



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
311166-21**

Strategic Housing Development

706 no. residential dwellings (656 no. apartments and 50 no. townhouse apartments, childcare facility and associated site works).

Location

The former CMP Dairy site (known as Creamfields) on Tramore Road/Kinsale Road, Cork.

Planning Authority

Cork City Council.

Prospective Applicant

Watfore Ltd.

Date of Consultation Meeting

7th October 2021

Date of Site Inspection

16th September 2021

Inspector

F. Fair

1.0 Introduction

- 1.1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1.1. The site of the proposed strategic housing development is c. 2.94ha in area and is bounded to the north by Tramore Road (and faced by the Independent Park sports complex), to the east by Kinsale Road – a generous urban highway that forms a vital connection between the city and South Cork – and to the south and west by a convenience retail store and two large warehousing logistics complexes belonging to the Musgrave Group and Allied Foods. The northern section (60%) of the site is flat, while the southern section gently slopes away towards Tramore River, which is located further to the south of the adjacent convenience retail store. The T-junction formed by Kinsale Road and Mick Barry Road along the eastern boundary of the site corresponds with the contour line that results in the change in gradient on the subject site itself.
- 2.1.2. The current condition of the site can be described as typical brownfield. It is predominantly characterised by hardstanding, which includes the remnants of building foundations, as well as rubble, gravel, shrubbery, semi-mature and some mature trees and mature hedging growing along the boundaries of the site. An overhead 110kV electricity power line traverses the southern section of the site in a south-westerly/north-easterly direction. The current boundary treatment along Kinsale Road and Tramore Road is Guardsman security fencing on top of a single

block-high capped wall, with palisade fencing along the site boundary with Musgraves. Between 1995 and 2006 the site was occupied by creamery buildings associated with the operations of Cork Milk Producers (CMP). In 2006 all buildings on site were demolished. Since then, the site has been an unoccupied brownfield site, with no other use than as the seasonal location for a temporary fun fair (Funderland).

2.1.3. The site is within 500m of the Kinsale Road Roundabout which is the junction between the South Link Road (N27) – a dual carriageway which serves as a main arterial route, channelling significant volumes of traffic to/from and through Cork City Centre – and the South Ring Road (N40), which marks the southern boundary between the inner and outer southern suburbs of Cork City.

2.1.4. The wider surrounding site context is characterised by a large variety and mixture of footprints, from established residential suburban housing to box retail, sports and recreational open space, warehousing, and public transport facilities. The urban grain of the box retail, as well as the Black Ash Park and Ride public transport facility which connects the area by bus with the City Centre, and warehousing units, which lie to the east and south of the site can be described as monolithic buildings surrounded by large surface car parks and other underutilised land. The movement between these zones/buildings is predominantly by car, which leads to little or no pedestrian movement or civic engagement. In contrast to this, the three residential areas to the north-west and north-east – Ballyphehane, Turner's Cross and the South Douglas Road – are long-established suburban neighbourhoods dating from the early and mid-twentieth century, where the open space and civic and communal buildings create and support a high degree of pedestrian permeability and sense of community. To the north-west and north-east of the site lie two residential areas – Ballyphehane and South Douglas Road. To the south lies the residential area of Park Gate, as well as the industrial and business area of Togher. Immediately north of the site lies Independent Park rugby football stadium primarily used by two local rugby clubs and Munster Rugby. Further to the north is Turner's Cross(Cork City FC)

soccer stadium. Tramore Valley Park, a large recently opened regional public park within the Cork Metropolitan area, is located further east of the site.

3.0 Proposed Strategic Housing Development

3.1.1. The proposed development consists of a residential development consisting of:

- The construction of 706 no. residential dwellings (656no. apartments and 50no. townhouse apartments, to include 240no. 1-bed dwellings; 383no. 2-bed dwellings; 72no. 3-bed dwellings; and 11no. 4-bed dwellings) and ancillary facilities arranged in 9no. buildings (Buildings A, B, C, E, F, G, H, J and K) varying in height from 3 to 15 floors

3.1.2. The following development parameters are noted: **Table 1**

Parameter	Site Proposal
Site area	2.94 hectares
No. of Units	706 no. dwellings <ul style="list-style-type: none"> - 656 no. Apartments (93%) - 50 no. Townhouses (7%)
No. of Build to Rent Apartments	Of the 656no. apartments, 238no. are Build To Rent apartments. All BTR apartments are located in Block E and Block F (70no. 1 bed; 133no. 2 bed; and 35no. 3 bed)
Non Residential Uses (Blocks E and F also include commercial and community facilities at ground level)	<ul style="list-style-type: none"> - A 289m2 crèche with ancillary outdoor play area (63 no. child spaces). - A 647m2 community hub facility. - A 550m2 gym. - A 218m2 retail unit. - A 272m2 café, cinema/media room, and co-working lounge/business centre.

	- A single storey, 100m2 coffee kiosk
Resident Services and Amenities	<ul style="list-style-type: none"> • Bike Store 01 Block F 180m2 • Bike Store 02 Block F 51m2 • Refuse Store 01 Block F 48m2 • Refuse Store 02 Block F 43m2 • Community Building Block F 506.5m2 , with Reception (17m2); WC Facilities (40m2) Community Lounge/Town Hall Events room (329m2); Co-Working Lounge/Business Centre (78m2); and Cinema/Media Presentation Room (83.5m2)
Resident External Amenity Space	<p>9,305m2 (31.6%) public and semi-public open space, to include:</p> <p>Town Square: 3,025m2</p> <p>Garden Court; 1,650m2</p> <p>Meadow 01: 1,950m2</p> <p>Meadow 02: 1,840m2</p> <p>Roof Terraces: 598m2</p> <p>Creche Garden: 242m2</p>
Density	240 units / ha
Height	3 - 15 Storey
Plot Ratio	2.4:1
Site Coverage	29%
Dual Aspect Apartments	65% of residential units (458no.) benefit from dual aspect.
Private Open Space	All of residential units have individual private open space in accordance with the standards set out in the Apartment Guidelines, 2020

Car Parking Total	217no. spaces (147no. basement spaces and 70no. surface spaces)
Bicycle Parking	1,242no. bicycle parking spaces, equating to 1no. cycle space per bedroom (provided within 9 dedicated external and internal cycle stores).
Vehicular Access	1 no. new primary access off Kinsale Road at the junction with Mick Barry Road, upgrades to that junction, an upgrade to the existing access from Tramore Road, and internal roads through the site, as well as pedestrian access points, shared surfaces, pedestrian walkways and cycle paths throughout the site.
Part V	71no. units, to include 27no. 1 bed units; 37no. 2 bed units and 7no. 3 bed units

Table 2: Unit Mix

Unit Mix	No. of units	%
Apartments	656	93
Town house apartments	50	7
1 bed	240	34
2 bed	383	54
3 bed	72	10
4 bed	11	2
Total	706	100

3.1.3. The proposal is presented in 9 blocks: **Table 3**

Block	Height (over ground)	Units	Apartments	Townhouses
A	7	94	79	15
B	6	90	90	-
C	7	103	103	-
K	8	81	69	12
J	6	82	68	14
G	2	10	5	5
H	2	8	4	4
E (Build to Rent)	6 to 15	115	115	-
F (Build to Rent)	4 to 8	123	123	-
Total	2 to 15 storeys over ground (generally 1 storey basement with each block)	706	656 (93% of scheme)	50 (7%)

4.0 National and Local Planning Policy

4.1.1. National

Project Ireland 2040 - National Planning Framework

Chapter 4 of the Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 4 sets out to ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

The directly relevant National Policy Objectives as contained within the NPF include: National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

National Policy Objective 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

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

National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables

alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected. National Policy

Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

National Policy Objective 57 sets out to enhance water quality and resource management, this includes the requirement to ensure that flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities. Relevant Section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets (Interim Advice Note Covid -19, May 2020)
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2018),
- The Planning System and Flood Risk Management (including associated Technical Appendices).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

4.1.2. **Regional Policy**

Southern Regional Spatial and Economic Strategy (2020)

- 4.1.3. The Southern Regional Assembly was responsible for creating the Regional Spatial and Economic Strategy (RSES) for the Southern Region, which came into effect on 31st January 2020. Included in the RSES for the Southern Region is the Cork Metropolitan Area Spatial Strategy (MASP).
- 4.1.4. Regional Planning Objectives (RPO) 6-10 of the RSES relate to the MASPs for each of the three metropolitan areas of the Southern region – Cork, Limerick-Shannon and Waterford.
- 4.1.5. RPO 6 is of note in relation to the proposed development in that it is aimed at collaboration between the three metropolitan areas to support the strategic objectives and population targets of the NPF and for focused and long term investment in these areas as economic engines to ensure regional parity.

RPO 6 concludes that: The three metropolitan areas will lead together in partnership to harness their combined potential as viable alternatives to the unbalanced growth of Dublin. National and regional policy have assigned a heretofore unprecedented scale and rate of growth for Cork City in order to assist in counterbalancing the excessive growth and sprawl of Dublin.

4.1.6. Local Policy

Cork Metropolitan Area Spatial Plan

- 4.1.7. The Cork MASP has been prepared by the Southern Regional Assembly and aligns with current national planning policy and objectives, including those contained in the NPF. The proposed development supports the following strategic goals of the Cork MASP:

- Goal 1: Sustainable Place Framework
- Goal 2: Excellent Connectivity and Sustainable Mobility
- Goal 4: High Quality Environment and Quality of Life

The Cork MASP specifically identifies Tramore Road as being an “Example Regeneration Area” within Cork city. A core aim of the Cork MASP is for Cork city’s suburbs to be compact – the density of the proposed development will fully support this objective for the southern suburbs of Cork city. The Cork MASP contains population growth targets for 2031 that are consistent with those in the NPF that are set for 2040. According to section 5 of the Cork MASP, Cork City and Suburbs are to grow by 75,000 by the year 2031, with a target population of 283,669 for that year. According to the CSO, the current average household size in Ireland is 2.75 (Census of Population 2016 - Profile 4 Households and Families). Applying this figure to the 2031 population growth target for Cork City, an additional approximately 27,270 homes will need to be provided in the city by that year. Furthermore, if the realisation of that target number of additional homes is to be consistent with National Policy Objective 3b of the NPF, then at least 13,635 new homes will need to be developed within Cork City and Suburbs within the next decade. This goal requires delivery of residential development in Cork City on an unprecedented scale. The proposed development can be considered as a direct response to this new paradigm for Cork City in that, if granted permission, it would account for the provision of just over 5% of that target.

Cork MASP Policy Objective 2 seeks the delivery of 11 key points. The proposed development will contribute to the delivery of 5 of these key points. These 5 key points are:

- c. Seek investment to achieve regeneration and consolidation in the city suburbs and high quality architectural and urban design responses to enhance the uses of this waterfront and all urban quarters.
- f. Seek to achieve High Quality Design to reflect a high-quality architectural building stock in all urban quarters.
- g. Seek delivery of a network of large city parks and smaller green areas throughout the metropolitan area and inner-city areas.
- h. Strengthen Social and Community Development

i. Support active regeneration initiatives that are ongoing, especially driven through the Local Economic Community Plan, Local Community Development Committee and RAPID initiatives.

The subject site is located within 1 i.e. Togher/Mahon/Ballyphehane, of the 4 areas of Cork City previously identified by Cork City Council as being disadvantaged and requiring intervention through the Revitalising Areas through Planning, Investment and Development (RAPID) initiative.

5.0 Planning History

Application Register Reference 17/37528: Permission was applied for on the 11th of August 2017 in respect of a retail warehousing/retail showrooms/medical services development. The application was subsequently withdrawn on the 5th of October 2017.

Application Register Reference 06/30717: Permission was granted on the 22nd of September 2006 for the demolition and removal of existing buildings, the diversion of the municipal sewer around the site, and the carrying out of ground remediation works.

Application Register Reference PL28.206292 (03/27881): Outline permission was granted on the 30th of August 2004, after a first party appeal, for a 4-storey office building with a total floorspace area of 5000m² and associated car park on the southern 1.55Ha portion of the site.

Relevant Planning History in the Vicinity of the Site

The vicinity of the site is defined to the east by the South Link Road, to the north by the Tory Top Road neighbourhood district centre, to the west by the roundabout junction between Tramore Road and Pouladuff Road, and to the south by the South Ring Road. Ballyphehane Gaelscoil (approx. 570m north-west of the subject site)

Application Register Reference 20/39396: Permission was granted for the retention of 3 no. single storey temporary classroom units and toilets. Coláiste Stiofáin Naofa (approx. 900m west of the subject site)

Application Register Reference 20/39252: Permission was granted for the provision of temporary primary school accommodation by way of construction of a pre-fabricated buildings (c.275m²) with associated site works including relocation of displaced car parking spaces as a result of proposed development, boundary treatments, bicycle parking etc. 226/228, Connolly Road (approx. 600m west of the subject site)

Application Register Reference 21/39879: Permission for the retention of modifications to the previously approved development under PP Ref: 18/37823 was granted on the 7th May 2021. The modifications include: (1) The installation of 16.0sq/m of roof mounted photo voltaic solar panels on each dwelling. (2) The provision of disability access ramps to the front elevation of both dwellings. (3) The omission of 1 no. window at ground floor level on the northern elevation of house no. 226 and the western elevation of house no. 228. (4) The repositioning of approved patio door on the southern elevation of house no. 228.

Application Register Reference 18/37823: Permission was granted for the change of use from a bicycle and pram shop to residential use (2 No. Dwelling houses), including the demolition of side and rear extensions (single-storey), and the construction of a two-storey side extension to the east and west elevations. Changes to the front elevations included the removal of shop fronts and replacement with domestic windows and doors. Off road parking for each dwelling house was permitted.

6.0 **Section 247 Consultation(s) with Planning Authority**

It is stated by the prospective applicant a Section 247 pre-planning meetings took place with Cork City Council (CCC) on the 21st April 2021. The minutes of the meeting are attached to the file.

7.0 Submissions Received

Irish Water (report dated 20th September 2021)

Irish Water has confirmed that a Confirmation of Feasibility has been issued to the applicant advising that connection(s) are feasible subject to the following:

In respect of Wastewater:

Irish Water records indicate that there is existing infrastructure present on the proposed development site. Irish Water does not permit build over of its assets, therefore, the applicant is required to engage with Irish Water Diversions section in respect of a feasibility assessment of the proposal and any requirements for a diversion(s) of the existing asset(s) and/or to agree the required separation distances associated with the infrastructure and to demonstrate that the proposed SHD structures and works will not inhibit access for maintenance or endanger structural or functional integrity of the public infrastructure during and after the works.

IW respectfully request ABP to notify the applicants of the requirement to submit designs and layouts to diversions for feasibility assessment and have agreement in place with IW as to diversion and/or separation distance requirements prior to progressing to SHD application. In addition to above, in order to accommodate the connection, point a portion of the site, as proposed, will require the construction a Pumping Station, which the applicant is proposing to deliver within the development site.

The Pumping Station shall be constructed such that it can serve the area to the south of the development. The design of the pumping station shall be agreed with Irish Water as part of any connection agreement.

In respect of Water:

A connection can be made to the watermain on the Kinsale Road..

8.0 Forming of Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

9.0 Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia,

- Planning Report & Statement of Consistency
- Social and Community Audit
- Childcare Needs Assessment
- Architectural Design Statement Incl. Housing Quality Assessment
- Construction and Demolition Resource Management Plan
- Daylight and Sunlight Preliminary Assessment
- Construction Environmental Management Plan
- Traffic & Transport Assessment & Mobility Management Plan
- Wind Microclimate Study
- Landscape Design Rationale
- Outdoor Lighting Report
- Energy Statement
- Planning Support Report

- Property Management Planning Submission
- Build To Rent Covenant
- Part V Costings
- Mechanical and Electrical Basis of Design Report

I have considered all of the documentation submitted by the prospective applicant, relating to this case.

10.0 Planning Authority Submission

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, cork City Council, submitted copies of their section 247 consultation with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 14th September 2021.

The Planning Authority has identified a number of considerations which may have a bearing on the Board's decision as to whether the proposal constitutes a reasonable basis for an application.

- Justification from the applicant why the Primary Care Centre isn't part of this SHD application.
- Layout, lack of variety of building height and mix of residential units is of significant concern.
- The 15-storey block proposes an overall height of 48m (59m O.D). The proposal is not in accordance with the City Development Plan in terms of specified locations for such buildings.
- The height strategy and residential dwellings typologies particularly for Blocks A, B, J & K should be confined to four storeys and display a variety of dwelling typologies, 3 to 4 storey town house and duplex typologies should be examined.

- A key issue at this location is the existing environment and specifically how the transition occurs.
- The appropriateness of the location for BTR (34%) is questioned.
- Noise Impact Assessment for future residents – cash and carry use adjoining.
- A more detailed Sunlight / Daylight / Overshadowing report is required.
- Concern of quantum and layout of open space
- Very little variation presented in the design.
- A landmark building might be considered at the NE corner of the site provided it is designed in such a way to stand out and be of particular architectural quality.
- Need to contact the Department of Education with regard to their plans to deliver new primary and post-primary schools at this location and the estimated timeframe for same.

I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

11.0 Consultation Meeting

A Section 5 Consultation meeting took place via Microsoft Teams on the 7th October 2021, commencing at 02.30 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were as follows:

1. Compliance with CDP Policy
 - Integration with the wider area
 - Density / Plot Ratio
 - Height Strategy & Visual Impact

- Housing Typology / BTR

2. Issue of Primary Care Centre

3. Infrastructure services (Surface Water, Flooding, Irish Water, Transportation & Connectivity).

4. Residential Amenity

- Daylight and Overshadowing

- Outdoor Amenity Space

- Resident support services & facilities

5. Open Space and Landscaping

6. Issues Raised in the CE Report

7. AOB

11.1.1. In respect of compliance with County Development Plan policy, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Justification is required for integration and transition in scale of the urban form of development, cognisance, being had to design, presentation, community and placemaking.
- Justification that the density proposed is appropriate in light of Variation no. 6 of the Cork City Development Plan 2015 – 2021, which accepted the principle of 400 units and a primary care centre which equates to some 125 u/ha.
- Requirement at application stage for a housing needs assessment, detailed property management proposal and a Build To Rent Covenant.
- Further elaboration and clarification in relation to the Cork City Development Plan review and consideration of the draft development plan timelines (Draft Cork City Development Plan 2022 – 2028), should a new draft plan be adopted

while any application is under consideration by the Board it would be subject to compliance with the new plan.

- Further consideration and justification of areas of concern and issues raised by the planning authority.

11.1.2. In relation to the primary care centre, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further elaboration required with respect to the under-croft carpark and how the car parking associated with the primary care centre is to be managed.
- Further discussion with respect to why the primary care centre does not form part of the proposed development.

11.1.3. In relation to infrastructure services, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Further elaboration and justification with respect to the concerns raised in relation to footpath and cycle lane connectivity.
- Clarity in respect of pedestrian and cycle connectivity to the nearest bus stop and to Black Ash Park.
- There is a need to address all issues raised by Irish Water in their report, in particular with respect to requirement of a pumping station and its location on the site.
- Consistency across all documentation and drawings is critical in any future application.
- Consideration for all issues in relation to the EIAR.

11.1.4. In relation to residential amenity, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- There is a requirement to carry out a Daylight and Sunlight Assessment as part of any future application. The assessment should set out where the proposal

complies with relevant BS or BRE standards and any noncompliance or shortfall should be clearly identified, justified and mitigation measures proposed.

- Further assessment of shadow impact to outdoor amenity space.
- Justification of the quantum of outdoor amenity space proposed to serve the density of population proposed, in particular, communal open space.
- Further consideration and justification that the proposed development would not unduly prejudice adjoining lands.
- Clarity in respect of assessment and justification of quantum of resident services and amenities proposed, in particular, in light of BTR proposal.

11.1.5. In relation to open space and landscaping, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Clarification that all items raised by the PA in their report submitted to the Board are addressed, further meetings should be sought to resolve outstanding issues.
- As discussed above, further consideration that the layout, quantum and design of the open space and communal areas will serve all ages and abilities.

11.1.6. In regard to issues raised in the CE report, An Bord Pleanála sought further elaboration / discussion / consideration of the following:

- Further justification of issues raised with regard to the pumping station.
- Further clarity and response to all issues raised in the transportation department report. Need for a Road Safety Audit.

11.1.7. In regard to other matters, An Bord Pleanála sought further elaboration / discussion / consideration of the following:

- Clarity that there are no discrepancies across all of the application documentation.

- Consideration of EIAR, recent high court judgements and any Material Contraventions.
- Further consideration and response to the concerns raised by the competent planning authority.
- Consideration of the Tramore River, located 80 metres south of the proposed development, implications for AA.

12.0 Conclusion and Recommendation

- 12.1.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 12.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.
- 12.1.3. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 12.1.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making

process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

13.0 Recommended Opinion

13.1.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

13.1.2. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

13.1.3. In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Delivery of pedestrian and cycle links

- (i) Clarification at application stage as to the provision of pedestrian and cycle connectivity from the development site to the closest bus stop and Black Ash Park and Ride. Any impediments to such connections should be clearly identified and proposals submitted as to how such impediments are to be overcome.

2. Development Strategy

- (i) Further justification for the height strategy, integration with the wider area and density, specifically how transition occurs in terms of design, presentation, quality community and place making. A key issue at this location is the existing environment and specifically how transition occurs between the existing established development and the proposed development cognisance being had that this development will form a catalyst for future development on surrounding lands.

13.1.4. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

13.1.5. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. An updated Architectural Design Statement. The statement should include a justification for the proposed development, having regard to, inter alia, urban design considerations, visual impacts, site context, the locational attributes of the area, linkages through the site, pedestrian connections and national and local planning policy. The statement should specifically address finishes of the blocks, the design relationship between the individual blocks within the site, the relationship with adjoining development and the interface along the site boundaries. The statement should be supported by contextual plans and contiguous elevations and sections.
2. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory plan for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

3. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and proportion of apartments which exceed the floor area by 10%. In the interests of clarity clear delineation / colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect, single aspect north facing and which apartments exceeds the floor area by 10%.
4. A Traffic and Transportation Impact Assessment.
5. Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture Drawings, and Engineering Plans that take account of one another.
6. Justification of quantum and quality of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standards, provision of play spaces, hard and soft landscaping and planting details.
7. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:
 - (i) Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
 - (ii) A Shadow Impact Assessment of the proposed development on the wider area.
8. A response to matters raised within the PA Opinion submitted to ABP on the 14th of September 2021 in particular, section 2.9 'Building a community', in relation to quantum of resident services and amenities.

9. As per SPPR7 of the Sustainable Urban housing: Design Standards for New Apartments Guidelines for Planning Authorities, March 2020 the development must be described in the public notices associated with a planning application specifically as 'Build to Rent' housing development and a covenant/legal agreement is required at application stage for BTR development.
10. A report on surface water drainage, surface water management strategy and flood risk which deals specifically with quality of surface water discharge.
11. Clarification at application stage regarding connection to water and drainage infrastructure having regard to the Irish Water submission dated 20th September 2021.
12. A response to issues raised in the Drainage Planning Report, and the Transportation Planning report undated, accompanying the PA Opinion submitted on the 14th September 2021.
13. An AA screening report, which inter alia, considers potential impacts on all of the Qualifying interests (QI's) of all Natura 2000 sites identified as being within the zone of interest.
14. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
15. Site Specific Construction and Demolition Waste Management Plan.
16. Details of public lighting.

13.1.6. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the

following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Irish Aviation Authority (IAA)
3. National Transport Authority (NTA)
4. Transport Infrastructure Ireland (TII)
5. The Minister for Culture, Heritage and the Gaeltacht,
6. The Heritage Council
7. Department of Education
8. An Taisce — the National Trust for Ireland
9. Cork City Childcare Committee.

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Fiona Fair
Senior Planning Inspector
27.10.2021