



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-311470-21**

Strategic Housing Development	Demolition of existing structures, construction of 191 no. apartments, creche and associated site works.
Location	Former Cork Warehouse Company Site, Monaghan Road, Cork.
Planning Authority	Cork City Council
Prospective Applicant	Tiznow Property Company Limited (Comer Group Ireland)
Date of Consultation Meeting	26/11/2021
Date of Site Inspection	05/11/2021
Inspector	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

The subject site is located at the north-eastern end of Monaghan Road, in the South Docks area of Cork City. The site comprises approx. half of this larger former industrial warehouse site, with a stated area of 0.78ha. The site is generally level and previous large warehouse structures have been substantially removed. The site is bounded to the northeast by Marquee Road which runs between Monaghan Road to the south and Centre Park Road to the north.

The site does not front directly to Monaghan Road and the intervening space comprises an open drainage channel and an area of currently unmaintained public open space. There is also an open drainage channel running along the inside of the frontage to Centre Park Road, which channels are reflective of the historic reclaimed nature of lands in this area.

To the southwest is a former fuel storage site, which is understood to be no longer on operation. To the east of the Marquee Road is the former Ford Distribution Site which was the subject of a grant of planning permission for approx. 1,000 dwelling units and associated uses in 2020 (ABP-309059-20). Further to the east, works on the development of Marina Park are nearing completion beyond which lies Pairc Uí Chaomimh. To the north, Centre Park Road continues to the river and provides access to the Marina Greenway and recreational area. I note that there is a level 2 COMAH site further to the west of the site on Centre Park Road.

3.0 Proposed Strategic Housing Development

3.1. The proposed development is presented as phase 1 of a wider masterplan, which mostly relates to lands to the north of Centre Park Road, and is referred to as Block J within that Masterplan context.

The development comprises the removal of all existing structures from the site and construction of 191 no. apartments in two residential blocks ranging generally from three to twelve-storeys in height. The higher elements are located at the junctions of Marquee Road with Centre Park Road and Monaghan Road. All residential and vulnerable uses are provided at upper floor levels, with ground floor commercial uses and residential amenities fronting the adjoining roads. A Creche is provided at first floor level, with dedicated access from the Centre Park Road frontage. Undercroft parking is provided, accessed from Marquee Road, with a central podium courtyard open space over. A small square / plaza bounded by commercial uses is proposed opening onto Marquee Road, facing the permitted development to the east. Key development parameters include:

Site area	0.78 ha
No. of units proposed	191
Density	245 / ha
Height	Up to 12-storeys
Plot ratio	2.7
Site Coverage	37%
Creche	370-sq.m.
Other uses	Café 282-sq.m. Retail 347-sq.m.
Residential amenity	784-sq.m.
Open space	Public 20% 1595-sq.m. Communal 1479-sq.m.
Car parking	65 no. / 0.34 / unit (incl. 7 surface)
Cycle Parking	360 no. resident spaces 100 no. visitor spaces
Dual aspect apartments	59%

Type	Number	%
1 bed (2-person)	63	33.0%
2 bed (3-person)	15	7.9%
2 bed (4-person)	93	48.7%
3 bed (6-person)	20	10.5%

4.0 Relevant Planning History

PA ref. 99/23742 and 00/24380: Permission granted for extensions to existing warehouse buildings.

PA ref. 10/34271: Permission granted for retention of a 45m high telecoms mast to the west of the site.

ABP-311723-21: Concurrent pre-application consultation request in respect of 1,030 no. apartments, 2 no. creches and associated development and site works on adjoining lands, to the northwest of Centre Park Road. This subject site at Marquee Road comprises part of the masterplan area for these wider lands.

ABP-309059-20: Permission granted for a strategic housing development on lands at the Former Ford Distribution Site, on the opposite side of Marquee Road in respect of the construction of approx. 1,000 no. apartments, childcare facilities and associated site works. Building heights range from four to fourteen storeys. Heights of 11-storeys generally front onto the proposed Monaghan's Road Extension and Marina Park. One fourteen-storey element is proposed in the southeastern corner of the site, at the junction of Marquee Road and Monaghan's Road.

Part 8: Monaghan's Road Extension: Approval granted for the provision of a new road (Monahan Road Extension) from the junction of Monahan Road-Marquee Road, northeast along the northern boundary of Marina Park towards the River Lee, upgrading of the existing priority junction at Monahan Road-Marquee Road to a fully signalised four-arm junction, realignment of Monahan Road (east) through Sutton Coal Yard site, on approach to the upgraded Junction and associated works.

5.0 Section 247 Consultation(s) with Planning Authority

Documentation accompanying the S.5 request refers to S.247 consultations with the planning authority on 30/01/2019 and 22/07/2021, wherein the main points of discussion were as follows:

- Zoning objectives and provision of schools on zoned lands within the proposed masterplan.
- Densities of development.
- Justification for building heights proposed within the Masterplan.
- The need to accommodate ABTA requirements on adjoining roads and provision of a green corridor along Marquee Road.
- Relationship of the Masterplan with Marina Walk.
- Relationship with adjoining streets.
- Quantum and layout of car parking.
- Drainage and flood level requirements.

6.0 Planning Policy

6.1. National and Regional Planning Policy

6.1.1. Project Ireland 2040 - National Planning Framework

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

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

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

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

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

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

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

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

The plan identifies five pillars for action. 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 aided by measures including infrastructural funding through the Local Infrastructure Housing Activation Fund (LIHAF).

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

The stated aim of the plan 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. **Southern Region - Regional Spatial and Economic Strategy 2020**

The strategy for a strong, resilient, sustainable region, includes measures to strengthen and grow cities and metropolitan areas. Key principles include an adequate supply of quality housing and regenerating and developing existing built-up areas as attractive and viable alternatives to greenfield development.

RPO 10: Compact Growth in Metropolitan Areas

- a. Prioritise housing and employment in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.
- b. Identify initiatives in 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 MASP Policy Objective 1, includes

- b. To promote the Cork 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

Cork MASP Policy Objective 2, includes

- b. Seek investment to achieve the infrastructure led brownfield regeneration of the Cork City Docklands and Tivoli as high quality, mixed use sustainable waterfront urban quarters, transformative projects which set national and international good practice standards in innovation, green and quality design, exemplary urbanism and place making.

Cork MASP Policy Objective 8: Key Transport Objectives (subject to CMATS)

include:

- d. East-West Light Rail 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.
- g. Delivery of the Cork City Centre Movement Strategy 2018-2024.
- i. Implement and further develop upon the Metropolitan Area Cycle Network Plan 2017, invest in infrastructure to support the integration of the cycle networks, improve and develop primary, secondary and feeder cycle networks.
- l. Other Strategic Road Priorities will include implementation of City Centre Movement Strategy, Cork Docklands and Tivoli Docks bridge (South Docks Eastern Gateway Bridge, Mill Road) and road infrastructure (South Docks and North Docks Roads, Tivoli Access).

Cork MASP Policy Objective 9: To seek delivery of ...(including).

- k. Cork City Docks and Tivoli Bridge and Street Infrastructure (including Eastern Gateway Bridge) Cork Docklands infrastructure is a key enabler for Cork under the NPF.

Section 7.1 City Centre Consolidation and Regeneration, notes that the redevelopment of the North and South Docklands and Tivoli is one of the most significant urban regeneration schemes in Ireland. The City Council are seeking to regenerate the brownfield site as a sustainable, vibrant, mixed use socially inclusive quarter, an extension of the city centre, capitalising on its waterside setting, access to city centre and public transport networks.

Cork Docklands are key to unlocking the travel demand for the proposed Light Rail system and will greatly enhance the potential for high-density mixed-use development in Docklands. Infrastructure Priorities for the docks include:

- Eastern Gateway Bridge, upgrades to Monahan Road, Centre Park Road and bridge approach roads, PT provision, transition area junction upgrades.
- Flood relief measures.

- Marina Park, Kennedy Park, quayside amenities.
- Education and health infra.
- Potential Brownfield Site remediation.

6.1.5. **Cork Metropolitan Area Transport Strategy (CMATS)**

CMATS is a Tier II Regional level plan, directly informed by national level policies, including the NPF. The strategy supports the delivery of the 2040 population growth target for the Cork Metropolitan Area. It provides the opportunity to integrate new development at appropriate densities with high-capacity public transport in conjunction with attractive walking and cycling networks and public realm improvements.

Key transport growth enablers are identified, including the delivery of large-scale regeneration projects for employment, housing and infrastructure in the docklands.

The provision of a Light Rail Tram system for the corridor between Ballincollig and Mahon, serving CIT, CUH, UCC, Kent Station, Docklands and Mahon Point meets the long-term objective for the metropolitan area for an east-west mass transit, rapid transport corridor and will unlock key development areas such as the Docks. In advance, and to allow for the consolidation of development to support its delivery, it is intended to serve this route with a high frequency bus service and to develop bus priority measures along the route, to enable a high level of performance in advance of its transition to light rail.

(Note: Contracts for initial route selection and design of this light rail project were awarded in August 2020.)

The proposed road network includes the South Docklands Access Roads. The Eastern Gateway Bridge will provide a key multi-modal access to the South Docks. Centre Park Road and Monahan's Road need to be upgraded to accommodate increased demand by public transport, walking and cycling. Bus lanes are proposed for Monahan's Road and light rail transit is proposed on Centre Park Road.

Significant improvements and expansion of the bus network are identified, including core radial routes between Mahon and Apple (Hollyhill) and Blarney / Tower, and routes utilising the proposed Eastern Gateway Bridge.

6.2. **S.28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission of the planning authority and other submissions on the file, 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').
- Design Manual for Urban Roads and Streets (DMURS).
- National Cycle Manual.
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices').
- Childcare Facilities – Guidelines for Planning Authorities.
- Retail Planning Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.

6.3. **Local Planning Policy**

6.3.1. **Cork City Development Plan 2015 - 2021**

The Core Strategy notes that the delivery of Docklands development is critical to the city achieving its population and employment targets and to the CASP strategy.

The application site is zoned Objective ZO16 Mixed Use Development, which promotes mixed uses to ensure the creation of a vibrant urban area, working in tandem with the principles of sustainable development, transportation and self-sufficiency. Residential development is permitted on this zoning. The plan states that a vertical and horizontal mix of uses should occur where feasible, including active ground floor uses and vibrant street frontage on principle streets.

The remainder / western part of this industrial / warehouse site is zoned Objective ZO18: To provide for new primary and post-primary schools. This objective facilitates the provision of primary educational facilities to serve the educational needs of the populations of the South Docks; and a post-primary school site to serve the future population of the South Docks. Lands to the north east of Centre Park Road are also subject to this objective.

Land to the southeast of the site, fronting Monaghan Road are zoned Objective Z014 Public Open Space, which seeks to protect, retain, provide for recreational uses, open space and amenity facilities, with a presumption against development for alternative purposes, including public open space within housing estates.

Objective 5.1 Strategic Transport Objectives (include)

- a. Provide for greater consolidation within the City Centre, Docklands, Key Development Areas and Strategic Corridors, facilitated through the integration of landuse and transport planning, investment and service provision.
- d. To encourage and facilitate cycling and walking for short / local trips by providing appropriate infrastructure, “soft-measures” that influence change in transport behaviour, and by encouraging proximate, compact landuses.
- f. To develop a Bus Rapid Transit system from Ballincollig to Mahon via the City Centre and Docklands.
- i. To provide new local roads, streets, upgraded streets, and pathways where required to increase connectivity.

Objective 5.17 Additions to Local Street Network

- a. Eastern Gateway Bridge – connecting Lower Glanmire Road to Monahan’s Road.
- e. Redevelopment of Centre Park and Monahan’s Road.

Objective 13.25 identifies aims for the Docklands.

- a) To promote the development of the North and South Docklands as major development opportunities of regional and national importance.
- b) Review the South Docks LAP.

- c) Support the upgrade of recreational and amenity facilities at Marina Park, Pairc Uí Caoimh and Monahan Road over this Plan period.
- d) Work with key stakeholders to overcome barriers to development of South Docks.

Section 13.90 notes the building height strategy of the South Docks LAP (now expired). A general building height of 5-6 storeys with an additional setback storey has been established for the bulk of the area, with higher buildings (6-7 storeys with an additional storey setback) in the Neighbourhood and District Centres. Specific locations for tall buildings and local landmark buildings are identified.

Section 16.14 identifies an indicative net plot ratio of 1.5 – 2.5 for the docklands area. Plot ratio is noted to be secondary to other built form and planning considerations and should not be used to justify a particular built form as qualitative standards will be overriding considerations. A key assessment of proposals is their context and fitting in with the existing pattern of development.

Paragraphs 16.25-26 and 16.34-38 relate to requirements for tall buildings. Cork's tallest strategic landmark building should be that proposed for the Eastern gateway in the South Docks area, to the northeast of the subject site.

16.25 The following building height categories are identified:

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

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

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

Section 16.45 states that whilst it is the long-term objective to ensure that half of dwellings in Zones 1 and 2 are 3-bed+ (family-sized units) it is more realistic to apply lower targets in the medium term and to increase the size of units to ensure that they

are attractive dwellings for all household types. An extract from Table 16.4, Indicative Targets for Dwelling Size and Distribution, is set out below.

Household size	House size	Zone 1 & 2 and all Apartment schemes
1 Person	1 Bed	Max 15%
2 Person	2 Bed	Max 50%
3 Person	3 / 3+ Bed	Min 35%

6.3.2. Draft Cork City Development Plan 2022-2028

The subject site is zoned ZO17, Sports Grounds and Facilities.

The site comprises part of the Polder Quarter in the South Docks area in respect of which an indicative plot ratio (FAR) of 2.25 is identified (95% Residential & 5% non-residential), with a density of 150 / ha and building height range of 4-7 storeys.

7.0 Submissions Received

Irish Water: In order to accommodate the proposed water connection at the Premises, delivery of a strategic project for the South Docks area is required. Irish Water is progressing a project which will involve upgrading the water infrastructure to supply the wider South Docks area. The project is currently in design and engineering stage and has an estimated completion time of Q4 2022.

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 with this pre-application consultation request is set out in appendix 1 to this report.

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

- Rebuilding Ireland, Action Plan for Housing and Homelessness (2016)
- Project Ireland 2040: National Planning Framework.
- Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities 2020.
- 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.
- South Docklands Local Area Plan 2008 (now lapsed).

The statement 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, including relevant Specific Planning Policy Requirements (SPPR's). This includes an assessment of the development against the criteria set out in section 3.2 of the

Building Height Guidelines. The statement refers to supporting documentation, including the following:

- Architects Design Statement and Masterplan Design Statement
- A DMURS Compliance Statement
- Traffic and Transport Assessment Strategy
- AA Screening Report and Statement of Possible Effects on the Environment.
Site specific Flood Risk Assessment
- Landscape Masterplan and Design Strategy
- Preliminary Landscape and Visual Summary Statement
- Site Infrastructure Report

Neither the statement nor the supporting documentation identify or refer to 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 the 21st October 2021 in accordance with Section 6(4)(b) of the 2016 Act, which includes:

- Details of relevant planning history.
- Record of a S.247 pre-application consultation meeting held on 22/07/2021.
- A statement on the key considerations relating to proper planning and development.
- Copies of reports from the following internal departments:
 - Archaeology
 - City Architect
 - Drainage
 - Environment
 - Environment Operations
 - Infrastructure
 - Planning Policy
 - Traffic & Transport
 - Urban Roads & Street Design
 - Water

The statement on the key considerations makes the following key points:

- The development is supported in strategic terms and is compliant with the aims and targets of the NPF and RSES Cork City and Suburbs to 2031.
- Proposed land uses generally comply with the current land-use zoning objective.
- Future schools on the two adjacent zoned school sites to the southwest and north of the site, are critical elements of this new neighbourhood.
- The development is presented in isolation from the remainder of this site, which is zoned for new primary and post-primary schools.
- There is no indication how the development would integrate with, or impact on, a future adjoining school. It is difficult to assess the development in the absence of an understanding of how the overall former Cork Warehouse Company site will be developed.
- The proposal is premature in the absence of a masterplan for the whole Former Cork Warehouse Company site.
- Key considerations include whether or not there will be a street between the proposed SHD and the future school, how the two developments will relate and impacts such as daylight, sunlight and overlooking.
- The submitted Masterplan does not take account of the current zoning objectives.
- Within the Draft City Development Plan, the site is rezoned as ZO17 Sports Grounds and Facilities due to its accessibility to two zoned school sites.
- Such use will also facilitate stormwater flood volume storage, as part of a north-south landscape corridor along Marquee Road.
- Given the increased density permitted on the Former Ford Distribution site (247 / ha), the proposed density is undesirable and would set further precedent for densities that have not been allowed for in the planning of necessary infrastructure in the area.
- The density exceeds that required to support the proposed LRT (> 200dph).
- The proposed plot ratio of 2.7 exceeds the maximum identified in the city development plan. Densities should be reduced to 2.5:1, or lower.
- The site has not been identified for a tall building. Building heights are limited to 'Medium-Rise' buildings of up to 9-storeys or < 32 metres in height.

- A rationale for the proposed building height, in line with SPPR 3, is required.
- It is acknowledged that the permitted SHD on the Former Ford Site provides for increased building height and, subject to SPPR 3, the 12-storey element on the corner of Monahan Road and Marquee Road may be accommodated.
- The application should be accompanied by a detailed design statement, sunlight and daylight assessment and visual impact assessment.
- The City Architect regards the development as acceptable in principle, subject to Masterplanning issues and issues raised with the internal layout.
- Most units meet or exceed minimum apartment design standards. An issue in respect of bedroom floor areas in one unit type is identified.
- The mix of unit types is broadly acceptable and in accordance with SPPR 8.
- The number of two-bed, four person apartments should be increased in lieu of three-person units.
- A Masterplan should address the relationship with the adjoining site and the western strip of public open space.
- A detailed breakdown of car and cycle parking provision should be provided.
- A transport strategy should promote sustainable travel, avoid overspill parking and identify cycle and pedestrian linkages.
- A full TTA and DMURS Quality Audit, including a road safety audit should be provided, and swept path analysis for fire/refuse.
- There is no objection on the basis of impact on future transport infrastructure development in this area. Final building lines should be agreed.
- The relationship with Marquee Road should be reviewed in terms of carriageway and footpath widths, commercial building zones and overhanging balconies.
- Drainage works should avoid conflicts with other services on Marquee Road.
- Surface water drainage infrastructure should take account of the South Docks Levels Study, including the permissible storm water discharge flow rates.
- A revised storm water discharge point, not reliant on 3rd party works, should be considered.
- The relationship with adjacent drainage channels / stream on the southern site boundary should be considered and their potential as an amenity.
- A SUDS strategy for the site should be developed.

- This site is one of the options identified to accommodate public stormwater flood storage and this development may necessitate the use of an alternative site.
- Public areas should accommodate storage through Sud's measures.
- The applicant should provide a rationale for not fulfilling the SuDS use of the site and an assessment of how much public water storage the site can accommodate.
- The Landscape Strategy set out in the draft South Docks Drainage and Levels Strategy includes a Landscape Corridor on Marquee Road with capacity to accommodate stormwater flood volume storage.
- An increased building line set back of 15m should be provided. The set-back should reflect that on the Former Ford site, enhancing the pedestrian realm.
- The site is not located within Flood Zone A or B. The proposal complies with the Levels Strategy regarding vulnerable uses and Finished Floor Levels.
- The application should include a Construction and Demolition Management Plan, a Waste Management Plan and Operational Waste Management Plan.
- Investigations for contaminated soils should be undertaken and addressed in the CEMP. Any asbestos shall be appropriately managed.
- Details of archaeological mitigation measures should be submitted.
- Operational details of the proposed creche should be provided.
- The applicants should liaise with Cork City Council's Housing Directorate regarding Part V provision.

8.3. The Consultation Meeting

A Section 5 Consultation meeting was held on 26/11/2021, commencing at 10am, via Microsoft Teams. I refer to the record of the meeting in respect thereof.

Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting and the main topics raised for discussion at the tripartite meeting were as follows:

1. Development Strategy
 - Land use zoning objectives and relationship with adjoining lands / uses
 - Design and Layout
 - Open space strategy.

2. Access and Transportation, taking account of the City Docks Area Based Transport Assessment (ABTA).
3. Drainage and Flooding, taking account of the South Docks Levels Strategy.
4. Residential Amenity, including residential design standards, daylight and sunlight.
5. 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-311470-21' 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 Development Strategy (Land use zoning objectives and relationship with adjoining lands / uses, Design and Layout and Open space strategy), An Bord Pleanála sought clarification and further elaboration and justification for the development in respect of the following matters:

- Compliance with the current zoning objectives for the lands and the status of the draft City Development Plan 2015.
- The Masterplan strategy for the adjacent school site and relationship between the proposed development and the school site.
- The capacity for increased densities of development in this area.
- Strategy for building heights across the site.
- The relationship of the development with the adjoining public open space and watercourse to the southeast / Monaghan Road frontage.

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

- The status of the City Docks Area Based Transport Assessment (ABTA).

- The status of infrastructure works in the area including the Monaghan Road Extension (Part 8).
- The level of parking provision within the development.

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

- The status of the draft Cork South Docks Levels Strategy
- The nature of the requirement for public stormwater storage on the site identified by the planning authority.

In relation to the Residential Amenity, including residential design standards, daylight and sunlight, An Bord Pleanála sought clarification and further elaboration in respect of the following matters:

- Compliance with the current City Development Plan standards for residential development.
- The assessment of daylight and sunlight quality in proposed dwelling units and on adjoining lands / development.
- The internal layout and design of development in response to Planning Authority comments.

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 other bodies, and the discussions which took place at the tripartite meeting. I have had regard to both national policy, including relevant 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 relationship of the development with the adjoining zoned school site, details of which are set out in the Recommended Opinion below.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

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

10.0 Recommended Opinion

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

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

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

1. Further consideration of, and possible amendment to the documents and/or design proposals in respect of the relationship of the proposed development with the adjoining lands which are zoned in the Cork City Development Plan as objective ZO18 *To provide for new primary and post-primary schools*. The application documentation should clearly set out how the development would integrate with, or impact on the future development of a school on those lands. Key matters to be considered include the treatment of intervening lands and impacts such as daylight, sunlight and overlooking.

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 development site is bounded by an area of zoned public open space and a watercourse to the southeast. The application should indicate how the development will positively address and interact with this space, and should examine opportunities to improve the public realm at this location. Detailed plan and cross section drawings should be submitted in this regard, along with and evidence of consent to any works or proposals within this area.

2. A revised strategy should be submitted for the collection, management, storage, and discharge of surface waters, including SUDS measures, which shall take account of the provisions of the Cork South Docks Levels Strategy. The strategy should include detailed proposals for the treatment, including any upgrading or realignment, of existing open drains and culverts within and adjoining the site. The application should address the matters raised in the report of the Drainage Department of Cork City Council dated 19/10/2021, including the requirement for Public Stormwater Storage on the site.
3. The application should describe the design strategy for the public realm along Marquee Road, having regard to the planned role for this street within this area. Consideration should be given to the proposed width of footpaths and interaction with ground floor commercial uses and projecting residential balconies over.
4. An analysis of wind microclimate and pedestrian comfort at ground level with reference to pedestrian occupation and usability of new public spaces in the context of the proposed development and adjoining permitted developments. The analysis should also address the safety and comfort of residential amenity spaces, including communal spaces and private upper floor balconies, both within the site and on adjoining lands. Any required mitigation or other design measures arising from such assessment should be clearly described and assessed in the study.
5. The application should include a comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties, including permitted development to the east and the adjoining zoned school site to the southwest. In preparing such assessment regard should be had to the provisions of section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach 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'. The assessment should provide a comprehensive view of the performance of the entire development in respect of daylight provision. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should

be clearly identified and justified, and their effect appropriately described and / or quantified.

6. The application should include a detailed rationale for the proposed residential density and housing mix having regard to the provisions of the current Cork City Development Plan and relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018)
7. A housing quality assessment which provides the specific information regarding the proposed apartments required by the Guidelines on Design Standards for New Apartments (2020). The assessment should demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.
8. The application should be accompanied by the following:
 - (a) A Traffic and Transport Impact Assessment (TTIA), the scope of which should be discussed in advance with Cork City Council.
 - (b) A report demonstrating compliance with the principles and specifications set out in DMURS and the National Cycle Manual.
 - (c) A Parking Management Strategy and Mobility Management Plan.
 - (d) A Quality Audit that includes: (i) Road Safety Audit, Access Audit, Walking Audit and Cycle Audit.
 - (c) A Servicing and Operations Management Plan.
9. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) should also be submitted.
10. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.

11. The application should identify and address any requirements arising from the presence of COMAH sites in the surrounding area.
12. The application should consider the presence of the underlying aquitard and describe the construction methodology proposed to ensure that this layer is not compromised as a result of the proposed development. Details to be provided in this regard should include the design and construction of foundations and pipes/drainage systems, and should address the risk of creating conduits for groundwater flow from the underlying saturated gravel layers and also the risk of contamination of such groundwaters.
13. A Construction and Demolition Waste Management Plan and a Construction and Environmental Management Plan should be submitted which should address the presence of any hazardous materials on the site.

The application should be accompanied by an assessment of the site for the presence of contaminated soils or other materials. The investigation works should provide for sufficient sampling and testing to ensure that any potential areas of contaminated land are identified. Where such lands are identified, a detailed method statement for their management and remediation should be provided, addressing in particular how it is proposed to avoid impacts on adjacent watercourses, drainage channels or the River Lee. Other assessments to be undertaken in respect of the proposed development should have regard to the findings of such investigations.

14. 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.
15. All documents should be in a format which is searchable.

16. 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. Irish Water.
2. The Minister for Housing, Local Government and Heritage
(Development Applications Unit)
3. The Heritage Council.
4. An Taisce.
5. National Transport Authority.
6. Transport Infrastructure Ireland
7. Irish Aviation Authority.
8. The Operator of Cork Airport.
9. Cork City Childcare Committee
10. The Minister of Education and Skills
11. Health and Safety Authority

PLEASE NOTE:

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

Conor McGrath
Planning Inspector

08/12/2021

Appendix 1

Documentation accompanying the S.5 request.

- Completed Application Form and appropriate fee
- Cover Letter to ABP
- Cover Letter to planning authority
- Planning Statement
- Statement of Consistency
- Statement on rationale for Childcare Provision
- Part V Proposal
- Minutes of Section 247 meeting
- Schedule of documents, maps, plans and drawings
- Architectural Design Statement
- Masterplan Document
- Site Location OS Map
- Draft Site Layout Plan
- Plans, Elevations, Sections etc.
- Part V Site Plan
- Schedule of Accommodation
- Housing Quality Assessment
- Traffic and Transport Assessment Strategy - Summary Report
- Statement on DMURS consistency
- Flood Risk Assessment
- Site Infrastructure Report and Drainage Drawings
- Irish Water Confirmation of Feasibility
- Statement of Possible Effects on the Environment - Section 5(5)
- Stage 1 Appropriate Assessment Screening
- Landscape and Visual
- Landscape Masterplan
- Landscape Design Report
- Landscape and Visual Impact Assessment Summary Statement