



An
Bord
Pleanála

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

Inspector's Report ABP-311414-21

Strategic Housing Development

Demolition of existing structures on site, construction of 114 no. Build to Rent apartments and associated site works.

Location

Millfield Service Station, Redforge Road, Blackpool, Co. Cork.
(www.redforghsd.ie)

Planning Authority

Cork City Council

Applicant

Bellmont Developments Limited.

Prescribed Bodies

1. Irish Water.
2. Transport Infrastructure Ireland (TII).
3. Irish Aviation Authority (IAA)

Observer(s)

1. James Barrett.
2. Denis Buckley.

Date of Site Inspection

6th December 2021

Inspector

Daire McDevitt

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

The subject site, with a stated area of c. 0.73 hectares (includes a section of the public road) at present contains Millfield Service Station, located adjacent to Blackpool District Centre, c. 2km north of Cork City Centre. The site is currently in use as a petrol filling station and associated uses including car wash.

To the north and northwest the site is bounded by Millfield Cottages (comprised of modest storey and a half terraced cottages), of which five houses front onto Redforge Road while three facing south into the site. To the northwest of the site, c. 18 no. of the cottages are unoccupied and derelict and there is an extant permission for their demolition and replacement. To the west is a c 4/5-storey commercial blocks which backs onto the site, while the Blackpool Centre multi-storey car park is located to the south. The Main Dublin – Cork railway runs north-south to the east of the site, atop an intervening overgrown embankment. There are proposals to develop a new railway station at this location, southeast of the site. The site has frontage of approx. 84m to Redforge Road to the east. A letter of consent has been submitted from Cork City Council for the inclusion of a section of the Redforge Road within the application site boundaries to facilitate works to same.

3.0 Proposed Strategic Housing Development

- 3.1 Permission is sought for a proposed residential development comprising the demolition of existing structures on site including a single storey building, pump island canopy, 4 no. fuel pumps and the decommissioning/removal of 4 no. underground fuel tanks and the construction of 114 no. Build to Rent apartments (comprising a mix of 1 and 2 bed apartments) in 2 no. blocks, ranging in height from 4 to 9 storeys, 1 no. 313 sqm retail unit, residential amenity facilities including a reception, residents gym, lounge area and shared workspace, the provision of landscaping and amenity areas including an enclosed courtyard and 1 no. rooftop garden, the provision of public realm improvements on Redforge Road including widened footpaths and pavement improvements, pedestrian crossing, tree planting, raised tables/planters and seating areas and all associated ancillary development including pedestrian/cyclist facilities, lighting, drainage, boundary treatments, bin and bicycle storage, ESB Sub-station and plant at ground floor level at Millfield Service Station, Redforge Road, Blackpool, Cork.

The application contains a statement setting out how the proposed development is consistent with the objectives of the 2015 Cork City Development Plan

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

A Natura Impact Statement has been prepared in respect of the proposed development.

Letter of consent from Cork City Council relating to the inclusion of part of the public road at Redforge Road within the redline boundary.

3.2 The key parameters are set out below:

Site Area: 0.73 hectares. (Nett developable area:

Proposed Development: 114 BTR Apartments in 2 no. blocks, 1 no. retail unit (c.313sq.m).

Demolition/Removal: A c. 226sq.m single storey building , Canopy (c 487sq.m with canopy) Pump Island, 4 no. fuel pumps and the decommissioning/removal of 4 no. underground fuel tanks.

Density: Reference to 160uph in the Statement of Consistency based on an unidentified nett developable area. Based on a nett developable area of c.0.34ha (excludes public road, x.0.39ha and wayleave c. 0.045ha) the proposed density is 335uph.

Height: 4 to 9 storeys.

Dual Aspect: 49% (56 units)

Open Space/Amenities: Private (all apartments have balconies), Communal (internal): c.1781sq.m (19%) Public: c. 1875sq.m (c.18%) includes courtyards and rooftop terrace which are stated to be directly open to the public.

Shared Residential Facilities & Amenities (c.1781sq.m communal rooms)

Access: Access for maintenance vehicles and IW only.

Parking: Car (0), 2 no. EV spaces shown along Redforge Road Bicycle 114 spaces (1 per unit).

Childcare: None.

Part V: 12 units (9 no. 1 bed and 3 no. 2 bed).

3.3 Unit Mix:

Unit Type	1 bed	2 bed	Total
Apartment	77 (range from 49 to 52sq.m)	37 (range from 72 to 80sq.m)	114
% of Total	67.5	32.5	100%

4.0 Planning History

Site:

PA ref. 06/30960: Permission granted for demolition of the existing petrol station and associated buildings and construction of 54 no. apartments & commercial / office in 7-storeys over basement car park, public and private landscaped gardens and associated site works.

PA ref. 02/25821: Permission refused for a store extension to the rear of the petrol station on the basis of overdevelopment of the site, and impact on adjoining residential amenity.

PA ref.00/24406 (ABP ref. PL.28.121613): Permission refused for an extension to the service station on the basis of over-development of the site and impact on the visual amenities of properties in the vicinity.

Millfield Cottages:

PA ref. 07/32183: Permission granted for the demolition and replacement of 18 no. terraced houses to the northwest of the site, the re-establishment of the site datum level and associated site works.

PA ref. 14/36238 (ABP ref. 28.244628): Permission granted for alterations to PA ref. 07/32183 comprising revisions to site boundaries, site layouts and house designs. The decision was subject to a first party appeal against development contributions.

PA ref. 18/38138: Permission granted in 2019 for the demolition of 18 no. dwellings and the construction of 18 no. terraced dwellings.

Sunbeam Site (north of Millfield Cottages)

PA ref. 17/37392: Permission granted to Respond Housing in 2018 for the demolition of existing industrial buildings and construction of 81 no. apartments, duplex and townhouses, and provision of a local community centre. This development is currently under construction.

Other:

ABP ref. ABP-311874: A current Strategic Housing application in respect for 191 no. Build-to-Rent apartments and associated site works at Distillery Quarter, North City Link Road (N20), Blackpool., Co. Cork. Decision due 7th March 2022.

5.0 Section 5 Pre Application Consultation

- 5.1 A section 5 pre-application consultation with the applicants and the planning authority took place online under ABP- 308537-20 (22nd February 2021) in respect of a proposed development of 161 BTR apartments, café/bar and associated works (19 storeys).

5.2 Notification of Opinion

An Bord Pleanála issued a notification that it was of the opinion that the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development.

1. Compliance with Development Plan and Local Area Plan objectives.

In accordance with section 5(5)(b)(i) of the Act of 2016 (as amended), the statement of consistency should have regard to the provisions of the current North Blackpool Local Area Plan 2011 (as extended), as well as the Cork City Development Plan 2015. Furthermore, in accordance with section 5(6) of the Act of 2016 (as amended), where the proposed strategic housing development would materially contravene the City Development Plan or North Blackpool Local Area Plan, as the case may be, other than in relation to the zoning of the land, then the statement provided for the purposes of subsection (5)(b)(i) shall indicate why, in the prospective applicant's opinion, permission should nonetheless be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

2. Justification for proposed building height

Further consideration and / or justification of the documents as they relate to the development strategy for the site, particularly with regard to building heights. Having regard to the scale and context of the proposed development, it should be clearly demonstrated that the proposed development satisfies the criteria set out in section 3.2 of the Urban Development and Building Height Guidelines for Planning Authorities (December 2018), particularly at the scale of the city and the district.

3. Treatment of Redforge Road

Further consideration and detailed design information in relation to the proposed modification and treatment of Redforge Road to include details of pedestrian facilities, shared surface / raised table on the road carriageway and provision of bus stops, whose design shall accord with the provision of the Design Manual for Roads and Streets (DMURS). Measures in this regard may require some amendment to the design or building line of the proposed structures.

Any works proposed as part of the proposed development shall be included within the application site boundary and, as may be required, the application shall be accompanied by evidence of landowner consent to such works.

4. Contaminated Land

Further information and consideration of the documents as they relate to the potential for contamination of soils on the application site, having regard to the historic uses thereon. An assessment of the site by a suitably qualified professional and the identification of appropriate site-specific mitigation and remediation measures to be undertaken as part of the proposed development should be submitted with any subsequent planning application. The findings of such assessment should inform other relevant assessments undertaken in respect of the proposed development.

Furthermore, Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was 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. A detailed assessment of Daylight, Sunlight and Overshadowing Impacts which should have regard to the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities and the Sustainable Urban Housing, Design Standards for New Apartments Guidelines for Planning Authorities. The methodology adopted in such assessment shall be clearly described and any assumptions made therein should be fully justified. The assessment should extend to a wider range of units within the proposed development having regard to the orientation and aspect of the apartments.

Notwithstanding the flexibility provided for in referenced guidance documents, where proposed residential units fail to achieve the minimum identified daylight reference values, an appropriate rationale and justification in respect of such residential units should be provided.

2. An analysis of wind microclimate in respect of,

i) Ground level public spaces with reference to pedestrian occupation and usability in the context of the scale of the buildings proposed.

ii) Residential balconies and roof top communal spaces having regard to the required comfort levels and function of those spaces.

3. A report specifically addressing the relationship between the proposed development and adjacent, existing and permitted, residential properties to the north and northwest, with particular regard to overlooking, overshadowing and potential for overbearing impacts thereon. The report should have regard to the permitted layout of development on adjoining lands.

4. A sustainable transport strategy for the development, which shall include a Transport Impact Assessment and site-specific Mobility Management Plan, identifying specific measures to be implemented to achieve identified targets in respect of modal split.

Having regard to the lack of car parking provision within the proposed development, the application should demonstrate how the development will not give rise to over-spill parking in the surrounding area.

5. An inward noise impact assessment having regard to the proximity of the proposed development to the adjoining mainline railway which should include specific design mitigation measures to ensure that a satisfactory standard of amenity for future residents is achieved.

6. A housing quality assessment which provides the specific information required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should demonstrate how the proposed apartments comply with the planning policy requirements set out in those guidelines, including in particular SPPR 7 and SPPR 8 in relation to Build-To-Rent development.

A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted, which should include details of all external materials and finishes and durability of same.

7. The assessment of landscape and visual impacts should identify and assess potential impacts on views and vistas specified for protection in the Cork City Development Plan and referenced in the Local Area Plan. In addition, the assessment should have regard to potential impacts on views on the approach to the city from the north.

8. A Quality Audit Report in accordance with Appendix 4 of the Design Manual for Urban Roads and Streets, to include a Road Safety Audit, and a DMURS Street Design Audit.

9. A construction environmental management plan and a construction traffic management plan.

10. Measures to address the surface water drainage requirements of the planning authority as identified in their report of 25/11/2020.

5.3 Applicant's Statement of Response

A statement of response to the Pre-Application Consultation Opinion (ABP 308537-20) was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the specific items raised in the opinion.

1. Compliance with Development Plan and Local Area Plan objectives.

- The Statement of Consistency has regard to the provisions of the North Blackpool Local Area Plan 2011 (as extended), as well as the Cork City Development Plan 2015.
- A Material Contravention Statement is enclosed with this application. As outlined in the Material Contravention Statement, it is submitted that the proposed development is broadly compliant with the provisions of the Cork City Development Plan 2015-2021, apart from the building height and apartment design parameters and would therefore be in accordance with the proposed planning and sustainable development of the area.

2. Justification for proposed building height.

- The building has been reduced in height from 19 to 9 storeys and the number of apartments has been reduced from 161 to 114 in response to City Council concerns regarding a tall building in the context of Blackpool - accepting that the context may change should the Kilbarry Station be delivered as anticipated.
- Overall building heights and massing has been modulated in response to issues raised to mitigate wider impacts, including maximizing access to daylight, ventilation and overlooking while minimizing overshadowing and loss of light on adjoining developments. Building set back distances from the site boundaries have been increased to provide for an appropriate interface with, and enhance, the public realm.
- Height is concentrated in the southern portion of the site (9 storeys reduced from 19) at the junction of Redforge Road and the north-east access road to the retail park - to add / maintain a vertical emphasis while limiting the overall impact. Height is also reduced along the site's southern boundary (4 storeys) as the building extends west towards the Retail Park articulating and differentiating between the blocks while limiting overall impact; the height of the northern block is maintained at 6 storeys reducing to 4, graduating the height of the building as it extends north will minimize the impact on the existing residential area. The majority of apartments are dual aspect ensuring good access to daylight, ventilation and views. There are no north facing, single aspect apartments.
- Blackpool has the potential to accommodate significant change as a result of the decline of former industrial heritage and a general level of development investment in the area over a significant period. Under CMATS a new rail station is to be constructed adjacent to the proposed development which will make the area more of an interconnected 'hub' and in-turn support higher levels of density, encourage investment and increase the area's viability and vitality as a place to live, relax, work and shop. These factors combined, strongly support increased building height in the area to facilitate and assist in renewed modern placemaking and improving the overall quality of the urban environment.

- The height of the development has been carefully assessed and the proposed height of 4 - 9 storeys (reduced from 19 originally proposed) is considered appropriate in the context of this urban location. The scheme consists of a variety of heights ranging from 4 storeys to 6 storeys to 9 storeys. The predominant shoulder of the main block fronting Redforge Road has been set at 6 storeys in line with the height of adjacent multi-storey carpark, stepping down to 4 storeys adjacent to Millfield Cottages to better integrate the scheme into the streetscape and reduce the impact on existing neighbours. The proposed 9-storey tall building element will serve as new visual feature for the area which will help to positively redefine Redforge Road. It will assist with wayfinding and as create a new sense of place in and around the proposed development.

3. Treatment of Redforge Road.

- Redforge Road will be subject to significant public realm improvement works as part of the overall development.
- The carriageway width will be reduced to 6M with new footpaths catering for increased pedestrian use. The proposal makes provision for considered street crossings, traffic calming measures and robust materials including high quality paving materials street tree planting and raised planters with robust timber seating elements.
- These necessary urban interventions and the increased usage will animate the neglected Redforge Road turning an existing backstreet into a lively component of an expanding city neighbourhood.
- The public realm will be defined by the use of exemplary materials to complement and reflect the proposed architectural finishes and existing urban landscape context.
- The majority of the site will be paved using reconstituted concrete pavers with granite aggregate – a material that is sympathetic with much of the streetscape improvement works currently being undertaken by Cork City Council.
- Feature zones will be created adjacent to the building, interspersed with street furniture and raised planters.
- Textured concrete and granite aggregate kerbs are proposed to separate the road from the footpath but as the majority of the road frontage (Redforge Road) has been designed to mitigate vehicular speed this will be treated with paved entry ramps and level surfaces (with the footpath) a bus pull in / bus stop and a drop of area these will also be paved to aesthetically widen the public realm.

- Street trees will be planted to the front of the footpath close to the carriageway to allow for a wide walkable area, planted at regular intervals the trees will create a rhythm along the frontage and soften the proposed built facade while allowing space between trees for street furniture. Contemporary furniture has been chosen to provide robust seating options with timber benches allowing the addition of seating and stainless steel cycle racks allowing secure bike parking.
- The landscaping and public realm works proposed as part of the proposed development included within the application site boundary along Redforge Road is subject to consent from Cork City Council, to facilitate such works (letter of consent included as part of planning application submission)

4. Contaminated Land.

A Site Investigation Report enclosed with this application. As outlined in the Preliminary Site Investigation Report, it is reasonable to conclude the following:

- The site was generally in good condition and there was no visual evidence of surface contamination identified on the site.
- The site is located in an urban setting, which includes commercial and residential properties.
- The receiving environment is of a moderate to high environmental sensitivity due to the proximity of the River Bride and that the site overlies locally important aquifer.
- Exceedances of the commercial GAC for chromium was identified in soils across the site and exceedances in lead within the shallow fill materials at PB3.
- Some elevated concentrations of hydrocarbons contamination including TPH's BTEX and VOC's were identified at the site, which did not exceed the GAC with the exception of TPH's at PB4 and 1,2-Dichloroethane and 1,2,4-Trimethylbenzene at PB7, which exceeded the GAC.
- Given the limitations in the scope of the investigation undertaken due to current access restrictions, and taking a precautionary measure, the following remedial measures have been proposed for the site:
 - o All of the infrastructure associated with the existing service station will be decommissioned and removed from the Site. The required method statements will need to be prepared in advance of these works to ensure that they will be undertaken in accordance with required legislative requirements.

- o Earthworks at the site will involve the removal of existing concrete slabs, excavation of soils for new drainage pipes, piling foundations and for an attenuation tank.
- o An environmental consultant will supervise these works to ensure that all contaminated soils will be appropriately segregated and removed from the site in strict accordance with all requirements of the waste management regulations.
- o Following earthworks site levels will be reinstated by approx. 0.4m with imported clean fill materials.
- o The onsite drainage network will be replaced.
- o A radon barrier will be placed beneath the proposed buildings.
- o The entire surface of the site will be hardstanding, as it will be either beneath buildings or hardscaping with the exception of a small landscaped area in the northern portion of the site.
- Subject to the implementation of these remedial measures the potential for the identified contamination to impact on future human health and environmental receptors will be removed and as such, the site will be suitable for the proposed development

Response to Specified Information No. 1 to 10:

Re: 1: A Daylight, Sunlight and Overshadowing Report has been prepared.

Re: 2: A Wind and Microclimate Modelling Report has been prepared.

Re: 3: The issue of potential overlooking of adjoining unoccupied and derelict cottages has been addressed through design. Opaque gable windows are installed where views are not a requirement. Balconies of the units which directly oppose the adjoining cottages are orientated south in order to face away from the adjoining site. Perforated screens are also utilized to avoid direct overlooking where necessary. A Daylight, Sunlight and Overshadowing assessment was undertaken to determine the impact of loss of daylight to neighbouring properties.

Re: 4: A Sustainable Transport Strategy which includes a traffic impact assessment review and a Mobility Management Plan have been submitted with the application which identifies specific measures which are to be implemented to achieve the identified targets set out in respect of modal split.

The Sustainable Transport Strategy provides details on how the development will not give rise to over- spill parking in the surrounding area.

Re: 5: A Noise Impact Assessment and Acoustic Design Statement has been submitted with the application which has regard to the proximity of the proposed development to the adjoining mainline railway and includes specific design mitigation measures to ensure that a satisfactory standard of amenity for future residents is achieved.

RE: 6: A detailed schedule of accommodation and Housing Quality Assessment has been provided demonstrating compliance with the relevant standards outlined in the 2018 Guidelines on Design Standards for New Apartments. The assessment demonstrates how the proposed apartments complies with the planning policy requirements set out in those guidelines, including in particular SPPR 7 and SPPR8 in relation to Build-To-Rent development A building lifecycle report has been provided which includes details of all external materials and finishes and durability of same.

RE: 7: Photomontages and Landscape and a Visual Impact Assessment (LVIA) have been prepared and are submitted as part of the SHD Application to assist the Boards assessment of the visual impact of the scheme.

As requested in the Boards Opinion, the LVIA, Photomontages and Planning and Design Statement, pay particular attention to the impact on protected views and prospects identified in the current City Development Plan and the localised impact on approach to the city from the north, and demonstrate how the proposed development will have a positive visual impact.

RE: 8: A Quality Audit Report in accordance with Appendix 4 of the Design Manual for Urban Roads and Streets, including a Road Safety Audit, and a DMURS Street Design Audit is provided.

RE: 9: A Construction Environmental Management Plan and a Construction Traffic Management Plan are provided and form part of this application

RE: 10: Measures to address the surface water drainage requirements of the planning authority as identified in their report 25/11/2020 is provided in Appendix E of the Civil Engineering Report submitted with this application

6.0 Policy Context

6.1 National

Project Ireland 2040 - National Planning Framework

National Strategic Outcome 1 is identified as Compact Growth, recognising 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 sprawl of urban development, is a top priority.

Objective 2a A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

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.

Objective 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria which 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.

Objective 33 prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Key future growth enablers for Cork include:

- Identifying infill and regeneration opportunities to intensify housing development in inner city and inner suburban areas, supported by public realm and urban amenity projects.
- The development of an enhanced Citywide public transport system.

Objective 35: Increase residential density in settlement, 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.

Rebuilding Ireland – Action Plan for Housing and Homelessness (2016)

The key objective for Pillar 4: *Improve the Rental Sector Key*, is to address obstacles to greater private rented sector delivery, to improve the supply of units at affordable rents. Key actions include encouraging “build to rent” developments, designed with the occupants in mind – this might be equal sized bedrooms clustered around a central shared space, or the inclusion of amenities such as gyms and crèches and shared entertainment facilities.

Housing for All – A New Housing Plan for Ireland (2021)

It is a multi-annual, multi-billion euro plan which will improve Ireland’s housing system and deliver more homes of all types for people with different housing needs.

The government’s overall objective is that every citizen in the State should have access to good quality homes:

- 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 government’s vision for the housing system over the longer term is to achieve a steady supply of housing in the right locations with economic, social and environmental sustainability built into the system.

The policy has four pathways to achieving housing for all:

- supporting home ownership and increasing affordability
- eradicating homelessness, increasing social housing delivery and supporting social inclusion
- increasing new housing supply
- addressing vacancy and efficient use of existing stock

Housing for All contains 213 actions which will deliver a range of housing options for individuals, couples and families

S.28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission from the planning authority, I consider that the directly relevant section 28 Ministerial Guidelines are:

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual.
- Design Manual for Urban Roads and Streets (2020).
- Guidelines for Planning Authorities on Childcare Facilities (2001).
- Smarter Travel – A New Transport Policy for Ireland (2009-2020).
- The Planning System and Flood Risk Management (2009).

6.2 Regional

Southern Region's Regional Spatial and Economic Strategy (RSES)

The strategy is to build a strong, resilient, sustainable region. Measures include strengthening and growing cities and metropolitan areas. Key principles in developing the strategy include the need to provide an adequate supply of quality housing to meet existing and future demand, regenerating and developing existing built-up areas as attractive and viable alternatives to greenfield development.

RPO 10: Compact Growth in Metropolitan Areas

To achieve compact growth, the RSES seeks to:

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

Cork Metropolitan Area Strategic Plan (MASP)

The Blackpool and the Kilbarry area is identified as an Example Regeneration Area and a Strategic Employment Location, Mixed Use Employment and Regional Asset. There is a need for more housing to supplement and augment the defined strategic employment area.

Section 6.3.6.3 identifies Transport Priorities for the MASP region, including the provision of a new commuter rail station in Blackpool / Kilbarry. This will help to further regenerate the area and provide a focus for possible future development to make use of the proposed transport hub/railway station.

Section 7.2 identifies the Blackpool Valley area as having opportunities for significant mixed-use regeneration and residential and enterprise development providing a northern gateway to the city from the Limerick Road. This area is identified as a Strategic Residential Growth Node in section 7.3.

6.3 Local

Cork City Development Plan 2015- 2021

Blackpool is identified as a District Centre within a Key Development Area. The Core Strategy notes that the Blackpool Valley, Kilbarry and the Old Whitechurch Road area, have opportunities for both 'brownfield' and 'greenfield' development for a range of uses. There is potential for mixed use development in Blackpool itself and a new Blackpool commuter rail station will improve access.

Chapter 14, Suburban Area Policies, identifies Blackpool as a major development opportunity. Objective 14.2 Blackpool / Kilbarry, include:

- a. To create a high quality, vibrant, distinct and accessible mixed-use urban centre, serving as an attractive northern gateway to the city and desirable destination for northside suburban communities, encompassing retail, commercial, employment uses, residential neighbourhoods, community and recreational facilities;
- c. To facilitate the development of an integrated public transport interchange centred on a commuter rail service and connecting bus services;
- d. To respect and enhance the built heritage and architectural character of the area, through the creation of a high-quality public realm and high standards of design;
- e. To preserve and enhance the sensitive and distinct landscape, visual character and biodiversity of the area and in turn provide for recreational uses, open space and amenity facilities;

The site is located within the North Central Suburbs and is zoned ZO 8 for District Centre Use: *To provide for and/or improve district centres as mixed-use centres, with a primary retail function which also act as a focus for a range of services.*

In addition to retail uses, District Centres will also provide a focus for other uses, including: retail warehousing, retail office, commercial leisure, services, (e.g. libraries, hotels, personal and medical services) and residential uses.

High quality urban design and availability of access by sustainable modes of transport will be a key factor in the development and extension of District Centres.

Housing Objective 6.7 Private Sector, supports the further expansion of the private owner occupier and private rented sectors.

Objective 6.1 residential strategic objectives include:

- (a) To encourage the development of sustainable residential neighbourhoods.
- (b) To provide a variety of sites for housing to meet the various needs of different sections of the population.
- (e) To encourage the use of derelict or underused land and buildings to assist in their regeneration.
- (f) To promote high standards of design, energy efficiency, estate layout and landscaping in all new housing developments.

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

Plot ratio:

Indicative plot ratios of 1.5 - 1.75 for District Centres are identified. In some cases higher plot ratios may be permitted adjoining major public transport termini and nodes along rapid transit corridors, or to maintain townscape and building elevation profiles.

Density:

16.12 Density is a measure of the relationship between buildings and their surrounding space. Density is expressed as units per hectare. The attainment of higher densities is not a stand-alone objective; rather higher densities must be delivered in tandem with quality to ensure the creation of good urban places and attractive neighbourhoods. The appropriate density for any site will be determined by a wide range of factors. In assessing proposals for higher density development proposals the following design safeguards will be relevant:

- Presence or capacity of public transportation system (Chapter 5);
- Vision for urban form;
 - Appropriate response to context
 - Acceptable building heights (Paras. 16.25 - 16.38)
 - Conservation (ACA/ RPS and setting) (Chapter 9)
- Amenity considerations;
 - Overlooking, overshadowing, daylight, sunlight, etc.
 - Provision of adequate external space (16.18 - 16.20 and 16.64 - 16.69)
 - Provision of adequate internal space (16.52 - 16.53)
- Parking (Part G);
- Provision of ancillary facilities;
 - paragraph 16.40 - 16.42 for residential density

Residential Density:

16.41 Within the city minimum residential density in Suburban (excludes Inner Suburban) areas should be 35-50 dwellings per hectare. Densities of greater than 50 dwellings per hectare will normally require a mix of houses and apartments.

Densities higher than this baseline level will be appropriate in other types of location:

- Along bus routes densities should be to a minimum density of 50 dwellings per hectare (subject to constraints imposed by the character of the surrounding area);
- At larger development sites (>0.5 hectares in size, the size of a residential block) capable of generating and accommodating their own character;
- Major development areas and mixed use areas (including the central areas, District, Neighbourhood and Local centres)

Height:

16.25 The following building height categories are identified:

- Low-rise buildings (1-3 storeys in height);
- Medium-rise buildings (less than 32metres in height, 4-9 stories approximately).;
- Tall buildings (32m or higher, the approximate equivalent of a 10-storey building).

16.27 Within suburban areas low rise buildings will be considered appropriate. Buildings of 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 20-23 metres (approximately 6-7 storey equivalent). Building heights greater than this will only be considered where specifically identified in a local area plan.

16.37 Tall buildings will normally be appropriate where they are accessible to a high-quality public transport system which is in operation or proposed and programmed for implementation.

16.38 Tall buildings should always be of high design quality to ensure that they fulfil their role as strategic landmarks. As well as having a positive impact on Cork's skyline and built environment, tall buildings can have negative impacts also. These impacts will need to be assessed in any planning application.

Objective 16.7 Tall Building Locations, seeks to protect the special character of Cork City which have been identified as having potential for tall buildings. These are South Docklands & South Mahon.

There are a number of protected views in the area looking west south west to Farranferris Ridge (LT21, LT21A, LT21B)

Fewer car parking spaces are required in Zone 2a, in areas with a mass transit system at Kent Station and Blackpool Station, where the station is committed by means of an appropriate statutory consent.

Note: A S.49 Supplementary Development Contribution Scheme in respect of suburban rail services includes the development of the railway station at Blackpool/Kilbarry. The scheme was updated for the period 2020-2022.

North Blackpool Local Area Plan 2011

While the LAP was in place at the time the application made, this lapsed in September 2021.

Section 3.2 notes the designation of Blackpool as a 'key development area,' a 'key centre' (district centre) and a 'gateway' to the city. The over-riding objective is to create vibrant, high quality retail, residential and employment location served by an integrated public transport system. Section 3.8 identifies a need to increase the resident community in order to achieve a vibrant urban centre capable of sustaining local services and infrastructural developments.

Land-Use Zoning Objectives: District Centre

The District Centre is made up of the Blackpool Shopping Centre, Retail Park, **Millfield Service Station** and the former Sunbeam lands. The zoning objective is to provide for and/or improve district centres as mixed-use centres. The primary land use within the 'district centre' should continue to be comparison and convenience retailing. In order to protect and consolidate existing residential communities, new residential units should be focussed on the Mallow Rd - Redforge Rd area, integrating with the adjoining residential zoned lands.

Urban Design Strategy, Key Objectives include:

- Create a high-quality modern built environment, establishing a distinct character and sense of place appropriate to a key development area and city gateway.
- Integrate the plan area with the surrounding suburbs through a coherent network of new routes connecting to the existing road network.
- To protect and enhance the built heritage of the area.

Building heights

3.50 The plan area should be developed with low to medium-rise buildings. In general, medium-rise buildings (3 - 5-storeys) should be located within 500m of the planned rail station, and 2 & 3-storeys beyond the 500m radius. In exception, local landmark buildings could highlight important road junctions and civic spaces. Residential buildings in and around existing residential blocks should not exceed 4-storeys in height. Buildings in excess of 6-storeys are inappropriate.

Scale / Massing

3.51 The area within or around the district centre or central areas should be developed at a higher density than the outer extremes.

The planned rail service will support sustainable development, social inclusion and environmental protection. Its success is dependent on the development of this 'gateway' as a mixed-use centre at an appropriate density. The creation of direct pedestrian / cycle links is important to maximise modal shift. It is proposed that the rail embankment on Redforge Rd is retained and developed as a landscaped pedestrian access route to the rail station.

There is one protected view across the site from elevated lands at Kilbarry to the north, to Farranferris ridge (LT21).

Limiting the scale / height of development will protect the distinct landscape character and special amenity views of the area. The design and layout of streets highlights views of local landmarks such as Farranferris College, and the Church of the Resurrection, Knockpogue Avenue.

Section 4.7 identifies the site as being located within the sub-area: District Centre and Adjoining Lands - Millfield Service Station

The Millfield Service Station is an important interface site between the high density retail park and the low rise residences of Millfield Cottages and Terrace. It is important that the existing residential neighbourhoods on Redforge Rd be consolidated by medium density infill schemes of up to 3 & 4-storeys. Permission has been granted for a scheme of 42 residential apartments on this site.

Redevelopment should create active building frontages in order to improve the streetscape environment and attractiveness of the area. There is limited scope or need for additional retail floorspace. Residential and office-based employment should be the primary uses within new blocks. Commercial leisure uses, (cafes, public houses, restaurants), retail offices, and local commercial and community services will be encouraged at ground & first floor levels.

Building height

4.111 In general, the sub-area should be developed between 3 & 5-storeys, scale and massing increasing with proximity to the planned rail station. Exceptions should include local landmark buildings at important primary road junctions and civic spaces, up to 6-storeys.

Views and Prospects

The views and prospects of special amenity value such as Farranferris College as viewed from the northern / eastern side of the valley are important in terms of local identity and orientation. Views of the Church of the Resurrection, Fairhill and the Commons Ridge are of local importance.

Section 4.116 notes that the continued protection and setting of these views is a material consideration regarding the scale and massing of development within the sub-area and renders unacceptable the insertion of a tall building.

The subject site is identified in phase 1 of the implementation strategy.

Cork Metropolitan Area Transportation Strategy 2020 (CMATS)

The Inter-Urban cycle route proposals consist of links between the Metropolitan towns and the Cork City network. Key parts of the inter-urban network include Blackpool to Monard (via Old Mallow Road).

The N20 is identified as a core bus corridor. The Northern Orbital Bus Route serves Blackpool.

To support sustainable growth along an enhanced railway corridor, new railway stations are proposed at strategic locations, including Blackpool / Kilbarry. The overarching objective of the enhanced suburban rail services is to maximise development opportunities offered by the existing railway line in order to support a greater level of coordination between land use and transport planning. The consolidation of development within an easily walkable and cyclable catchment of existing and proposed stations is critical to the success of the Strategy.

6.4 Applicant's Statement of Consistency

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which states how the proposal is consistent with National, Regional and local policy and requirements of section 28 guidelines.

6.5 Applicant's Material Contravention Statement

The applicant has submitted A Statement of Material Contravention. The contents of that section can be summarised as follows:

The statement sets out the justification for the proposed residential development, in relation to the proposed height, which ranges from 4 to 9 storeys and apartment design (size and floor to ceiling height) which are considered to materially contravene the Cork City Development Plan. It is noted that in both instances, national guidance has changed since the adoption of the Plan in 2015.

The Statement addresses the inconsistencies between the City Development Plan 2015 and the 'Urban and Building Height, Guidelines for Planning Authorities' and 'Sustainable Urban House: Design Standards for New Apartments, Guidelines for Planning Authorities', both of which were published in 2018 and 2020 respectively.

Height:

The Cork City Development Plan 2015 provides a classification of building heights which are considered appropriate in various locations in the City with Paragraph 16.25 of the Plan stating:

Within the context of Cork City the following building height categories can be identified:

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

- *Medium-rise buildings (less than 32metres in height, 4-9 stories approximately). Buildings which are taller than the general building height in any area will be considered “taller” even where they are less than 10 storeys;*
 - *Tall buildings (32metres or higher, the approximate equivalent of a 10 storey building with a commercial ground floor and residential in the remaining floors).*
- Section 16.28 identifies those buildings of between 3-5 storeys will be considered in Suburban Areas. In exceptional circumstances buildings may be considered with a height of up to 20-23 metres (6-7 storeys).

A number of tall buildings locations are identified in the CDP 2015. As the subject site has not been identified for a tall building, this would normally limit the building height to 3-5 storeys as the site is situated in a suburban area. The buildings proposed on the subject site range in height from 4 to 9 storeys and are therefore classed as ‘tall’ and ‘medium-rise’ buildings in the Cork City Development Plan 2015.

Apartment Sizes and Ceiling Heights:

Chapter 16 of the CDP 2015 provides a minimum floor area for apartments and their associated private open space. These standards apply unit sizes ranging from 1 bedroom to 4 bedrooms, the CDP does not provide any standard for studio apartment units.

Table 16.5 Minimal Overall Apartment Gross Floor Areas

Dwelling Type	Size
One bedroom	55 sq.m
Two Bedroom/3 person	80 sq.m
Two Bedroom/4 person	90 sq.m
Three bedroom	100 sq.m
Four bedroom	115 sq.m

Unit Type	City Centre, Docklands and Inner Urban Areas	Suburban Areas
Town houses/terraced houses	30 sq.m	48-60 sq.m
Detached/semi-detached houses (1-2 beds)	30 sq.m	48-60 sq.m
Detached/semi-detached houses (3-5 beds)	30-50 sq.m	60-75 sq.m
Duplexes	5-8 sq.m	12-15 sq.m
Apartments – 1 Bed	6 sq.m	
Apartments – 2 Bed	8 sq.m	
Apartments – 3 Bed	12 sq.m	

In addition to the minimum areas, the CDP 2015 references minimum floor to ceiling heights in Paragraph 16.54 of the Plan:

Floor-to-Ceiling Heights 16.54 Providing decent floor-to-ceiling heights has significant benefits for dwellings, including more attractive living spaces, better daylight / sunlight / ventilation, and improved storage space opportunities. Apartments will have a minimum floor to ceiling height of 2.7m (3m floor to floor) apart from in exceptional circumstances relating to architectural conservation and historic character of townscapes and the significant character of streets and their existing building elevations.

The proposed apartments range in size from 1 to 2 bed and provide a range of sizes to accommodate a range of household sizes. The units have been designed to comply the 2020 Sustainable Urban House: Design Standards for New Apartments and therefore fall below the minimum thresholds for unit size and private amenity space outlined in the CDP 2015 in some instances thereby contravening the development plan

The Cork City Development Plan 2015 (CDP 2015) provides standards within the Plan which has been superseded by Guidelines published by the Department of Housing, Planning and Local Government. Chapter 16 of the CDP 2015 outlines the development standards against which proposals for development will be assessed. The Plan states that: *Of foremost importance will be the encouragement of development of the highest possible architectural and urban design quality.*
Justification:

It is argued that the proposed development has been designed to a high standard and is in compliance with the current National Guidelines which take precedent over the Cork City Development Plan 2015. In relation to height, the proposed development has been designed to reflect the brownfield, urban nature of the site making it an ideal location for increased density and height. While the site has not been specifically identified for a 'tall building' in the City Development Plan, the site can readily accommodate the height proposed. And while the development proposed is 9 storeys at its highest point, each block has been designed with varying levels of height with the design also addressing sunlight, daylight, overlooking and visual impact.

With respect the design standard for new apartments, Appendix A of the CDP 2015 notes that the Design Standards for New Apartments (2007) have been to set out the requirements for apartments in the Development Plan. The standards in relation to apartments size and design have been reviewed twice since the adoption of the CDP 2015. The proposed apartments are fully compliant with these standards in relation to unit size, amenity space and ceiling heights detailed in the 2020 Apartment Guidelines.

It is submitted that the proposed development is broadly compliant with the provisions of the Cork City Development Plan 2015-2021, apart from the building height and apartment design parameters and would therefore be in accordance with the proposed planning and sustainable development of the area. It is submitted that while a grant of permission for the proposed Strategic Housing Development would not materially contravene a land use zoning objective of the Development Plan, it would materially contravene objectives of the plan with regard to building height and apartment design.

It is submitted that having regard to the provisions of section 37(2)(b)(i), (iii) and (iv) of the Planning and Development Act 2000, as amended a grant of permission in material contravention of the development plan would be justified for the following reasons and considerations:

(a) the proposed development is considered to be of strategic or national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended; and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.

(b) It is submitted that in respect of building height, permission for the proposed development should be granted having regard to Government policies as set out in Project Ireland 2040 National Planning Framework in particular Objectives 13 and 35 and the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018.

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

6.6 Designated Sites

The subject site is located c 8.8km west of the Great Island Channel SAC (site code 001058), c. 13.3km south of the Blackwater River (Cork/Waterford) SAC (site code 002170) and c. 4.7km west of Cork Harbour SPA (Site code 004030).

7.0 Observer Submissions

2 no. third party observer submissions were received by An Bord Pleanála, in addition to 3 no. submissions received from Prescribed Bodies which are summarised in section 9 of this report.

Submission were received from a local resident of Millfield Cottages and the current operator of a business on site. I shall summarise each individually below:

Submission from Denis Buckley, Killavullen, Mallow, Co. Cork

This submission does not outline concerns. It states the following: "I object to the proposed developments (311414). As I have been trading from this address since September 2015."

Submission from James Barrett, Millfield Cottages, Blackpool, Co. Cork

The main issues are summarised as follows:

Public Consultation:

- No consultation has taken place with local residents.

Parking:

- No parking proposed in an area where there is already a significant shortfall of parking.
- Access is proposed via a lane that is used by local residents to park their cars which will force more cars onto the street which already does not have space.

Height and Residential Amenity:

- The proposed height of the development is an issue which will impact on residents with regards to daylight.
- The proposed 9 storey development will block sunlight and natural daylight into No. 1 Millfield Cottages.
- Overlooking of the garden from the apartments
- Noise impacts

8.0 Planning Authority Submission

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Cork City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 11th November 2021. The report may be summarised as follows:

Information Submitted by the Planning Authority

The submission from the Chief Executive includes details in relation site location and description, proposal, zoning, planning history, interdepartmental reports, summary of submissions/observations, summary of views of elected members, policy context and assessment.

8.2 Summary of views of Elected Representatives (Meeting of all Council Members held online on the 27th January 2021). (I note this reference to January in the CE report, I take this as an error)

- A synopsis of the comments/views of four elected Members in respect of the proposed development is set out in the report. They are summarised as follows:
- Broad support for the development.

- No concerns over build to rent. Should be high private rental demand in area from tech company employees and other businesses. Good public service connectivity, walking distance to city centre as well as there being enough car parking in the area
- Might bring benefits to Millfield Cottages as they will be less isolated.
- A good location for a no parking development.
- It would bring more activity to the retail park in the evening which can be a bit desolate and would benefit Blackpool.
- Qualified support with some reservations. Effect on Millfield Cottages. Car parking issues. Whether available public car parking space in area is sufficient. Whether Blackpool retail park could or would be used for parking by residents.
- Concerns that they would overshadow Millfield cottages.
- Query whether the development was a material contravention of the City Development Plan. Concerns at lower standards for build to rent apartments and whether there would be sufficient demand from private market given the very high rents that would be charged.
- Concerns that similar developments elsewhere had been bought by cuckoo funds and leased by local authorities.

8.3 Planning Assessment

Policy Context:

The Planning Policy Report acknowledges that the addition of a retail unit to the proposed development brings the proposal closer to ZO 8 District Centres zoning objective as set out in the current Cork City Development Plan (CCDP). Concerns are however raised that a larger unit or even more than one retail unit uses would work well on this site and better accord with the zoning objective. Further the Report advises that offices uses at ground or first floor level would be favourable.

The Report also indicates that proposed development may impact on a Linear View that is achieved towards the site from the north. It highlights the absence of details in relation to this view from the photomontage study. In addition to the concern raised in this report it is noted views from the north were highlighted in Point No. 7 in the Board Pre-Application Consultation Opinion. The Planning Authority is not satisfied that application has adequately assessed views from this direction.

The Planning Policy Report includes some discussion of the North Blackpool Local Area Plan 2011 which has now lapsed. While the Board may wish to review this document to better understand the context of the proposed development is not considered appropriate to assess the application against the LAP.

Density:

- The cumulative gross floor space of residential accommodation space proposed amounts to 6,892 sqm. The site area has a stated site area of 0.73ha (SHD Application Form). The site area includes land in the public realm. The part of the site in the ownership of the applicant, where the buildings are proposed, is stated, in the Proposed Dimensions Site Plan (Dwg no. SITE_EX00-01) is stated to be 0.34 ha. This is considered to be an appropriate net developable area for the assessment of density.
- 114 No. units are proposed to be constructed. The density is therefore approximately 335 units per hectare. This conflicts with section 1.2.2 of the Statement of Consistency that states the density will be 160 units per hectare based on a net developable area that is not identified.
- The Planning Authority is of a view that a density of circa. 144 units per hectare is correct. It is considered that the proposed development is well in excess of the minimum residential density requirements for the area.
- High densities, such as that proposed for the subject site, must consider both the amenity of future residents and existing residents in the area. Cork City Council's raise concern regarding the impact of the development upon Millfield Cottages.
- Cork City Council has concerns regarding the impact of the proposed development upon Millfield Cottages. The density proposed on site should not be facilitated at the expense of existing residents or impact on vacant homes that could return to residential use. It is highlighted that a previously permitted proposal (Ref. No. 06/30960) for the site stepped down considerably on its northern side. A similar step down is recommended.

- It is the Planning Authority's contention that the proposed density can only be facilitated on this site if it is changed to protect the amenity and setting of the Millfield Cottages

Height/Urban Design:

Reference to the report from the City Architect and following commentary:

- The corner unit of 9 storeys – Block A – is more appropriate in scale and addresses some of An Bord Pleanála concerns raised at Pre-application consultation stage.
- The existing two storey development – Millfield Cottages and future two storey developments are located to the north and northwest of the proposed development and the stepping in the height from 6 storeys would acknowledge the scale of this development and address An Bord Pleanála's concerns.
- At ground floor level, an active street frontage is offered with functions such as 'shared space' gym facilities in Block A and residential in Block B at higher level from Redforge Road to provide privacy.
- The 'L Shaped' configuration of this proposal provides a courtyard from which all residential access is afforded to Blocks A, B & C and in turn gives passive surveillance to this area, preventing potential antisocial behaviour. On the roof of Block C, at fourth floor level, an amenity space is provided for residents of Block A & C.
- The solid to void relationship creates a satisfactory composition, not only per floor, but also the subtle changes within each floor, which generates a pleasing arrangement. The use of brick as a cladding material and its detailing is commended.
- The 9 storey Block B is appropriate in scale. Unlike other parts of the city there is an established pattern of development in this area for taller buildings. The proposal will form part of an urban block, subject to a reduction in height to Block B, will not impact negatively upon surrounding uses. Accordingly this report concludes that the proposed height of the building, which has been significantly reduced, can be supported.

Mix of Uses:

- The subject site is in the ZO 8 District Centre Zone where it is an objective to provide a mix of uses, with a primary retail function which also act as a focus for a range of services. The incorporation of a retail unit into the proposed development is welcomed.
- The concerns raised in the Planning Policy Report are however important in the wider assessment of the proposal. It is requested, should they be mindful to grant permission, that the Board consider increasing the mix of uses on site so that the proposal better accords with the zoning. In accordance with the Planning Policy Report the Planning Authority would be in favour of increasing the retail component or adding commercial office space. We additionally re-iterate the potential benefits of providing a childcare facility within the scheme.

Access and Mobility:

Reference to reports from the Traffic Operation and the Urban Roads & Street Design Sections and include inter alia:

- CMATS, the medium-term strategy is to introduce BusConnects throughout Cork Metropolitan Area and will provide better access to the city centre. This will increase sustainable travel options for residents in the medium-long term future. However, it is unclear as to which BusConnects route will be prioritised first.
- Measures have been proposed to improve the existing poor pedestrian/cyclist's accessibility in the vicinity of the development. Given the zero car parking approach to this development by the Applicant the proposals to enhance connectivity for pedestrian and cyclists is key to promoting sustainable travel for the potential residents.
- Applicant is proposing 0 no. vehicular parking for this development with only set down parking along the Redforge Road site boundary available for residents. Although this contravenes the recommendations in the CCC development Plan 2015-21, the Applicant has justified the zero parking approach with extensive details and plans to promote and improve options for sustainable transport for residents.

- There is a contradiction in the proposed quantum of bicycle parking proposed by the Applicant; 114 No. bicycle parking spaces are proposed in one section of the MMP whilst 330 bicycle stands are proposed further on in the MMP. It is assumed that the larger number of 330 spaces is correct which complies with the minimum number of spaces recommended in the CCC Development plan 2015-21. Given the size and nature of the development it is crucial that bicycle facilities are provided and comply with standards set out in Design Standards for New Apartments: Guidelines for Local Authorities (2018).
- A Stage 1/2 RSA has been carried out as part of the development. The audit has identified 14 problems with the proposed design and location. A Stage 2 and 3/4 audit must also be carried out.
- The MMP submitted is comprehensive and outlines reasonable objectives and proposals to justify the 'zero-parking' approach to this development.
- Due to the lack of car parking spaces proposed in this development it falls below the typical thresholds outlined in the TII guidelines and so a full TTA is not required.
- The applicant has carried out an independent Quality Audit which has included a Road Safety Audit, Access Audit, Walking Audit and a Cycle Audit in accordance with the Design Manual for Urban Roads & Streets (DMURS) Guidance and TII (Transport Infrastructure Ireland) standards. All findings of the Quality Audit at the initial and detailed design stage shall be closed out, signed off and incorporated into the development and paid for by the applicant in full unless the Planning Authority approves any departure in writing.
- It is welcomed that the applicant is proposing the use of shared space on Redforge Road. However, the appropriate use of shared space needs to be carefully considered to achieve the objectives of shared space which are inclusive environment, ease of movement, safety & public health, quality of place and economic benefit.
- A shared surface which according to the Design Manual for Urban Roads and Streets (DMURS) must be instantly recognisable for drivers that they are entering a street with a shared surface and react by driving very slowly. Careful consideration must be given to materials, finishes, kerb lines, width of vehicular carriageway and corner radii. Insufficient detail has been submitted in terms of material, finishes of the shared surfaces and therefore it is not apparent how the quality of place objective can be achieved in these areas.

- The streetscape improvements on Redforge Road as outlined in the drawings submitted with the application, notably Street/Ground Floor Landscape Layout Drawing No. 2014-LA-P001, shall be carried out in full by the developer at their expense. A final design shall be submitted to, and agreed in writing with, the planning authority. The final design will include provision of a bus stop & ancillary works associated with bus provision, and pedestrians crossing(s) of Redforge Road. The final design shall comply with the provisions of Design Manual for Urban Roads and Streets and include the recommendations of the Quality Audit.

Drainage:

Wastewater Drainage:

Applicant is liaising with Irish Water and Irish Water has issued a confirmation of feasibility, dated 30 June 2020, and a Statement of Design Acceptance, dated 01 June 2021. 2.

Storm water Drainage

a. Attenuation has been provided, which is a change from the pre-app, and is welcome.

b. However, the proposed discharge rate of 8l/s is considered too high for a site measuring only 0.75hectares. The Applicant shall limit the discharge to 5l/s. A condition to be added.

c. Redforge Road, at the location of the proposed development, is prone to surface water ponding, during pluvial events, indicating a lack of adequate road drainage. The Applicant has undertaken to upgrade the drainage within the area of the road impacted by the development. This is welcomed.

Flooding:

The Applicant has used the CFRAMS “mid-range future scenario” 1%AEP fluvial flood level of 13.62mOD, when setting floor levels of 14.1mOD. However, the design flood level for the “current scenario” at the nearest point of the Blackpool FRS to the proposed development is 13.46mOD at cross-section C06.11.

The 13.62mOD flood levels is significantly higher than the equivalent 1% AEP fluvial “current scenario” CFRAMS level of 12.99mOD.

While it is noted that the proposed development is not located in an area identified as “Benefitting Lands”, indicating that it was not originally at risk of flooding, the Applicant should nonetheless be requested to clarify their choice of proposed finished floor level of 14.1mOD in view of the Blackpool Flood Relief Scheme flood levels, rather than the CFRAM MRFS flood levels.

Contaminated Land

Some of “Appendix E – Response to Local Authority Comments” of the Infrastructure Report was not truncated (after Page 30); hence, the Drainage Section is unable to assess the Applicant’s response to the previous pre-app comment on contaminated land. However, it is noted that the issue has been addressed under Items 3&4 of Table 5-4 of the Construction & Environmental Plan.

Environment:

The proposed development includes the demolition of existing structures on the site and the decommissioning and removal of underground fuel storage tanks. The Environment section have responsibility for assessing these aspects of the proposal along with matters relating to noise and lighting. The Environment Section has not objected to the proposal subject to a number of conditions being attached to any grant of permission.

Fire and Building Control:

The report from the Chief Fire Officer has raised concerns regarding the design of the proposed apartment blocks. While these matters are subject to a separate consent process it is considered expedient that the Board is made aware of the matters raised.

Housing:

The Developer has been in discussion with the Housing Capital Section. A condition should be attached requiring that the applicant enter into an agreement for the provision of social housing on site.

The Planning Authority’s opinion as to whether the proposed Strategic Housing Development would be consistent with the relevant objectives of the development plan or local area plan, as the case may be, and a statement as to whether the planning authority recommends that permission should be granted or refused, and the reasons for the recommendation:

Cork City Council welcomes the proposed redevelopment of an underutilised site in the Blackpool Retail Park. The site forms part of Strategic Employment Location, Mixed Use Employment and Regional Assets as identified in the Southern Regions Regional Spatial and Economic Strategy. There is a need for housing to supplement employment in this area and the residential use is open to consideration in ZO 8 District Centres zoning objective as set out in the current Cork City Development Plan.

It is noted that the scale of the proposed development has been significantly reduced from that set out at the pre-planning and consultation stages. It is considered that the revisions result in a development that responds well to its urban setting and can therefore be supported. The impact however of the current scheme upon the amenity of the existing and proposed homes known as Millfield Cottages remains a concern. Accordingly the report requests that the height of Block B be reduced by condition.

To conclude this CE Report submits that the proposed development accords with the proper planning and sustainable development of the area and therefore recommends that planning permission is granted.

Appendix C Recommended Conditions

35 no. conditions are recommended. The conditions are broadly standard in nature.

Conditions of note include:

2. Prior to the commencement of development the applicant shall submit the following revised plans for the written agreement of the Planning Authority:

(a) A reduction in the height of Block B at its northern side to 3 no. storeys

(b) A reduction in the height of the central section of Block B to 4 no. storeys

Reason: In the interest of residential amenity.

7. Storm water discharges from the site are to be limited to 5l/s. Prior to commencement, a revised attenuation design shall be submitted to the Planning Authority for approval, taking into account this requirement. Reason: In the interests of public health.

8. The Applicant shall clarify the use of the CFRAMS Mid-Range Future Scenario 1% AEP flood level when setting the finished floor levels for the proposed development. While it is noted that the proposed development is not within the “benefitting lands” of the Blackpool FRS, the 1% AEP flood level from the Blackpool FRS is deemed the appropriate flood level upon which to develop the finished floor level strategy. Prior to commencement, the Applicant shall liaise with the Drainage Section of Cork City Council to agree the basis for the development’s floor level strategy. Reason: In the interests of public health.

17. Development shall provide the following number of vehicular parking spaces a. 0 permanent vehicular parking spaces for the residential section within the development b. Offline set down area along Redforge Road to provide for a minimum of 4 car spaces at any one time Reason: In the interest of traffic safety and promotion sustainable transport

18. A minimum of 330 Bicycle spaces must be provided in the apartment development to comply with the minimum requirements in the Cork City Development Plan (2015-2021). Bicycle parking to be sheltered and designed in accordance with the Design Standards for New Apartments: Guidelines for Local Authorities (2018). Reason: In the interest of traffic safety and promoting sustainable travel.

23. Prior to commencement of development, the developer shall submit to the Planning Authority a method statement in line with the “Energy Institute Design, construction, modification, maintenance and decommissioning of filling stations (known as the Blue Book)” guidelines for the decommissioning of the existing underground fuel storage tanks for the prior written agreement of the Planning Authority. Reason: In the interest of orderly management and disposal of waste

24. (a) The developer shall ensure that any excavated material stockpiled on site during construction shall be held in a manner such as to ensure that no silt or run-off from these stockpiles enters any watercourse. (b) The developer shall ensure that the river banks and their habitats for fish, mammals and birds are not negatively impacted upon by the construction works. (c) The Developer shall ensure that surface water from the development is free from herbicides, pesticides, fertilisers and other substances which could have a harmful effect on the environment. Reasons: In the interest of preservation of wildlife

25. (a) Construction waste such as wood, metal, and concrete, shall be segregated and submitted for recycling. Waste Gypsum shall be segregated and delivered to an appropriate facility. Hazardous construction waste such as paint, lubricants, oil, lighting, wood preservative shall be segregated and disposed of at an authorised facility. (b) All asbestos arising from the demolition section of this development shall be disposed of in accordance with the procedures of Health and Safety Authority "Guidelines on Working with Materials Containing Asbestos Cement". (c) The developer shall ensure that any waste moved off site during site clearance operations or construction works is removed by authorised waste contractors only. The material shall be taken only to sites authorised by a local authority or the Environmental Protection Agency. (d) The information provided in the Construction Environmental Management Plan and Waste Management Plan is sufficient. Prior to the commencement of the development, an updated Construction Environmental Management Plan and Waste Management Plan needs to be resubmitted to the Local Authority for agreement when the main contractor has been appointed or when changes have occurred to the previously submitted plans. Reason: In the interest of orderly management and disposal of waste.

26. (a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 "Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control."

(b) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement, details outlining how it plans to undertake all piling on site. Please refer to British Standard BS 5228:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites" Part 2.

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

27. The light trespass into windows of houses shall be limited to a max of 10Ev (vertical luminance in lux) before 11pm and 2Ev after 11pm. Reason: In the interests of residential amenity and sustainable development

33. IAA recommended condition.

34. IW recommended condition.

35. IE recommended condition.

8.4 Summary of Interdepartmental Reports

Appendix B contains full copies of Internal Reports.

- **City Archaeologist.** No objection in principle.
- **City Architect.** Notes that the proposed development generally addresses the concerns raised by ABP at Pre-application stage.
- **Drainage.** No objection subject to recommended conditions.
- **Environment.** No objection subject to recommended conditions.
- **Environment – Parks.** Notes lack of sunlight to the proposed courtyard. In general the layout of the courtyard and roof garden is satisfactory and both hard/soft landscaping is satisfactory.
- **Fire & Building Control.** Report sets out that from a fire safety perspective the application documentation does not give sufficient detail from any in depth analysis. A number of concerns from a review of the drawings are highlighted, these range from the length of corridors to access/exit points and vehicular access.
- **Infrastructure.** Notes that the development of the proposed site does not appear to interfere with the confirmed River Bride (Blackpool) Flood Relief Scheme. However, this flood relief scheme is now the subject of an upcoming judicial review being brought by the Save Our Bride Otters (SOBO) group, and the developers of the proposed Redforge Road SHD will need to remain cognizant of this judicial review and the outcomes from it.

No comment as such from Bus Connects perspective as it is not on one of the proposed corridors. 30min bus service proposed under bus network redesign serving Blarney Tower and Cloghroe.

- **Planning Policy Section.** The site is identified and zoned 'district centre' use under the current Cork City Development Plan (2015-2021). Given the land use zoning coupled with the composition of uses proposed as part of the planning application, it is considered the principle of the proposed development is in accordance national, regional and local planning policy. However, despite the Planning Authority consider that a larger or more varied retail element especially at ground floor could and should be provided as part of this proposed development. Furthermore, the provision of office space at ground and/or first floor level could also be considered to enhance still further the mixed use requirement.

It should be noted that the Blackpool Local Area Plan 2011 expired on 25th September 2021. Despite this fact, it is considered that the policies and objectives set out in the document are of relevance in the assessment of the proposed development. This is especially the case in this instance as the application process for this particular SHD development commenced before the expiration of the LAP.

- **Urban Roads and Street (Planning).** No objection subject to recommended conditions.
- **Traffic Operations.** No objection subject to recommended conditions.

9.0 Prescribed Bodies

Under the 'Opinion' that issued (ABP 308537-20) the applicant was required to notify the following bodies of the making of the application: 1) Irish Water, 2) National Transport Authority, 3) Iarnród Éireann, 4) Córas Iompair Éireann, 5) Commission for Railway Regulation, 6) Transport Infrastructure Ireland, 7) Irish Aviation Authority, 8) The operator of Cork International Airport and 9) Cork Childcare Committee

The following is a summary of the reports from the above bodies that made a submission:

Irish Water (IW) (26th October 2021)

This submission states, in respect of water supply that in order to accommodate the proposed connection to the IW network approx. 175m of the existing 100mm watermain need to be upgraded to 150mm. In respect of wastewater the submission indicates that there is IW infrastructure on the site which the applicant has confirmed it is not proposed to divert. Should the applicant wish to build over and divert any IW infrastructure they are required to engage with IW's Diversion Team. The applicant is entirely responsible for the design and construction of all water and /or wastewater infrastructure within the redline boundary. The IW submission sets out 3 no. conditions they request be attached to any grant.

Transport Infrastructure Ireland (TII) (1st October 2021)

Request that the Council has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application.

Irish Aviation Authority (IAA) (30th September 2021)

Requests that a condition be placed on any permission requiring that the applicant / developer should notify the DAA / Cork Airport and the Irish (IAA) at least 30 days prior to the erection of any crane on the subject site.

Iarnrod Éireann (IE) (28th November 2021)

A summary of the main points includes: • Lights from the proposed development, during construction or upon completion, should not cause glare or impair the vision of train drivers or personnel operation on track machines. • All works on and adjacent to the railway are required to meet the terms of the Railway Safety Act 2005. This includes demolition and construction which will need to be carefully planned. • Permissions to be sought from IE for use of cranes, or other lifting devices, where they encroach upon the airspace within the railway boundary. • The developer should note that the site is adjacent to a railway where operational and maintenance activities can take place at any time, on any day.

10.0 Assessment

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have had regard to all the documentation before me, including, inter alia, the report of the Planning Authority; the submissions received; the provisions of the Cork Development Plan 2015-2021, relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations; National Planning Framework; Regional Spatial & Economic Strategy for the Southern Region, together with the planning history of the site and wider area. I have visited the site and its environs. I consider the main issues to be addressed are as follows:

- Principle of Development, quantum and mix of development
- Design/Height/Materials
- Residential Amenity and Quality of the proposed development.
- Residential Amenity of neighbouring properties
- Traffic and Transportation
- Services, Drainage & Flooding
- Contaminated Lands
- Ecology
- Part V

- Retail
- Childcare
- Material Contravention
- Chief Executive Report

10.1 Principle of Development, quantum and mix of development

Having regard to the nature and scale of development proposed, namely an application for 114 no. Build to Rent apartments and a retail unit located on lands for which residential development is permitted in principle under the zoning objective, I am of the opinion 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.

10.1.1 Land Use Zoning:

The site is zoned under land use objective ZO8 District Centres which has an objective 'to provide for and/or improve district centres, with primary retail function which also act as a focus for a range of services'. The Development Plan sets out that in addition to retail uses, District Centres will also provide a focus for other uses, including: retail warehousing, retail office, commercial leisure, services, (e.g. libraries, hotels, personal and medical services) and residential uses.

The Planning Policy Report contained in the Chief Executive's Report acknowledges that the addition of a retail unit to the proposed development brings the proposal closer to ZO 8 District Centres zoning objective as set out in the current Cork City Development Plan (CCDP). Concerns are however raised that a larger unit or even more than one retail unit uses would work well on this site and better accord with the zoning objective. Further the Report advised that uses at ground or first floor level would be favourable. The Chief Executive Report did not raise the issue of mix of uses and welcomed the proposed redevelopment of an underutilised site in the Blackpool Retail Park. Noting that the site forms part of Strategic Employment Location, Mixed Use Employment and Regional Assets as identified in the Southern Regions Regional Spatial and Economic Strategy. There is a need for housing to supplement employment in this area and the residential use is open to consideration in ZO 8 District Centres zoning objective as set out in the current Cork City Development Plan.

With regard to the zoning objective on the site, those uses which are permitted in principle and the previous use on the site I consider the principle of residential development, consisting of Build to Rent (BTR) Apartments is acceptable and does not contravene the land use zoning objective attached to the site. Furthermore, the proposed development includes 1 no. retail unit which contribute to the delivery of retail in the area.

I have inspected that area and I note the scale of retail use in the existing district centre to the south. A good range of facilities are currently available to support the local population. I do not consider the inclusion of residential development at this location would detract from the existing retail uses or prevent any further delivery of services in the immediate vicinity.

10.1.2 Density:

The proposal is for 114 BTR apartments. The applicants Statement of Consistency refers to a density of 160uph based on an unidentified nett developable area. Based on a nett developable area of c.0.34ha (excluding the public road (Redforge Road) of c.0.39ha) and wayleave (c.0.045ha)) I estimate the proposed density is 335uph. The CE Report refers to a density of 335uph and notes that this is in excess of the minimum residential density requirement for the area.

Appendix A of the Sustainable Residential Development in Urban Areas Guidelines states that in calculating net density, major local distributor roads, primary schools, churches, local shopping and open spaces serving a wider area and significant landscape buffer strips can be excluded for the purposes of the net density calculation.

16.12 of the current City Plan sets out a wide range of factors to be considered when assessing proposal for higher density. Objective 14.8 seeks to support the regeneration of Blackpool District Centre as a vibrant mixed-use urban centre, in accordance with the objectives of the North Blackpool Local Area Plan 2011. (I note that the LAP was extended to September 2021 and I can find no reference on the Cork City Council website to a further extension of the LAP).

16.41 notes that within the city minimum residential density in Suburban (excludes Inner Suburban) areas should be 35-50 dwellings per hectare. Densities of greater than 50 dwellings per hectare will normally require a mix of houses and apartments. Densities higher than this baseline level will be appropriate in other types of location:

- Along bus routes densities should be to a minimum density of 50 dwellings per hectare (subject to constraints imposed by the character of the surrounding area);
- At larger development sites (>0.5 hectares in size, the size of a residential block) capable of generating and accommodating their own character;

I consider the application site meets both of the criteria above, it is a brownfield site in the northern suburbs of Cork City and within a designated district centre. I note the location of the site adjoining a bus route, in the vicinity of mixed use developments and close to the proposed location for a train station at Blackpool/Kilbarry as per CMATS. In my opinion the site may have capacity for increased density, subject to appropriate assessments and safeguards. The development accords with national guidance in terms of sustainable development on appropriate sites. While the density is higher than that currently existing in the

immediate vicinity, it is reflective of the changing context of the area. Having regard to the foregoing am satisfied that the proposed density does not conflict with the statutory plan for the area. I am satisfied that the proposed quantum and density of development is appropriate and does not contravene the current Cork City Development Plan.

Policy at national, regional and local level seeks to encourage higher densities in key locations. It is Government and regional policy to increase compact growth within specified areas and increase residential density. The RSES requires that all future development within the metropolitan area be planned in a manner that facilitates sustainable transport patterns and is focused on increasing modal share of active and public transport modes. The CMASP identifies strategic residential and employment corridors along key public transport corridors existing and planned. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), Sustainable Urban Housing: Design Standards for New Apartments (2020) and the Urban Development and Building Heights (2018) provide for increased residential density along public transport corridors. The Sustainable Residential Development in Urban Areas Guidelines in particular support consolidated higher density developments within existing or planned public transport corridors (within 500m walking distance of a bus stop and 1km of a light rail stop/station), where higher densities with minimum net densities of 50 dwellings per hectare are supported, subject to appropriate design and amenity standards, in order to maximise the return on public transport investment. The current site falls within the category of an 'Central and/or Accessible urban location', given its location within a designated District Centre and proximity to employment centres I am satisfied that it can cater for higher densities.

Having considered the applicant's submission, observers submissions and those of the Planning Authority, as well as local, regional and national policy, the site is within the CMASP which includes transport objectives to the recommendations of CMATS. It is close to public transport and in line with s.28 guidance on residential density, I am satisfied that the proposed quantum and density of development is appropriate in this instance having regard to national policy, the area's changing context, the site's size and proximity to public transport and is not contrary to the provisions of the Development Plan in respect of density or quantum.

10.1.3 Demand for Build to Rent (BTR) apartments

The proposed development includes 114 no. Build to Rent apartments. Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 provides guidance on Build-to-Rent (BTR). The guidelines define BTR as "purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord". These schemes have specific distinct characteristics which are of

relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity. A draft covenant has been submitted with the application, however a Site Specific BTR Apartment Management Plan has not (this can be required by condition). Having regard to the location of the site close to employment centres and beside good public transport facilities, I am satisfied that the provision of Built to Rent apartments as part of the proposed scheme is suitable and justifiable at this location. The proposal will provide a viable housing solution to households where home-ownership may not be a priority. The residential type and tenure provides a greater choice for people in the rental sector, one of the pillars of Rebuilding Ireland.

I refer the Board to the provisions of SPPR 7 which provides that:

BTR development must be:

- (a) Described in the public notices associated with a planning application specifically as a 'Build-to-Rent' housing development that unambiguously categorises the project (or part thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period:
- (b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:
 - (i) Residential support facilities – comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.
 - (ii) Residential Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

The public notices refer to the scheme that includes 114 no. 'Build-to-Rent' apartments and a draft deed of covenant indicates that the applicant is willing to accept a condition requiring that the BTR residential units remain in use as BTR accommodation, that no individual residential unit within the development be disposed of to any third party for a period of 15 years only from the date of grant of permission. I consider that the matter of the covenant be further dealt with by means of condition.

The unit breakdown is as follows: 77 no one bedroom apartments (67.5%) , 37 no. two bedroom apartments (32.5%). SPPR 8 sets out proposals that qualify as specific BTR development in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply and therefore the units mix is considered acceptable

I am satisfied that the proposed use as BTR apartments are appropriate at this location and in line with national policy which indicates preferred locations for purpose built BTR apartments are proximate to centres of employment at accessible locations where in terms of walking, cycling and public transport.

10.2 Height/Scale/Massing:

The proposed development comprises 3 blocks (A,B & C). The applicant has set out that the height strategy for the proposed development has concentrated the height in the southern portion of the site, where the tallest element (9 storeys) is located at the junction of Redforge Road and the north-east access road to the retail park. This location has been selected to add/maintain a vertical emphasis while limiting the overall impact. Height is reduced along the site's southern boundary (4 storeys) as the building extends west towards the Retail Park articulating and differentiating between the blocks while limiting overall impact. The height of the northern block is 6 storeys reducing to 4, graduating the height of the building as it extends north will minimize the impact on the existing residential area (Millfield Cottages).

The application site is bounded to the south by Blackpool Retail Park which includes a mixture of retail, office, service and residential uses. The retail park incorporates a multi-storey car park, which bounds the site to the south, and a surface courtyard style parking area. The western side of the courtyard, which also fronts onto the N20 Limerick to Cork Road, is identified by the Planning Authority as a gateway building (9 storeys). There are two buildings to the west of the site, a cinema with retail on the ground floor and an office block occupied by a gym and a software company (read as 4 storeys in height). The site is bounded to the north by Millfield Cottage which are storey and a half in height and modest in scale. To the north of this is a residential development of predominantly houses currently under construction by Respond. The levels of Redforge Road rise upwards northwards from the cottage onwards. A section of the western boundary is bounded by cottages that are in a derelict condition and where is an extant permission for 18 no. terraced houses (permission granted July 2019).

The CGIs of the proposed development illustrate the transition in heights between the proposed development and a selection of permitted development immediately adjoining the site. I consider that the proposal would not be visually dominant when viewed from the surrounding area.

Guidance provided in the current Development Plan is set out in section 16.28 which identifies that buildings of between 3-5 storeys will be considered in Suburban Areas, with 6-7 being considered in exceptional circumstances. The Planning Policy Report included in the CE Report concludes that while the building height is in excess of

what would normally be permitted on the site there may be some scope for leeway, subject to a high standard of architectural design. The Report also indicates that proposed development may impact on a Linear View that is achieved towards the site from the north. The Blackpool LAP 2011 has lapsed.

A number of tall buildings locations are identified in the Cork City Development Plan 2015. As the subject site has not been identified for a tall building, this would normally limit the building height to 3-5 storeys as the site is situated in a suburban area. The buildings proposed on the subject site range in height from 4 to 9 storeys and are therefore classed as 'tall' and 'medium-rise' buildings in the Cork City Development Plan 2015. I consider the exceedance in terms of storeys proposed to be material. Therefore the proposed development materially contravenes 16.28 of the Cork City Development Plan 2015-2021. A Material Contravention Statement is submitted with the application and addresses this matter.

The Urban Development and Building Height Guidelines provide clear criteria to be applied when assessing applications for increased height. The Guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison.

Having regard to the Urban Development and Building Heights Guidelines, 2018, I note that specific assessments were undertaken including photomontages and daylight/sunlight analysis. Applying section 3.2 of the Building Height Guidelines I consider the following

At the scale of relevant city/town, the proposal will make a positive contribution to place-making introducing new street frontage and utilises massing and height to achieve the required densities. I consider there to be sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape. I consider the proposed quantum of residential development, residential density and tenure type (BTR apartments) acceptable in the context of the location of the site in an area that is undergoing redevelopment, is an area in transition proximate centres of employment and public transport.

At the scale of district/neighbourhood/street, I consider that the proposal responds satisfactorily to its overall natural and built environment in this instance and will make a positive contribution to the urban neighbourhood at this location. The proposed development would not interfere with significant views in the locality, the site is not located within an architecturally sensitive area and I am of the opinion that the proposal can be accommodated on this site without detriment to the visual amenities of the area given the existing built environment to the south and west. The use of material and finishes to the elevations contributes to breaking down the overall mass of the proposed development. CGIs of the proposed development have also been submitted with the application and have assisted in my assessment of the proposal. Overall, I consider the height and massing of the development appropriate for the location.

At the scale of the site/building: The proposal includes new public realm, active frontages and fenestration that will passively survey the public road and pedestrian linkages. It will contribute to the legibility of the area, by establishing a positive addition. The addition of BTR apartment units will contribute to the unit mix and tenure at the location. Residential Amenities are addressed in section 10.4 and 10.5 Sunlight and daylight consideration are addressed in section 10.4.2 and 10.5.2 Flood Risk Assessment has been carried out and this is addressed in section 10.7.4. I therefore find that the proposed development satisfies the criteria described in section 3.2 of the Building Height Guidelines.

Having regard to the considerations above, I consider that the proposal in principle for 4 to 9 storey buildings at this location is acceptable. I am of the view that having regard to national guidance, the context of the site in an accessible location which is undergoing significant redevelopment, the proposed height is acceptable.

The Chief Executive Report noted that the scale of the proposed development responds well to its urban setting and can therefore be supported. The impact however of the current scheme upon the amenity of the existing and proposed homes known as Millfield Cottages remains a concern. Accordingly the report requests that the height of Block B be reduced by condition. I propose to address this in more detail in section 10.5.

I have inspected the site and surrounding area and I agree with observer that the blocks will be visible to residents in the vicinity. The closest occupied dwellings (8 of the original Millfield Cottages) are located to the north of the site, separated by an access lane from the site. Three of the Cottages face the site with the remainder addressing Redforge Road. There is a terrace of derelict cottages backing on to the site to the west (originally part of Millfield Cottages). There is an extant permission for the demolition of the 18 derelict cottages and replace them with 18 terraced houses on a similar footprint to the original ones. I am satisfied that the proposed development would not result in an overbearing or visually dominate development when viewed from the 3 no. occupied dwellings facing the site given the set back of the blocks from the boundary, the presence of a lane separating the site from these cottages and the drop down to 4 storeys at this location. I am satisfied that the proposed development also has had regard to the permitted development (not constructed) to the west. I further note that the permitted houses to the west which have rear gardens bounding the application site have garden depths of less than 5m (mirroring the original footprint of the cottages).

Having regard to the foregoing I am satisfied that the proposed development will not be unduly overbearing or have a significant adverse impact on the visual amenities of sensitive receptors in the area, such as existing residential dwellings. The proposed development would be an appropriate sustainable use of this zoned serviced underutilised site.

The issues of height, scale and massing of the proposal are inter-related. It is the sum of all these parts that, amongst other assessments, determines the appropriateness or otherwise of the proposal. I am generally satisfied in this regard and consider that appropriate transitions in scale have been put forward in the design. I consider that the applicant has had regard in this current proposal to existing residential properties and to improving the public realm, streetscape and connectivity of the area. The proposed works to the public realm, open space layout and provision will ensure that the scheme is an attractive addition to the area. While, there is no doubt, it will bring a change to the character and context of the area, I am of the view that this will be a positive change and I consider the proposal to be in compliance with national guidance in this regard.

I note the concerns raised in the submissions, however I consider that the development has been designed to be respectful of the character of the area and provides a modern development that is respectful of its surroundings through appropriate heights, massing and scale. I am satisfied that the proposed development would not have so great an impact on the visual amenity of the area as to warrant a refusal of permission. The highest element is 9 storeys and is located closest to the existing commercial buildings which read as 5 storeys and offer little in terms of architectural features when addressing the site and offer up predominately blank facades.

I note the existing brownfield use, commercial nature of the adjoining lands and the district centre zoning and the need for efficient land use I consider the height range acceptable for this urban setting, providing a focal point along Redforge Road. I consider this variation in height and design compliments the site. The siting of the blocks and public realm works ensures the buildings are not overbearing on the surrounding area. I consider the scale and massing appropriate at this location and the scheme responds sufficiently to the location along a main approach road into Cork City and in the context to the surrounding environment. I am of the view that the proposal will improve the architectural grain of the area, by bringing into use a zoned serviced site that is underutilised at present.

I acknowledge the recommendation by the Planning Authority that a condition be attached requiring Block B be reduced in height to 4 and 3 storeys. I do not consider this necessary and am satisfied that setbacks from the nearest residential properties (located on the opposite side of an access laneway) are adequate to address any potential concerns regarding visual dominance or overbearance. The range in heights takes account of the surrounding context of development including constructed development with heights that read like 4-5 storeys on adjacent sites with stark elevations to accommodate uses ranging from inter alia retail, commercial, multi storey carpark, cinema etc. Overall the proposed development has been designed to minimise impacts on existing residential development. In principle, I consider that the site can accommodate a development of the nature proposed and the proposal represents an acceptable form and scale of development at this location.

10.3 Design/ Materials

The proposed development consists of three blocks (Block A, B & C). Block A&C are separated from Block B by a gated access off Redforge Road. The applicant is proposing a contemporary intervention in an area predominantly characterised by commercial developments and traditional terraced houses. New residential development under construction to the north of Millfield Cottages contributes to the array of styles and scale at this location. The proposed design seeks to introduce a new element to this disused site at a prominent location within the city suburbs. The area is one in transition and therefore can accommodate different designs and styles when seeking to introduce new elements to the built environment.

The proposed main materials/finishes are as follows: the buildings will be predominantly constructed as concrete frame finished with external facing brickwork such as Petersen Tegld190 or the Marizale Brick, i.e a blend of yellow-grey stock like bricks. Facades are generally articulated with vertical punched openings, creating a lattice of brick and glazed openings. Vertical aluminium windows and opaque metal spandrel panels. Vertical metal balustrades to balconies. Vertical Opaque louvres to limit overlooking, Aluminium louvres to service areas and plant areas. It is proposed that metal work will be generally finished in a contrasting and complement tone such as RAL 1035.

The applicants have submitted photomontages showing the proposal in the context of the existing built environment. A Planning and Design Statement is submitted with the application which sets out clearly the overall architectural rationale and approach. The applicant also provides a Landscape Design Rationale Report and Building Lifecycle Report, these should be read in tandem as they set out external building materials and landscape external materials. In my view, the use of quality materials and finishes and contemporary design offers an opportunity for an aesthetically pleasing development at this location. While I recognise that the proposal would have a visual impact when viewed from the surrounding area it is reflective of the evolving built environment in general area and I consider it to be a positive one which enhances the architectural grain of the area.

The Apartment Guidelines require the preparation of a Building Lifecycle Report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application.

I consider that the development has been designed to be respectful of the character of the area and provides a modern development that is respectful of its surroundings through appropriate design intervention at this location. I acknowledge successful delivery of design is dependent on high quality finishes and materials. I am satisfied that specifics pertaining to finishes and materials can be required by condition if the Board considers granting permission .

10.4 Residential Amenity and Quality of the proposed development.

10.4.1 Residential Standards for future occupiers.

The development is for BTR apartments as such the Sustainable Housing: Design Standards for New Apartments 2020 has a bearing on the design and minimum floor areas associated with the apartments. In this context the Guidelines set out Special Planning Policy Requirements (SPPRs) that must be complied with where relevant. SPPR 7 and SPPR8 refer specifically to BTR developments.

49% of the units are designed to be dual aspect, SPPR 4 requires that a minimum of 50% dual aspect apartments are required in urban areas. But this may be reduced to a minimum of 33% in certain circumstances where it is necessary to ensure good street frontage and subject to high quality design, usually on inner urban sites, near city or town centres. Given the context and location of the site, I am satisfied that 49% dual aspect is acceptable and is only marginally below the preferred 50% in urban locations in this instance, given the location of the site in a district centre location and with blocks orientated to maximise easterly and westerly aspects.

A schedule of compliance with the Apartment Guidelines accompanied the application confirming required apartment sizes, which I note and consider reasonable. SPPR 8 removes restrictions, for BTR proposals, on housing mix and provides lower standards for parking, private amenity space, 10% exceedance for spaces and lower units per core, although I note the proposed scheme complies with the standards.

Table 16.5 of the current City Development Plan sets out minimal overall apartment gross floor areas. The Plan also references minimum floor to ceiling heights in Paragraph 16.54. The proposed apartments have been designed to comply with the 2020 Sustainable Urban House: Design Standards for New Apartments and fall below the minimum thresholds for unit size and private amenity space outlined in the current Development Plan. The applicant has addressed this in the submitted Material Contravention Statement. I note that the Planning Authority have not raised the issue of material contravention and have recommended that permission be granted subject to amendments predominantly relating to height. I also note that neither of the observers raised any of these issues. While a number of the proposed apartments may not comply with the standards set out in the current Cork City Development Plan, I do not consider the non-compliance in a limited number of instances with a limited number of standards is a material contravention of the City Development Plan. Overall I consider the proposed apartments acceptable and in accordance with the requirements of the 2020 Apartment Guidelines.

SPPR 7 sets out that BTR must also be accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as: (i) Resident Support Facilities; (ii) Resident Services and Amenities. As noted previously the development is comprised of 3 no. Blocks. Block A contains residential and the internal communal amenities. Block B is entirely residential and Block C contains residential with commercial (313 sq.m retail unit) at ground floor level.

The internal communal amenities/shared facilities provided in Block A include residents gym (c.153sq.m), lounge area (c.109sq.m), shared workspace (c.110sq.m). A reception area, an ancillary meeting room, office are also shown on the ground floor plans for Block A along with other rooms where uses are not identified.

A 'courtyard' (west facing) is proposed to the rear of Block A and C. This is hard surfaced area located to the rear of the development, finished in a variety of material with landscaping at key points. There is a clear definition between public, semi-private and private space by the incorporation of landscaping to define the various spaces, including low planting/walls and semi-transparent boundary treatments such as railing. I note an Irish Water wayleave along the rear of the site. Access to the site for IW and general maintenance would not be on a daily basis, therefore the potential conflict with pedestrian using the amenity space is limited. I note that cyclist will use this space to access the allocated parking and there is potential conflict between cyclists and pedestrians but this can be managed in an appropriate manner. I address the issue of daylight/sunlight for amenity spaces in section 10.4.2 of this report. A communal roof garden (c.306 sq.m) is located in Block C adjoining the existing cinema building to the east which reads as 4-5 storeys in height.

Overlooking within the proposed development is not an issue given the layout of the units and their relationship to each other.

Private amenity space are provided in the form of balconies and terraces and roof terrace areas, all to an acceptable standard with adequate privacy retained. An acceptable level of landscape is proposed throughout the scheme which provides future occupiers with appropriate amenities.

Overall I consider the design and internal layouts of the units with the development are acceptable, have regard to national guidance for residential development and that there will be a reasonable standard of residential accommodation for future residents of the scheme.

10.4.2 Daylight and Sunlight & Overshadowing

Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

The Daylight, Sunlight and Overshadow Study (dated 04/08/2021) submitted with the application considers inter alia potential daylight provision within the proposed scheme and overshadowing within the scheme. This assessment is read as before in conjunction with the BS 2008 Code of Practice for Daylighting and the BRE 209 site layout planning for daylight and sunlight (2011). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referenced in the Urban & Building Heights Guidelines and the Apartment Guidelines. I am satisfied that the target ADF for the new residential units and minimum sunlight exposure for the open spaces are acceptable and general compliance with these targets/standards would ensure adequate residential amenity for future residents.

In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley type kitchen is inevitable, it should be directly linked to a well daylit living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied.

The applicant's assessment includes an analysis of the proposed apartment with regard to amenity (daylight) available to future residents within the proposed scheme. The study concluded that 99.33% of the bedrooms studied achieve the minimum ADF of $\geq 1.00\%$ and 90.35% of the living/kitchen achieve an ADF of $\geq 2.00\%$. Where frosted glazing is proposed with a light transmittance of 72% is used for kitchen/living spaces this was considered in the ADF calculation. Of the 114 apartments, 10 have living/kitchen areas below the 2% ADF, of which 9 have values of 1.53% and 1 has a value of 1.49%. While the BS 8206-2:2008 indicates that where one room serves more than one purpose, the minimum ADF should be that for the room type with the highest ADF value, in this instance the kitchen area forms part of the living/dining area. I consider it reasonable to hold that the primary function of kitchen/living/dining (k/l/d) open plan room in an apartment such as those proposed, is as a dining/living room function and thus, it is reasonable to apply an ADF of 1.5%. The BRE guidance states, inter alia, that "non-daylight kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylight living room'. In this instance the kitchens are daylight, they are not intended as a dining area and the kitchen is directly linked to a well daylight living/dining room, thus it does not conflict with the BRE guidance in this regard. Where the primary use of a living/kitchen in apartments is living area in which case it may be reasonable to apply 1.5%. In this instance as over 90% of the k/l/d achieve $\geq 2\%$ ADF and the remainder achieve $\geq 1.5\%$ ADF, I am of the opinion that the proposed development broadly complies with the BRE guidance and will provide an appropriate standard of residential amenity regarding access to daylight.

The analysis considered 427 points, these included bedrooms and living/kitchens for units on all levels. Given that the rooms tested represent a selection of rooms across different the levels (ie ground to Level 8), I am satisfied the overall level of residential amenity is acceptable, having regard to internal daylight provision.

In addition to daylight within the units, the proposed development is also required to meet minimum levels of sunlight within amenity spaces. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March.

To this end, an analysis of the sunlight exposure levels for the amenity areas in the proposed scheme was carried out and submitted. This analysis indicated that the majority of the proposed of the amenity areas met the minimum 2 hours of probable sunlight recommended. The Assessment submitted shows a shaded area where less than 2 hours of probable sunlight is achieved relates to a small section of the rear amenity space at the point where Blocks A and C meet. Given the availability of additional amenity space at ground level and a roof garden on Block C I consider this acceptable.

The Environment-Parks Report contained in the Chief Executive report noted that the courtyard will provide opportunities for passive recreation, however, owing to the height of the buildings on the east, south and west boundaries it will receive very little sunlight at any time during the various seasons then stated that the layout of the courtyard and roof garden is satisfactory I note that the Planning Authority did not raise this as a concern and recommended that permission be granted for the development subject to amendments.

Based on the assessment submitted and having regard to the referenced guidance (requiring a minimum of 50% of the amenity space to achieve 2 hours of sunlight on the 21st March), I am satisfied that the majority of the proposed amenity areas will meet sunlight standards.

I consider that adequate allowance has been made in the proposed design for daylight and sunlight through adequate separation between the units, relevant to the scale of the development. As such, I am content that daylight and sunlight conditions for the residential units within the proposed development will be within an acceptable range. I am satisfied that considerations of daylight and sunlight have informed the proposed layout design in terms of separation distances, scale and dual aspect of units. I have also carried out my own assessment in accordance with the considerations outlined in the BRE guidelines. I consider the to be in accordance with the BRE guidelines.

10.4.3 Overlooking

Overlooking within the proposed development is not an issue given the layout of the blocks, separation distances and their relationship to each other.

10.4.4 Wind/Microclimate

The applicant carried out wind and microclimate modelling for the proposed development to identify possible wind patterns around the proposed, under mean and peak wind conditions typically occurring in Cork and to assess impact of the wind on pedestrian level comfort. The prevailing wind directions are identified as South-South-West, South-West and West with magnitude of c.6m/s. The report submitted concluded that as a result of design and mitigation measures, wind flow speeds from the south-west introduces minor funnelling effects around the south-west corner of the development. However, as shown in the Lawson discomfort map, areas of the development can be utilised for its intended use. Wind speed profiles at the roof garden terrace shows that no critical wind speeds are achieved as the roof garden is well shielded from the south-west winds by the adjacent buildings. The use of trees at the roof garden terrace further created a calming effect at the roof garden. The proposed development does not affect or give rise to nearby adjacent roads or nearby buildings. In terms of distress, no critical conditions were found for 'frail persons or cyclist' and for members of the 'general public' in the surrounding building.

Neither observers or the Planning Authority have raised concerns in this regard. I have examined the information submitted and I consider the findings robust and acceptable. The proposed development would not generate conditions that would cause critical conditions for vulnerable users of the areas.

On balance, I consider that the development consisting of BTR apartments, provides an acceptable standard of residential accommodation for future occupants and is generally satisfactory with regard to national and development plan guidance for residential development.

10.5 Residential Amenity of neighbouring properties

10.5.1 Overlooking

One observer, a resident of No. 1 Millfield Cottages to the north of the site has raised concerns that the proposed apartments will result in overlooking of his garden.

I note that the proposed development is separated from the cottages by an access lane. There are 3 cottages which are occupied fronting directly onto this lane and facing the application site (No. 1A, 2b & 3A) and a terrace of 5 cottages that front directly onto Redforge Road (No. 1 to 5 Millfield Cottages).

The observers house, No. 1 is the Cottage on the corner of Redforge Road and the access lane. There are proposed bathroom, hallway, bedroom and livingroom windows facing onto the lane to the north. Where a window serves a living room, these face the blank gable of No. 1 Millfield Cottage (observer's house) with the main amenity space (balconies) for these units located on the eastern elevation (Redforge Road). Overlooking of internal rooms in No. 1 Millfield Cottages from the living areas serving the apartments on the northeastern corner does not arise given the orientation of this dwelling with no windows facing the proposed development (blank gable). Overlooking of the rear amenity space of No. 1 does not arise given the context of this space and the relationship with the proposed development where the closest proposed windows serve hallways and bathrooms. I recommend that obscure glazing be provided by condition to further mitigate any potential perceived overlooking from these windows on the northern elevation serving bathrooms and hallways.

With regard to No. 1A, 2B and 3A Millfield Cottages, these all have habitable rooms facing the application site. Windows on the northern elevation of the apartment block facing these properties serving bedrooms are separated from the front elevation of the cottages by a laneway. Balconies serving the units which directly oppose these cottages are located on the southern elevation.

The applicant in their design have also considered the potential impact on the derelict cottages to the west. The extant permission for 18 terraced houses on the site to the west broadly mirrors the footprint of the derelict cottages. Opaque gable windows (serving units located on the northwestern corner on 3 floors) are to be installed where views are not a requirement as these are secondary windows serving the living area. Balconies of the units which directly oppose the adjoining cottages are orientated/angled southwards in order to face away from the adjoining site. Perforated screens are also utilised to avoid direct overlooking where necessary.

As one moves southwards along the Block the setback from the western boundary increases and recessed balconies are provided. There are bedrooms set back c. 15m at the nearest point from the rear façade of the permitted houses to the west. These windows are not directly opposing as the proposed Block B and the terrace of housing as granted are not parallel to one another. In this instance, having regard to the context of the site, the design and orientation of the proposed development and its relationship with the permitted development to the west I am satisfied that this set back is acceptable, I also note that the applicant in providing a bigger set back from the site boundary than the permitted development to the west which has rear garden depth of c. 5m.

The cottages bounding the site to the west are unoccupied and in a derelict condition. There is an extant permission for the redevelopment of this site, the proposed development would not have a detrimental impact on the amenities of future occupiers of this development if built out, given the relationship of the proposed development with the lands (and permitted development) to the west as indicated above.

I am satisfied that through mitigation proposed and additional mitigation in the form of obscured/frosted glazing will address any potential overlooking and bring into use this serviced underutilised site.

10.5.2 Daylight/Sunlight/Overshadowing

The Building Height Guidelines also seeks compliance with the requirements of the BRE standards and associated British Standard (note that BS 8206-2:2008 is withdrawn and superseded by BS EN 17037:2018), and that where compliance with requirements is not met that this would be clearly articulated and justified. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

The submitted Daylight, Sunlight and Overshadowing Study examines the development with regard to the BRE 209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011).

I am satisfied that there is adequate information in the submitted daylight, Sunlight and Overshadowing Study to assess the impact of the proposed development.

I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK) I am satisfied that this document / updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines and the Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020.

Daylight and sunlight calculations were carried out in accordance the BRE 2011 guidance.

In designing a new development , it is important to safeguard the daylight to nearby buildings. BRE guidance given is interned for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens and bedrooms. Tests that assist in assessing this potential impact, which follow one after the other if the one before is not met, are as noted in the BRE Guidelines:

- i. Is the separation Distance greater than three times the height of the new building above the centre of the main window (being measured); (ie. if 'no' test 2 required)
- ii. Does the new subtend an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room (ie. if 'yes' test 3 required)
- iii. Is the Vertical Sky Component (VSC) $<27\%$ for any main window? (ie. if 'yes' test 4 required)
- iv. Is the VSC less than 0.8 the value of before ? (ie. if 'yes' test 5 required)
- v. In room, is area of working plan which can see the sky less than 0.8 the value of before ? (ie. if 'yes' daylighting is likely to be significantly affected)

The above noted tests/checklist are outlined in Figure 20 of the BRE Guidelines, and it should be noted that they are to be used as a general guide. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply. Where the assessment has not provided an assessment of all sensitive receptors, I am satisfied that there is adequate information available on the file to enable me to carry out a robust assessment, To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical.

The assessment submitted with the application included a VSC simulation carried out using the IES Radiance software package. The 5 closest receptors are labelled as Block 1 (No. 1 to 5 Millfield Cottages and are occupied) and Block 2 (No. 1A, 2B and 3B Millfield Cottages which are also occupied). Blocks 3, 4 & 5 are stated to be the 18 unoccupied and derelict cottages to the west and northwest) identified above were assessed and it was found that 75% of the opening in Blocks 1 and 2 meet the VSC requirements.

The assessment submitted by the applicant acknowledges that a number of the windows analysed do not meet the desired criteria as outlined in the BRE 209 Guidance Document. Of these blocks 3, 4 and 5 refer to the derelict cottages to the west and northwest. Of the occupied blocks assessed (Block 1 and 2), 75% of the openings meet the VSC criteria outlined in the BRE Guidance. And of the 4 windows that do not meet the criteria, 2 of these windows are only marginally outside the maximum VSC reduction of 20% (see Appendix B of the applicant's assessment). The applicant in their assessment concluded that a minor impact to the VSC of surrounding buildings is to be expected for any substantial development in such an area due to these buildings' relative heights and proximity to the site. And that consideration should be given to the fact that the comparison being made is between an existing, under-utilised site and the proposed development, which is inevitably going to have some form of an impact given the circumstances. And have argued that flexibility regarding BRE standards should be applied to balance the objective of achieving urban regeneration with any potential impacts.

The observers house (No. 1 Millfield) forms part of a terrace of 5 houses labelled Block 1 in the assessment. It has a blank gable facing the site, one window located on its rear (west facing) elevation records a VSC less than 27% with a VSC of 16.95% and an existing VSC (pre-development) of 21.94%. While I acknowledge that that the window does not meet the VSC requirements, this is a window located to the rear of the observer's dwelling into a rear yard that is enclosed by a block wall (southern boundary) and the gable to No. 1A (western boundary). A blank gable faces the proposed development. Overall I am satisfied that in this instance the reduced VSC to one window in the observer's house is acceptable given that the reduction is marginally below the 80%, the context of the site, that the applicant has pulled the proposed development back from the northern boundary and the lane which separates the application site from the occupied Millfield Cottages (including the observers house which has a blank gable facing the site) The proposed height of 4 storeys at the northern point has regard to the height of adjoining developments on a site where national guidance encourages increased heights as measured against section 3.2 and SPPR 3 of the 2018 Building Height Guidelines.

I consider the closest vulnerable receptors are the permitted development to the west (on a similar footprint to the derelict cottages labelled Block 3, 4 and 5) and the occupied cottages to the north (No. 1A, 2B and 3B Millfield Cottages) which face the site and labelled Block 2 in the submitted assessment. They are located to the north of the proposed development on the opposite side of an access lane. The front of the houses are set back c. 9m from proposed 4 storey element of Block B. The assessment submitted with the application found that all windows on their southern elevation achieve a VSC of less than 27%. Values ranged from 24.54, 21.24 and 16.96% respectively. I note that the existing VSC (pre-development) for these openings is 33.54, 34.69 and 35.17%. The applicant has outlined that impacts to the VSC of surrounding buildings is to be expected for any substantial development in such an area due to these buildings' heights and proximity to the site and consideration should be given to the comparison being made between an existing under-utilised site and the proposed development. And have argued that flexibility regarding BRE standards should be applied to balance the objective of achieving urban regeneration with any potential impacts. The Planning Authority while generally in favour of the proposed development raised concerns regarding the impact of the current scheme upon the amenity of the existing and proposed homes known as Millfield Cottages and requested that the height of Block B be reduced by condition to 3 storeys at its northern point.

Based on my inspection and the information available and given the proximity of the northern elevation of the houses labelled Block 2 to the apartment block, the alignment of the existing property facing towards the subject site, and the positioning of the proposed apartment block, an impact upon daylight and sunlight levels is inevitable for some openings. I note that Planning Authority's requested that Block B be reduced to 3 storeys on its northern side. However, I consider the proposed 4 storeys acceptable as the impact of reducing the block by 1 storey would not have such an impact to materially improve the VSC achieved in the affected windows.

With regard to Block 3, 4 and 5 (18 unoccupied, derelict cottages) where there is an extant permission for a residential scheme of 18 houses on a footprint broadly reflecting that of the existing cottages.

Of the 18 cottages (labelled Block 3, 4 and 5) the most sensitive receptors are the houses that form Block 4 which relates to the terrace immediately to the west of the proposed development

While I acknowledge that the permitted development on the adjoining site to the west has not commenced, the potential impacts on same forms part of my assessment. The applicant's assessment of 6 windows on the eastern elevation of the existing cottages found that all failed the BRE requirements. Post development VSC values range from 17.29, 17.62, 17.93, 18.34, 21.87 and 24.26%. Pre-development VSC range from 33.86, 35.87, 36.34, 36.45, 36.82 and 36.87%. The applicant has justified the VSC values on the basis that these dwellings are not occupied.

I acknowledge the difference in the VSC values from the pre and post development assessment on the existing cottages (unoccupied and derelict). However in this instance I am of the view that consideration should be given to the fact that the comparison being made is between an existing, under-utilised site (petrol station) and the proposed development, which will inevitably have some form of an impact. Flexibility regarding BRE standards should be applied to balance the objective of achieving urban regeneration with any potential impacts.

The applicant's assessment has not included an assessment of the permitted residential development (PA Ref. 18/38138). This development for 18 terraced houses broadly on the same footprint of the derelict cottages currently on site. I note however that window openings are larger in the permitted houses. As noted above I am satisfied that I can carry out an assessment on the basis of the information provided on file. The permitted setbacks under 18/38138 are broadly in line with those of the existing cottages. The window openings are larger than those in the existing cottages. There is no doubt that the windows in the eastern (rear) elevation of the permitted (not contracted) houses will be impacted and that the rooms they serve (bedrooms and kitchens) will not meet BRE requirements. I note however that adjoining existing development to the southwest which reads as 5 storeys also has an impact on these houses.

Block 4 (applicant's labelling) refers to the terrace of derelict cottages located immediately to the west of the site. These are in line with the footprint of the terrace of 7 houses permitted under 18/38138. I have examined the permitted layout and note that the rear gardens serving houses No. 1 to 7 (as per 18/38138 numbering) would bound the application site. The 4 storey element of Block B is set back c. 4.7m at its closest point from the western boundary and the setback of the 6 storey element ranges from c.9 to 15m from this boundary. Given the parapet heights proposed 4 storey element and the 6 storey element it is likely that some impact on the main amenity space of the permitted houses (If constructed) may occur. However I do not consider it such to warrant a reason for refusal. I am satisfied that adequate regard has been had to the potential impact on permitted development (not constructed) on adjoining lands, when balanced against the need for housing on zoned and serviced lands and that the design and layout of the proposed scheme is of a good architectural and urban design standard respecting the established pattern of development in the area.

I am satisfied that adequate regard has been had to the preservation of the residential amenity of existing and proposed properties, when balanced against the need for housing on zoned and serviced lands and that the design and layout of the proposed scheme is of a good architectural and urban design standard respecting the established pattern of development in the area.

The assessment submitted includes modelling of overshadowing for various times on the 21st of March, 21st June, 21st September and 21st of December to illustrate overshadowing impact all year round on lands/properties bounding the site labelled Block 1, 2, 3, 4 & 5. I have examined the diagrams submitted. The BRE guidance recommends that at least 50% of the amenity areas should receive a minimum of two hours sunlight on 21st March (spring equinox).

To the north the closest properties are Millfield Cottages. To the south and southeast is Blackpool Retail park which I do not propose to assess further, given the nature of its uses. To the east the development is bounded by Redforge Road. To the west the development is bounded by the rear amenity space serving the existing derelict cottages which mirrors the rear gardens for the permitted terrace of houses at this location.

To this end, in respect of the proposed development, the closest occupied residential properties are located to the north of the proposed development. The closest house is set back c. 9m from the northern elevation of the 4 storey apartment block. I am satisfied that in respect of obstruction to sunlight, given the orientation of the properties north of the proposed development and labelled block 1 and Block 2 in the submitted assessment I am satisfied that the extent of potential obstruction to sunlight experienced is not an issue given the set back of the proposed development from these houses. Furthermore I note that the critical amenity space associated with these houses (ie the rear gardens) are not affected by the shadow cast by the proposed development.

With regard to Block 4 (i.e the terrace of derelict cottages) and as noted above they occupy broadly the same footprint as the permitted terrace of houses which directly bound the application site. The potential impact on the rear gardens can be assessed having regard to the shadow projections submitted with the applicant's assessment. The main amenity space for the permitted terrace of houses bounds the application site and are located immediately to the west. Set back from the boundaries range from c.4.7 to c.15m where the building has height of c. 4 storeys. I am satisfied that the proposed development would not have such an adverse impact on the amenity of the properties to warrant a refusal of permission.

10.5.3 Other potential impacts.

A Noise Impact & Acoustic Design Statement was submitted with the application, this assessed potential impacts on sensitive receipt of noise during both construction and

operation phases of the proposed development. The assessment concludes that potential impacts would be within the acceptable range.

The Construction Environmental Management Plan would address how it is proposed to manage noise, dust, vibration, removal of tanks and other impacts arising at the construction phase to ensure the construction is undertaken in a controlled and appropriately engineered manner to minimise intrusion.

I note that the impacts associated with the demolition, construction works and construction traffic would be temporary and of a limited duration. I am satisfied that any outstanding issues could be required by condition if the Board is of a mind to grant permission.

In addition, a Preliminary Construction & Demolition Waste Management Plan has been submitted, which deals with matters of waste management amongst other matters. As such, these plans are considered to assist in ensuring minimal disruption and appropriate construction practices for the duration of the project. I have no information before me to believe that the proposal will negatively impact on the health of adjoining residents. Construction related matters can be adequately dealt with by means of condition. However, if the Board is disposed towards a grant of permission, I recommend that a final Construction Environmental Management Plan be submitted and agreed with the Planning Authority prior to the commencement of any works on site.

A preliminary Site Investigation Report is also submitted and addresses the removal of the underground fuel storage tanks and contaminated soil, methods proposed and mitigation measures, I address this in more detail in section 10.8.

Noise generated during the operational phase is the normal level associated with a residential development in an urban area. No uses are proposed that would cause a nuisance to adjoining neighbouring residential properties.

On balance, I consider that the design, scale and layout have adequate regard to the amenities of adjoining properties. I am of the view that the level of impact on adjoining properties is reasonable in the context of the urban location of the site and the reasonable expectation of development of the site to a scale appropriate having regard to its location relative to the city centre, public transport infrastructure and the existing district centre uses as well as in the context of national, regional and local planning policy objectives.

10.6 Traffic and Transportation

The application is accompanied not accompanied by a Traffic Impact Assessment. As no carparking is proposed to serve the development and therefore are no traffic generation impacts associated with parking for the proposed development.

I note that concerns contained in the Chief Executive Opinion and observers in their submission relating to parking which I address below.

10.6.1 Access & work along/to Redforge Road

An access is shown off the Millfield Cottage laneway on the northern boundary and off the access road to Blackpool Retail Park to the south, this area is also the subject of a wayleave and access is required to facilitate Irish Water. An access is also shown off Redforge Road to facilitate maintenance/management vehicles only. The documentation submitted notes that access will be limited to the Management Company.

The proposed development includes significant public realm improvement works to Redforge Road.

It is proposed that the carriageway width will be reduced to 6m with new footpaths catering for increased pedestrian use. The proposal makes provision for considered street crossings, traffic calming measures and robust materials including high quality paving materials street tree planting and raised planters with robust timber seating elements.

It is proposed that the majority of the site will be paved using reconstituted concrete pavers with granite aggregate to complement much of the streetscape improvement works currently being undertaken by Cork City Council. Feature zones will be created adjacent to the building, interspersed with street furniture and raised planters. Textured concrete and granite aggregate kerbs are proposed to separate the road from the footpath but as the majority of the road frontage (Redforge Road) has been designed to mitigate vehicular speed this will be treated with paved entry ramps and level surfaces (with the footpath) a bus pull in / bus stop and a drop of area these will also be paved to aesthetically widen the public realm. Street trees will be planted to the front of the footpath close to the carriageway to allow for a wide walkable area. Contemporary furniture is proposed to provide robust seating options with timber benches allowing the addition of seating and stainless steel cycle racks allowing secure bike parking.

The landscaping and public realm works proposed as part of the proposed development included within the application site boundary along Redforge Road is subject to consent from Cork City Council, to facilitate such works The letter of consent submitted with the application refers to the inclusion of lands in Cork City Council's control and or ownership including the works proposed. The letter also notes that as the works have yet to be agreed it is noted that the letter is issued without prejudice to the actual proposed works which themselves are not required to be agreed prior to the issuing of the letter. in the site boundaries. I am satisfied that this is a standard letter of consent and note that specific relating to work to the public realm along/on Redforge Road can be address by condition requiring agreement prior to the commencement of development.

10.6.2 Parking:

The site is located in Zone 2A where fewer car parking spaces are required, in areas with a mass transit system at Blackpool Station, where the station is committed by

means of an appropriate statutory consent. Zone 2a currently comprises lands within 500 metres of Blackpool Station. Table 16.8 sets out the car parking standards for Zone 2A 1 plus 0.25 spaces for visitor parking are set out for 1-2 bed residential units. No parking is proposed under the current application . The Planning Authority noted the lack of car parking proposed and the only set down parking available for residents would be along the Redforge Road site boundary. And have stated that although this contravenes the recommendations in the Cork City Development Plan 2015-21, the applicant has justified the zero parking approach with extensive details and plans to promote and improve options for sustainable transport for resident. I note that the Planning Authority have not stated this is a material contravention of the Plan and have not recommend permission be refused on these grounds. The Planning Authority's only requirement regarding car parking is that a condition be attached to any grant of permission requiring an offline setdown area along Redforge Road be provided for a minimum of 4 car spaces at any one time.

I note that the basis for justification of higher density at this site is the density guidance in the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) for central and/or accessible urban locations. There is an expectation within the guidelines that development of this density would be provided in sustainable locations, and that very low provisions of parking would be justified at these locations. Furthermore SPPR 8 notes that there shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. In this instance I am of the view, given the location of the site in a designated District Centre and its good public transport connections the absence of parking is appropriate for the tenure, scale and density of development. Furthermore, the location of the serviced site in an area where good public transport links exist within comfortable walking distances, future residents will be well served by public transport and encourages a modal shift away from the private car. I am satisfied that the proposal is acceptable.

114 bicycle stands/spaces are proposed, this is stated to be based on the Development Plan requirements for 1 pace per unit. The applicant has stated that there is scope to provide additional spaces if required. The Planning Authority have recommended that a condition be attached requiring 330 bicycle spaces be provided.

Table 16.9 of the current Cork City Development Plan sets out the cycle parking requirements. The applicants have based their carparking provision on the requirement to provide 0.50 spaces per apartment in the suburbs. In addition, 1 space per 100sq.m GFA for the retail unit is required, this equates to 3 spaces. Therefore, the overall requirement is 60 bicycle spaces. The application is providing 114. I acknowledge that there are discrepancies in the figures referred to in Section 5.3 of the Mobility Management Plan regarding bicycle parking, this is based on providing 1 pace per apartment for 161 apartments and proposing to provide 330

cycle stands which exceeds the Development Plan requirements. The 161 figure is based on the proposal presented under ABP 3085357-20 for 161 BTR apartments at pre-application consultation stage and does not reflect the current proposal for 114 BTR apartments before the Board. I have reviewed the Mobility Management Plan dated September 2021 submitted with the application and I am satisfied that regardless of the discrepancies in figures presented in section 5.3 and reference to ABP 3085357-20 overall the MMP is acceptable. The Statement of Consistency submitted refers to 114 spaces complying with the Development Plan requirements.

I have reviewed Table 16.9 and given the location of the site in the Northern City Suburbs, carparking requirements of 0.50 space per unit for suburban areas apply in this instance. Therefore the proposed 114 spaces comply with the current development Plan requirements. The Planning Authority's requirement for 330 cycle stands/spaces is not based on current Development Plan requirements.

On balance I consider that the development achieves satisfactory cycle parking provision, cycle and pedestrian connectivity and will enhance pedestrian permeability with the wider area.

10.7 Services, Drainage & Flooding

10.7.1 Foul

There is an existing 375mm diameter foul sewer pipe running along Redforge Road to the east. The existing network then returns along the southern perimeter of the site beneath the public roadway. An existing combined sewer is located to the west of the proposed site. A right of access (Wayleave) is to be retained as required by Irish Water to inspect and maintain the pipeline and chambers

Proposed foul sewer pipe will be 225mm diameter. It is proposed that the foul sewer will discharge to the existing system. All foul sewers and manholes will be constructed in accordance with the Irish Water Standard Details and the Irish Water Code of Practice for Wastewater.

Irish Water in their submission state that they advised at Pre-Consultation that there is existing Irish Water infrastructure(s) within the site boundaries of the proposed development site. The applicant has confirmed to Irish Water that no IW infrastructure is proposed to be diverted. Should the applicant wish to build over and or divert any Irish Water owned infrastructure they will be required to engage with Irish Waters Diversion.

I note the requirements of Irish Water which are recommended to be addressed by condition and consider them acceptable.

10.7.2 Water

There is an existing 100mm diameter ductile iron watermain running along Redforge Road.

Irish Water advised the applicant that the existing 100mm diameter watermain on Redforge Road is not sufficient for supplying the proposed development. Therefore, In order to accommodate the proposed connection to Irish Water network at the premises, approx. 175m of the existing 100mm watermain needs to be upgraded to 150mm diameter.

Irish Water in their submission state that that in order to accommodate the proposed connection to Irish Water network at the Premises, approx. 175m of the existing 100mm watermain needs to be upgrades to 150mm, from connection point to the 250mm trunk main. Irish Water currently does not have any plans to extend its network in this area. And should the applicant wish to progress with the connection they will be required to fund this network extension as part of a connection agreement with Irish Water. The works will be delivered by IW in the public domain.

I note the requirements of Irish Water which are recommended to be addressed by condition and consider them acceptable.

10.7.3 Surface water

The existing site is comprised of buildings and hardstanding areas with un-attenuated outflow to the public drainage network and river system. The existing topography generally falls from north to south. There is an existing 750mm diameter surface water drainage pipe running along Redforge Road, east of the proposed site and returns along the southern perimeter.

The proposed surface water drainage system will collect storm-water run-off generated from the residential roofs and impermeable hard surfaces via gullies. The storm water will then drain to an onsite, below ground level attenuation facility. Attenuation capacity is designed for a 1 in 100 year storm event + 10% allowance for climate change. The attenuation tank capacity required is 43.2m³ . Surface water outfall from the attenuation tank is to be restricted by a Hydrobrake to limit the flow to the existing public storm drainage system.

Green roofing is proposed as a source control device. Provision has also been made for an area of soft landscaping including grass, planting and trees, at ground floor externally to the west of the complex to improve the sustainability of the scheme. Petrol interceptors have not been included as there is no car park hardstanding proposed within the site.

A Hydrobrake or similar approved flow control device is proposed before the outfall to the public network, with an online attenuation system provided to store excess rainwater during storm events. Private underground attenuation storage tanks are proposed to store excess surface water during storm events before discharging to the public network at the greenfield equivalent runoff rate. The attenuation tanks will be located in the common space to the west of the proposed building and will be privately managed and maintained. This surface water will then be discharged to the

existing public drainage system, east of the site. The proposed discharge rate from the site will be lower than the pre-development run-off levels in line with the SUDS requirement. It is envisaged that the proposed restriction on the surface water outfall will reduce the impact of the proposed development on the existing drainage infrastructure.

Cork City Drainage Section noted the attenuation proposals which are welcomed. However, the proposed discharge rate of 8l/s is considered too high for a site measuring only 0.75hectares. And recommend that the applicant limit the discharge to 5l/s which could be addressed by condition. Redforge Road, at the location of the proposed development, is prone to surface water ponding, during pluvial events, indicating a lack of adequate road drainage. The Applicant has undertaken to upgrade the drainage within the area of the road impacted by the development.

I have examined the reports on file and surface water drainage proposals, including attenuation. Based on the information before me I am generally satisfied in relation to the matter of surface water disposal and attenuation subject to standard conditions. Notwithstanding, a condition should be attached that final drainage proposals are to be agreed with the Planning Authority.

10.7.4 Flood Risk

A Flood Risk Assessment (FRA) was submitted with the application. The site is deemed to be within Flood Zone A due to a minor area of external ground levels on Redforge Road being below the 1% AEP MRFS flood level.

The FRA submitted notes the site is located close to the River Bride and there is a history of fluvial flooding in the wider area but not including the site. Tidal flooding is not possible given the location of the site. Significant hydraulic infrastructure exists on the Bride River and further downstream. There are also flow control structures and flood relief proposals for the River Bride, known as the River Bride Flood Relief scheme. There are no significant springs or ground water discharged in the immediate vicinity of the site.

According to the OPW National Flood Hazard Mapping Portal, there have been a number of flood events within 2.5km of the site. The most significant occurred on 28th June 2012.

Fluvial Flooding Mitigations are included, even though it is noted that the site is not located in an area identified as “Benefitting Lands”, indicating that it was not originally at risk of flooding. The ground floor of the development has been determined based on the 1% AEP for the mid-range future scenario 13.62mOD for the River Bride and applying a freeboard of 0.48m, gives a final level of 14.01mOD.

Drainage Flooding mitigation are set out in Appendix D of the FRA. The requirement for the raising of the ground floor will result in the ground floor being elevated above the external ground level for the majority of its foot print. Overland flow of water is a potential mechanism for flooding from the adjacent Redforge Road which in the event of a flood flows from north to south. Suitable road drainage is provided in the

event of these overland flows occurring. The FRA notes that drainage risks are satisfied by specifying a floor level of 14.01mOD for the site.

As a minor area of the external site levels is below the MRFS flood level and the site being residential in nature, is it classed as a highly vulnerable development under Table 3.1 of the 2009 Flood Risk Management Guidelines and the sequential approach to the planning assessment of the site as per figure 3.2 of the Guidelines indicates that a Justification Test is required.

A Justification Test (Appendix F of the FRA) has been undertaken. This concluded that the subject site passes the Justification Test for Development Management (Box 5.1)

Cork City Council drainage Section raised concerns that the Applicant has used the CFRAMS “mid-range future scenario” 1%AEP fluvial flood level of 13.62mOD, when setting floor levels of 14.1mOD. However, the design flood level for the “current scenario” at the nearest point of the Blackpool FRS to the proposed development is 13.46mOD at cross-section C06.11. The cross-section (see CCC Drainage report) shows the defence height at this location (i.e. embankment C06_E02) is set at 14.65mOD. This 13.62mOD flood level is significantly higher than the equivalent 1% AEP fluvial “current scenario” CFRAMS level of 12.99mOD. And while it is noted that the proposed development is not located in an area identified as “Benefitting Lands”, indicating that it was not originally at risk of flooding, the applicant should be requested to clarify their choice of proposed finished floor level of 14.1mOD in view of the Blackpool Floor Relief Scheme flood levels, rather than the CFRAM MRFS flood levels. I note that the Drainage Section were satisfied that the basis for the development’s floor level strategy could be addressed by condition.

Cork City Infrastructure Section noted that the River Bride (Blackpool) Flood Relief Scheme. The proposals for this scheme in the vicinity of the Redforge Road site are included in Appendix C of the Flood Risk Assessment Report submitted by the applicant. These proposals identify a flood defence embankment and flood defence wall close to the site. The 1% AEP flood level close to the site is indicated at 13.46m OD. A proposed flood defence level of 14.65m is indicated at this point. The developer’s Flood Risk Assessment Report also states that the proposed site on Redforge Road is deemed not to fall into an ‘at risk’ category of flooding from the Bride River, but that it should be noted that the DEHLG/OPW will give no explicit or implied assurance of protection against flooding even when the scheme is fully operational. Cork City Infrastructure Section conclude that the development of the proposed site does not appear to interfere with the confirmed River Bride (Blackpool) Flood Relief Scheme. However, this flood relief scheme is now the subject of an upcoming judicial review and the applicant will need to remain cognizant of this judicial review and potential outcomes from it. I note the Planning Authority are querying the FFL of 14.01mOD and are questioning the justification for this level but do not appear to have indicated what level they consider appropriate. The Planning Authority has not recommended that permission be refused on these grounds but

have recommended that this matter be addressed by condition., I recommend that a condition be attached if the Board is of a mind to grant permission requiring that the FFL be agreed with the Planning Authority prior to the commencement of development.

I have examined all the information on file and the submission received from the Planning Authority. I note that a recommendation to refuse permission on ground relating to flood risk have not been made and the Planning Authority is satisfied that outstanding matters can be addressed by condition. Therefore, based on all of the information before me, including the guidance contained within the relevant Section 28 Guidelines, I am generally satisfied in relation to the matter of flood risk subject to the recommended conditions.

10.8 Contaminated Lands/ Excavations/ Construction & Demolition Waste Management

The subject site is a brownfield site, the proposed development includes the removal of 4 no. underground fuel storage tanks (USTs) associate the petrol station currently operating from the site which is proposed to be demolished. I observed a carwash also operating from the southwestern corner of the site on the day of inspection.

The Preliminary Site Investigation Report submitted with the application noted given the limitations in the scope of the investigation undertaken due to current access restrictions, and taking a precautionary measure, the following remedial measures have been proposed for the site:

- All of the infrastructure associated with the existing service station will be decommissioned and removed from the Site. The required method statements will need to be prepared in advance of these works to ensure that they will be undertaken in accordance with required legislative requirements.
- Earthworks at the site will involve the removal of existing concrete slabs, excavation of soils for new drainage pipes, piling foundations and for an attenuation tank.
- An environmental consultant will supervise these works to ensure that all contaminated soils will be appropriately segregated and removed from the site in strict accordance with all requirements of the waste management regulations.
- Following earthworks site levels will be reinstated by approx. 0.4m with imported clean fill materials.
- The onsite drainage network will be replaced.
- A radon barrier will be placed beneath the proposed buildings.
- The entire surface of the site will be hardstanding, as it will be either beneath buildings or hardscaping with the exception of a small landscaped area in the northern portion of the site.

The report concluded that subject to the implementation of these remedial measures the potential for the identified contamination to impact on future human health and

environmental receptors will be removed and as such, the site will be suitable for the proposed development.

The Preliminary Construction and Demolition Waste and Management Plan noted that ground contamination has been identified at the site (6), however given it is below the existing concrete surface, its removal will be conducted after the building has been demolished to ensure ease of access /safety. Section 5.6 and 5.7 of the preliminary CDWMP address the removal of underground storage tanks and structures and the removal of potential contaminated soils respectively. These works would not be unusual for a city centre brownfield site and would be necessary for the decontamination of the site.

Considering the information on existing soil conditions contained within this report, I am satisfied with the information provided. I do not foresee any issue in relation to the removal of underground tanks etc. There is an active petrol filling station in operation here and it is expected that all fuel oils can be removed from site before demolition/ construction commences.

The Construction Environmental Management Plan (CEMP) includes Environmental Risk assessment, a Emergency management Plan and requirements for monitoring and implementing the CEMP. The CEMP should be read in conjunction with the EclA and NIS submitted with the application.

Earthworks required include the excavation for the proposed attenuation tank and drainage system and the removal of the 4 no. existing fuel tanks, related fuel lines and existing hydrocarbon interceptor. Foundation for the proposed building will be piled to minimise extent of earthworks. Excavations across the site will be required to a depth of c.0.4m which will be backfilled with c.0.5m of clean engineering fill material.

Mitigation measures to prevent and manage likely environmental risks are contained in Table 5-4 of the CEMP and include mitigation measures relating to the earthworks (where the likelihood of environmental risk occurring is high) as follows

- Earthworks in the vicinity of the existing forecourt and underground tanks will be supervised by a suitably qualified environmental consultant.
- All excavated contaminated soils will be segregated, sampled and be removed off site in a timely manner, in accordance with the relevant waste legislation.
- Further measures are included in the Site Investigation report submitted with the application.
- If any unexpected material are identified during the excavation process which differ from those outlined in the Site Investigation Report, works should cease in the area. The area should be fenced off with barrier tape (2.0m buffer zone) and a competent person contacted. The competent person will advise on how to safely proceed which may require a visual inspection/sampling/analysis and/or further investigations.

Mitigation measures for waste management (where the likelihood of environmental risk occurring is high) are:

- Should hazardous waste be encountered during construction (Such as contaminated soils), it will be segregated, contained, classified, transported and disposed of by appropriately permitted waste contractors in accordance with all relevant national and international waste legislation (refer to CDWMP for more details).
- Measures will be implemented to minimise waste and ensure correct handling storage and disposal of waste.
- During construction phase, covered skips should be available across the site to allow for appropriate segregation of waste in accordance with existing legislation.
- No burning of waste material shall take place on site.

The CEMP also includes mitigation measures for the following aspects and identified the likelihood of environmental risk occurring (low-medium-high):

Site operations & design (Low), Water quality – suspension solids (medium), water quality-oil & other construction related chemicals (low), water quality-cement (low), nuisance: dirt/dust (low), nuisance: noise (medium), biodiversity protection (low, with the exception of potential impacts on specific flora and fauna and bats which is medium which I address in section 10.9 Ecology), invasive species (low)

The Preliminary Construction and Demolition Waste and Management Plan (CDWMP) notes the proposed development will require excavations across the site to remove the underground structures, install flood tank and level the ground to ensure a suitable platform for construction and will result in cut and fill activities as part of the project. Where possible the soil and stone will be reused but it is estimated that the majority of the excavated material on site will be sent off-site for disposal to an appropriately licensed or permitted facility. Material to be sampled and analysed by the environmental CoW to determine appropriate control measures and disposal options.

I note that no asbestos survey has been carried out to determine if any present on site, and if so the treatment/removal or disposal of same. The Preliminary Construction and Demolition Waste and Management Plan notes that all building will be checked prior to the demolition for any potential salvageable and hazardous materials, including asbestos containing materials. All hazardous materials identified will be removed prior to commencing demolition activities.

Based on the information submitted I am satisfied that the applicant has clearly demonstrated that the proposed enabling works will not have a significant detrimental impact on the receiving environment.

Having regard to the information submitted in relation to the proposed excavations, decommissioning and removal of underground fuel tanks (USTs), contaminated solid

and its removal, I am satisfied the applicant has determined the waste can be appropriately disposed.

I note that a NIS submitted does not refer to works required to facilitate the removal of the underground fuel storage tanks. I have considered the measures set out inter alia in the Site Investigation Report, The CEMP, CDWMP which should also be considered in conjunction with the submitted Natura Impact Statement and ECIA. All of which need to be read in unison. I am satisfied that the measures proposed are robust and sufficient.

The treatment of contaminated soil and water can be addressed by condition.

10.9 Ecology

An EclA is submitted with the application includes assessment to Natura 2000 sites and included some information contained in the AA Screening and NIS submitted. The third party observers or the Planning Authority have not raised concerns in relation to these matters. There is no report on file from the CCC Heritage Officer.

The site is located in a predominantly urban landscape and is currently occupied by a petrol station, car wash, car parking area and delivery/waste storage yard. The site is predominantly made up of hardstanding with a petrol filling station and associated roof (canopy) with some limited trees, bushes and vegetation along site boundaries. The Bride (Cork City) River is the closest watercourse, c. 80m to the west. This river has been redirected above ground at Blackpool Park to the west of the site.

A Habitat survey was carried out (not dated), this confirmed that the majority of the site contains building and artificial surfaces associated with its current use. Findings include:

- It is not a suitable habitat for breeding amphibians.
- No record of badgers and it is not a suitable habitat for badgers.
- Common species of birds recorded and the site is of limited value for bird species, the trees/scrub to the west (outside site) provide suitable nesting sites for a range of common bird species.
- No otters record and no suitable habitats identified on site or in the immediate surrounding area.
- No invasive species noted on site.

The EclA concluded that no notable or protected species were identified on site and area considered unlikely to occur given the nature of the habitats, activities on site and on the adjoining lands.

I have inspected the site and I concur with the finding of the EclA, the site is occupied by a commercial use and is of low local ecological value. The proposed development, subject to recommended mitigation measures will not result in any significant impacts on ecological receptors in the surrounding area.

Bats:

The EclA includes Bat Survey (refers to a walkover carried out on 19th May 2021, a dusk emergence survey on the 19th May 2021 and a dawn re-entry survey on 3rd June 2021).

3 no. trees were identified on site that have features suitable for bat roost. The petrol station (building) was also inspected and 3 potential access points for bats were identified. It was noted that the site is heavily illuminated at night (street lights along Redforge Road, Floodlights off petrol shop building and from commercial lighting at the southern boundary). No evidence of bat activity found during the external inspection of the building. No bats were observed emerging/re-entering any of the trees or buildings surveys. Bats (common pipistrelle, soprano pipistrelle and lesser noctule bats) were observed commuting along treelines/scrub area to the west of the survey area where there is dilapidated house and scrub/tree habitat. No bats were observed to be roosting within the trees or buildings in the surveys areas. Based on the levels of activity and movement of the bats recorded during the surveys, it was considered that the site is of very little value to bats and it is heavily illuminated. No commuting or foraging activity was noted within the illuminated areas. Notwithstanding given the presence of bats in the area mitigation measures are include and recommended.

10.10 Part V

The applicant has submitted Part V proposals as part of the application documents 12 units (9 no. 1 bed and 3 no. 2 bed) are currently identified as forming the Part V housing. The Chief Executive Report note that the Housing Capital Section Housing Department confirmed the developer's agent has engaged with the department and are aware of the Part V obligations pertaining to this site if permission is granted.

I note the recent Housing for All Plan and the associated Affordable Housing Act 2021 which requires a contribution of 20% of land that is subject to planning permission, to the Planning Authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending on when the land was purchased by the developer. In the event that the Board elects to grant planning consent, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

10.11 Retail

A 313 sq.m retail unit is proposed on the ground floor of Block C. This is immediate adjacent to the existing units within Blackpool Retail Park. I consider the scale and location of this unit acceptable. Issues relating to shopfront and signage can be addressed by condition.

10.12 Childcare

The applicant has argued in the documentation submitted that as the proposal is for 114 BTR apartments that there is no demand for an onsite childcare facility. The Planning Authority have not raised concerns in this regard.

The Apartment Guidelines, 2018, states that the threshold for provision of childcare in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. The guidelines state that 1 bed or studio units should generally not be considered to contribute to a requirement for childcare provision and, subject to location, this may also apply in part or whole to units with 2 or more bedrooms.

The proposal does not include provision for a childcare facility and the matter has been addressed in the submitted Childcare Demand Report. This included a Childcare audit and assessment to determine the existing childcare provision within 2km (10-20 minute travel time). The applicants support their argument for non-provision by reference to existing and permitted childcare facilities within the locality. I am satisfied with the justification put forward in this regard.

Having regard to the guidance contained in the Apartment Guidelines and in view of the development being comprised of 1 and 2 bed units and the existing available facilities in the area, I am satisfied that the omission of childcare from the development is acceptable.

10.13 Material Contravention

The proposed development materially contravenes the Cork City Development Plan 2015-2021 in terms of 16.25 (Building Height).

I note that the applicant has submitted a material contravention statement in relation to the matter outlined above, the justification/ reason put forward relate to the relevant section 28 guidelines, regional guidelines or national frameworks. The applicant has advertised that a material contravention statement is submitted as part of the application has as required under legislation.

Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the Development Plan, the Board may grant permission where it considers that:

- (i) the proposed development is of strategic or national importance,*
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,*
or
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,*
or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan*

The current application has been lodged under the Strategic Housing legislation and in respect of 37(2)(b)(1) the proposal meets the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). I note the sites location along an identified strategic corridor in the Cork Metropolitan Area Strategic Plan) (part of the Southern Regional Assembly Regional Spatial and Economic Strategy). The policies and objectives within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 which fully support and reinforce the need for increased residential density in settlements such as that proposed. National Policy Objective 35 of the NPF refers to such sites. I consider this to be one such site. Ultimately higher densities, result in greater numbers of people living at the right location, as well as taller buildings that should be delivered with greater unit mix and higher quality accommodation.

I have addressed all of these points in the body of my report.

Height:

16.25 of the Plan stating:

Within the context of Cork City the following building height categories can be identified:

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

Section 16.28 identifies those buildings of between 3-5 storeys will be considered in Suburban Areas. In exceptional circumstances buildings may be considered with a height of up to 20-23 metres (6-7 storeys).

A number of tall buildings locations are identified in the CDP 2015. As the subject site has not been identified for a tall building, this would normally limit the building height to 3-5 storeys as the site is situated in a suburban area. The buildings proposed on the subject site range in height from 4 to 9 storeys and are therefore classed as 'tall' and 'medium-rise' buildings in the Cork City Development Plan 2015. I consider the exceedance in terms of storeys proposed to be material.

The 2018 Guidelines on Urban Development and Building Heights seek building heights of at least 3 to 4 storeys in suburban areas. The current proposal has apartment buildings that range in height from 4 to 9 storeys. The 2018 Building Height Guidelines provide that permission may be granted for taller buildings where the development management criteria in the guidelines are met, even where specific objectives of the relevant Development Plan or Local Area Plan indicate otherwise. I consider that the site is appropriate for increased height in light of guidance in the Urban Development and Building Height, Guidelines for Planning Authorities (SPPR3) particularly in consideration of the Development Management Criteria in section 3.2 of the guidelines relating to proximity to high quality public transport services, character of the location, the contribution of the proposal to the street, improvement of legibility and daylight and sunlight considerations alongside performance against BRE criteria. I have addressed compliance with section 3.2 in section 10.2 of this report. I have addressed access to sunlight/daylight in sections 10.4.2 and 10.5.2.

I am of the opinion that given its 'ZO8' zoning, the delivery of residential development on this serviced zoned site would be consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness. The site is located in an accessible location, served by good quality public transport in an existing serviced area. The proposal serves to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community. The proposed development has been lodged under the strategic housing process, which aims to fast-track housing development on appropriate sites in accordance with the policies and objectives of Rebuilding Ireland. This legislation recognises the strategic importance of such sites in the provision of housing in meeting both current and future need. The proposed development meets or exceeds to requirements set out in the Urban Development and Building Height Guidelines for Planning Authorities, Sustainable Urban Housing: Design Standards for New Apartments and the Sustainable Residential Development in Urban Areas Guidelines.

I am of the view that material contravention is justified in this instance and permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework (in particular objectives 13 and 35), the 'Urban Development and Building Height Guidelines for Planning Authorities' issued in 2018 (in particular section 3.2, Specific Planning Policy Requirement 3).

Having regard to the provisions of Section 37 (2) (b) of the Planning and Development Act (as amended), I consider that a grant of permission, that may be considered to materially contravene the Development Plan, would be justified in this instance under sub sections (i) and (iii) of the Act. I refer to Board to the recommended Board Order for their deliberation.

10.14 Chief Executive Report

As previously referred to in this report the Chief Executive Report recommended a grant of planning permission subject to conditions.

I have addressed issues raised in the Chief Executive Report in my assessment above. I note the conditions recommended, I consider these broadly acceptable subject to minor amendments. Where I do not consider a condition appropriate I have addressed it in my assessment.

I note a S.49 Supplementary Development Contribution Scheme in respect of suburban rail services includes the development of the railway station at Blackpool / Kilbarry. The scheme was updated for the period 2020-2022.

The project consists of works and the provision of rolling stock associated with:

- Re-opening of and operation of suburban rail services on the Cork to Midleton line.
- Provision of new rail services between Blarney and Cork (some to continue to Mallow).
- Upgrading of rolling stock and frequency on the Cobh rail line as demand increases.

Within the City, the main elements of the project are the re-opening of Kilbarry Rail Station and the refurbishment/realignment of the Central (Kent) Station.

The application site is for residential development and is located within 1km of Kilbarry Rail Station. Therefore in accordance with the "Cork City Council General Development Contribution Scheme 2020-2022 & Supplementary Development Contribution Scheme 2020-2022" It falls within the area covered by a section 49 Supplementary Development Contribution application and I recommend that a condition be attached.

11.0 Environmental Impact Assessment (EIA) Screening

The applicant has addressed the issue of Environmental Impact Assessment (EIA) within an 'EIA Screening Report' and a 'Statement pursuant to Planning and Development Regulations 2001 (as amended) and Section 299B(1)(b)(ii)(II)(C)' and I have had regard to same in this screening assessment. These reports contain information to be provided in line with Schedule 7 of the Planning and Development Regulations 2001. The EIA screening report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

It is proposed to construct 114 no. BTR residential units and a retail unit on a site with a stated area of 0.73 ha. The site is located on a brownfield site within the urban footprint of Cork city within a District Centre. The site is, therefore, below the applicable threshold of 10ha. The site currently contains a petrol station, its forecourt and canopy, associated car park, delivery yard and 4 no. underground fuel storage tanks all of which are to be demolished/removed as part of the proposed development. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Irish Water and Cork City Council, upon which its effects would be marginal. A Preliminary Site Investigation Report, CEMP and CDWMP have also been submitted and address the removal of the USTs and the disposal of contaminate soils. A Natura Impact Statement was submitted with the application which noted that mitigation measures required to address potential impacts from pollution of surface water.

Article 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. It is my view that sufficient information has been provided within the Environmental Report and the 'Statement pursuant to Planning and Development Regulations 2001 (as amended) and Section 299B(1)(b)(ii)(II)(C)' (which should be read in conjunction with each other) and other documentation to determine whether there would or would not be likely to have a significant effect on the environment.

Article 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Planning and Design Statement.
- Landscape Design Strategy.
- Site Infrastructure Report (including Confirmation of Feasibility from Irish Water and Letter from Irish Water confirming development is in line with Standard Details and Codes of Compliance)
- Flood Risk Assessment
- Sustainable Urban Drainage System Report
- DMURS Statement of Consistency
- Sustainable Transport Strategy/Assessment
- Mobility Management Plan
- Road Safety Audit
- Building Lifecycle Report
- Access Statement
- Ecological Impact Assessment
- Appropriate Assessment - Natura Impact Statement
- Construction Environmental Management Plan
- Outline Construction Traffic Management Plan
- Preliminary Construction Environmental and Demolition Waste Management Plan
- Preliminary Site Investigation Report
- Noise Impact Assessment and Acoustic Design Statement
- Wind and Microclimate Modelling
- Daylight, Sunlight and Overshadowing Report
- EIA Screening
- Statement on EIA Screening Process Pursuant to Article Section 299B of the Planning and Development Regulations 2001

Article 299B (1)(b)(ii)(II)(C), requires the applicant to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. In this regard the applicant submitted a Section 299B Statement.

The list below relates to assessment that I have taken account of -

- The Birds Directive (Directive 2009/147/EC) and Habitats Directive (Council Directive 92/43/EEC) through the Natura Impact Statement, Ecological Impact Assessment, Preliminary Site Investigation Report and CEMP.
- The Water Framework Directive (WFD) (Directive 2000/60/EC) and The Groundwater Directive (Directive 2006/118/EC). The EIA Screening Report, Natura Impact Statement, and SuDS Report have been informed by the water quality status.
- The Floods Directive (Directive 2007/60/EC) Risk Assessment through the Site-Specific Flood Risk Assessment (FRA) and the implementation of the Cork City Development Plan 2015-2021 which undertook a Strategic Flood Risk Assessment (SFRA).
- The Strategic Environmental Assessment (SEA) Directive 2001/42/EC through the zoning of the land for district centre in accordance with the Cork City Development Plan 2015-2021 which was subject to SEA.
- The Waste Framework Directive 2008/98/EC thorough the design of the proposed development and the mitigation measures set out in the Construction Environmental Management Plan and the Preliminary Construction & Demolition Waste Management Plan, Preliminary Site Investigation Report and the EIA Screening Report.
- The Seveso Directive (Directive 82/501/EEC, Directive 96/82/EC, Directive 2012/18/EU). The proposed site is not located within the consultation zones, therefore, this does not form a constraint to the proposed development at this location.

The applicants Environmental Report under the relevant themed headings and the EIA Screening Report, considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening. I have also taken into account the SEA and AA of the Cork City Development Plan 2015-2021.

I have completed an EIA screening determination as set out in Appendix 2 of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's EIA Screening Report.

A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

12.0 Appropriate Assessment

12.1 Compliance with Article 6(3) of the Habitats Directive

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

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

The proposed development at Redforge Road, Cork. a residential development comprising 114 BTR apartments and a retail unit is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

12.2 Introduction

The Natura Impact Statement (NIS) submitted refers to screening that was carried out. This noted that as the proposed development has the potential to impact on two European sites, avoidance and mitigation measures have been included as part of the proposed development to ensure that, in view of the European sites' conservation objectives and beyond reasonable scientific doubt, the proposed development will not adversely affect the integrity of the sites concerned.

Included with the application, amongst other reports are an Ecological Impact Assessment, Preliminary Site Investigation Report, Preliminary Construction Environmental Management Plan and a Construction Demolition Waste management Plan, Flood Risk Assessment and Storm Water Management and SUDS Assessment. A field study was undertaken on the 19th May 2021.

12.3 Screening for Appropriate Assessment (Stage 1)

12.4 Description of Development

The applicant provides a description of the project in section 3 of the NIS. I refer the Board to section 3 of this report.

12.5 Test of likely significant effects

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the is likely to have significant effects on a European site(s).

The proposed is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

12.6 Designated sites within Zone of Influence

The site is not located within or directly adjacent to any Natura 2000 sites, boundaries of 2 no. SAC and 1 no. SPA are located within 15km of the site. The Applicants Screening adopted a precautionary principle and considered designated site within a 15km radius of the sites. These include Great Island SAC (site code 001058), Blackwater River (Cork/Waterford) SAC (site code 002170) and Cork Harbour SPA (site code 004030).

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Site
SPECIAL AREAS CONSERVATION (SAC)	
<p>Great Island SAC (site code 001058).</p> <p>Qualifying Interests:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140], Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Conservation Objectives: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and/or Annex II species for which the SAC has been selected.</p> <p>**note that this SAC overlaps with Cork Harbour SPA (004030). The conservation objectives for this site should be used in conjunction with those for the overlapping site as appropriate.</p>	c. 8km to the east
<p>Blackwater River (Cork/Waterford) SAC (site code 002170)</p> <p>Qualifying Interests:</p> <p>Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310], Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330], Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410], Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260], Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0], Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0], <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029], <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092], <i>Petromyzon marinus</i> (Sea Lamprey) [1095], <i>Lampetra planeri</i> (Brook Lamprey) [1096], <i>Lampetra fluviatilis</i> (River Lamprey) [1099], <i>Alosa fallax fallax</i> (Twait Shad) [1103], <i>Salmo salar</i> (Salmon) [1106], <i>Lutra lutra</i> (Otter) [1355], <i>Trichomanes speciosum</i> (Killarney Fern) [1421]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and/or Annex II species for which the SAC has been selected.</p> <p>**Note this SAC overlaps with Blackwater Estuary SPA (004028), Blackwater Callows SPA (004094) and Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161). It is also adjacent to Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (000365). The conservation objectives for this site should be used in conjunction with those for the overlapping and adjacent sites as appropriate.</p>	c. 13.3km to the north

<p>Macgillycuddy's Reeks and Caragh River Catchment SAC (000365).</p> <p>Qualifying Interests Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110], Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130], Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260], Northern Atlantic wet heaths with Erica tetralix [4010], European dry heaths [4030], Alpine and Boreal heaths [4060], Juniperus communis formations on heaths or calcareous grasslands [5130], Calaminarian grasslands of the Violetalia calaminariae [6130], Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410], Blanket bogs (* if active bog) [7130], Depressions on peat substrates of the Rhynchosporion [7150], Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0], Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0], Taxus baccata woods of the British Isles [91J0], Geomalacus maculosus (Kerry Slug) [1024], Margaritifera margaritifera (Freshwater Pearl Mussel) [1029], Euphydrias aurinia (Marsh Fritillary) [1065], Petromyzon marinus (Sea Lamprey) [1095], Lampetra planeri (Brook Lamprey) [1096], Lampetra fluviatilis (River Lamprey) [1099], Salmo salar (Salmon) [1106], Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303], Lutra lutra (Otter) [1355], Trichomanes speciosum (Killarney Fern) [1421], Najas flexilis (Slender Naiad) [1833], Alosa fallax killarnensis (Killarney Shad) [5046]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and/or Annex II species for which the SAC has been selected.</p>	<p>(included as overlaps with Blackwater River (Cork/Waterford) SAC (site code 002170)</p>
<p>SPECIAL PROTECTION AREA (SPA)</p>	
<p>Cork Harbour SPA (site code 004030).</p> <p>Qualifying Interests:</p> <p>Little Grebe (Tachybaptus ruficollis) [A004], Great Crested Grebe (Podiceps cristatus) [A005], Cormorant (Phalacrocorax carbo) [A017], Grey Heron (Ardea cinerea) [A028], Shelduck (Tadorna tadorna) [A048], Wigeon (Anas penelope) [A050], Teal (Anas crecca) [A052], Pintail (Anas acuta) [A054], Shoveler (Anas clypeata) [A056], Red-breasted Merganser (Mergus serrator) [A069], Oystercatcher (Haematopus ostralegus) [A130], Golden Plover (Pluvialis apricaria) [A140], Grey Plover (Pluvialis squatarola) [A141], Lapwing (Vanellus vanellus) [A142], Dunlin (Calidris alpina) [A149], Black-tailed Godwit (Limosa limosa) [A156], Bar-tailed Godwit (Limosa lapponica) [A157], Curlew (Numenius arquata) [A160], Redshank (Tringa totanus) [A162], Black-headed Gull (Chroicocephalus ridibundus) [A179], Common Gull (Larus canus) [A182], Lesser Black-backed Gull (Larus fuscus) [A183], Common Tern (Sterna hirundo) [A193], Wetland and Waterbirds [A999]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the bird species listed as qualifying interests for this SPA.</p> <p>**note that this SPA overlaps with Great Island Channel SAC (001058).</p>	<p>c. 4.7km to the east.</p>

<p>Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161).</p> <p>Qualifying Interests: Hen Harrier (<i>Circus cyaneus</i>) [A082]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the bird species listed as qualifying interests for this SPA.</p>	<p>(included as overlaps with Blackwater River (Cork/Waterford) SAC (site code 002170))</p>
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I have examined the qualifying interests and the conservation objectives for Macgillycuddy's Reeks and Caragh River Catchment SAC (000365), Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) and given the separation distance from the application site the distance from the point where these designated sites overlap with the Blackwater River (Cork/Waterford) SAC (site code 002170) which in itself is c. 13.3km from the application site. I do not consider that these sits fall within the Zone of Influence of the project.

For the purposes of my screening I consider the following sites to be within the Zone of Influence of the project: Great Island SAC (site code 001058) and Cork Harbour SPA (site code 004030). I do not consider that any other European sites fall within the zone of influence of the project based on a combination of factors including the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), , the conservation objectives of Natura 2000 sites, the lack of suitable habitat for qualifying interests, as well as by the information on file, I have also visited the site.

12.7 Potential Effects on Designated Sites

The Bride River (Cork City) is c. 80m west of the site at its closest point. The river has been redirected above ground in Blackpool Park to the west of the site. The Glen (Cork City) River is c. 500m south of the site. The Bride River converges with the Clen River c. 750m south of the site to form the Kiln River. The Kiln River then continues in a southerly direction for c. 1km before joining the River Lee (North Channel). The River Lee then travels for c. 5km before discharging into Cork Harbour.

The site and adjacent watercourse are located within the Kiln_SC_010 subcatchment, forming part of the overall Lee, Cork Harbour and Youghal Bay WFD Catchment [5].

The proposed development is hydrologically connected to the Great Island SAC and Cork Harbour SPA located downstream of the site as stormwater runoff will discharge into the Bride River.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, there is potential for significant effects upon these Natura 2000 sites arising from construction activities associated with the proposed development, as well as during operation. The following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Loss of, or disturbance to habitats and species during construction.
- Potential impairment of water quality during construction phase.
- Potential impairment of water quality during operational phase.

With regard to habitat loss and fragmentation, given the site is not located within or adjoining any European sites, there is no risk of direct habitat loss impacts and there is no potential for habitat fragmentation. The site does not offer any supporting habitat for the wintering waterbirds designated under Cork Harbour SPA.

There is no direct pathway via groundwater, air or land to Natura 2000 sites and the nearest European site is c.4.7km from the proposed development.

There is an indirect pathway to both Great Island SAC (site code 001058) and Cork Harbour SPA (site code 004030) via stormwater runoff which is to be discharged to the Bride River and subsequently downstream into Cork Harbour. In the absence of mitigation, an accidental pollution event could occur during the construction (noting, inter alia, that the proposal includes for the removal of underground storage tanks and potentially contaminated material associated with the previous use on the site) or operational phases of the proposed development arising from polluting materials from the proposed development being transported downstream could impact protected habitats and species within Cork Harbour SPA. Potential pollutants resulting from the installation of the proposed development include suspended solids, cementitious materials, silt, hydrocarbon leaks or spoils which could cause a deterioration in water quality, such pollution could detrimentally affect bird species utilising the river or its margins and possibly indirectly affect these species by changing the populations of their food supply.

Notwithstanding that there is an indirect link to the SAC and SPA via manmade infrastructure, need to travel through different waterbodies to reach the SAC and SPA for a distance of c.4.7km. Having regard to the existing use on site (petrol station with underground fuel storage tanks), the requirement to remove these tanks and contaminated soil/material I am adopting a precautionary approach given the potential contamination that may occur and I am proceeding to Stage 2 Appropriate Assessment.

12.8 Screening Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the potential for significant effects on two European sites, Great Island SAC (site code 001058) and Cork Harbour SPA (site code 004030) as a result of the project individually or in combination with other plans or projects cannot be excluded in view of the Conservation Objectives of that site, and Appropriate Assessment is therefore required.

The sites screened in for appropriate assessment are sites included in the NIS submitted with the application.

The possibility of significant effects on Blackwater River (Cork/Waterford) SAC (site code 002170), Macgillycuddy's Reeks and Caragh River Catchment SAC (000365), Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) and other European sites has been excluded on the basis of scale of the works proposed development, separation distance and lack of substantive ecological linkages between the proposed works and European sites. In reaching the conclusion of the screening assessment, no account was taken of measures intended to avoid or reduce the potentially harmful effects of the project on any European Site.

12.9 Stage 2 Appropriate Assessment

I have read the NIS in conjunction with the 'Ecological Impact Assessment' (EclA), EIA Screening Report, Preliminary Site Investigating Report, Construction and Environmental Management Plan, Preliminary Construction and Demolition Waste Management Plan, Flood Risk Assessment and Storm water Management and SUDS Assessment. All of which I consider critical documents which contain mitigation measures. The NIS submitted should be considered in conjunction with these other documents and submissions. I note all the information is on file and therefore available for my appropriate assessment.

This Stage 2 Assessment will consider whether or not the project would adversely affect the integrity of the Great Island SAC (site code 001058) and Cork Harbour SPA (site code 004030) either individually or in combination with other plans and projects in view of the site's conservation objectives.

12.10 Appropriate Assessment of implications of the proposed development

The following is a summary of the detailed scientific assessment of the implications of the project on the qualifying interest features of Great Island SAC (site code 001058) and Cork Harbour SPA (site code 004030), All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.

I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents available through the NPWS website (www.npws.ie). As noted above the main aspects of the proposed development that could affect could adversely affect the conservation objectives of the European sites are:

- Potential impairment of water quality during construction phase.
- Potential impairment of water quality during operational phase.

The documentation submitted with the application includes detailed surveys of habitats, mammals and birds. No terrestrial mammals or signs of mammals of conservation importance were noted on site. No protected flora was noted on site. No invasive species were noted on site. No birds of conservation importance were noted on site.

Great Island SAC (site code 001058)

The great island SAC has been designated for the protection of Mudflats and sandflats not covered by seawater at low tide and Atlantic salt meadow. This SAC is located cc.8km east of the application site.

There is an indirect pathway to the Great island SAC (site code 004030) via stormwater runoff which is to be discharged to the Bride River and subsequently downstream into Cork Harbour. In the absence of mitigation, an accidental pollution event could occur during the construction or operational phases of the proposed development arising from polluting materials from the proposed development being transported downstream could impact protected habitats within the SAC. Potential contamination from the removal of the underground fuel storage tanks and contaminated soil entering the watercourse. Potential pollutants resulting from the installation of the proposed development include suspended solids, cementitious materials, silt, hydrocarbon leaks or spoils which could cause a deterioration in water quality.

Cork Harbour SPA (site code 004030)

The Cork Harbour SPA has been designated for the protection of numerous bird species (QIs) as set out in the table above. The SPA is located c.4.7km to the east of the application site.

There is an indirect pathway to the Cork Harbour SPA (site code 004030) via stormwater runoff which is to be discharged to the Bride River and subsequently downstream into Cork Harbour. In the absence of mitigation, an accidental pollution event could occur during the construction or operational phases of the proposed development arising from polluting materials from the proposed development being transported downstream could impact protected habitats and species within Cork Harbour SPA. Potential contamination from the removal of the underground fuel storage tanks and contaminated soil entering the watercourse and impacting on protected habitats and species downstream. Potential pollutants resulting from the installation of the proposed development include suspended solids, cementitious materials, silt, hydrocarbon leaks or spoils which could cause a deterioration in water quality, such pollution could detrimentally affect bird species utilising the river or its margins and possibly indirectly affect these species by changing the populations of their food supply.

Potential pathways via air and land are screened out due to the distance.

Potential impacts via groundwater are not likely to be significant based on the absence of groundwater linkages. The habitat suitability of the application site for SPA bird species is also ruled out.

Potential indirect effects due to surface water pollution during construction (noting, inter alia, that the proposal includes for the removal of underground storage tanks and potentially contaminated material associated with the previous use on the site) and operational phase - pollution-prevention measures will be employed during construction works, in order to avoid or minimise the risk of impacts on the SAC and SPA.

Included with the application, amongst other reports are an Ecological Impact Assessment, Preliminary Site Investigation Report, Preliminary Construction Environmental Management Plan and a Construction Demolition Waste management Plan, Flood Risk Assessment and Storm Water Management and SUDS Assessment that include mitigation measures which address inter alia the removal of the underground fuel storage tanks and contaminated soil/material

Section 7 of the submitted NIS describes the design requirements and mitigation measures to be implemented during the construction and operational phases of the proposed development to avoid adverse effects on the SAC and SPA. This sets out that design measures have either avoided or reduced the potential for the proposed development to affect the conservation objectives of the identified European sites:

Construction mitigation measures should be implemented under supervision of the Ecological Clerk of Works (employed by the contractor) to ensure that the proposed development will not affect the conservation objectives of any of the identified European sites. It is considered that the implementation of the CEMP ensures that any direct or indirect or ex-situ impacts to the conservation objectives supporting the QI species of the Great Island SAC (site code 001058) and Cork Harbour SPA (site code 004030), will not arise and will ensure that adverse effects on site integrity are avoided.

Mitigation measures are set out in the NIS and in the Outline Construction Environment Management Plan (CEMP) to avoid surface water pollution in the course of the construction of the proposed project. These measures include that all construction works associated with the new drainage infrastructure onsite will be completed, checked and cleaned where required in advance of discharging to the Bride River, Adequate Spill Kits and training for contractors, procedures for spillage of cementitious materials and clean up, any sediments adversely affected by contamination will be excavated and stored in appropriated sealed containers for disposal offsite in accordance with all relevant waste management legislation, stockpiles of materials to be covered during periods of prolonged or heavy rains a located away from the river as far as practically possible, concrete puts to be planned and executed, washouts out to be done off site or within designated washout areas, adequate fuel storage and refilling protocols, silt traps. Compliance with best practice guidelines which are based on Inland Fisheries and National Roads Authority Guidance. Periodic monitoring will be undertaken during construction phase to ensure measures are effective.

Discharge surface water runoff to the Bride River during operational phase. This will be designed to ensure that all clean segregated run-off will discharge as stormwater. All stormwater from the site will drain into an onsite , below ground level attenuation facility (designed for a 1 in 30 year storm event +10% allowance for climate change). Surface water outfall from the attenuation tank. Will be restricted by a hydrobrake to limit the flow to the existing public storm drainage system before discharging to the Bride River.

Consequently downstream detrimental impacts on the QIs for the Great Island SAC (site code 001058) and Cork Harbour SPA (site code 004030) should be avoided. The NIS, taking account of the likely effects of the implementation mitigation measures set out above, concludes that the proposed development does not pose a risk of adversely affecting the integrity of any European site.

The NIS submitted concluded that avoidance, design requirements and mitigation measures are set out within this report and associated reports and they ensure that any impacts on the conservation objectives of European sites will be avoided during the construction and operation of the Proposed such that there will be no risk of adverse effects on these European sites.

I note that additional mitigation measures are detailed in the 'Ecological Impact Assessment' (EIA), 'EIA Screening Report', FRA, CEMP and Preliminary CDWMP submitted with the application. I have reviewed these documents and assessed them in this report.

The elements of the project likely to give rise to significant effects on the Great Island SAC (site code 001058) and Cork Harbour SPA (site code 004030), are the transportation of polluting materials from the proposed development transported downstream could have detrimental impacts on QIs for the Great Island SAC (site code 001058)), And the deterioration in water quality could detrimentally affect the QI the Cork Harbour SPA (site code 004030).

A detailed assessment of the of the removal of the underground fuel storage tanks and contaminated soil/materials is set out in section 10.8 of this report.

A detailed assessment of the surface water drainage is set out in section 10.7.3 of this report.

The mitigation measures proposed to avoid effects on arising from surface water discharge are robust and satisfactory.

Having regard to the measures outlined as well as the application of best practice construction methods and operational practices I am satisfied that indirect effects on the SAC and SPA can be ruled out with confidence.

12.10 In-Combination Effects

The site is located in an urban environment. There is an existing petrol station with underground fuel storage tanks. Construction on this site will create localised light, dust and noise disturbance. There is therefore no potential for any in combination effects to occur.

Pollution-prevention measures will be employed during the construction and operational phases of the proposed development to address potential impacts from surface water. In combination effects have been considered and I am satisfied that the proposed and I am satisfied that the proposed development in combination with other permitted in the area, which in themselves have been screened in terms of AA, would not be likely to have a significant effect on any European site.

12.11 Evaluation of Effects

I consider that the proposed mitigation measures set out in the NIS and Construction Environmental Management Plan, Ecological Impact Assessment' (EclA), preliminary Site Investigation report. Flood Risk Assessment, Storm Water Management and SUDS Assessment and the Construction and Demolition Waste Management Plan are clearly described, are reasonable, practical and enforceable. I am also satisfied that the measures outlined fully address any potential impacts arising from the proposed development and that it is reasonable to conclude on the basis of objective scientific information, that the proposed development would not be likely to have an adverse effect on the Great Island SAC (site code 001058) and Cork Harbour SPA (site code 004030).

12.12 Appropriate Assessment Conclusion

The proposed residential development at Redforge Road, Blackpool, Cork has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out a Stage 1 Appropriate Assessment Screening of the project, it was concluded that it may have a significant effect on Great Island SAC (site code 001058) and Cork Harbour SPA (site code 004030) Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

Following a Stage 2 Appropriate Assessment, with submission of a NIS, it has been determined that subject to mitigation (which is known to be effective) the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites Great Island SAC (site code 001058) and Cork Harbour SPA (site code 004030) or any other European site, in view of the sites Conservation Objectives.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of Great Island SAC (site code 001058) and Cork Harbour SPA (site code 004030).

- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Great Island SAC (site code 001058) and Cork Harbour SPA (site code 004030).

13.0 Recommendation

For the reasons outlined above, I consider that the proposal is in compliance with the proper planning and sustainable development of the area and I recommend that permission is GRANTED, under section 9(4) of the Act subject to conditions set out below.

14.0 Reasons and Considerations

Having regard to the following:

- (a) the nature, scale and design of the proposed development,
- (b) the availability in the area of a wide range of social, community and transport infrastructure,
- (c) the proximity to the centres of employment
- (d) the pattern of existing and permitted development in the area,
- (e) the planning history within the area,
- (f) the site's location within the North Central suburbs of Cork City, within a built-up area, in close proximity existing public transport infrastructure and accessible to the city centre
- (g) the provisions of the Cork City Development Plan 2015-2021, including the zoning ZO 8 for District Centre Use with an objective '*To provide for and/or improve district centres as mixed-use centres, with a primary retail function which also act as a focus for a range of services*'.
- (h) the policies and objectives set out in the Cork City Development Plan 2015-2021.

(i) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),

(j) the provisions of Housing for All, A New Housing Plan for Ireland 2021

(k) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013

(l) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009

(m) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020

(n) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009

(o) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018

(p) the NIS with the application

(q) the submissions and observations received, and

(r) the report of the Chief Executive and associated appendices

(s) the report of the Inspector and the submissions and observations received,

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

15.0 Recommended Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Cork City Council

Proposed:

The development will consist of: 1. The demolition of existing structures on site including a single storey building, pump island canopy, 4 no. fuel pumps and the decommissioning/removal of 4 no. underground fuel tanks; and 2. The construction of 114 no. Build to Rent apartments (comprising a mix of 1 and 2 bed apartments) in 2 no. blocks, ranging in height from 4 to 9 storeys; 3. 1 no. 313 sqm retail unit; 4. Residential amenity facilities including a reception, residents' gym, lounge area and shared workspace; 5. The provision of landscaping and amenity areas including an enclosed courtyard and 1 no. rooftop garden; 6. The provision of public realm improvements on Redforge Road including widened footpaths and pavement improvements, pedestrian crossing, tree planting, raised tables/planters and seating areas; and 7. All associated ancillary development including pedestrian/cyclist facilities, lighting, drainage, boundary treatments, bin and bicycle storage, ESB Sub-station and plant at ground floor level.

The application contains a statement setting out how the proposed development is consistent with the objectives of the 2015 Cork City Development Plan.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

A Natura Impact Statement has been prepared in respect of the proposed development.

Decision:

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

Matters Considered:

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations:

In coming to its decision, the Board had regard to the following:

- (a) the nature, scale and design of the proposed development,
- (b) the availability in the area of a wide range of social, community and transport infrastructure,
- (c) the proximity to the centres of employment
- (d) the pattern of existing and permitted development in the area,
- (e) the planning history within the area,
- (f) the site's location within the North Central suburbs of Cork City, within a built-up area, in close proximity existing public transport infrastructure and accessible to the city centre
- (g) the provisions of the Cork City Development Plan 2015-2021, including the zoning ZO 8 for District Centre Use with an objective '*To provide for and/or improve district centres as mixed-use centres, with a primary retail function which also act as a focus for a range of services*'.
- (h) the policies and objectives set out in the Cork City Development Plan 2015-2021.
- (i) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (j) the provisions of Housing for All, A New Housing Plan for Ireland 2021
- (k) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (l) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (m) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020

(n) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009

(o) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018

(p) the NIS with the application

(q) the submissions and observations received, and

(r) the report of the Chief Executive and associated appendices

(s) the report of the Inspector and the submissions and observations received,

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

Appropriate Assessment: Stage 1

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

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on Great Island SAC (site code 001058) and Cork Harbour SPA (site code 004030) in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following: a) the site-specific conservation objectives for the European sites, b) the

likely indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts on surface water quality, c) the mitigation measures which are included as part of the current proposal.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European sites in view of the sites' conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. Having regard to:

- (a) the nature and scale of the proposed, which is below the threshold in respect of Class 10(i) and (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 ZO 8 for District Centre Use with an objective '*To provide for and/or improve district centres as mixed-use centres, with a primary retail function which also act as a focus for a range of services*', where residential development is permitted in principle under the Cork City Development Plan 2015-2021 and the results of the Strategic Environmental Assessment of the Plan;
- (c) the existing use on the site and pattern of development in surrounding area;
- (d) the planning history relating to the site
- (e) the availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Regulations 2001 (as amended),
- (g) 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),
- (h) the criteria set out in Schedule 7 of the Planning and Regulations 2001 (as amended), and
- (i) the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the NIS, Ecological Impact Assessment, the Preliminary Site Investigation Report, Construction Environment Management Plan, Preliminary Construction Demolition Waste Management Plan, Storm

Water Management and SUDS Assessment and Environmental Impact Assessment – Screening Report.

The Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable

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

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the Cork City Development Plan 2015-2021 in relation to building height. The Board considers that, having regard to the provisions of section 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the City Development Plan would be justified for the following reasons and considerations:

In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to: the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended); its location along an identified strategic corridor in the Cork Metropolitan Area Strategic Plan) (part of the Southern Regional Assembly Regional Spatial and Economic Strategy) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.

In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended):

It is considered that permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework (in particular objectives 13 35), the 'Urban Development and Building Height Guidelines for Planning Authorities' issued in 2018 (in particular section 3.2 and Specific Planning Policy Requirement 3).

Conditions:

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement, Ecological Impact Assessment, Preliminary Site Investigation Report, Stormwater Management and SUDS Assessment, Flood Risk Assessment Construction Environmental Management Plan, Preliminary Construction and Demolition Waste Management Plan with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of avoiding adverse impacts on Great Island SAC (site code 001058) and Cork Harbour SPA (site code 004030) , protecting the environment and in the interest of public health

3. Prior to the commencement of development the developer shall submit
 - (a) details for obscured glazing to all windows serving bathrooms and hallways on the northern elevation.
 - (b) High level windows to living rooms on the northern elevation

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

Reason: In the interests of proper and sustainable planning.

4. The 114 no. build to rent units hereby permitted shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable

Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2020) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

Reason: In the interest of the proper planning and sustainable development of the area and in the interest of clarity

5. Prior to the commencement of development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first residential unit within the scheme.

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

6. Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

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

Reason: In the interest of visual amenity.

8. Details of shopfronts shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity and to protect the historic character of the area.

9. No external security shutters shall be erected on any of the commercial premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing

with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

10. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

11. Proposals for the development name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

12. (a) The communal open spaces, including hard and soft landscaping, access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

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

(a) The roads and traffic arrangements serving the site, including road improvements, signage, shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

(b) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

(c) All works to public roads/footpaths shall be completed to the satisfaction of the planning authority.

(d) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety.

14. A total of 114 no. secure bicycle parking spaces shall be provided within the development. Design details for the cycle spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

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

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

16. Prior to commencement of the development, details of all areas of boundary treatment and planting, shall be submitted to, and approved, by the planning authority. Boundaries and areas of communal open space shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the

planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

17. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Strategy, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

18. Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.

Reason: In the interest of public health.

19. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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

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

21. Prior to the commencement of development the applicant shall submit to and agree in writing with the planning authority, the proposed finished floor levels for the ground floor of the proposed development.

Reason: In the interests of public health and mitigation of flood impacts.

22. The Applicant shall enter into a new connection agreement with Cork City Council for the proposed new connection to the public stormwater sewer.

Reason: In the interests of public health

23. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide, inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise and dust management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.

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

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

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

25. Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

26. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

27. Prior to commencement of development, the developer shall submit to the Planning Authority a method statement in line with the “Energy Institute Design, construction, modification, maintenance and decommissioning of filling stations (known as the Blue Book)” guidelines for the decommissioning of the existing underground fuel storage tanks for the prior written agreement of the Planning Authority.

Reason: In the interest of orderly management and disposal of waste

28. (a) the developer shall ensure that any excavated material stockpiled on site during construction shall be held in a manner such as to ensure that no silt or run-off from these stockpiles enters any watercourse.

(b) the developer shall ensure that the river banks and their habitats for fish, mammals and birds are not negatively impacted upon by the construction works.

(c) the developer shall ensure that surface water from the development is free from herbicides, pesticides, fertilisers and other substances which could have a harmful effect on the environment.

Reasons: In the interest of preservation of wildlife.

29. The developer shall notify the Dublin Airport Authority / Cork Airport and the Irish Aviation Authority not less than 30 days prior to the erection of any crane on the subject site.

Reason: In the interest of aviation safety.

30. a) lights from the proposed development, either during the construction phase or when the development is completed, shall not cause glare or in any way impair the vision of train drivers or personnel operating on track machines.

(b) all works on and adjacent to the required to meet the terms of the Railway Safety Act 2005. This includes demolition and construction activities.

(c) permission shall be sought from Iarnród Éireann for the use of cranes or any other lifting devices where the airspace within the railway boundary is to be encroached by crane jibs, etc.

Reason: In the interest of railway safety.

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

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

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

Reason: To ensure the satisfactory completion of the development.

33. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

34. The developer shall pay to the Planning Authority a financial contribution in respect of works and the provision of rolling stock associated with the re-opening of and operation of suburban rail services on the Cork to Midleton line. Provision of new rail services between Blarney and Cork (some to continue to Mallow). Upgrading of rolling stock and frequency on the Cobh rail line as demand increases. Within the City, the main elements of the project are the re-opening of Kilbarry Rail Station and the refurbishment/realignment of the Central (Kent) Station as referred to in the Cork City Council General Development Contribution Scheme 2020-2022 & Supplementary Development Contribution Scheme 2020-2022. In accordance with the terms of the Supplementary Development Contribution Scheme made by the Planning Authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be made prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Dáire McDevitt
Senior Planning Inspector

14th December 2021

Appendix 1 Documentation submitted with the application.
Appendix 2 EIA Screening Form.

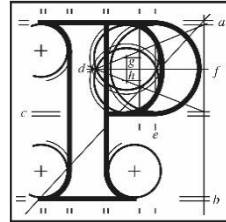
Appendix 1

Documentation submitted with the application included inter alia:

- Cover letter and Schedule of Documents
- Response to An Bord Pleanála Opinion
- Completed SHD Application Form
- Press Notice – Template
- Press Notice – Evening Echo
- Site Notice
- Letter of Consent from Cork City Council
- Copy of Notification Letters sent to Prescribed Bodies and Cork City Council
- Planning and Design Statement
- Statement of Consistency
- Material Contravention Statement
- Part V Report
- Drawing Issue Sheet
- Housing Quality Assessment
- Schedule of Areas
- Site Location Maps
- Architectural Drawings & Schedule
- Site Layout Plans at 1:500
- Site Sections at 1:500
- Floor Plans, Elevations, and Sections at 1:200
- Plan of areas proposed to be Taken in Charge
- Landscape Plans
- Landscape Design Strategy
- Landscape and Visual Impact Assessment
- Photomontages
- Artists Impressions
- Engineering Drawings
- Site Infrastructure Report (including Confirmation of Feasibility from Irish Water and Letter from Irish Water confirming development is in line with Standard Details and Codes of Compliance)
- Flood Risk Assessment
- Sustainable Urban Drainage System Report
- DMURS Statement of Consistency
- Sustainable Transport Strategy/Assessment
- Mobility Management Plan
- Road Safety Audit
- Public Lighting Report
- Building Lifecycle Report
- Access Statement
- Ecological Impact Assessment
- Appropriate Assessment - Natura Impact Statement
- Construction Environmental Management Plan
- Outline Construction Traffic Management Plan

- Preliminary Construction Environmental and Demolition Waste Management Plan
- Construction and Environmental Management Plan
- Preliminary Site Investigation Report
- Noise Impact Assessment and Acoustic Design Statement
- Wind and Microclimate Modelling
- Daylight, Sunlight and Overshadowing Report
- EIA Screening
- Statement on EIA Screening Process Pursuant to Article Section 299B of the Planning and Development Regulations 2001
- Childcare Assessment
- Draft Section 47 Agreement.

Appendix 2 EIA Screening Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-311414-21
Summary		Construction of 114 no. BTR apartment retail unit, demolition of existing structures removal of underground fuel storage tanks and associated site works.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening report and a NIS were 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	

<p>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</p>	<p>Yes</p>	<p>SEA and AA undertaken in respect of the Cork City Development Plan 2015-2021 and see also Inspectors Report section 11 in relation to Article 299 B(1)(b)(2)(c)</p>
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<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p>1. Characteristics of proposed (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The development comprises the construction of 114 residential units and a retail unit on lands where residential is permitted in principle.</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 an residential complex which are not considered to be out of character with the pattern of 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 urban development . The loss of natural resources or local biodiversity as a result of the 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. Excavation works to facilitate the removal of 4 no. fuel storage underground tanks and contaminated lands will be carried out in accordance with the Preliminary Construction and Demolition Waste Management Plan, The Construction Environmental Management Plan, the Preliminary Site Investigation Report, the NIS and EclA. 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 and Demolition Waste Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other 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>Potential risk identified from the potential pollution during the excavation, removal and treatment of contaminated material from the site and any potential migration of any groundwater pollution offsite to the SAC and SPA.</p> <p>Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction.</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 Environmental Management Plan.</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 Environmental 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 . Any risk arising from construction will be localised and temporary in nature. Flood Mitigation Measures are included in the design of the proposed development. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Development of this site as proposed will result in an increase in residential units (114 units) which is considered commensurate with the of a residentially zoned site in the environs of the Northern Suburbs of Cork city.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>Standalone development, with minor in the immediately surrounding area.</p>	<p>No</p>
<p>2. Location of proposed</p>			
<p>2.1 Is the proposed located on, in, adjoining or have the potential to impact on any of the following:</p> <p>1. European site (SAC/ SPA/ pSAC/ pSPA)</p>	<p>No</p>	<p>A NIS accompanied the application which included mitigation measures to protect the identified European sites from significant adverse impacts.</p>	<p>No</p>

<p>2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a plan/ LAP/ draft plan or variation of a plan</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 uses on 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>No such features on the site and no impacts on such features are anticipated.</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>There are no areas in the immediate vicinity which contain important resources.</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>There are connections to the Bride River. The development will implement SUDS measures to control surface water run-off. Flood Mitigation Measures are included in the design. Site is on Flood Zone A and a justification test has been carried out and submitted.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.</p>	<p>No</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?	No	The site is served by a local urban road network.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	There are no existing sensitive land uses or substantial community uses which could be affected by the project.	No
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 result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

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

D. MAIN REASONS AND CONSIDERATIONS			
Having regard to: -			
(j) the nature and scale of the proposed, which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,			

- (k) the location of the site on lands zoned ZO 8 for District Centre Use with an objective '*To provide for and/or improve district centres as mixed-use centres, with a primary retail function which also act as a focus for a range of services*'. where residential development is permitted in principle under the Cork City Development Plan 2015-2021 and the results of the Strategic Environmental Assessment of the Plan;
- (l) the existing use on the site and pattern of development in surrounding area;
- (m) the planning history relating to the site
- (n) the availability of mains water and wastewater services to serve the proposed development,
- (o) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Regulations 2001 (as amended),
- (p) 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),
- (q) the criteria set out in Schedule 7 of the Planning and Regulations 2001 (as amended), and

the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the NIS, Ecological Impact Assessment, the Preliminary Site Investigation Report, Construction Environment Management Plan, Preliminary Construction Demolition Waste Management Plan, Storm Water Management and SUDS Assessment and Environmental Impact Assessment – Screening Report.

It is considered that the proposed 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.

_____ 14/12/2021

Daire McDevitt
Senior Planning Inspector

Date