



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion**

**ABP-311438-21**

<b>Strategic Housing Development</b>	283 no. apartments, creche and associated site works.
<b>Location</b>	Bessborough, Ballinure, Blackrock, Co. Cork.
<b>Planning Authority</b>	Cork City Council
<b>Prospective Applicant</b>	Estuary View Enterprises 2020 Ltd.
<b>Date of Consultation Meeting</b>	23/11/2021
<b>Date of Site Inspection</b>	05/11/2011
<b>Inspector</b>	Conor McGrath

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## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The subject site comprises approx. 1.9358ha of lands within a wider landholding within the Bessborough Estate, located on the southeastern side of Cork City, just north of the N40 Ring Road. The original Bessborough Estate comprised a much more extensive area, which was broken up and reduced to approx. 24ha in more recent times. The estate now accommodates a variety of institutional and community uses, as well as lands in agricultural use. To the east of the estate is the commercial district at Mahon, separated from the site by a former railway, now the Marina – Passage Greenway. Lands to the west of the estate are in commercial use, with Mahon Golf Course to the southwest. Levels fall generally toward the estuary to the south.

The subject lands are irregularly shaped, located on the eastern part of the original Bessborough estate. The main cluster of institutional buildings, including Bessborough House a protected structure, are located to the west. The site includes a narrow corridor running east-west to the south of these buildings to facilitate service connections. The site is bounded to the west by a relatively new access road running north-south from Bessborough Road. To the north of the site are a number of community / health care uses, however, the site immediately to the north is currently undeveloped. Existing mature vegetation on the eastern side of the site

marks the boundary with the greenway which runs along the former railway cutting to the east, and the application site provides for access to this greenway.

The prospective applicants refer to this site as *The Meadows*, comprising Phase 1 of the wider development of lands in Bessborough. There is also a concurrent pre-planning consultation application by the same applicants in respect of Phase 2 development on lands to the west of the site, referred to as *The Farm* under ref. ABP-311382-21.

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

### 3.0 Proposed Strategic Housing Development

The development consists of 283 no. build-to-sell apartments, associated supporting uses, creche, communal open spaces, landscaping, under-podium and on-street car parking, bicycle parking and associated works.

The development is arranged around 4 no. L-shaped blocks, A, B, C & D with a central spine public route running East-West. This route provides a new pedestrian and cycleway bridge connection from the site, and the wider Bessborough lands, to the Marina & Blackrock to Passage Greenway to the east and beyond to Mahon. A raised landscape podium is located to the south of this route, which accommodates car parking under. Building Heights vary across the site from 1-10 storeys. Key development parameters include:

<b>Site Area</b>	<b>1.9358ha</b>
<b>No of apartments</b>	283 apartments
<b>Density</b>	146/ha
<b>Plot Ratio</b>	1.82 (GDA 35,156.2-sq.m.)
<b>Site Coverage (Inc. podium)</b>	38%
<b>Height Range</b>	1-10 Storeys (34m max)

<b>Dual Aspect</b>	43.5%
<b>Private amenity space</b>	2,251-sq.m. / per unit
<b>Public open space</b>	4,242-sq.m.
<b>Creche</b>	225-sq.m.
<b>Car Parking</b>	101 / 0.35 per unit
<b>Cycle Parking</b>	594 spaces / 2 per unit

<b>Unit Type</b>	<b>No. of Units</b>	<b>%</b>
Studio	5	1.8%
1 bed 2 person	114	40.3%
2 bed 4 person	151	53.4%
3 bed 5+ person	13	4.6%

<b>Communal Areas</b>	
Gym	190.90-sq.m.
Lounge/Workshop	344.80-sq.m.
Lounge 2	165.70-sq.m.
Total	701.40-sq.m. / 2.48-sq.m.per unit

## 4.0 Relevant Planning History

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

**PA ref. 09/34237:** Permission granted for the construction of a two-storey nursing home on the southern part of this site, providing 95 no bedrooms together with associated living and dining accommodation. This permission was not implemented.

### Adjacent lands:

**PA ref. 07/32270:** Permission granted for a three storey Resource Centre, boiler house and underground attenuation system on the site to the north of the subject

site. This permission was not implemented. This followed a previous permission for a resource centre, 20 no. residential units under PA ref. 02/25856.

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

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

**PA ref. 07/32573:** Permission granted for the single and two-storey Sacred Heart Convent buildings on Bessborough Avenue.

**PA ref. 17/37565:** Permission granted for 66 dwelling units on lands to the north of Bessboro Avenue, north of the Sacred Heart Convent. This was subject to a material contravention of the development plan. This development is complete.

**PA ref. 18/37820 ABP ref. ABP-302784-18:** Permission granted for demolition of existing commercial buildings and construction of 135 no. dwelling units on lands to the north of Bessboro Avenue, north of the main entrance to Bessborough Estate. This was subject to a material contravention of the development plan and is currently under construction.

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

**PA ref. 21/40503:** Current application for the change of use of an existing building from office use to classrooms and educational use, to the west of the subject site.

**PA ref. 21/40481:** Current application for the construction of a new detached classroom to be associated with the existing Bessborough Creche.

## **5.0 Section 247 Consultation(s) with Planning Authority**

The application documentation refers to S.247 meetings with Cork City Council on 13/05 and 10/06 2021 in respect of development comprising 300 / 288 no. residential units. Matters raised included the following:

- Design and layout.
- Relationship with lands to the south.
- Design of private amenity space.
- Scale of buildings and treatment of height across the site.
- Vehicular access and relationship with the adjoining road.
- Quantum of on-street car parking.
- Access to the Greenway.
- Traffic impacts.
- Archaeological mitigation.
- Creation of active frontage.

## **6.0 Planning Policy**

### **6.1. National and Regional Planning Policy**

#### **6.1.1. Project Ireland 2040 - National Planning Framework**

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

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

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

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

Objective 8 sets ambitious growth targets for Cork, proposing a c.50% growth in population to 2040. It emphasises compact growth requiring a concentration of development within the existing built-up area, including increased densities and higher building formats.

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

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

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

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

Pillar 2 - Accelerate Social Housing

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

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

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

- Supporting Homeownership and Increasing Affordability.



- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion.
- Increasing New Housing Supply; and
- Addressing Vacancy and Efficient Use of Existing Stock.

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

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

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

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

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

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

RPO 35: supports the National Strategic Outcome of Compact Growth

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

## **Cork Metropolitan Area Strategic Plan (MASP)**

### **MASP Policy Objective 1 (includes)**

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

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

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

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

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

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

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

## **6.2. S.28 Ministerial Guidelines**

- 6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission of the Chief Executive, and

observers' submissions, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

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

### **6.3. Local Planning Policy**

#### **Cork City Development Plan 2015 – 2021**

South Mahon is identified as a Key Development Area, with potential for further development through the development of remaining "greenfield" land and through the intensification of existing sites. The detailed strategy for the area is contained in the Mahon Local Area Plan. Mahon is also identified as a Key Suburban Centre.

The lands are zoned ZO4: Residential, Local Services and Institutional Uses, 'to protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3'.

The ZO4 lands are also designated as an 'Area of High Landscape Value'.

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

Bessborough House is identified as a protected structure.

Objective 10.6 Views and Prospects: To protect and enhance views and prospects of special amenity value or special interest and contribute to the character of the City's landscape from inappropriate development. There will be a presumption against development that would harm, obstruct or compromise the quality or setting of linear views of landmark buildings, panoramic views, rivers prospects, townscape and landscape views and approach road views.

There are two relevant views and prospects:

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

LT 14 is a Landscape/Townscape View which are defined as "views of areas that have distinctive/ outstanding townscape or landscape features within the city including views of the city ridges".

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

AR 4 is a Primary Approach Road View which are defined as "The approach roads into Cork City offer visitors the vital 'first impression' of the city and glimpse of the unique topography and character of Cork. Historical routes into the city tend to be from high vantage points, whereas the national primary roads offer wider viewing corridors.

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

Chapter 16 sets out Development Management Standards including requirements for design statements, visual impact assessment, dwelling size, and car parking. Section 16.25 identifies the following building height categories:

- Low-rise buildings (1-3 storeys in height).
- Medium-rise buildings (< 32m 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 (32m or higher, the approx. equivalent of a 10-storey building).

#### Building Height in Suburban Areas

16.27 Within suburban areas, low rise buildings will be considered appropriate except in the following areas, which include;

- Larger development sites – sites of greater than 0.5 hectares (or one residential block) which are capable of accommodating their own intrinsic character without having an adverse impact on their neighbours.

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

#### Tall Buildings

16.34 The City Council has identified Docklands and South Mahon as areas with the potential to accommodate high buildings. All other areas are not appropriate for tall buildings and will be resisted in areas of special and/or significant character in the

city, including the suburban areas of the city (apart from locations specified in the Plan) and Areas of significant landscape value (including Landscape Preservation Areas and Areas of High Landscape Value).

Table 16.4 sets out Indicative Targets for Dwelling Size and Distribution.

Table 16.5 identifies minimum floor areas for apartments while table 16.7 identifies minimum standards for private open space. (Note these standards are higher than those set out in the current Apartment Design Guidelines.)

## **7.0 Submissions Received**

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

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

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

## **8.0 Forming the Opinion**

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting.

### 8.1. Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. The documentation submitted is set out in Appendix 1.

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

The Statement of Consistency considers the following policy documents:

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

The report seeks to demonstrate that the proposed development is consistent with these policy documents. Relevant policies are set out in tabular form along with a



response demonstrating how the development is consistent therewith. The documentation does not identify any material contravention of the development plan.

## **8.2. Planning Authority Submission**

A submission from Cork City Council was received by An Bord Pleanála on 15/10/2021 in accordance with Section 6(4)(b) of the 2016 Act. The submission includes:

- Details of relevant planning history
- Record (minutes) of s.247 pre-planning consultation held on 13/05/2021 and 10/06/2021.
- A statement (below) on the key considerations relating to proper planning and development.
- Appendix 1 – Reports of Internal Directorates:
  - Archaeology
  - City Architect
  - Conservation
  - Drainage
  - Environment
  - Infrastructure
  - Parks
  - Planning Policy
  - Traffic & Transport
  - Urban Roads & Street Design
  - Water

The report containing the opinion of the planning authority makes the following points:

- The development is supported in strategic terms and is compliant with the aims of the National Planning Framework and the RSES for the growth of Cork.
- Residential use is the central objective of this ZO4 zoning.
- The development must be justified against the objectives for the Area of High Landscape Value designation, set out in Chapter 10, in particular Objective 10.4.

- The scale of blocks need to have a neutral / positive impact on the landscape character.
- The Planning Policy Section note that while the proposed development can be supported in principle from a strategic planning perspective, it must be assessed in terms of design, conservation and heritage.
- The proposed density of 147 units / ha is excessive for this location within the City Suburbs. Such densities are more typical for City Centre sites where services and public transport are readily available.
- The nearest Neighbourhood Centre is approximately 1.3km and public transport is limited to bus service no.'s 202, 215 and 219.
- The density is difficult to support in the absence of concrete proposals for an LRT and a Local Centre in the area.
- The proposed heights are open to consideration in the context of the Urban Development and Building Heights Guidelines.
- Key concerns are impacts on the Area of High Landscape Value and adjacent protected structures, along with the visual impacts of the proposed buildings.
- Some reduction in height would reduce these impacts, particularly in regard to Blocks A and D, while also reducing the density to an appropriate level.
- The City Architect raises no objection to this well considered scheme.
- There will not be undue negative impacts on protected views.
- Proposed apartments meet or exceed the requirements of the Guidelines.
- 50% dual aspect provision would be required for this location, while 43% of is provided. There is concern with the number of northern aspect units (13.5%).
- The mix of unit types is acceptable.
- Revisions to Blocks A and D should address impacts on adjacent buildings to the West in terms of overbearing, overshadowing / loss of light to amenity areas.
- The Conservation Officer raises concerns regarding the impact of the height and massing of buildings, particularly Blocks A and D, which is out of character for this landscape and the Landscape Preservation Zone defined by mature trees, silvan and pastoral character.
- Public open space exceeds Development Plan requirements and is acceptable.
- The design and location of communal open space is acceptable.
- The Parks & Landscape Section raise no objection.

- The Heritage Officer has no concerns in terms of ecological impacts.
- The City Archaeologist raises no archaeological objection subject to mitigation.
- The Board should take account of the report of the City Archaeologist and to the information submitted by the applicant in relation to the legacy issues surrounding the Mother and Baby Home and any planning or legal implications and the potential requirements should human remains be discovered.
- A detailed TTA and network analysis should consider the adjacent Phase 2 SHD proposal at The Farm. Specific matters to be addressed in the TTA are identified.
- Further detail of roads to be taken in charge is required.
- Issues with internal road design and access are identified.
- Further details regarding pedestrian and cycle access and the design of the proposed footbridge are required, including an increased width to the bridge.
- Wayfinding for users of the bridge should be improved.
- Assessment of the proposed parking ratio of 0.35 requires relevant TTA output data, however this ratio is too high given the existing congestion in the area.
- A breakdown of parking provision should be provided.
- A sustainable transport strategy is required given the proposed density of the development, to promote sustainable travel and avoid overspill parking.
- The quantum of bicycle parking does not meet the required standards.
- A road safety audit and Mobility Management Plan should be provided, and an outline construction traffic management plan.
- Public lighting details are required.
- Any necessary consents for drainage infrastructure should be confirmed.
- The application should include a Construction Management Plan, Waste Management Plan, Operational Waste Management Plan.
- The capacity of the proposed creche facility is inadequate.
- There are a number of primary and secondary schools within walking/cycling distance which should promote sustainable travel.
- The applicant should liaise with the Housing Directorate regarding Part V provision prior to full application stage.

### **8.3. The Consultation Meeting**

A Section 5 Consultation meeting was held on 23/11/2021, commencing at 2.30pm, via Microsoft Teams. This meeting addressed the pre-application consultation requests received in respect of this case and the concurrent case, ABP-311382-21. I refer to the record of the meeting in respect thereof. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting and the main topics raised for discussion at the tripartite meeting in respect of this case were as follows:

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

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

In relation to the Principle of Development (Planning History and Legacy Issues, Landscape and conservation objectives), An Bord Pleanála sought clarification and further elaboration and justification for the development in respect of the following matters:

- The nature of consultations with survivor representative groups.

- The recommendations made in the report on the “Cultural Heritage Legacy of the Subject Lands, The Farm, Ballinure, Blackrock, Cork City”, (Sept 2021) prepared by John Cronin & Associates.
- Compliance with the current development plan landscape designations relating to the site.

In relation to the Development Strategy, Design and Layout, Building Height, An Bord Pleanála sought further elaboration and justification for the development in respect of the following matters:

- The overall development strategy for lands within the prospective applicant’s landownership at Bessborough and relationship between proposed developments therein.
- The requirement for a detailed Masterplan for the coherent development of the lands.
- The rationale for the proposed height and massing of development and its relationship with the Protected Structure and its setting.
- The appropriateness of the densities of development proposed.
- Compliance with the development plan provisions with regard to building height.

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

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

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

- The assessment of the traffic and transport implications of the proposed development.
- The importance and design of the proposed connections to adjoining the Greenway and public transport services to the east.
- The level of car parking provision.

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

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

## **9.0 Conclusion and Recommendation**

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

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

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

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

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act:

**requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.”

## 10.0 Recommended Opinion

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

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

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

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

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

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

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

1. The application should be accompanied by an appropriately detailed Masterplan / Design Statement which should set out a coherent strategy for the overall development of lands within the prospective applicant's ownership



at Bessborough. The Masterplan should describe the overall response to the historic context and landscape setting of the lands, and the relationship between developments within different character areas in terms of their design and layout and the influences thereon.

2. The application should be accompanied by a detailed rationale / justification for the range of building heights and the massing of development proposed, having regard to potential impacts on the character and setting of Bessborough House, a protected structure, and its role and position within the historic demesne landscape.

Regard should be had, inter alia, to the provisions of Chapter 16 of the Cork City Development Plan 2015-2021 relating to Building Height and Objective 10.4 with regard to Areas of High Landscape Value, and to the criteria set out in Section 3.2 of the Urban Development and Building Height, Guidelines for Planning Authorities' (2018).

3. Further analysis of the landscape and visual impacts of the proposed development should be undertaken, to include additional photomontages and imagery. Such analysis should consider, in particular, views from within the original demesne to the south of Bessborough House and longer views including those identified for protection in the Cork City Development Plan 2015. The analysis should take account of the varying mitigation of such visual impacts provided by foliage and vegetation at different times of the year.
4. The application should clearly illustrate and assess the relationship between the proposed development and the adjoining farmyard complex and walled garden to the west, identified in the National Inventory of Architectural Heritage (reg. no. 20872006), having regard to the height and scale of development proposed. Detailed section and contextual drawings and other imagery should be submitted in this regard.
5. The application should be accompanied by the following:
  - (i) A detailed Traffic and Transport Assessment (TTA) in respect of the proposed development. In preparing this TTA, regard should be had to the detailed requirements set out in the submission of the planning authority,

dated 08/10/2021, and the report of the Transport and Mobility (Traffic Operations) section. The assessment should consider the cumulative impacts of the development with other existing and proposed development within the Bessborough estate and on adjacent lands, including the developments to the north permitted under PA ref. 17/37565 and 18/37820.

- (ii) A Mobility Management Plan and a Car and Bicycle Parking Management Strategy.
  - (iii) The application should be accompanied by a Quality Audit in accordance with Annex 4 of DMURS, including a Road Safety Audit.
6. Detailed design proposals for the proposed Greenway access bridge should be provided, which should address the matters raised in the submission of the Planning Authority to An Bord Pleanála dated 15/10/2021, including a rationale for the siting and design of the structure, a requirement for an increase in the width of the bridge, interaction with the existing Greenway and issues of wayfinding.
- This aspect of the development should be assessed as part of the Quality Audit to be undertaken in respect of the proposed development.
7. Further consideration of, and possible amendment to the documents and/or design proposals submitted, having regard to the relationship of the proposed development with the adjacent lands to the north. It should be demonstrated that the proposed development would not prejudice any future development of those lands, having particular regard to issues including overlooking, daylight, sunlight and overshadowing.
8. Details of the areas intended to be taken in charge by the Local Authority should be clearly set out.
9. The Ecological Impact assessment should include the results of all surveys undertaken in respect of these lands, including in particular Wintering Bird Surveys and Bat Surveys. Documentation should confirm that all surveys were undertaken at the appropriate times of the year.

The application should be accompanied by an Invasive Species Management Plan.

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

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

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

**PLEASE NOTE:**

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

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Conor McGrath

Senior Planning Inspector

30/11/2021

## **Appendix 1: Documentation Submitted**

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