



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-311382-21**

Strategic Housing Development	Demolition of agricultural sheds and structures, construction of 184 no. apartments, creche and associated site works.
Location	Bessborough, Ballinure, Blackrock, Co. Cork.
Planning Authority	Cork City Council
Prospective Applicant	Estuary View Enterprises 2020 Ltd.
Date of Consultation Meeting	23/11/2021
Date of Site Inspection	05/11/2021
Inspector	Conor McGrath

Contents

1.0	Introduction	3
2.0	Site Location and Description.....	3
3.0	Proposed Strategic Housing Development.....	4
4.0	Relevant Planning History	5
5.0	Section 247 Consultation(s) with Planning Authority.....	7
6.0	Planning Policy	7
7.0	Submissions Received	15
8.0	Forming the Opinion	15
9.0	Conclusion and Recommendation	23
10.0	Recommended Opinion.....	24

1.0 Introduction

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, 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. The subject site comprises approx. 4.5ha of lands within a wider landholding within the Bessborough Estate, located on the southeastern side of Cork City, just north of the N40 Ring Road. The original Bessborough Estate comprised a much more extensive area, which was broken up and reduced to approx. 24ha in more recent times. Bessborough House itself is a protected structure, while the estate now accommodates a variety of institutional and community uses, as well as lands in agricultural use. There have been many additions to the side and rear of the original house in the past century, including a two-storey building to its northeast occupied by the Bessborough Centre.
- 2.2. The subject lands are irregularly shaped and mainly comprise a farmyard and part of the original parkland setting of Bessborough estate which includes mature trees and vegetation. The original entrance avenue serving the estate runs north-south along the western side of this parkland area. The farm yard in the eastern part of the site comprises low rise, stone buildings and sheds of varying quality and a vacant site to their north. Attractive stone walls in the southeastern part of the site delineate the original walled gardens of the main house. Directly southeast of the site is a courtyard of farm buildings in a variety of new uses. A good quality road provides access to the site on its eastern side from Bessboro Road. To the east of this road there are a number of community / health care uses. To the north of the site, the

Scared Heart Convent comprises a modern two-storey building and associated car park.

2.2.1. The estate lands are bounded to the east by a former railway, now the Marina – Passage West Greenway. This separates the lands from the commercial district in Mahon further to the east. Lands to the west of the estate are in commercial use, with Mahon Golf Course to the southwest. To the north of the site on Bessboro Road there are two residential developments either recently completed or currently under construction.

Note: There are a variety of spellings for Bessborough used in application documentation and locally. For consistency I have used Bessborough throughout this report, however, this does not imply that this is the most correct form of the name.

3.0 Proposed Strategic Housing Development

3.1. The proposed development comprises the demolition of 10 no. existing farm structures and construction of 184 no. apartments and associated works as follows:

- 5 no. 4-5-storey apartment buildings
- Refurbishment and change of use of 3 no. agricultural buildings to communal use.
- Ground floor uses including creche, café, communal facilities including gym, workspace, lounge, function room, library, lobby and concierge, as well as building management and service facilities.
- Ancillary works including playground, pedestrian and vehicular access, pedestrian and cycle links to the greenway,
- 64 no. car parking space and 452 cycle parking spaces.

3.2. Key development parameters include:

Site Area	4.533ha
Residential units	184
Density	41 / ha gross
Site Coverage	13%

Plot Ratio	0.45
Building heights	3 – 5-storeys
Communal Open Space	5474-sq.m. / 30-sq.m. per unit
Public open space	20,983-sq.m.
Car parking	64 spaces / 0.3 per unit
Cycle parking	452 spaces / 2.4 per unit
Dual Aspect Apartments	43%

Unit Type	No. of Units	%
Studio	3	1.6%
1 bed	85	46%
%2 bed	93	50.5%
3 bed	3	1.6%

Communal Areas	
Lobby	34.1
Concierge	8.9
Lounge	84.4
Function Room	70.1
Library	121.7
Workspace	180.1
Resident's Gym	86.1
Café	65.4
Total	650.80 / 3.5-sq.m. per unit

The prospective applicants refer to this site as The Farm, comprising Phase 2 of the wider development of lands in Bessborough. There is also a concurrent pre-planning consultation application by the same applicants in respect of Phase 1 development on lands to the southeast of the site, referred to as The Meadows under ref. ABP-311438-21.

4.0 Relevant Planning History

PA ref. 03/27028 ABP ref. PL28.203096: Permission granted for an access road and site services, running north – south along the eastern side of the application site, providing access to the western side of Bessborough Estate.

PA ref. 05/30165: Permission granted to remove farm buildings and incorporate part of masonry walls into new two-storey environmental centre.

Adjacent lands:

ABP ref. ABP-308790-20: Permission refused for a strategic housing development on lands at the south-eastern end of the Bessborough lands. The development comprised 179 no. units in three blocks ranging from five to seven storeys high. The refusal related to the potential for previous use of the site as a burial ground associated with the use of the property as a Mother and Baby home.

PA ref. 20/39705 ABP ref. ABP 309560-21: Permission refused for a residential development comprising 67 no. units in an 8-storey building in the southeastern corner of the Bessborough lands. The refusal referred to haphazard and isolated development having regard to the refusal of permission under ref. ABP-308790-21.

PA ref. 17/37565: Permission granted for 66 dwelling units on lands to the north of Bessboro Road, opposite the subject site. This decision was subject to a material contravention of the development plan. This development is complete.

PA ref. 18/37820: Permission granted for demolition of existing commercial buildings and construction of 135 no. dwelling units on lands to the north of Bessboro Road, north of the main entrance to Bessborough Estate. This was subject to a material contravention of the development plan and construction is underway.

PA ref. 07/32573: Permission granted for the single and two-storey Scared Heart Convent buildings on Bessborough Avenue, to the north and northwest of the application site.

PA ref. 09/34237: Permission granted for a nursing home to the southeast of the subject site which has not been constructed.

PA ref. 02/25811 ABP PL.28.129140: Permission granted for a day care centre to the east of the site, which is operated by the Alzheimer's Association.

5.0 Section 247 Consultation(s) with Planning Authority

The application documentation refers to S.247 meeting with Cork City Council on 10th June 2021. The development discussed comprised 233 no. residential units. Matters raised included the following:

- Legacy issues relating to the former use of the lands.
- Zoning of part of the site as a Landscape Protection Zone.
- Landscape impacts and impacts on trees.
- Building design and quality of private and public open space.
- Requirement for a TTA.
- Part V requirements.

6.0 Planning Policy

6.1. National and Regional Planning Policy

6.1.1. Project Ireland 2040 - National Planning Framework

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

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

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

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

Objective 8 sets ambitious growth targets for Cork, proposing a c.50% growth in population to 2040. It emphasises compact growth requiring a concentration of

development within the existing built-up area, including increased densities and higher building formats.

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

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

6.1.2. Rebuilding Ireland – Action Plan for Housing and Homelessness 2016

The overarching aim of the Plan is to increase the delivery of housing, from its current undersupply across all tenures, to help individuals and families meet their housing needs. The Plan identifies a target to double the number of residential dwellings delivered annually by the construction sector and to provide 47,000 social housing units in the period up to 2021. Five pillars for action include;

Pillar 2 - Accelerate Social Housing

Pillar 3: Build More Homes, seeks to increase the output of private housing to meet demand at affordable prices. The key action is to double housing output over the Plan period.

6.1.3. Housing for All - A New Housing Plan for Ireland (Sept 2021)

The stated aim is to provide access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life. The plan identifies the need for construction of an average of 33,000 homes per annum nationally until 2030 to meet the targets outlined in the National Planning Framework. Four overarching objectives are identified:

- Supporting Homeownership and Increasing Affordability.
- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion.
- Increasing New Housing Supply; and

- Addressing Vacancy and Efficient Use of Existing Stock.

The Pathway to Increasing New Housing Supply includes a focus on the adequate supply of serviced zoned lands to meet housing need, at required densities.

6.1.4. **Regional Spatial and Economic Strategy for the Southern Region (2019)**

The RSES strategy is to enable strong, resilient and sustainable growth through the strengthening and the growing of cities and metropolitan areas, through quality development including regeneration and compact growth and through the promotion and advancement of the strong network of towns and supporting villages and rural areas. Key principles include:

- A dual-track approach that builds on the cities and metropolitan areas as significantly scaled engines of sustainable growth, and repositioning the network of towns, villages and rural areas in an imaginative, sustainable and smart manner.
- The supply of quality housing to meet existing and future demand.
- The regeneration and development of existing built-up areas as attractive and viable alternatives to greenfield development.
- Use of quality urban design to enhance the character of a place and ensure development is respectful of the existing physical, social, environmental and cultural context;

RPO 32, supports Government policy and targets under “Rebuilding Ireland”.

RPO 34: supports NPF objectives in respect of the achievement of urban infill/brownfield development.

RPO 35: supports the National Strategic Outcome of Compact Growth

RPO 176 seeks to attain sustainable compact settlements with the “10-minute” city and town concepts.

Cork Metropolitan Area Strategic Plan (MASP)

MASP Policy Objective 1 (includes)

- a. To strengthen the role of the Metropolitan Area as an international location of scale, a complement to Dublin and a primary driver of economic and population growth in the Southern Region.
- b. To promote the Metropolitan Area as a cohesive metropolitan employment and property market where population and employment growth is integrated with: (i) the city centre as the primary location at the heart of the metropolitan area and region reinforced by (ii) the continued regeneration, consolidation and infrastructure led growth of the city centre, Cork City Docklands, Tivoli and suburban areas (iii) active land management initiatives to enable future infrastructure led expansion of the city and suburbs and (iv) the regeneration, consolidation and infrastructure led growth of metropolitan towns and other strategic employment locations in a sustainable manner.

MASP Policy Objective 8 - Key Transport Objectives (to be informed by CMATS)

- a. The SRA will seek investment in the sustainable development and implementation of CMATS and transport initiatives that improve connectivity between the metropolitan area, wider Cork context and wider region.
- b. The SRA will seek the Core Strategies of Local Authority Development Plans to identify the public transport corridors and public transport nodes on those corridors arising from CMATS which have potential for high density development/regeneration. Core Strategies shall identify appropriate land use zonings for these public transport nodal points and demonstrate the effective alignment between land use and transport infrastructure planning and delivery of the NPF Compact Growth targets as they apply to the Cork Metropolitan Area.
- c. Integration of All Sustainable Travel Modes: Infrastructure to provide for integration between all modes of transport to support sustainable travel choices.
- d. East-West Light Rail Public Transport Corridor: A east-west public transport corridor from Mahon to Ballincollig via the City Centre. The corridor requires development consolidation at appropriate nodal points for a high capacity service.

- f. Core Bus Network: A comprehensive network of high frequency bus services operating on a core radial and orbital bus network as provided for in CMATS.
- h. Walking: Make Cork the most walkable city in Ireland, implement and further develop upon the Cork City Walking Strategy 2013-2018 and strengthen the role of walking through improved walkability, with a particular focus on new development areas, access to services at the local level and improved pedestrian accessibility to and within the City Centre area, Town/District Centres and Neighbourhood Centres. Seek and support greenways for walking in addition to cycling.
- i. Cycling: Implement and further develop upon the Cork Metropolitan Area Cycle Network Plan 2017, invest in infrastructure to support the integration of the cycle networks throughout the Cork Metropolitan Area and region, improve and develop primary, secondary, greenway and feeder cycle networks and support cycling through provision of a high proportion of segregated cycleways.
- j. Public Transport Integration: provision for interchange opportunities across all modes of transport together with information provision and revised fare structures.

Section 7.0, Housing and Regeneration, notes that Mahon has developed with significant mixed-use residential, enterprise and retail uses, with potential for further development of greenfield sites and intensification of former industrial lands and improved public transport connectivity. A potential residential yield of 1021 units is identified. Infrastructure priorities include

- New public transport bridge and route linking Bessboro to Mahon.
- Expansion and upgrading of amenity areas and walking/ cycling routes.

Investment in retrofitting infrastructure and services (physical, social and recreational) to improve quality of life for communities.

6.2. S.28 Ministerial Guidelines

- 6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission of the Chief Executive, and observers' submissions, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities.
- Urban Development and Building heights, Guidelines for Planning Authorities.
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual').
- Circular Letter: NRUP 02/2021 in respect of Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
- Architectural Heritage Protection Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets (DMURS).
- National Cycle Manual.
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated 'Technical Appendices').
- Childcare Facilities – Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.

6.3. Local Planning Policy

Cork City Development Plan 2015 – 2021

The northeastern part of the lands, wherein Block E is located is zoned ZO4: Residential, Local Services and Institutional Uses, *'to protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3'*.

These ZO4 lands are also subject to an 'Area of High Landscape Value' designation (CDP Map 6 refers).

The remainder, and majority of the site, is zoned ZO12 'Landscape Preservation Zones' - SE4 Bessborough House. The zoning objective is *'to preserve and enhance the special landscape and visual character of landscape preservation zones. There will be a presumption against development within these zones, with development only open for consideration where it achieves the specific objectives set out in Table 10.2'*.

Bessborough House is identified as a protected structure.

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

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

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

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

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

I: Institutional Open Space.

Table 10.2 identifies specific objectives for the Bessboro House Landscape Preservation Zone (SE4):

- To reinstate Historic Landscape;
- To seek use of grounds as a Neighbourhood Park in the context of LAP (H);
- To allow development within the immediate environs to the north of Bessboro House consistent with the site's landscape and protected structure significance.

Objective 10.4 Areas of High Landscape Value: To conserve and enhance the character and visual amenity of Areas of High Landscape Value (AHLV) through the appropriate management of development, in order to retain the existing characteristics of the landscape, and its primary landscape assets. Development will be considered only where it safeguards to the value and sensitivity of the particular landscape. There will be a presumption against development where it causes significant harm or injury to the intrinsic character of the Area of High Landscape Value and its primary landscape assets, the visual amenity of the landscape; protected views; breaks the existing ridge silhouette; the character and setting of buildings, structures and landmarks; and the ecological and habitat value of the landscape.

Objective 10.5 Landscape Preservation Zones: To preserve and enhance the character and visual amenity of Landscape Preservation Zones through the control

of development. Development will be considered only where it safeguards the value and sensitivity of the particular landscape and achieves the respective site-specific objectives, as set out in Table 10.2.

Objective 10.6 Views and Prospects, seeks to protect and enhance views and prospects of special amenity value or special interest and contribute to the character of the City's landscape from inappropriate development.

Objective 10.10 Trees and Urban Woodland:

- (a) To protect and enhance the city's trees and urban woodlands.
- (b) To protect, survey and maintain existing important individual and groups of trees.
- (c) To ensure that new development benefits from adequate landscape structure / tree coverage, particularly in areas of the city with inadequate tree coverage.

There are two relevant views and prospects:

- LT 14 a view of Montenotte/Tivoli Ridge when viewed from Carr's Hill.

This is a Landscape/Townscape View which are defined as "views of areas that have distinctive/ outstanding townscape or landscape features within the city including views of the city ridges".

- AR 4 a view of Bessboro House when viewed from Carrigaline Road/Carr's Hill.

This is a Primary Approach Road View, defined as "The approach roads into Cork City offer visitors the vital 'first impression' of the city and glimpse of the unique topography and character of Cork. Historical routes into the city tend to be from high vantage points, whereas the national primary roads offer wider viewing corridors.

Development Plan Section 16.28 Building Height in Suburban Areas:

The site is located within the South Mahon 'Key Development Area'. Objective 14.1 Mahon LAP seeks to achieve the LAP vision by expanding the population and improve residential amenity; gradually replacing low density industry with higher density employment; creating a focal point around Mahon Point and neighbourhood centres; supporting a shift to non-car modes; and conserving landscape, built heritage and environmental assets.

Chapter 16 sets out Development Management Standards including requirements for design statements, visual impact assessment, dwelling size, and car parking.

Buildings of between 3-5 storeys will be considered appropriate in principle in major development areas and larger development sites, subject to normal planning considerations. In exceptional circumstances local landmark buildings may be considered with a height of up to 20-23m (approximately 6-7 storey equivalent). Building heights greater than this will only be considered where specifically identified in a local area plan.

7.0 Submissions Received

Irish Water: The Wastewater Pump Station (WWPS) serving Bessborough is operating at capacity and upgrading is required to serve this development.

In order to determine infrastructure upgrades and consents required for any upgrade works not in the public domain, further studies are required. This entails project scoping as part of a Project Works Service Agreement (PWSA), site investigations, associated timelines to identify upgrades, works and infrastructure required for the area of demand. The applicant will be required to fund the upgrade work(s) identified as part of a connection agreement. The new development shall discharge directly to Bessborough WWPS via a new inlet sewer.

The water connection for the development is to be made to the existing 300mm DI adjacent to site on Bessboro Rd.

8.0 Forming the 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 submission and the discussions which took place during the tripartite consultation meeting.

8.1. 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. The documentation submitted is set out in Appendix 1.

In accordance with section 5(5)(b) of the Act of 2016, the documentation includes a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. This Statement of Consistency considers the following policy documents:

- Rebuilding Ireland
- Project Ireland 2040: National Planning Framework.
- Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities 2018.
- Urban Development and Building Height, Guidelines for Planning Authorities 2018.
- Guidelines for Planning Authorities: Sustainable Residential Development in Urban Areas 2009, and associated Urban Design Manual: Best Practice Guide.
- Design Manual for Urban Roads and Streets, 2013.
- Childcare Facilities: Guidelines for Planning Authorities 2001.
- Universal Design Guidelines for Early Learning and Care Settings 2019.
- Southern Regional Assembly: Regional Spatial and Economic Strategy.
- Cork Area Strategic Plan 2020 and CASP Update 2008.
- Draft Cork Metropolitan Area Transport Strategy (CMATS)
- Joint Housing Strategy: Cork Planning Authorities.
- Cork City Development Plan 2015 – 2021.
- Mahon Local Area Plan 2014 (now lapsed).

The report seeks to demonstrate that the proposed development is consistent with these policy documents. Relevant policies are set out in tabular form along with a response demonstrating how the development is consistent therewith. The application does not identify any material contravention of the development plan.

8.2. Planning Authority Submission

A submission from Cork City Council was received by An Bord Pleanála on 11/10/2021 in accordance with Section 6(4)(b) of the 2016 Act. The submission includes:

- Details of relevant planning history
- Record (minutes) of s.247 pre-planning consultation held on 10/06/2021.
- A statement (below) on the key considerations relating to proper planning and development.
- Appendix 1 – Reports of Internal Directorates:
 - Archaeology
 - City Architect
 - Conservation
 - Drainage
 - Environment
 - Heritage
 - Infrastructure
 - Parks
 - Planning Policy
 - Traffic & Transport
 - Urban Roads & Street Design
 - Water

The report of the planning authority makes the following points:

- The development is supported in strategic terms and is compliant with the aims of the NPF and RSES for growth of Cork City and Suburbs to 2031.
- Development should respond to the significant tree coverage within, and adjacent to the site.
- To comply with the Area of High Landscape Value development objective, the scale of blocks should have a neutral / positive impact on landscape character.
- Bessboro Convent / House is a Landmark Building. Identified view / prospect AR4 is a view of Bessboro House.

- The remainder of the site is zoned ZO 12 Landscape Preservation Zones where there is a presumption against development.
- The Planning Policy section note that the development can be supported in principle under the ZO 12 Landscape Preservation Zone (SE 4) designation, as it would respect the historic landscape and introduce development to the north of Bessborough House, which would not contravene the land use or associated development objectives.
- The specific objectives for this site (SE4) must be complied with and the development must be assessed in terms of design, conservation and heritage.
- The proposed density and heights are considered acceptable.
- There are concerns regarding the extent of development within the Landscape Protection Zone.
- The key concerns are impacts on landscape and adjacent protected structures, along with the visual impacts of the proposed buildings.
- In relation to the Parkland Area, the four to six-storey apartment buildings have minimal relationship to the park.
- Block A should be omitted, and Blocks B and C relocated and reconfigured to form an edge to this parkland in association with the farm buildings.
- The 'crafting' of the 'new build' with the existing farm buildings to form clusters and 'places' is a good urban design approach. The architectural form, use of materials and massing is to a high standard.
- The Senior Parks & Landscape Officer notes that Blocks A, B and C are not acceptable within the established mature woodland area and will completely change the character of this sylvan environment in a negative manner.
- The development requires removal and will indirectly impact on established trees.
- The development does not take cognisance of the importance of the protected structure, Bessboro House, and it's physical and visual connection to the wooded parkland setting to the North.
- The Conservation Officer notes the importance of retaining a meaningful connection between Bessborough house and the associated grounds. Blocks A & B and associated roads, will negatively impact on the overall demesne setting.
- Proposed apartments meet or exceed the guideline requirements.

- The 50% dual aspect requirement in such locations is not met. There is a concern with the number of north facing, single aspect units.
- The mix of unit types is acceptable and generally accords with SPPR 8.
- Block D may impact on the convent building to the North in terms of outlook, overlooking and overshadowing / loss of sunlight to amenity areas.
- It would be preferable not to develop the designed gardens and to adopt a sensitive approach acknowledging proximity to a significant Protected Structure in a Landscape Preservation Zone.
- Undertake a detailed record of all buildings to be demolished with conservation works overseen by suitably qualified professional.
- The development should be assessed with regard to the Development Plan objective to provide a public park in this location.
- The Parks and Landscape report notes that the wooded parkland must be retained to provide amenity space for Blocks D and E, other potential developments within the Bessboro Estate and the wider area.
- The Heritage Officer raises concerns regarding the impact on trees and biodiversity.
- Historically the primary grouping of trees associated with the protected structure is directly to its north, linked to the Farm area. This is the primary area of tree removal.
- The historical significance of the location of trees should be considered.
- The proposed Archaeological mitigation measures are appropriate given the site location, condition and the works proposed.
- Human remains associated with Mother and Baby Homes are not archaeological in nature and associated investigations are not covered under Section 26 of the National Monuments Act (as amended 2004).
- The monitoring of ground works by a forensic archaeologist, while outside the scope of Section 26 archaeology, should be considered.
- Based on the best available evidence, there is nothing to indicate the presence of a burial ground at the proposed SHD site.
- The proposed archaeological mitigation measures are necessary; however, ABP should have regard to any planning or legal implications and potential requirements should human remains be discovered on the site.

- Insufficient documentation has been submitted to enable a proper assessment of the traffic impacts of this and adjacent development on the local road network and the general Mahon area, which experiences heavy congestion.
- No Traffic and Transport Assessment (TTA), Junction analysis, Road Safety Audit, Mobility Management Plan or Construction Traffic Management Plan have been submitted for review.
- Contrary to comments made, there is no evidence of agreement of the scope of the TTA with the City Council.
- Further detail is required on roads to be taken in charge.
- The design and layout of internal roads requires review.
- Further detail is required on proposed cycling routes regarding construction materials, dimensions, gradient etc., including the footbridge to east and safe means of access to the greenway.
- A breakdown of parking by type and unit is required. The parking ratio should be assessed in the context of the TTA and existing traffic congestion in the area.
- A sustainable transport strategy should ensure no parking overspill and indicating cycle / pedestrian linkages to the area.
- The amount of bicycle parking is acceptable.
- A full Road Safety Audit and Mobility Management Plan should be submitted.
- Public lighting details should be provided.
- Any required 3rd party consent for drainage works should be provided.
- The proposed 25-place crèche is acceptable. There are a number of primary and secondary schools with walking/cycling distance of the proposed development.
- Part V units should be distributed across the development to ensure integration.

8.3. The Consultation Meeting

A Section 5 Consultation meeting was held on 23/11/2021, commencing at 2.30pm, via Microsoft Teams. This meeting addressed the pre-application consultation requests received in respect of this case and the concurrent case, ABP-311438-21. I refer to the record of the meeting in respect thereof. 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 and the main topics raised for discussion at the tripartite meeting were as follows:

1. Principle of Development
 - Land use objectives
 - Landscape and conservation objectives.
 - Planning history and legacy issues
2. Development strategy, design and layout.
3. Residential amenity – daylight and sunlight, aspect, development plan standards
4. Transportation, access and parking
5. Drainage
6. AOB

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the ‘Record of Meeting ABP-311382-21 & ABP-311438-21’ which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

In relation to the Principle of Development (Land use objectives, Landscape and conservation objectives, Planning history and legacy issues), An Bord Pleanála sought clarification and further elaboration and justification for the development in respect of the following matters:

- The nature of consultations with survivor representative groups.
- The recommendations made in the report on the “Cultural Heritage Legacy of the Subject Lands, The Farm, Ballinure, Blackrock, Cork City”, (Sept 2021) prepared by John Cronin & Associates.
- Compliance with the land use zoning objectives for the site and the status of the development as a Strategic Housing Development as defined in s.3 of the Act.

In relation to Development strategy, design and layout, An Bord Pleanála sought clarification and further elaboration for the development in respect of the following matters:

- The overall development strategy for lands within the prospective applicant's landownership at Bessborough and relationship between proposed developments therein.
- The requirement for a detailed Masterplan for the coherent development of the lands.
- The objectives of the development plan for the Landscape Preservation Zone (SE4)
- The design and layout of development and relationship with the Protected Structure and its historic setting.
- The extent of works proposed along the entrance avenue and at the existing entrance gates.

In relation to Residential Amenity, An Bord Pleanála sought clarification and further elaboration for the development in respect of the following matters:

- Compliance with development plan standards for residential development.
- Rationale for the level of dual aspect apartment provision vis the provisions of the Apartment Design Guidelines.
- The assessment of daylight and sunlight quality in proposed dwelling units.
- The approach to childcare provision across the wider masterplan area.

In relation to Transportation, access and parking, An Bord Pleanála sought clarification and further elaboration for the development in respect of the following matters:

- The assessment of the traffic and transport implications of the proposed development.

- The importance and design of the proposed connections to adjoining the Greenway and public transport services to the east.
- The ability for The Farm development to access the Greenway, independent of the Phase 1 Meadows development.
- The level of car parking provision.

In relation to Drainage matters, An Bord Pleanála sought clarification and further elaboration for the development in respect of the following matters:

- The extent of works required to facilitate a connection to the Irish Water wastewater network.

9.0 Conclusion and Recommendation

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, including s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Based on the entirety of the information before me, including the comments of the planning authority with regard to compliance with the land use zoning objectives for the lands, 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.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following matters, details of which are set out in the Recommended Opinion below;

- Compliance with the zoning objectives of the development plan for the subject lands.

- Further elaboration with regard to the recommendations made in respect of the legacy issues arising from the historic uses on the lands.

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.

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.”

10.0 Recommended Opinion

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.

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.**

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. Further consideration of the status of the proposed development as a Strategic Housing Development, as defined in section 3 of the Planning and Development (Housing) & Residential Tenancies Act 2016, as amended, having regard to the land use objectives set out in the Cork City Development Plan 2015-2021 relating to these lands.

A detailed statement of consistency and planning rationale should therefore be submitted, clearly outlining how in the prospective applicant's opinion, the proposed development is in compliance with local planning policies having specific regard to the zoning objective of a significant part of the site as ZO12 'Landscape Preservation Zones' - SE4 Bessborough House – to preserve and enhance the special landscape and visual character of landscape preservation zones.

Justification for the principle of residential development on lands zoned Z012 should have regard to the specific objective of the Development Plan which states, inter alia, that there will be a presumption against development within these zones, with development only open for consideration where it achieves the specific objectives set out in Table 10.2.

2. Having regard to the history of uses on these lands and the findings of the *Commission of Investigation into Mother and Baby Homes* (Final Report October 2020), with regard to the potential for unrecorded burial sites with the wider Bessborough estate lands, the application should provide further elaboration and clarity with regard to the recommendations made in the report on the "*Cultural Heritage Legacy of the Subject Lands, The Farm, Ballinure, Blackrock, Cork City*", (Sept 2021) prepared by John Cronin & Associates.

A clear rationale / justification for the recommended approach to these matters should be set out.

The application should clearly establish the planning and legal implications for any development which may be granted planning permission on the site, arising from the identification of any unrecorded burial site during the recommended monitoring exercises. In making recommendations in this regard, the prospective applicants should note the obligations on the Board in attaching conditions to any potential grant of planning permission, including that any such conditions be precise, reasonable and enforceable.

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. The application should be accompanied by an appropriately detailed Masterplan / Design Statement which should set out a coherent strategy for the overall development of lands within the prospective applicant's ownership at Bessborough. The Masterplan should describe the overall response to the historic context and landscape setting of the lands, and the relationship between developments within different character areas in terms of their design and layout and the influences thereon.
2. The Architectural Heritage Impact Assessment should be revised and supplemented to identify the full extent of works within the curtilage of the protected structure and address in particular, the following items:
 - i. The potential impact of the development on the relationship and connection between Bessborough House, a protected structure, and its parkland / demesne setting. Regard should be had to the concerns expressed by the PA in their submission to An Bord Pleanála dated 08/10/2021 with regard to the siting of Blocks A, B and C in this regard.

- ii. Any works proposed to, or impacts on, the entrance avenue and the original entrance gateway to Bessborough House, including the limestone piers and cast-iron railings and gates.
3. Further analysis of the potential landscape and visual impacts of the proposed development should be undertaken, to include additional photomontages and imagery. Such analysis should include consideration of views from the west of the estate and from the entrance avenue toward the proposed development, as well as views from the rear of the protected structure to the south. The analysis should take account of the varying mitigation of such visual impacts provided by foliage and vegetation at different times of the year.
4. A detailed survey of existing structures to be demolished shall be undertaken and detailed building records, including a drawn and photographic record, should be prepared for submission to the planning authority and to the Irish Architectural Archive.
5. The Arboricultural Impact Assessment should specifically address the viability of proposed tree retention having regard to potential impacts arising from proximity to site development works, including changes in ground levels and the water table.
6. The application should be accompanied by the following:
 - (i) A detailed Traffic and Transport Assessment (TTA) in respect of the proposed development. In preparing this TTA, regard should be had to the detailed requirements set out in the submission of the planning authority, dated 08/10/2021, and the report of the Transport and Mobility (Traffic Operations) section. The assessment should consider the cumulative impacts of the development with other existing and proposed development within the Bessborough estate and on adjacent lands, including the developments to the north permitted under PA ref. 17/37565 and 18/37820.
 - (ii) A Mobility Management Plan and a Parking Management Strategy.
 - (iii) The application should be accompanied by a Quality Audit in accordance with Annex 4 of DMURS, including a Road Safety Audit.

7. The application should describe how a convenient and quality pedestrian and cycle connection from the proposed development to the Marina and Blackrock - Passage Greenway to the east can be delivered. The ability to achieve such connection independent of other planned development should be clearly demonstrated. The route of such connections should form part of the Quality Audit undertaken in respect of the proposed development.
8. Details of the areas intended to be taken in charge by the Local Authority should be clearly set out.
9. Detail of the relationship of Buildings D and E at The Farm with adjoining lands at the Sacred Heart Convent and the potential for overlooking or impacts on the amenities thereof should be clearly described.
10. The Ecological Impact assessment should include the results of all surveys undertaken in respect of these lands, including in particular Wintering Bird Surveys and Bat Surveys. Documentation should confirm that all surveys were undertaken at the appropriate times of the year.

The application should be accompanied by an Invasive Species Management Plan.
11. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.
12. All documents should be in a format which is searchable.
13. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

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. Department of Culture, Heritage and the Gaeltacht (Development Applications Unit)
2. The Heritage Council
3. An Taisce
4. An Chomhairle Ealaíon
5. Fáilte Ireland
6. Irish Water
7. Transport Infrastructure Ireland
8. National Transport Authority
9. Cork City Childcare Committee
10. Minister for Children, Equality, Disability, Integration and Youth

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.

Conor McGrath
Planning Inspector

30/11/2021

Appendix 1: Documentation Submitted

- Completed Application Form and application fee.
- Cover Letter (ABP)
- Planning Statement
- Statement of Consistency
- Statement of Possible Effects on the Environment
- Childcare Needs Assessment
- Part V Proposal
- Minutes of Section 247 meeting
- Irish Water Letter
- Schedule of documents maps, plans and drawings
- Architectural Design Statement, including Schedule of Accommodation
- Site Location Map
- Site Layout Plan
- Plans, Elevations, sections etc.
- Part V Site Plan
- Traffic & Transport Statement and scoping for TTA
- Statement on DMURS consistency
- Irish Water Confirmation of Feasibility
- Construction Environmental Management Plan
- Services & Infrastructure Report and Drawings
- Daylight Reception, Sunlight and Shadow Analysis
- Ecological Appraisal Report
- Landscape Drawings
- Landscape Design Strategy Report
- TVIA
- Photomontage Booklet
- Archaeological Impact Assessment
- Architectural Heritage Impact Assessment
- Cultural Heritage Impact Assessment
- Arboricultural Impact Assessment with Tree Survey Maps