicative additional population targets, a new neighbourhood centre and a tall building. The proposed amendments would not significantly alter the nature or the scale of the overall residential and mixed use development permitted at this site under ABP-301991-18. I note that the overall residential and commercial development permitted under ABP-301991-18 was considered to be acceptable in principle at this location with regard to relevant development plan policies on mixed use and neighbourhood centres, and I note that the development site is close to an existing urban area and the Mahon Point Shopping Centre.

8.2.2. I am satisfied that the requested provision of 24 additional apartment units and reductions in childcare and retail floorspace would not result in any significant increase in the residential density such as would warrant a reconsideration of the original assessment of communal amenities, open space provision, etc., and would

not result in any significant overconcentration of residential accommodation in the area beyond that which is already permitted. I note that there is no submission from Cork City Council and that there are no third-party submissions on file which object in principle to the requested additional units and commercial floorspace reductions. However, I note that with respect to an increased number of residential units at this location that TII are concerned about the free flow of the N40. In addition, the NTA and IAA require conditions to be attached. I assess these matters in detail under the traffic and transport section of my report.

- 8.2.3. I am satisfied that the requested additional residential accommodation and reduction in commercial floorspace is considered acceptable in principle on these zoned lands at this location.

8.3. Residential Accommodation

Mix

- 8.3.1. The requestor proposes to amend the total number of apartment units and unit mix. The original application was permitted as follows:

Unit Type	Studio	1 bed	2 bed	3 bed	Total
Apartments	25	70	298	20	413
% of Total	6.1%	16.9%	72.2%	4.8%	100%

The proposed amendments are described thus:

Unit Type	Studio	1 bed	2 bed	3 bed	Total
Apartments	32	83	316	6	413
% of Total	7.3%	19%	72.3%	1.4%	100%

- 8.3.2. From a dwelling mix perspective, the proportion of studio/one bedroom units will increase at the expense of the three bedroom units that will reduce in overall terms. According to the requestor, the proposed amendments will result in just over 26% of studio and 1-bedroom units as opposed to the permitted 23%. The amended scheme

results in a minor increase in the percentage of 2-bedroom units from 72.2% to 72.3%. The proportion of 3-bedroom units will reduce from just under 5% to 1.4%. I find these figures to be accurate. The requestor explains the increasing demand for one bedroom units and hence the amendments proposed. The permitted scheme proposed 3-bedroom penthouse units on the top floors of the blocks, the requestor does not envisage a future demand for such units. The revised scheme therefore includes for smaller units on these top floors and a simplified roof plan which results in an overall height reduction in all cases.

- 8.3.3. In my view, the proposed housing mix remains in accordance with Design Standards for New Apartments: Guidelines for Planning Authorities 2020, in terms of SPPR1 that places a cap of 50% of a total scheme may include studio/one bedroom units. The proposed amendments in terms of housing mix will also accord with Objective 6.8 of the City Development Plan but would diverge from the table 16.4 of the plan where indicative targets are detailed. In this respect I note that the planning authority raised no issues with the previous housing mix and the current amendments do not radically depart from that already permitted. I am satisfied that after research conducted by the requestor that an amended housing mix is appropriate and will offer a greater variety of unit type and formation. I do not anticipate that the Board would have assessed the proposal differently given that the margin of difference is slight, the majority of two bedroom units remain.

Residential Amenity

- 8.3.4. The requestor has provided information to explain that the amended units still meet required standards as set out in the Apartment Guidelines. This information formed part of the initial documentation and part of further information submitted 1st October 2021. A detailed Housing Quality Assessment (HQA) highlights the additional units and any changes to existing units to facilitate the amendments. In this instance, new units will be located at Block 4, 7, 8, 9 and 10 and the HQA clearly illustrates additional units and the standards achieved. According to the HQA, I can see that in terms of the following:
- Block 4, changes appear at level 6 and 7, with changed units meeting requirements and a 0.1% fall in floor area to unit 62.

- Block 7, new units are added at level 5 and 6 and these units are all in excess of the floor standards required. Most units in this block remain the same as before, however units 7, 16, 25 and 34 drop 7.1% in floor area, but are still greater than the minimum standards required by the guidelines for apartments.
- Block 8, new units are added at level 4 and 5, these are compliant with standards. As at block 7, some units have reduced floor areas of between 2 and 8 per cent, but still achieve floor areas more than the minimum.
- Block 9, as above, changed units are located on level 4 and 5, reductions to four other units amount to less than 2% of floor area and still meet requirements.
- Block 10, additional units are located at ground floor level, and a changed studio unit to a one bed at level 1. There are proportionally more percentage drops in floor area to the blocks above, however, floor areas remain compliant. The new apartments at ground floor level will take the place of the crèche, the new apartments will either have an east or west orientation and those at the gable of the block will be dual aspect.

8.3.5. According to the requestor's further information on the amendments, all apartments are at or above the minimum levels set out in SPPR 3. Typical areas are well above these, with 50.8% of the proposed units at 10% or more above the minimum area requirements as required by Safeguarding Higher Standards Section 3.8 of the guidelines. Studios in excess of the minimum are not included in this 50.8% figure, as set out in the guide, but all exceed minimum requirements for that type of unit. I have interrogated these figures and found them to be accurate.

8.3.6. In terms of dual aspect ratio, the requestor states that 253 of the proposed units will be dual aspect, accounting for 50.8% of the 437 total units proposed. All proposed 3 bed units will be dual aspect. Floor to ceiling heights, lift and stair core provision remain as before and are acceptable. Private spaces are provided for all units at an appropriate quantum and communal open space is in excess of standards as per the previous application.

8.3.7. Slight adjustments are proposed to the open and communal open spaces. The primary change in the amended proposals regarding open space involves the

relocation of permitted communal spaces in Block 10 from the first floor terrace to ground level. These ground level spaces have been facilitated by the relocation of the proposed crèche at the ground floor. The overall communal open space to be provided for Block 10 accounting for the proposed amendments will be 477 sq. m. No other significant changes to the landscape masterplan are proposed.

- 8.3.8. Development plan objective 16.8 refers specifically to a tall building at South Mahon and states that consideration should be given to daylight/sunlight /amenity impacts on adjacent blocks & public space. I note that the requestor has not submitted any Daylight, Sunlight and Overshadowing assessment of the proposed residential accommodation units. Section 7.1 of the Guidelines on Sustainable Residential Development in Urban Areas states in relation to daylight and sunlight:

Overshadowing will generally only cause problems where buildings of significant height are involved or where new buildings are located very close to adjoining buildings. Planning authorities should require that daylight and shadow projection diagrams be submitted in all such proposals. The recommendations of "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (B.R.E. 1991) or B.S. 8206 "Lighting for Buildings, Part 2 1992: Code of Practice for Daylighting" should be followed in this regard.

The BRE standards and associated British Standard (note that BS 8206-2:2008 is withdrawn and superseded by BS EN 17037:2018) describe recommended values (eg. ADF, VSC, APSH, etc) to measure daylight, sunlight, and overshadowing impact, however it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria (para.1.6). The BRE guidelines also state in paragraph 1.6 that:

Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.

While I note that the document British Standard (BS) 8206-2:2008 has since been withdrawn and that the publication of the guidelines been replaced by BS EN 17031:2018 'Daylight in Buildings', however, I am satisfied that this does not have a material bearing on the outcome of this assessment and that the relevant guidance documents remain those referenced in the Guidelines on Sustainable Residential Development in Urban Areas.

- 8.3.9. I do not consider the omission of a specific daylight, sunlight and overshadowing assessment is significant in this instance with regard to the specific characteristics of the requested alterations. More than 50% of the units within the proposed development are at least dual aspect, maximising available light and ventilation. Furthermore, no new building extensions or projections are proposed and the building envelopes are quite similar or in fact reduced. In addition, the BRE note that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. in Section 5 of the standards, all these elements formed an acceptable level of amenity in the previous proposal that differs little. The BRE guidelines are therefore clear that access to natural light is only one of many factors in site layout design. As such, I am satisfied that daylight, sunlight, and overshadowing conditions for the proposed residential unit will generally be within an acceptable range. While I acknowledge that the requestor has failed to carry out their own assessment of the numerical targets for daylight and sunlight in the proposed alterations, I am satisfied that considerations of daylight and sunlight have informed the initial layout design in terms of separation distances, scale and aspect, nothing changes significantly with the swapping out of units for new ones.
- 8.3.10. In conclusion, I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I am satisfied that the design and layout of the requested alterations have been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban regeneration of this accessible and serviced site close to existing residential development, expansive public open spaces and the Mahon Point Shopping Centre, in accordance with national policy guidance, is in my opinion acceptable, and in compliance with the relevant BRE and BS standards.
- 8.3.11. In summary, the proposed 24 amended units are all designed to acceptable standards and simply take the place of previously permitted units, except for units that take the place of the crèche . Primarily, the method of change results from the removal of the metal clad top floor and its redesign to match lower storeys. There have been some minor adjustments to other units, but the margin of such

adjustments is small in the greater scale of things. Ostensibly, the same blocks will occupy the same locations within the overall scheme. External design changes are minor and match in an improved manner with the majority of each block. Additional units result because three bedroom units have been omitted in favour of studio/one bedroom units.

8.4. Amendments to Retail Units and Crèche

Retail Units

8.4.1. The proposed amendment to the development makes provision for the reduction in the total retail floor space within Block 10 from 861 sq. m to 595 sq. m. as a result of the relocation of the crèche. According to the requestor, the proposed larger single retail unit is considered to be a more viable prospect and is of sufficient scale to attract a convenience store that will be of sufficient capacity to serve the existing and future residents in the Jacobs Island area.

8.4.2. The proposed unit will still remain as a retail use and so a different approach to assessment would not have occurred. The original proposal to provide three separate units had its merits but according to the requestor, is not viable. From a planning perspective no new issues arise that would have required an alternate view of the proposal to take place. The retail unit will remain in the same location, provides the same urban design benefits as before and meets the mixed use zoning requirement of these lands.

Crèche

8.4.3. It is intended to relocate the crèche from the ground floor of the projecting arm of block 10 and displace retail units to the south. The proposed reduction in the crèche size from 392 sq. m to 323 sq. m is being sought in the context of the revisions to the proposed mix of housing within the scheme. The proposed amendments provide for a development with 51 childcare spaces, which on the basis of the guidance in Appendix 2 of the Childcare Guidelines, would cater for up to 191 dwellings within the scheme. This represents almost 60% of the 2 and 3-bedroom units. The requestor considers this to be appropriate to the development given that the 1-bedroom and studio units will not typically generate a childcare need, while only a proportion of the larger units are likely to attract young families. This is a reasonable approach to take, in my view the development will still provide a childcare facility re-sized to suit the

character of development proposal and at the same location. No new issues arise and the same planning assessment would have been made if the amendments formed part of the original application.

8.5. Drainage and Services

- 8.5.1. The requested alterations will not involve any changes to the permitted drainage or watermain infrastructure.
- 8.5.2. The permitted scheme included for rooftop PV panels on all Blocks to promote sustainable energy usage in the scheme. It is stated by the requestor that in light of updates to the Building Regulations since the granting of the permitted scheme and the need to provide for heat pump solutions, the proposed amendments include for additional rooftop plant areas. From the documentation submitted I can see that additional rooftop plant areas required to facilitate the building environmental control systems are centrally located on the various blocks and will not result in any additional visual impact from the scheme.

8.6. Traffic and Transport

- 8.6.1. A slight reduction in car parking spaces will occur, down four spaces from 409 to 405. The reduction occurs on the Block 10 site, due to the provision of a turning head at the rear of the building for refuse vehicles. This follows the removal of the undercroft passageway which provided a route for refuse collection to the front of the site in the approved layout. The comments of TII are noted in relation to their initial disapproval of the density of the scheme off a junction to the N40 and the reiteration of similar comments in relation to the amendments to increase the quantum of development further. The comments of the NTA, to do with public transport projects that have advanced since the initial permission are also noted. These matters require further engagement with the planning authority in relation to sustainable transport measures and can be addressed by the original permission, condition 2 and 6 refer. I note that as bedroom spaces have increased so too has the provision of cycle parking spaces, and these will be incorporated without significant changes to the layout. Finally, I note that the IAA also highlight the possible impact of the completed development and crane operations, again condition 17 of the original Board Order refers.

- 8.6.2. The proposed amendments will result in just under 6% of an increase from 413 to 437 units (24 units). I consider this increase to be a minor change and would not in itself create such a noticeable increase to traffic and transport issues than that already permitted. The concerns raised by TII are noted, however, I am of the opinion that matters have not significantly changed from the parent permission in terms of overall unit numbers to warrant a refusal of the amendments proposed. The information submitted by the NTA that states that the Cork Metropolitan Area Transport Strategy (CMATS) has been completed (early 2020) and a number of projects are currently being progressed which are of particular relevance to the subject development's location, including Cork BusConnects Bus Network Redesign and BusConnects Infrastructure. I am satisfied that the public transport environment is undergoing significant change in the vicinity of the subject site. I also note that condition 2 of the original Board Order specifically refers to works, such as bus lanes, that must be completed in tandem with the proposed development. In addition, it is likely that modal shift towards more sustainable forms of transport will become more emphasised once public transport projects already begun are finally completed, these are matters that can be addressed by the Mobility Management Plan that has already been addressed by condition 6 of the original Board Order.
- 8.6.3. I suggest that a note be attached to any Order that might issue, requiring updated engagement with the planning authority as required by conditions 2, 6 and 17 and informed by the submissions made by the NTA and IAA in the course of the current section 146B application herein.

8.7. Impacts on Residential Amenities

- 8.7.1. The requested residential unit changes will not result in any greater or lesser opportunities for overlooking of neighbouring development. No new issues arise in relation to overshadowing as the outer envelope of the structures are largely unchanged from that previously permitted and in fact some reductions in overall height have resulted. From a visual amenity perspective I am satisfied that a consistent exterior finish is an improvement over the previously permitted metal cladding at top floor levels.

8.8. Lifespan of permission

8.8.1. It is stated by the requestor that due to commercial challenges with the construction of apartments outside of Dublin and the impacts of the Covid-19 pandemic, this has prevented the commencement of construction. The requestor seeks an alteration to Condition 4 to allow for a seven year period within which to complete the construction of the permitted development. This is a change to the terms of the original permission and in my view goes against the spirit and aims of the Strategic Housing Development legislation to quickly deliver housing. The requestor, applicant or developer has had over three years to prepare for development on foot of a permitted scheme. I accept that the Covid-19 pandemic has impacted on the ability of the construction industry to operate as normal. In that context it may be appropriate to reword condition 4 and reflect the amendment made by the requestor. Condition 4 of the Board Order that relates to ABP-301991-18, should now state:

4. The period during which the development hereby permitted may be carried out shall be seven years from the date of this Order (ABP-301991-18).

Reason: In the interests of proper planning and sustainable development.

8.8.2. As a consequence, there will now be a reasonable amount of time in which to carry out the development. I think this is an acceptable solution, given the scale and extent of the development proposed and that works have yet to begin.

9.0 Environmental Impact Assessment Screening

9.1. Under S146B(4), the Board must consider whether the proposed material alterations would be likely to have significant effects on the environment, before making a determination under S146B(3)(b)(ii).

9.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

In addition, item 13(a) of Schedule 5 Part 2 refers to changes and extensions to permitted developments:

Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:

- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and
- (ii) result in an increase in size greater than –
 - 25 per cent, or
 - an amount equal to 50 per cent of the appropriate threshold,whichever is the greater.

Having regard to the nature and scale of the development permitted under ABP-301991-18 and to that of the requested alterations, I am satisfied that they do not come within the scope of the above thresholds. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination, it can be concluded that there is no real likelihood of significant effects on the environment.

9.3. The requestor's EIA comment in the documentation on file sets out the criteria specified in Schedules 7 and 7A of the Planning and Development Regulations 2001. The following points are noted having regard to the particulars submitted with the subject request, as well as the EIAR and documentation on file of ABP-301991-18.

- The development site is a brownfield site in an urban area that is serviced and surrounded by existing residential areas. There are designated sites in the immediate vicinity of the development site (European sites SAC/SPA) but AA screening has concluded that an NIS was not required.
- The requested alterations will result in 24 additional residential accommodation units at the overall development. They will not substantially alter the density of the permitted development and will not diminish the standard of urban design or residential amenity achieved within the development. There will be a minor

positive benefit in relation to Population and Human Health due to the provision of additional residential accommodation.

- The alterations will not result in any significant change to the permitted works, use of natural resources, production of waste, pollutions and nuisance, risk of major accidents or risk to human health.
- The construction methodology will remain the same, and the proposed alteration will not result in any material changes to the Construction and Environmental Management Plan.
- The alterations will not result in any change to the permitted site services, drainage or watermain infrastructure.
- The alterations will not result in any increased risk of flooding at the development site or elsewhere.
- The alterations will not generate any significant additional traffic or demand for pedestrian, cycle or public transport infrastructure at this location.
- The development is located at a brownfield site, on lands in a built up urban area. There is no watercourse present on the site.
- There are no changes to the permitted development in respect of landscapes and sites of historical, cultural or archaeological significance.
- The alterations do not involve any significant change to the external appearance of the permitted development (as altered). There will be no changes to the permitted impacts on residential and visual amenities.
- Adequate measures are in place to avoid, reduce or mitigate likely impacts, such that neither the construction nor operational phase of the overall development will have a significant negative impact on the environment

Having regard to the above, I am satisfied that there are no new considerations in relation to impacts on the environment arising from the proposed alteration additional to those previously considered under ABP-301991-18.

- 9.4. The documentation submitted by the requestor considers the proposed alterations with regard to the criteria at Schedules 7 and 7A 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. It concludes that, having regard to the nature, extent, and the characteristics of likely impacts, the proposed alterations to the permitted development do not constitute a project defined by Part 1 and Part 2, Schedule 5 of the 2001 Regulations as requiring an EIAR and would not warrant a sub threshold EIA in accordance with Article 103 of the 2001 Regulations.

- 9.5. I have had regard to the characteristics of the site, location of the requested alterations, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other relevant information on file, including the AA Screening Report. I consider that the location of the requested alterations and the environmental sensitivity of the geographical area would not justify a conclusion that they would be likely to have significant effects on the environment. The proposed alterations do 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 subject request.
- 9.6. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

10.0 Appropriate Assessment

- 10.1.1. The authorised development was screened for Appropriate Assessment and it was concluded that it would not be likely to have significant effects on any Natura 2000 site and that an appropriate assessment was not required. The Board is directed to section 11.12 of the Inspector's report of ABP-301991-18, which comprises an AA screening of the permitted development and concludes that, given the scale and character of the development, the existing site services, the design measures incorporated within the scheme for the construction and operational phases of development and particularly the absence of any hydrological pathways from the site

to any Natura 2000 sites, that the development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly. Similarly, there are no direct or indirect effects that would be likely to have significant effects on any Natura 2000 site in combination with any other plan or project. The Inspector therefore concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 AA was not, therefore, required.

10.1.2. I note the serviced nature of the development site and the fact that the proposed alterations do not involve any significant amendments to site services or surface water drainage. Having considered the Board's determination on Appropriate Assessment on ABP-301991-18, section 11.12 of the Inspector's Report on ABP-301991-18 the nature, scale and extent of the proposed alterations relative to the development subject of and approved under ABP-301991-18, and the information on file which I consider adequate to carry out AA Screening, I consider it reasonable to conclude that the alterations proposed, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European sites in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

10.1.3. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

11.0 Recommendation

11.1. As per section 146B(3)(b)(ii), the Board may (I) make the proposed alteration; (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or (III) refuse to make the alteration. As per the above discussion, the proposed alterations are considered acceptable without any further amendments. I therefore recommend that the Board apply the provisions of section 146B(3)(b)(ii)(I) and make the proposed alteration in accordance with the draft order set out below.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 31st day of May 2021 from Montip Horizon Limited under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a permitted Strategic Housing Development of the construction of 413 apartments, neighbourhood centre, crèche, road improvement works including upgrades to the Mahon Link Road (R852) to the North of the N40 interchange to incorporate a dedicated bus lane and all site development works at a site at Jacob's Island, Ballinure, Mahon, Cork, the subject of a permission under An Bord Pleanála reference number ABP-301991-18.

WHEREAS the Board made a decision to grant permission, subject to 21 conditions, for the above-mentioned development by order dated the 3rd day of October 2018 under ABP-301991-18,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the proposed alterations are described as follows:

1. An increase in the number of units across five blocks of the permitted development is sought from the 413 units permitted to 437.
2. Amendments to Block 4 of the development including:
 - a. An increase in the number of units from 67 to 71.
 - b. The taller element changed from metal clad penthouse to brick clad, following line of the floors below.
 - c. Smaller element of each block remains as metal clad penthouse to top floor, with a simplification of the roof form.

d. Bicycle storage numbers amended to reflect unit numbers and revised mix.

3. Amendments to Blocks 7,8 and 9 including:

a. The taller element changed from metal clad penthouse to brick clad, following line of the floors below.

b. Smaller elements of each block remain as metal clad penthouse to top floor, with a simplification of the roof form.

c. Amendments to typical floors for fire lobby & smoke shaft provision.

d. Bicycle storage numbers amended to reflect unit numbers and revised mix.

4. Amendments to permitted Block 10 of the development including:

a. Introduction of residential units at ground floor level and overall increase in number of apartments from 59 to 69.

b. Re-location and reduction in floor area of permitted crèche from 392 sq. m to 338 sq. m.

c. Reduction in permitted retail from three units totalling 861 sq. m to a single unit of 595 sq. m.

d. Simplification of roof form to metal clad penthouse.

e. Amendments to landscape layout

f. Communal outdoor space at ground level to replace permitted Level 01 roof garden.

g. New external bike store

h. Block 10 car parking numbers reduced from 86 to 82 spaces.

5. An amendment to Condition 4 of the decision to allow for a seven period during which the permitted development may be carried out.

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alterations

would result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS the Board decided to require the requestor to make available information relating to the request for inspection, and require the requestor to invite submissions or observations,

AND WHEREAS having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alterations would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(b)(ii)(II) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered, in accordance with the plans and particulars received by the Board on the 31st day of May 2021, subject to the alteration of condition 4 of ABP-301991-18 as follows:

4. The period during which the development hereby permitted may be carried out shall be seven years from the date of this Order (ABP-301991-18).

Reason: In the interests of proper planning and sustainable development.

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.

REASONS AND CONSIDERATIONS

Having regard to:

- (i) the nature and scale of the Strategic Housing Development permitted under An Bord Pleanála Reference Number ABP-301991-18 for this site, which includes the construction of 413 apartments, neighbourhood centre, crèche, road improvement works including upgrades to the Mahon Link Road (R852) to the North of the N40 interchange to incorporate a dedicated bus lane and all site development works,
- (ii) the examination of the environmental impact, including in relation to European sites, carried out in the course of that application;
- (iii) the limited nature, scale and extent of the alterations;
- (iv) the absence of any significant new or additional environmental concerns (including in relation to European sites) arising as a result of the proposed alterations, and
- (v) the report of the Board's Inspector,

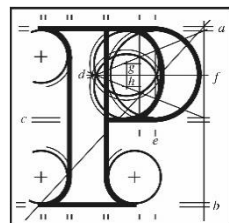
it is considered that the proposed alterations to the permitted development would be generally in accordance with the provisions of the Cork City Development Plan 2015-2021, would not be likely to give rise to impacts on the surrounding area that significantly differed from those that were considered before permission was granted and would not injure the character of the permitted development or the level of amenity that it would afford its occupants. The requested alterations would therefore be in keeping with the proper planning and sustainable development of the area.

NOTE:

The requestor should note and have regard to the comments received by the Board from the National Transport Authority (dated 8 November 2021) and the Irish Aviation Authority (dated 18 October 2021) and make reference to same in any submissions made to the planning authority with respect to condition numbers 2, 6 and 17 of Board Order ABP-301991-18.

Stephen Rhys Thomas
Senior Planning Inspector
2nd February 2022

12.0 Appendix A: EIA Screening Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-301991-18
Development Summary		Amendments to previously permitted strategic housing development reference ABP-301991-18 to increase the number of units from 413 no. units to 437 no. units and amendments to Blocks 4, 7, 8, 9 and 10.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report was submitted with the application

2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
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	SEA undertaken in respect of the Cork City Development Plan 2015-2021

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)			

<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The alterations comprise the construction of residential units on serviced lands. The nature and scale of the proposed alterations are not regarded as being significantly at odds with the surrounding pattern of development.</p>	<p>No</p>
<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>The proposal includes construction of a residential development which is not considered to be out of character with the pattern of development in the surrounding area.</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 will be typical of such an urban development. The loss of natural resources or local biodiversity 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. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. 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. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.</p>	<p>No</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>

1.10 Will the project affect the social environment (population, employment)	Yes	Development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	This is an alteration to an existing permitted development. The development changes have been considered in their entirety and will not give rise to any significant additional effects.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <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 	No	The majority of the site is located adjacent to the Cork Harbour Special Protection Area (SPA), site code 004030 and close to the Great Island Channel Special Area of Conservation (SAC) site code 001058, 3.7 kilometres to the east. An AA Screening Report accompanied the original application which concluded the proposed development, individually or in combination with other plans or projects	No

<p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<p>would not adversely affect the integrity of any European site, in view of the sites Conservation Objectives. The proposed amendments occur within the envelope of permitted buildings already assessed as part of the parent permission. No new affects to consider.</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 such species use the site and no impacts on such species are anticipated.</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 Architectural Conservation Areas or Protected structures or other features of landscape, historic, archaeological or cultural importance in the vicinity of the site. .</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>No such features arise in this urban location.</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>No</p>	<p>The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water, however, no likely significant effects are anticipated.</p>	
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>Site investigations identified no risks in this regard.</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>The site is served by a local urban road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.</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>The alterations would not be likely to generate additional demands on educational facilities in the area. A childcare facility forms part of the parent permission.</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. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	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	No

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

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed alterations, which are below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands zoned for residential development under the Cork City Development Plan 2015-2021.
- d) The existing / permitted use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services to serve the proposed alterations,
- g) The location of the alterations outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- h) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- i) The features and measures proposed by requestor envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Control of Construction Run-Off Plan, Construction management Plan and the Construction & Demolition Waste Management Plan (CDWMP) of the parent permission,

It is considered that the proposed alterations would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: _ Stephen Rhys Thomas__

Date: __02 February 2022____

