



An
Bord
Pleanála

Inspector's Report ABP-311651-21

Development

Internal reorganisation and redevelopment of the south stand, external works to the City End and Blackrock End entrances, revised access and egress arrangements, new children's playground, permission for ancillary uses to allow the hosting of conferences and other events, landscaping and associated works.

Location

Páirc Ui Chaoimh and Marina Park, Monahan Road, Ballintemple, Cork.

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

21/40374

Applicant(s)

Páirc Ui Chaoimh CTR

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First-Party vs. Refusal

Appellant(s)

Páirc Ui Chaoimh CTR

Observer(s)

1. Des O'Donoghue
2. Ballintemple Area Residents Association (BARA)
3. Garrett O'Rourke
4. Jamie O'Rourke
5. Jenny Vaughan
6. Denis O'Regan & Saskia Van Goethem
7. Gavin Murphy

Date of Site Inspection

13th April 2022

Inspector

Stephen Ward

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1.0 Site Location and Description

- 1.1. The appeal site is located to the east of the 'South Docks' area of Cork City, which extends along the southern side of the River Lee estuary. It is distanced c. 2km from the city centre, has a stated area of 8.687 hectares, and includes the recently refurbished Pairc Ui Chaoimh GAA Stadium Campus and adjoining lands within Marina Park. The site has a long history of sporting use and mainly functions as the home of Cork GAA but has also been occasionally used for music concerts and other large events over the years. Following its most recent redevelopment, the stadium has a capacity of 45,000 people. A floodlit all-weather playing pitch adjoins the stadium to the south and forms part of the 'centre of excellence' used by various GAA teams.
- 1.2. The site is located within the wider Marina Park area, which is a large public park of c. 33 hectares. The area to the west of the appeal site has been recently redeveloped as a modern urban park under Phase 1 of the Marina Park Masterplan, while the area to the east (Phase 2) is a more mature area and contains the 'Atlantic Pond' water feature. Parts of the appeal site (along the site boundaries with Monahan Road and within Marina Park) are owned by Cork City Council and a letter of consent for the making of the application was included.
- 1.3. To the north of the site is the tree-lined Marina riverside area, which includes the Cork Harbour Greenway and 'The Marina' road. The road is currently closed to vehicles from the stadium entrance eastwards to Church Avenue, while there is restricted vehicle access westwards to Centre Park Road. The Lee Rowing Club building and associated recreational facilities are also located to the north of the site. The site is bounded to the south by Monahan Road and the wider area to the south is mainly characterised by residential development, along with some commercial and community uses. The wider area to the west on Centre Park Road and Monahan Road contains mainly industrial/commercial development.
- 1.4. Vehicular access to the stadium and parking areas is currently provided from the north via Centre Park Road and The Marina. At the southern end of the site is an emergency vehicular access (off Monahan Road) along with various pedestrian access points. The road network in the wider area comprises mainly east/west routes linking Blackrock to the city centre.

2.0 Proposed Development

2.1. The proposed development can be summarised under the following main elements:

Reorganisation / redevelopment of South Stand

- Ground floor – New GAA Museum / Exhibition / Visitor Centre and Café, all accessible from main public concourse connecting Marina Park
- 1st floor – Relocation of Ard Comhairle reception space to existing Ard Comhairle seating area
- Relocation of existing ground floor gym facility to 1st floor museum space
- GAA administration area at the City End of the 1st floor
- 2nd floor enhancement as conference venue with office hub facilities and break-out spaces
- Use of the existing 3rd floor outdoor terraces, WC, and catering facilities as corporate social venues as part of overall conference facilities
- New internal stadium tour route as part of a new tourist attraction.

Access and Egress arrangements

In accordance with updated Mobility Management and Traffic Management Plans, alterations are to include:

- Revised vehicular access to the stadium and parking via Monahan Road, which will allow for the future closing of The Marina for vehicular access
- Car and Bus pick-up and drop-off areas with associated public parking at both main entrance points (total 150 parking spaces)
- New public car park at the Blackrock End, accessed via Monahan Road, for use by those visiting Marina Park and the stadium and for disabled parking on match days, with a connection to the existing public parking area at the Atlantic Pond
- New pedestrian and cycle connections to include pedestrian crossings and new bicycle parking stations at the Monahan Road / Park Avenue Junction and on the Marina Park concourse.

External Works

- Modifications to City End and Blackrock End stadium entrances to include sheltered porches and signage to improve legibility and function
- New children's playground at the Atlantic Pond
- New hard and soft landscaping to public areas and all associated site, drainage, and development works.

Uses

Permission is also sought for ancillary uses to allow for the hosting of conferences and events, hospitality and meetings, museum/exhibition centre uses, stadium tours, administrative offices and licensed restaurants and café uses, all of which will remain ancillary to the overall sporting use of the stadium.

2.2. The application outlines the ambition to deliver an iconic sporting venue that would also bring economic, social and regeneration benefits to Cork City as a whole. The two key objectives of the application are:

- To enhance the overall operation and management of the stadium, particularly for major events but also for ancillary events.
- To improve the stadium's integration and interaction with Marina Park.

2.3. In addition to the standard planning application documentation and drawings, the application was accompanied by the following:

- Planning Statement
- Engineering Design Report
- Mobility Management Plan
- Traffic Management Plan
- Road Safety Audit
- Appropriate Assessment Screening Report
- Ecological Impact Assessment Screening Report
- Photomontages.

3.0 Planning Authority Decision

3.1. Decision

By order dated 16th September 2021, Cork City Council (CCC) issued notification of the decision to refuse permission. The reasons for refusal are as follows:

- 1. The proposed development would materially contravene Objective Z0 14 Public Open Space of the Cork City Development Plan 2015-2021, which states it is an objective ‘to protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space areas for alternative purposes, including public open space within housing estates’. The proposed development would conflict with this objective by proposing car-parking within areas designated as Public Open Space and would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. The proposed development would endanger public safety by reason of a traffic hazard due to the serious pedestrian and vehicular conflict which it would generate on the pathway between the main stadium and the all-weather pitch, which links the Eastern and Western portions of Marina Park and would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 3. The proposed development would severely limit Cork City Councils ability to deliver a large iconic public park as set out in the Marina Park Masterplan by severing Marina Park Phase 1 (which is now substantially complete) from the remainder of the Park (Phase 2) and, therefore, would be contrary to Objective 11.6 of the Cork City Development Plan 2015 - 2021 which states that it is an objective “to pursue the delivery of the Marina Park subject to Ecological Assessment and Appropriate Assessment Screening” and to paragraph 11.20 of the Cork City Development Plan 2015 - 2021 which states in relation to Marina Park and the upgrading of Pairc Ui Chaoimh that “the layout of these facilities on the lands zoned and provided for Sports Grounds*

within the Showgrounds shall be designed to ensure that both physical and visual linkage is achieved between the eastern and western parts of the planned Marina Park to ensure maximum permeability and cohesion of the overall park”, and would, therefore, be contrary to the proper planning and sustainable development of the area.

- 4. The proposed car park is located within an area identified as flood storage within the Marina Park Masterplan and if permitted, would have a detrimental impact on the Marina Park Masterplan (both in terms of aesthetics and operation), the available flood storage volumes within Marina Park, the wider Docklands drainage strategy, and the conveyance capacity of the main drainage channel into Atlantic Pond.*

- 5. The site is located within an area identified as flood storage within the Marina Park Masterplan. Therefore, in accordance with Objective 12.17, “all significant developments impacting on flood risk areas will be required to provide a Flood Impact Assessment to accompany the planning application to identify potential loss of floodplain storage and proposals for the storage or attenuation (e.g. SUDS) of run - off discharges (including foul drains) to ensure development does not increase the flood risk in the relevant catchment”. Given that no Flood Impact Assessment was included with Planning Application Ref. 21/40374, the development as proposed is contrary to Objective 12.17 and is contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planner’s Report

The Planning Officer’s assessment can be summarised under the following headings:

Zoning and Uses

- The Development Plan supports the redevelopment and enhancement of the stadium. Many elements of the proposal are acceptable and welcomed.

- The GAA museum/visitor centre and café is welcomed and would add to the character of the area, apart from minor concerns about external seating encroaching on the promenade.
- While the CCC 'Planning Policy' section has not raised an objection to the principle of conference use, the Traffic Management Plan indicates that up to 1000 delegates could be accommodated. It would be important to demonstrate that no unacceptable traffic or parking impacts would arise and that a sustainable transport strategy would be included.
- The majority of access/egress works are within the area zoned as ZO 14 Public Open Space, within which the Development Plan aims to retain and protect open space, recreational and amenity uses. There are fundamental concerns about the location of the car parks within this zone. As outlined in the CCC 'Planning Policy' report, it is agreed that the nature of the proposed parking would materially contravene the Development Plan.
- The proposed ancillary uses would be acceptable subject to a suitable condition to ensure that they remain ancillary to the principal sporting use.

Children's Playground

- While this addition would be welcomed, it should be located in accordance with the Marina Park Masterplan, which is suggested to be in the location of the proposed parking Zone B.
- The Parks section has also raised concerns about the location, which would have been better considered as part of the overall design for Phase 2 of Marina Park (design currently underway).

Visual Impact

- While concerns raised by the CCC City Architect are noted, some elements of the development will enhance the visual appearance of the stadium. However, there are fundamental concerns that the proposed parking area would have serious impacts on the amenity of the Marina Park and the linkages between Phase 1 and 2.

Residential Amenity

- The proposal would not have any negative impacts on the amenity of existing residential properties.

Design and Public Open Space Areas

- The CCC Parks section has objected to the proposed car parks on the basis that they would detract from the amenity of Marina Park and compromise the Masterplan. And while the Development Plan supports the development of sports facilities at this location, it also highlights the need to retain east-west linkages. The proposed car park (Zone B) would negatively impact on this physical and visual linkage.
- The addition of vehicle crossing points and safety bollards would also inhibit and negatively impact upon linkages, permeability and cohesion.
- The proposed parking and vehicular access points would sever Marina Park, giving the impression of 2 distinct parks, rather than one large linear park.
- The principle of Condition 5 of the parent permission (ABP Ref. PL 29.243384) was to ensure public access and the delivery of the Marina Park. The proposal would conflict with this approach.
- It is noted that the CCC 'Infrastructure' section states that the proposal would conflict with overall plans for the Docklands, including plans for Marina Park, the Monahan Road Extension project, The Marina Promenade Project, and The Passage Greenway Project.

Access and Traffic

- The Marina Promenade Project provides for vehicular access to serve existing boat clubs, riverside parking and the stadium. Therefore, the proposed removal of access from The Marina would have limited benefits as it would still be required for the other uses.
- There are currently no plans by CCC to pedestrianise the section of Marina Road between the stadium and Centre Park Road.
- As outlined in the Masterplan, it is considered appropriate that the Marina route remains the principal vehicular access to the stadium.

- Pedestrian access to the Park from residential areas to the south would be compromised by the proposed inclusion of private vehicles.
- The proposed vehicle crossing points and bollards along the main promenade would compromise pedestrian/recreational movement.

Parking

- The proposed parking locations would be on existing public open spaces, not a brownfield site.
- Existing and planned parking within the Marina Park offers suitable match/event day parking facilities for the stadium in accordance with the Masterplan.
- The proposed car parks would not be an appropriate use for these areas of Open Space and would not be in accordance with proper planning and sustainable development.
- The CCC Transport & Mobility Report notes that parking is now proposed to be used during match days based on an issued pass system and concerns are raised about the operation and management of this system. Concerns are also raised about lack of clarity on the use of the proposed spaces and the timing of availability for public parking. The above concerns may result in confusion, congestion, and illegal parking.
- There is no clear justification for the additional spaces or clarification of use for the existing spaces on a day-to-day basis for events under 1000 persons. Given the existing adequate number of available spaces in the area (c. 400 spaces), the additional 150 spaces would not comply with national objectives to reduce car dependency and promote sustainable transport for the area, as is also outlined in the Cork Metropolitan Area Transport Strategy (CMATS).
- Section 5.12 of the Development Plan outlines a maximum allowable parking provision of 50 spaces for a conference centre, which can be accommodated through existing parking provisions.

Drainage & Flooding

- The CCC Drainage report recommends refusal of proposal and the reports from 'Infrastructure' and 'Parks' also raise concerns about drainage, aesthetics and ecology.

Conclusion

- Based on the various concerns outlined above, the Planner's report recommends refusal of the proposed development. This recommendation forms the basis of the CCC Decision.

3.2.2. **Other Technical Reports**

Urban Streets & Road Design

The report recommends a further information request on the following:

- Complete and address the problems raised in the Road Safety Audit Feedback Form.
- Proposals to provide a raised shared surface for the access route to the west of proposed parking zone A.
- Proposals for improved pedestrian connections to the playground.
- Clarification of pedestrian crossing points along Monahan's Road.
- Clarification of the width and priority (at vehicular junctions) of the proposed shared use route along Monahan's Road at the south of the site.

Transport & Mobility

Recommends a request for further information based on the following:

- A Traffic & Transport Assessment is required to demonstrate the impact of the development on the local and national road network. It should also address committed development and the South Dock/Cork Docks Area Based Transport Assessment and consider the need to update the traffic management and mobility management plans.
- Clarification of the proposed use and extent of existing parking areas.
- Management of the parking pass system for match days.
- Clarification of the availability and timing for public use of the proposed parking spaces.

- The proposal for 170 bike-parking spaces is welcomed but the basis for their location should be clarified, with consideration to be given to more even distribution around the stadium.
- An outline Construction Traffic Management Plan should be submitted to demonstrate co-ordination with other projects in the area.
- Notwithstanding the above, there is a serious concern that the additional parking does not promote the principle of sustainable travel and public transport for the South Docks area.

Flooding

Requests a full Flood Risk Assessment to address, in particular, any proposed narrowing of the channel to the south and impacts on the conveyance of surface water towards Atlantic Pond.

Drainage (Not on file but available on CCC website)

- Raises concerns based on the location of the car park in an area forming part of the flood management/storage strategy for the area and encroaching on the main drainage channel into Atlantic Pond.
- The area has not been 'sunken' to provide flood storage volume in accordance with the proposals shown on the previous permission.
- The report strongly objects to the proposal on the basis that it is contrary to the goals of the relevant drainage plans for the area.
- The potential for compensatory storage at this location is not preferred as: the proposal is contrary to the relevant plans and projects for the area; is not in keeping with the SuDs based approach to management elsewhere in the park; storage would need to be set at a level of -0.38m, which would be mobilised regularly and would increase maintenance burdens and vermin- nuisance; it would not mitigate impacts on the main drainage channel as it enters Atlantic Pond and would potentially lead to upstream premature upstream flooding and restrict the ability of upstream waters to escape.
- Refusal is recommended based on the above.

Heritage

The report welcomes the addition of the museum, visitor centre and café. While there is no objection to the conclusion of the applicant's Ecological Impact Assessment, it would have been useful to assess the cumulative impacts of other plans and projects in the area. Car parking is proposed within a 'Public Open Space' zone, which is not the most appropriate use. The area would be better used to support green infrastructure, ecology, biodiversity, and recreation. Refusal is recommended for the car-parking proposal.

Infrastructure

The report provides an overview of a range of studies, plans and projects for the area. It raises serious concerns about the impact of the development on CCC plans for the South Docklands and its aims for sustainable/active travel and a high-quality environment for recreational activity. The concerns have been largely covered in the summary of other reports above, but it also highlights conflict with plans for a running/walking loop around the stadium.

It is stated that the Marina Promenade Project provides for vehicular access to serve existing boat clubs, riverside parking, and the stadium. Therefore, the proposed removal of access from The Marina would have limited benefits as it would still be required for the other uses.

Planning Policy

While much of the proposed development can be supported, concerns are raised as follows:

- Taking into account the amount of public parking already available in the area and the nature of the proposed car park which will be enclosed and will serve the conference facility and coach/school parking, while also being available to the public, the proposal differs materially from other cited examples of local authority car parks in Public Open Space zones. The proposed development would materially contravene the 'ZO 14 Public Open Space' zoning and would detrimentally impact on the delivery of the Marina Park Masterplan.

- The location of the children’s playground should be reconsidered.
- While the conference and event uses are supported in principle, the applicant must demonstrate that it would not have unacceptable traffic and parking impacts.

Parks

The report outlines the background and importance of the Marina Park Masterplan in the context of the South Docklands, as well as the design concepts on which it is based. Serious concerns are raised, and refusal is recommended as follows:

- Access/egress and parking proposals will seriously compromise the Masterplan on grounds of visual amenity and landscape impact, as well as the ecological treatment of the southern stream.
- In pre-planning discussions, the Parks section recommended suitable alternative parking locations to the east and north of the stadium.
- The offer of a playground is welcomed. However, the location is not suitable and would be better considered in the design process for the overall Park.
- The proposed car parks and access off Monahan Road is not consistent with relevant plans for the area and are not on a ‘brownfield’ site.
- The parking requirements identified in the Masterplan (including match/event day requirements) are (or will be) provided through the existing and planned redevelopment of the Park. The applicant’s references to additional public parking requirements are incorrect.

Environment - No objections subject to conditions.

Contributions - No contributions apply in this case.

Fire Department

Further information is required in relation to:

- Operating arrangements for car parks and set-down areas during large attendance events.

- A flow analysis of emergency egress routes under two different scenarios to assess impact on approved emergency evacuation arrangements as per the Fire Safety Certificate.
- Emergency vehicle access arrangements.

3.3. Prescribed Bodies

Irish Water - No objections subject to conditions.

Transport Infrastructure Ireland (TII)

The proposal is at variance with official policy on national roads and would adversely affect safety and operation of the network for the following reasons:

- Insufficient data has been submitted demonstrate that there would not be a detrimental impact on the capacity, safety, and operation of the network.
- A Traffic and Transport Assessment (TTA) should be carried out.

3.4. Third-Party Observations

The Planner's report outlines that numerous third-party submissions were received. The issues raised are largely covered in section 6.2 of this report and can be summarised as follows:

- Access and car-parking proposals contravene the Marina Park Masterplan and Development Plan through the loss and division of open space and would negatively impact on traffic, parking, and movement in the area
- Support for internal alterations to the stadium but concerns about its use as an events centre
- Increased flood risk for the area
- Restrictions for public access which conflicts with the conditions of the previous permission
- Conflicts with the promotion of sustainable transport and climate change adaptation
- Additional parking is not justified

- Inadequate management proposals for the car parks
- Non-compliance with the Habitats Directive in relation to Appropriate Assessment
- Non-compliance with the Draft City Development Plan
- The location of parking in an area proposed for children's play
- Pollution caused by idling traffic
- Concerns the proposed development would prioritise commercial use over public use
- Impacts on the proposed event centre in the city centre
- Mobility Management Plans have not been enforced
- Support for the proposal, including new landscaping, improved parking and accessibility, pedestrianisation of the Marina, improved setting, increased activity.
- The need to retain wetlands for wildlife in the area

4.0 Planning History

4.1 The following decisions apply to the overall stadium campus grounds:

P.A. Reg. Ref. 3919/73: Outline permission granted for the construction of a sports ground.

P.A. Reg. Ref. 521/73: Permission granted for the construction of a sports ground.

P.A. Reg. Ref. TP 99/22887 / ABP REF. PL28.11018: Permission granted (1999) for car compound & increase entrance width & new gate off Monahan Road.

P.A. Reg. Ref. TP 00/24455: Permission granted (October 2000) for construction of a new toilet block & alterations and extensions to existing toilet blocks.

ABP Ref. PL 28.243384: 10-year Permission granted (November 2014) for refurbishment and expansion of Pairc Uí Chaoimh and for provision of new all-weather pitch and ancillary works as part of the creation of a Centre of Excellence.

P.A. Reg. Ref. TP 16/37119: Permission granted (January 2017) for alterations to floodlighting and advertising signage, as well as retention of alterations to elements of the north and south stands.

ABP Ref. PL28.305855-19: Retention Permission granted (March 2020) for the ball nets to the all-weather pitch as constructed.

ABP Ref. RP28.308272-20: Point of Detail clarified (March 2021) regarding Condition 20 of An Bord Pleanála Reference PL 28.243384, which related to a special contribution in respect of improvements to street lighting.

4.2 The stadium campus is also located within a wider context of several other significant permitted and planned developments. In summary, relevant projects include the following:

ABP Ref. 28.HA.0013: The Board granted permission (2010) for the construction of the Eastern Gateway Bridge and associated road network and the construction of the Water Street Bridge and associated road network, the raising and upgrading of Centre Park Road, the raising and upgrading of Monahan's Road and related works in the Cork Docklands.

Marina Park Phase 1: Approved (10th March 2015) under section 179 of the Planning and Development Act 2000 (as amended) to develop a park and enhancement works along Monahan's Road, The Marina and Atlantic Pond, including a 250-space car park at Shandon Boat Club. It was completed in 2021.

ABP Ref. TA28.309059: SHD permission granted (April 2021) on former Ford Distribution Site to the west of Marina Park for demolition of existing structures, 10 year permission for the construction of 1,002 no. apartments, childcare facilities and associated site works.

ABP Ref. TA28.313142: Current SHD application on former Cork Warehouse Company Site to the west of Marina Park for demolition of existing structures on site and construction of 190 no. apartments, creche and associated site works.

Marina Park Phase 2: This phase includes land to the east and south of the stadium and will extend eastwards from Atlantic Pond. It includes the 'nature' zone of the park. It is currently at design stage and is scheduled to be completed by the end of 2023.

Passage Railway Greenway Improvement Scheme: Phase 1 is currently underway, including upgrading of existing greenway from Páirc Uí Chaoimh to Mahon, N40 (South Ring Road). Phase 2 involves the upgrading of the existing greenway from Mahon to Passage West. Under ABP Ref. 312302, the Board decided (March 2022) that an EIAR is not required for Phase 2.

Monahan Road Extension: A four-lane carriageway with a traffic lane and dedicated bus lane in each direction, segregated cycle ways and pathways are to be provided. It is intended to act as the catalyst for the early development of the adjoining lands within the Docklands area. It would provide the first element in the Eastern Gateway Bridge Project which will link the local South Docklands district to the strategic road network. The design will be integrated with the adjoining Marina Park and the Strategic Housing Development at the former Ford Development site along the route of the Monahan Road Extension. Part 8 planning was approved in October 2021. Construction is scheduled to commence in Q2 2022 but had not commenced at the time of my site visit.

Marina Promenade Project: This project would extend from Centre Park Road to Blackrock village and aims to integrate Marina Park, the Greenway, Blackrock and the Docklands. It would significantly improve cycling/pedestrian infrastructure and improve its recreation and amenity value. CCC has stated that the project is expected to be delivered by Q1 2024.

5.0 Policy Context

5.1. Cork City Development Plan (CDP) 2015-2021

Zoning

- 5.1.1. The central and majority portion of the site (i.e. the internal stadium area, all-weather pitch, and the space in between) is zoned as 'ZO 13 Sports Grounds', with the objective to '*protect, retain and enhance the range and quality of sports facilities and grounds*'. Section 15.20 of the CDP outlines that there will be a presumption against the loss of land zoned sports ground to other forms of development. Only development that is ancillary to the principle use of the site for sports and which will only affect lands incapable of forming part of the playing pitches, will be considered

in these areas. Ancillary uses include other sport and leisure facilities such as a clubhouse, changing rooms, meeting rooms, a gym, sports training halls, catering facilities, caretaker accommodation and appropriate car parking facilities. Crèches and community uses are open for consideration, provided they are linked to the sports use.

- 5.1.2. The remainder of the site is zoned as 'ZO 14 Public Open Space'. This includes the parking/circulation areas to the east, north, and west of the stadium; the proposed playground area; and the areas to the east, west, and south of the all-weather pitch. The objective for this zone is to protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space areas for alternative purposes, including public open space within housing estates. Section 15.21 of the CDP outlines that while primarily used for passive and informal recreation, lands zoned 'public open space' may also incorporate public sports facilities and grounds. Furthermore, City Parks are large parks that will incorporate ancillary and incidental uses that add to the life of the park (such as small cafes and other amenities) and also add to and support the public open space and public recreational infrastructural role of the parks.

Core Strategy

- 5.1.3. The Core Strategy identifies the redevelopment of the North and South Docklands as a major new mixed-use quarter as the most significant sustainable development opportunity for the City Region. Strategic Goals for the Core Strategy include the following:

Goal 2 - Achieve a higher quality of life, promote social inclusion and make the city an attractive and healthy place to live, work, visit and invest in.

Goal 4 – Promote sustainable modes of transport and integration of land use and transportation.

Goal 6 - Tackle climate change through reducing energy usage, reducing emissions, adapt to climate change and mitigate against flood risk.

Goal 7 – Protect and expand the green infrastructure of the city.

Transport

- 5.1.4. Chapter 5 deals with transportation and outlines strategic objectives supporting consolidated/compact development and sustainable transport patterns. Mapped objectives (as per Map 2 of Volume 2) include an indicative 'new street' (Monahan Road extension project) to the northwest of the stadium connecting to 'bridge infrastructure' (Eastern Gateway Bridge) over the River Lee. The area along the Marina to the west of the 'bridge infrastructure' is designated as an 'amenity route', while the area to the east is designated as 'proposed new amenity routes/upgrades'.
- 5.1.5. Objective 5.17 'Additions to Local Street Network' includes the following:
- a. Eastern Gateway Bridge – connecting Lower Glanmire Road to Monahan's Road
 - e. Redevelopment of Centre Park and Monahan's Road
- 5.1.6. Regarding 'car parking', section 5.42 outlines that CCC is committed to encouraging alternatives to the private car and will continue to encourage a shift toward increased use of sustainable transport.

Arts, Cultural Heritage and Tourism

- 5.1.7. Chapter 8 deals with these matters and outlines strategic objectives to promote Cork as a centre of excellence based on the themes identified in Failte Ireland's Interpretative Framework – Maritime Harbour, River City, Imagined in Cork, and Made in Cork. Objective 8.9 (a) supports the development of an Events Centre in Cork and Objective 8.10 (b) aims to support and expand museum facilities.

Landscape and Natural Heritage

- 5.1.8. The site is within the 'Urban Sylvan Character' area and is identified as a 'primary green link' in the Conceptual Landscape Structure Plan (Figure 10.2), wherein it is the aim to develop and enhance the River Lee Corridor (north and south channels), extending from the Lee Fields to Douglas Estuary as a series of public parks and accessible spaces linked by a continual linear park and walkways subject to Ecological Assessment by a suitably qualified Ecologist and AA Screening.
- 5.1.9. The Marina (to the north of the site) and Marina Park (to the east of the stadium) is classified as an 'Area of High Landscape Value' (AHLV). Objective 10.4 aims to conserve and enhance the character and visual amenity of AHLV. Development will

be considered only where it safeguards the value and sensitivity of the particular landscape and there will be a presumption against development where it causes significant harm or injury to the intrinsic character of the landscape value.

- 5.1.10. Objectives 10.7 and 10.8 outline aims to protect designated and non-designated areas of natural heritage importance respectively, while objective 10.9 aims to protect the natural heritage and biodiversity value of the River Lee and associated watercourses.

Recreational Infrastructure

- 5.1.11. Section 11.1 states that the protection and enhancement of recreational infrastructure for recreational, landscape, biodiversity, and connectivity reasons, has significant benefits for Cork and the quality of life that it can offer to its citizens and those that visit the city. Recreational infrastructure also has significant benefits for human health, including providing the arena for social interaction and creating cohesive neighbourhoods, the potential for physical activity, accessibility to nature and also a mental health dividend. High quality public space has strong links with all of the Plan's strategic goals.

- 5.1.12. Section 11.19 & 11.20 deal specifically with Marina Park and outlines that the Masterplan was adopted as policy in 2013. It is proposed to accommodate the upgrading of Pairc Ui Chaoimh to a modern stadium by working with the GAA and to facilitate the development of a Centre of Excellence. The former Showgrounds will be developed as an area of public open space and accommodate the upgrading of Pairc Ui Chaoimh and a 'centre of excellence. The layout of these facilities on the lands zoned and provided for Sports Grounds within the Showgrounds shall be designed to ensure that both physical and visual linkage is achieved between the eastern and western parts of the planned Marina Park to ensure maximum permeability and cohesion of the overall park.

- 5.1.13. Relevant objectives can be summarised as follows:

11.6 - To pursue the delivery of the Marina Park subject to Ecological Assessment and Appropriate Assessment.

11.7 – To protect and improve public open space with a presumption against alternative uses and to support the creation of high-quality open space.

11.8 – Supports the development of indoor and outdoor active recreational facilities which are easily accessible to all members of the community.

11.9 – To protect and improve sports and grounds and facilities with a general presumption against development for other purposes unless it is limited ancillary development which does not result in the loss of playing surface/pitch.

11.10 – To promote the provision and management of high-quality sports facilities which are accessible and appropriate to the needs of the area.

11.13 – Pursue a network of high-quality amenity routes, particularly along waterways and linking existing and proposed parks/spaces.

11.15 – Seek the provision of children’s play facilities in new developments.

Flooding

5.1.14. Chapter 12 deals with Environmental Infrastructure and Management. Relevant drainage and flooding objectives can be summarised as follows:

12.3 – Planning applications to include proposals for stormwater management and shall minimise the extent of hard surfacing.

12.14 – Implement ‘The Planning System and Flood Risk Management: Guidelines for Planning Authorities, 2009’ in determining planning applications.

12.15 – Restrict development in identified flood risk areas, particularly floodplains, except where the ‘Justification Test’ is satisfied.

12.16 – Protect, enhance and manage floodplains, wetlands and coastal habitat subject to flooding as vital ‘green infrastructure’ which provides space for storage and conveyance of floodwater, enabling flood risk to be managed and reduced.

12.17 – All significant developments impacting on flood risk areas will require a Flood Impact Assessment to accompany the planning application.

South Docks

5.1.15. Objective 13.27 promotes the development of South Docks as a new urban quarter, including the upgrade of recreational facilities and amenity facilities at Marina Park, Pairc Ui Chaoimh, and Monahan Road.

5.1.16. Section 13.84 outlines the main relevant Transport Infrastructure proposals, including:

- The Water Street Bridge and Eastern Gateway Bridge
- The main vehicular street along Monahan's Road
- Centre Park Road to act primarily as a public transport route
- Main pedestrian and cyclist route along the Quayside Amenity area.

5.1.17. Objective 13.28 states that public realm design in the Docklands will be guided by the Docklands Public Realm Masterplan and Public Realm Guidelines 2012 and by the Marina Park Masterplan 2013.

Development Management

5.1.18. Chapter 16 outlines development management and urban design guidance in relation to a range of development types.

5.2. Natural Heritage Designations

The nearest Natura 2000 site is the Cork Harbour SPA, which is located c. 2km to the east (along the River Lee estuary at Blackrock) and c. 1.5km to the south (within the Douglas River estuary at Mahon).

5.3. Environmental Impact Assessment

5.3.1. The applicant's Planning Statement outlines that the previous redevelopment of the stadium was subjected to EIA. However, it concludes that the current proposal is sub-threshold for EIA and the nature and scale of the proposed development would not have a real likelihood of significant effects on the environment. The CCC Planner's Report also carried out a preliminary examination of the matter and concluded that there is no real likelihood of significant effects on the environment.

5.3.2. With regard to EIA thresholds, Class 10 of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

(b)(ii) Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development,

(b)(iv) Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

(dd) All private roads which would exceed 2000 metres in length.

5.3.3. In comparison to the thresholds outlined above, the proposed development involves:

- The construction of carparks with a total of 150 spaces, which would be incidental to the primary purpose of the existing sports campus and park. This is significantly below the 400-space threshold.
- A site area of 8.687 hectares, which is significantly below the 20-hectare threshold and is not located within a ‘business district’. Furthermore, the majority of the site is already developed, and the actual area of new development is only a minor portion of the 8.687-hectare site.
- The cumulative length of proposed new access roads would be c. 350 metres, which is significantly shorter than the 2000 metre threshold.

5.3.4. The site is mainly comprised of existing developed sports facilities and ancillary facilities, as well as some undeveloped open spaces. To the south and west, it is largely surrounded by suburban housing and commercial/industrial developments of varying scale. To the north and east is the largely natural environment of the River Lee and Marina Park. It is considered that the introduction of the proposed uses and the scale of the development would not be exceptional in the existing context and would not have an adverse impact in environmental terms on surrounding land uses.

5.3.5. Apart from a small area at the north-eastern margin (i.e. around the playground location within the ‘Area of High Landscape Value’), it is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as outlined in Section 8.0 of this Report). And while there is a hydrological connection between the site and surrounding water bodies, it is not considered that the nature and scale of the development would give rise to significant impacts on nearby water courses (whether linked to any European site or other sensitive receptors).

5.3.6. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other development in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Cork City Council, upon which its effects would be minimal.

5.3.7. In section 4 of this report, I have outlined a range of other plans and projects in the area. I also note that some 3rd party submissions have suggested that the project should have been included in an overall EIA to include the stadium redevelopment and that the current proposal amounts to 'project splitting'. However, I am satisfied that the stadium redevelopment project has already been subjected to EIA, that the current proposal can be assessed individually, and that it would not constitute 'project splitting'. Having regard to the specific nature of the proposal and its limited scale, I do not consider that there is any real likelihood of significant cumulative effects with the stadium project or any of the other plans/projects identified.

5.3.8. Having regard to:

- The nature and scale of the proposed development, which is under the relevant mandatory thresholds set out in Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned under the provisions of the Cork City Development Plan 2015-2021, and the results of the Strategic Environmental Assessment undertaken in accordance with the SEA Directive (2001/42/EC),
- The largely developed nature of the site and its location within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to avoid significant effects by reason of connectivity to any sensitive location,
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development",

issued by the Department of the Environment, Heritage and Local Government (2003), and

- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that, on preliminary examination, an Environmental Impact Assessment Report (EIAR) or a determination in relation to the requirement for an EIAR was not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has appealed the decision of CCC to refuse permission. It is accompanied by appendices which include: a letter from the applicant; Traffic and Transport Assessment (TTA); Flood Risk Assessment (FRA) and response to flooding matters; Access and Road Safety Review; Landscaping Response; Response to Fire Matters; and Revised Plans. The appeal is summarised under the headings outlined below.

6.1.1. The Planning Merits

The main merits highlighted in the appeal can be summarised as follows:

- Ensuring the long-term viability of the long-established stadium for the benefit of the city and region, including a new tourist attraction element.
- New children's playground will bring significant planning gain to the community.
- Existing and proposed landscaping will ensure that the visual impact is contained to the immediate context.
- The TTA demonstrates that the impact of the largest events would not impact negatively on the capacity or safety of the road network.

- The proposed parking areas will be public and are primarily justified by the Masterplan aim to deliver c. 200 spaces to the south of the stadium at Monahan Road. To date, only 37 of the spaces have been delivered, 21 of which have never been made available on match days due to a legal dispute. It is also justified by the existing problem of on-street parking at Monahan Road.
- The Draft City Development Plan 2022-2028 indicates a requirement for 1800 'destination' spaces in this area, only 501 of which have been delivered/planned.
- Parking operation would be no different to existing arrangements whereby it is available to the public using the park and often used by those visiting the stadium. Control bollards/gates at the eastern car park would only be used during large scale events (details to be agreed), not on an everyday basis.
- The applicant is committed to sustainable modes of transport, including 170 no. bicycle spaces and 6 no. bus spaces.

6.1.2. Refusal Reason No. 1 - Material Contravention of zoning

The applicant's contention that the proposal does not materially contravene the Development Plan is based on the following:

- It is not a material consideration whether it is the applicant or the local authority proposing to develop public parking areas.
- The site benefits from a 'live' permission (ABP Ref. PL28.243384 expires 26th November 2024), which includes 2 parking areas (1 exclusively for the stadium) on lands zoned 'public open space'.
- The decision does not take into account a series of decisions made to allow other development (including car-parking) on within the 'public open space' zone in the immediate vicinity of the appeal site, none of which were found to be a material contravention.
- The assertions of the planning authority that the applicant has not availed of 'incidental' parking by the Atlantic Pond is surprising given that the area has

not been developed and comprises trees and grassland. The omission of the area from Phase 1 and 2 of the Marina Park development raises the prospect the parking will be delayed or not delivered.

- It is common that other car parks are not solely used for the amenity they serve, and several examples are cited. The key issue is that the parking is open and accessible to the public, as will be the case in the current proposal.
- The Part 8 approval for Marina Park includes parking on 'public open space' including some specifically allocated for use by the GAA.
- The Masterplan, which provides the detailed strategy for the development of the open space, includes 206 spaces to the south of the stadium to be dedicated to the GAA on match days. This proposal merely reorganises the parking in a more appropriate layout and this minor modification cannot be considered a material contravention.
- The areas will remain 'public open space', fully accessible to the public, albeit used as car parking for the park rather than as a specific amenity area.

6.1.3. Refusal Reason No. 2 – Traffic Hazard

- A Road Safety Audit (RSA) was included and incorporated in the application. No serious traffic conflict issues were identified for the main pathway by the auditor or the CCC reports from Road Design or Traffic Reports.
- It is not clear how the CCC Planner's Report has disregarded the above in favour of the 'Infrastructure Report' and there is no basis to warrant a refusal on these grounds.
- The road safety aspects of removing vehicles from the Marina have been dismissed on the basis of the requirement to maintain access to boat/ rowing clubs, which has not been adequately examined.
- The Masterplan proposal for stadium access to the rear needs to be reconsidered in light of the applicant's experience and changes occurring on the Marina, as well as proposals for a Docklands light rail, the Eastern Gateway Bridge, and the Marina Promenade. This is exemplified by the

decision to use the Monahan Road / Park Avenue route at the time of the Covid-19 vaccination centre use of the site.

- The proposal aligns with the Masterplan vision for the Marina as a car-free zone and the existing and proposed pedestrianisation of the Marina has created a clear conflict with vehicular traffic.
- The Docklands light rail and Eastern Gateway Bridge proposals are both to the rear of the stadium and create potential for further conflict between transport modes.
- The lack of lighting and pedestrian crossing on the Marina exacerbates the potential for road safety issues to arise.
- The benefits of removal of traffic to the rear far outweigh any conflicts at the proposed controlled crossing points to the front.
- Appendix 4 of the appeal is an Access and Road Safety Review report. It concludes that the proposed development is an improvement on the existing situation, which requires steep road access to the stadium and mixing with pedestrians/cyclists on the Marina. The applicant proposes shared surface traffic calming measures at the concourse crossing points in accordance with DMURS recommendations, and additional options include the installation of formal crossing points or the removal of the eastern crossing point altogether. The future Eastern Gateway Bridge will also compromise stadium access along the Marina and may require Monahan Road access in any event.

6.1.4. Refusal Reason No. 3 – Delivery of Marina Park

- The stadium is a long-established and intrinsic part of the Park as the ‘sports zone’, and the proposed development seeks to address key challenges.
- The proposed development would not result in severance or unduly impact on the visual and physical east-west linkages.
- Photomontages submitted at application stage demonstrate that visual impacts are negligible. A landscaping report also accompanies the appeal and highlights the historical presence of sporting activity at the centre of the Park

and the importance of the stadium. It concludes that the notion of severance is erroneous; the concourse provides a strong link; similar arrangements apply internationally; the parking can be seen as a complimentary feature to the Park; the car park area is well screened; and that additional landscaping will address issues of visual exposure and containment.

- Vehicular access to the stadium necessitates some degree of severance and not enough consideration has been given to the severance created by current arrangements at the Marina. The proposals would impact less on the permeability and cohesion of the overall park.
- There are similarities with the challenges in Pheonix Park, Dublin.
- The revised arrangements have been designed to provide clear distinction and safety between movements and further measures will apply for traffic management and supervision during large events.
- The proposals address the challenges of the Masterplan by providing a suitable balance between the objectives of the stadium and Marina Park.

6.1.5. Reason No.'s 4 & 5 – Flooding & Drainage

- Appendix 3 of the appeal contains a Flood Risk Assessment and response to the flooding matters raised in the decision.
- The stadium construction included flood attenuation measures under the all-weather pitch which addressed the flood risk in the areas around the stadium.
- Condition no. 13 of the permission (ABD Ref. 243384) required agreement with the planning regarding flood storage capacity (5,250m³) and management under the all-weather pitch. These details were subsequently agreed, and the applicant has provided 110% of the storage capacity.
- The local authority did not raise flooding concerns at pre-planning stage.
- The Flood Risk Assessment concludes that the proposal is appropriate and does not require to meet the Justification Test. It states that all flood risks within the site have been mitigated and there will be no impacts on flooding outside the site.

6.1.6. Material Contravention

If the Board agrees with the planning authority's decision regarding material contravention, it is requested that regard be had to Section 37(2)(b) of the Act and the criteria outlined below.

(i) *The proposed development is of strategic or national importance*

- The stadium is long established, and its recent redevelopment was grant-aided at national and European level.
- A successful stadium has a wide range of benefits and is acknowledged by the Government as a key catalyst to the redevelopment of the Docklands.
- The stadium is set to welcome more than 170,000 GAA patrons per year as well as large numbers to other events, which is a significant financial/economic benefit to Cork GAA, the city, county, and region.
- It is consistent with the Government's National Sports Strategy 2018-2027 and promotes a healthy, active society.
- The proposal will support culture and tourism in accordance with regional and national objectives.
- The Planning Authority recognises the stadium as a key strategic city asset.

(ii) *There are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned*

- The zoning objective suggests, but does not explicitly state, that car parking cannot be developed on the lands, although this is not evident by the extent already approved by the local authority.
- Objective 13.28 outlines that development is to be guided by a series of policy documents, including the Masterplan. The Masterplan sets out the detailed development of public open space lands and provides for car parking, including express provision for parking to be used by the GAA to the south of the stadium. This objective, then, can be found to conflict with the overall provisions of the development plan's public open space zoning objectives.

- (iii) *Permission should be granted having regard to the RSES for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of the local authority, and the relevant policy of the Government, the Minister, or any Minister of the Government.*
- The National Planning Framework (NPF) supports the development of Cork as a counterbalance to Dublin and the proposed development would support NSO 7 regarding enhanced amenities and heritage and NSO 6 regarding the clustering of inter-related uses.
 - The development would support the National Development Plan (NDP) Strategic Investment Priorities and the National Sports Policy. It would support well-being and social cohesion; participation in sport; and cultural heritage.
 - The proposals would support the Government and Failte Ireland tourism plans to promote and support cultural and sporting heritage.
 - It supports the RSES aim for the sustainable development of Cork in a compact manner, including the development of light rail and new/upgraded sports and recreational facilities. The stadium is identified as one of the 'signals of confidence' in the Cork MASP.
- (iv) *Permission should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*
- The development is entirely in keeping with the permissions and pattern of development in the immediate area and is essentially a modification to one of these developments.
 - Since the adoption of the CDP, numerous developments of similar or larger scale have been permitted and have commenced in the city.

6.1.7. Revised Plans

While permission is sought for the original proposal, revised plans are included which include the following amendments:

- At the Blackrock End, Parking zone B (124 spaces) and the controlled crossing point have been removed.
- The proposed bicycle parking station at Park Avenue will remain as a car park but will be repurposed for 20 no. accessible spaces for those visiting the park and stadium, and for disabled access on match days. The bicycle parking would be relocated northwards to Atlantic Pond, resulting in a total of 351 no. cycle spaces.
- The Children's playground would be relocated southwards as suggested in the Masterplan.
- Parking for 80 spaces would be relocated to the existing parking areas around the stadium, including coach parking at Atlantic Pond.
- Total parking around the stadium would increase from 125 to 205 spaces and would increase to 251 spaces including the existing spaces at Park Avenue and proposed spaces on Monahan Road.
- All spaces will be accessible to the general public as well as those visiting the stadium, as is currently the case, and will allow for the provision of disabled parking in close proximity to the stadium.

6.2. Observations

Observations on the appeal have been received from seven parties, which support the CCC decision to refuse permission. The observations raise many common issues and generally support the observation from Ballintemple Area Residents Association (BARA). The issues can be summarised collectively under the headings below.

6.2.1. Loss of public open space

- Is not welcomed in any form as it is needed for public use.
- Conflicts with the Development Plan and other plans/projects for Marina Park
- The Park existed long before the GAA arrived, and the onus is on the applicant to address any financial or traffic management problems that apply.

- The Docklands/Ballintemple area needs open space provision to comply with departmental requirements.
- The proposal is in direct contravention of objectives in the Draft CDP 2022-2028, including 6.45, 6.46, 6.19, 16, 16.1, and 16.2.

6.2.2. Parking, Access and Traffic

- Additional parking is not required for public or other uses. The applicant's assertion that it is required for disabled use is disingenuous and suitable alternatives exist, including the existing path at the northwest side of the stadium. The applicant has never or applied or been requested to provide additional disabled parking.
- An operational road network was never envisaged within the Park.
- An MOU with BARA was subject to a condition that additional car parking would not be sought within the Park.
- Current parking for the Park is underutilised and never full.
- The use of the area as a vaccination centre has demonstrated the dangers introduced by expanding car parking.
- Vehicular access will still be required along the Marina and there are no plans to pedestrianise the area west of the existing stadium entrance. This was known when the applicant proceeded with the previous application.
- Match/event-day traffic management measures have not been implemented, which would significantly reduce parking requirements and safety concerns.
- The proposal would introduce multiple danger points within Marina Park
- There are currently 258 spaces available at the stadium and the applicant already facilitates double parking around the stadium (as shown in the revised appeal proposal).
- Adequate bus parking already exists at the western and eastern sides of the stadium
- Large scale events (25,000+ spectators) can be easily managed without exhausting existing parking capacity, including disabled spaces.

- The proposal is contrary to NPF aims, the Development Plan, the Cork Metropolitan Area Transport Strategy (CMATS), and other national policy regarding sustainable transport modes.
- The light rail proposal is premature at best, and a route with nobody living on it is hardly the best option.
- Concerns about the steep slope of the access off the Marina are overstated
- The applicant's concerns about the impacts of the Eastern Gateway Bridge are unfounded as it will be elevated by 4 metres and will facilitate ongoing vehicular access.
- The applicant's reports acknowledge safety risks associated with the proposal.
- Additional parking leads to additional traffic, air quality, and safety concerns for the area to the south of the stadium (along Monahan Road and the Concourse).
- Inadequate consideration has been given to emergency access/egress.
- The revised proposal for disabled parking access at the Monahan Road/Park Avenue junction refers to an unauthorised car park and is unworkable and unnecessary.
- A proposal for a 'grass-crete' turning circle/drop-off and disabled parking at the city end may be suitable, subject to suitable accommodation of the planned running track.
- The TII has objected to the proposal.

6.2.3. Ancillary uses

- The conference use is not ancillary and would breach EU State Aid rules and condition no. 3 of the parent permission (ABP Ref. 243384).
- An events centre and multiple concerts would be contrary to State Aid rules and plans for an events centre within Cork City.
- The proposal conflict with condition 3 of the previous permission.
- There is some support for the internal works and the success of the stadium.

- The proposal would set a precedent for additional parking for other conference organisers.

6.2.4. Visual / Landscape Impact

- The international examples cited in the applicant's Landscape Report are parks where you cannot drive through, contrary to what is proposed by the applicant.
- The Landscape Report makes no mention of the impact of c. 500 car spaces and ample bus space already in existence.
- Concerns about the location of the playground within an area of High Landscape Value.

6.2.5. Material Contravention

- The applicant's claim that the car parking is principally for the Marinas Park is contrary to the argument regarding its strategic importance.
- While the stadium may be of strategic importance to the GAA, the use as a conference centre/museum/café/4G pitch is not strategically important.

6.2.6. Other Issues

- Objections still apply to the revised plans as the proposals have not addressed concerns.
- The stadium brings little or no benefit to the local region.
- There has been no meaningful engagement with stakeholders
- The development may hinder the future development of residential estates.
- Any additional car-parking should be subject to EIA for the entire site. This should effectively be seen as project splitting and is not in accordance with the EU EIA Directive.
- The applicant has not complied with conditions of the previous permission.
- The proposal will have a major impact on ecology and the well-being of residents.
- The proposal will exacerbate flooding problems in the area.

- Additional lighting will affect residents.
- The proposal will lead to increased anti-social behaviour.

6.3. Planning Authority Response

The response refers to the application assessment, including the planner's report and other internal reports, and contends that the refusal reasons still apply. Other than the points already covered in this report, the response can be summarised under the headings below.

6.3.1. Refusal Reason 1 – Material Contravention

- It remains the view of the planning authority that the proposal materially contravenes the Development Plan zoning objective.
- The vision for the Marina Park has been set out through the Masterplan and various supporting plans and projects, and it aims to meet the recreational needs of c. 25,000 residents and c. 29,000 workers in the City Docks and surrounds, the majority of which will access the park by walking, cycling, and public transport.
- The proposal would have unacceptable detrimental impacts on the delivery and destination value of the Park.
- Car-based travel will be discouraged in the Docks and the reallocation of recreation space to surface parking is contrary to the vision for the area.
- The Draft Cork City Docklands ABTA (April 2020) aims for a 75% non-car mode share and includes car-parking standards to reflect that ambition. The existing private parking at the stadium (89 spaces) would accommodate conferences of over 500 delegates using these standards (1 per 6 people for 'destination uses').

6.3.2. Refusal Reason 2 – Traffic Hazard

- The access and parking proposals are contrary to Marina Park proposals by reason of severance; crossing and conflict with park users; conflict with existing/proposed projects.

- The removal of vehicular traffic from the Marina would be contrary to the Marina Promenade project which would maintain vehicular access between the stadium and Shandon Boat Club. This connection is needed to serve other users including the existing Lee Rowing Club and proposed PBC/UCC Rowing Club (if permitted).
- The safety of all users will be addressed as part of the Promenade scheme design, which is anticipated to be delivered by Q1 2024.
- The comparison of the vaccination centre operation is not appropriate given that there was no pedestrian access available at the time.

6.3.3. Refusal Reason 3 – Delivery of Marina Park

- Since the Masterplan was developed in 2013, a number of national and local policies/plans have confirmed the need for restrained parking and promotion of sustainable modes of transport.
- Phases 2 & 3 of Park are scheduled for completion by the end of 2023.
- The completion of Phase 1 forms part of the Monahan Road extension scheme, which is scheduled to be commence in Q2 2022.
- The issue of children’s play forms part of the wider plans for the Park but it is not envisaged at the location proposed by the applicant.
- The Masterplan and Part 8 plans have covered day-to-day parking and accessibility, some of which has been delivered and more of which will be delivered in 2022. On match/event days, the plans propose disabled/VIP parking to the east of the stadium and along the southern boundary (temporary). All parking is provided in areas that have the least visual impact on the parkland environment.
- The proposed parking is at variance with plans in that it will be visually obtrusive and damaging to ecological biodiversity.
- The landscaping report submitted with the appeal fails to consider the need for continuous parkland or less obtrusive locations for parking.

6.3.4. Refusal Reason 4 – Flood storage and drainage

- The Draft CDP 2022-2028 contains guidance on the Souths Docks Drainage and Levels Strategy, which is a sustainable, future-proofed strategy based on SuDs and nature-based solutions.
- A large portion of the Docklands drainage system discharges to Atlantic Pond and it is critically important that capacity and conveyance are protected.
- The primary concern is the location of the car park in a green open space area designated for flood storage in the Masterplan, which is outside the scope of the previous permission and requires independent assessment.
- The 2014 surface water drainage masterplan clearly identifies the area as flood storage and takes account of the existing all-weather pitch and the storage area beneath.
- The images contained in the initial CCC Drainage Engineer's Report were not meant to match each other but to highlight that the area has consistently been identified as a green/flood storage area.

6.3.5. Refusal Reason No. 5

- Assertions in the FRA are based on the 2012 Surface Water Drainage Report and drawings, both of which are outdated and were replaced by the 2014 version. The main implication is to correct the assertion in section 5.1 of the FRA that the area around the stadium was +0.325mOD, whereas it is intended to be set at -0.38mOD.
- The Docklands level strategy adopts a High End Future Scenario for climate change with a 40% increase in rainfall and a 1m sea level rise, which should also be applied to the proposed development.
- As a mitigation measure, all rainfall falling on proposed hard surfaces should be attenuated.
- Section 5.1 of the FRA proposes compensatory storage of 1,665m³ as mitigation for the proposed car park. This is not in keeping with a SuDs-based approach to the Park, which requires flood storage areas to remain open and maintain flexibility to increase storage in future years.

- The applicant's FRA has not appropriately addressed the flood risk as outlined above.

6.3.6. Traffic and Transport

- The TTA included in the appeal has been considered and there is insufficient detail to determine the impact of the development.
- Only one junction was analysed (Victoria Roundabout). Junctions closer to the stadium were not analysed, nor were the proposed entrance junctions.
- There is no specific analysis of potential impacts on roads in the vicinity or priority junctions.

6.3.7. Revised Plans

It is outlined that the revised plans do not fully address the reasons for refusal as follows:

- The western access and parking proposals occupy public open space and occasional flood storage capacity which would detract from the amenity of the area and create severance/conflict between east-west connections.
- The children's play area does not align with plans for play and activity zones further east.
- The Marina Promenade scheme will maintain and improve safe vehicular access from the Marina.
- Sufficient detail has not been provided regarding the size of parking spaces and carriageways around the stadium. A swept path analysis and traffic management plans need to show how vehicles could safely access the spaces.
- Proposals for pedestrian priority and crossing points have not been included.
- Inadequate details have been submitted for the shared use facility along the southern boundary.
- An independent Quality Audit has not been included.
- The retained western car park (Zone A) may still impact on flood storage and the FRA does not include a separate analysis for this revised proposal.

6.3.8. Conclusions

- No suggested conditions are included. The planning authority is of the opinion that the outstanding matters are of such a material and complex nature that a permission could not be appropriately conditioned.
- The key issues raised in the CCC decision still apply. The revised proposals have not fully addressed those issues to merit a change in the decision, and the Board is requested to refuse permission.

6.4 **Responses to Planning Authority Response**

6.4.1. The planning authority response to the appeal was circulated to relevant parties. There were further observations from the applicant, BARA, Denis O'Regan, Garret O'Rourke, Jamie O'Rourke, and Jenny Vaughan. The issues raised are summarised in the following sections.

6.4.2. Applicant Response

The applicant's response refutes the points raised in the submission from CCC. Apart from those issues already raised by the applicant, any additional points can be summarised as follows:

- Clarity on engagement and the planning process to date, including various discussions with the planning authority which formed the basis for the current proposal but have not been reflected in the CCC decision.
- There is clear and unsustainable reliance on draft plans and projects, including the Draft CDP, Draft CC Docklands ABTA, Marina Park Phases 2 & 3, and the Marina Promenade Scheme. The case must be decided on the basis of current plans and projects and the Board is not entitled to refuse permission on the basis of draft plans or proposed projects.
- Safe access and parking for disabled users is a key element of the proposal and has not been adequately acknowledged by CCC. The planning authority's comments regarding the availability of existing and planned alternative options do not stand up to scrutiny. A report is included from Daire Byrne and Associates, Fire Safety & Access Consulting Engineers (Appendix 2). The report outlines the existing disabled facilities and contends that the

locations suggested by the planning authority (The Marina & Monaghan Road) are unsuitable on grounds of distance, levels, accessibility, and safety.

- Pedestrian access to the concourse, Atlantic Pond, and the entrances at the Marina, Park Avenue and Monaghan Road was maintained during the operation of the Covid vaccination centre.
- Lands within Marina Park Phase 1 have been included within the Monahan Road Extension Scheme.
- The planning authority response has not adequately addressed the question of material contravention and the assessment of parking requirements neglects its use as a multi-functional complex with a range of needs at different times. The CDP does not have a specific parking standard for stadiums or public parks and requirements should be 'dependent on location and use'.
- The existing access arrangements are substandard and sever Marina Park. The planning authority's suggestion that the Marina Promenade Project will resolve existing problems, existing/planned infrastructure, and other access needs is disingenuous. The existing rowing club has significant concerns about any proposal to put vehicular traffic on the gravel area outside their premises (a letter from the rowing club is in Appendix 5).
- Two recent SHD applications have been made in the area, involving more than 1,000 residential units and other units. The current proposal uses the exact same TIA methodology, and it is inconsistent of the planning authority to object on the basis of insufficient detail.
- The CCC concerns about visual impact and the loss of open space to parking are not consistent with their stated intentions to provide additional parking. The stadium is an integral part of the Park and the area of open space involved is not significant in the context of the overall Marina Park area.
- The planning authority has not addressed the submission that the flood storage area to the east of the 4G pitch was removed on foot of detailed design/compliance proposals associated with the previous permission.
- The planning authority has not properly considered the revised plans and has been inconsistent in relation to the location of the playground. Additional information is included to support the revised plans including:

- Proposals to prioritise pedestrian movements around the stadium, at entrances, and at other amenities/facilities.
- Auto track analysis to address manoeuvres and conflict.
- Details of access/parking dimensions.
- Commentary on compliance with DMURS/TII standards.
- Review of Road and Traffic Safety matters arising.
- Appendix 1 includes a response to Parking and Traffic Matters by MHL Consultants. The additional points raised can be summarised as follows:
 - The Board's assessment must be done in the context of the loss of approximately 1500 parking spaces in the vicinity and a significant reduction in the traffic impact of future events.
 - The provisions of the Draft ABTA should not be used to limit car parking provisions for an existing use.
 - The appeal contains an adequate TTA and further assessment of an infrequent 'large-scale conference event' or other junctions in the area is not required.
 - Access routes to the stadium are in accordance with the previous permission and have been assessed from a road safety point of view.
- Appendix 3 includes a response to Visual and Landscaping Matters by DMNA Architects. The additional points raised can be summarised as follows:
 - The stadium is an integral and iconic part of the Park, and the proposed arrangements would enhance its presentation.
 - The existing access arrangements undermine the amenity of the Marina Promenade, and this would be addressed by the proposed development.
 - The pedestrian concourse will be retained as the dominant and unifying feature of the Park.
 - The proposed development would not impede the continuity of any planned running trail loops and would improve the marina route.
 - The playground is not an essential element of the development, and it could be incorporated into Phase II of the Park development.

- All other parking and access options have been considered and the proposed development represents the most suitable solution for the proper functioning of the stadium and Marina Park.
- The MPM access arrangements are outdated, and the current proposal would address emerging problems and risks.
- The access/parking proposals are discrete and cannot be seriously deemed to pose any significant negative visual impact.
- Appendix 4 includes a response to Road Safety and Flooding Issues by JB Barry & Partners. The report reiterates the opinion that the proposed development would suitably remove traffic from the Marina and would be designed to safely integrate with pedestrian movement etc. to the south of the stadium. It also contends that flood storage would be adequately accommodated through existing and proposed underground storage; that such storage is a SUDs based approach; and that there would be adequate potential to increase the capacity of the adjoining stream if required.

6.4.3. Third Party responses

The responses generally support the CCC response and the decision to refuse permission. Any additional points can be summarised as follows:

- The proposed development would conflict with plans for Monahan Road as outlined in the Draft Development Plan and Draft BusConnects proposals, as well as the Monahan Road extension project.
- It is not agreed that the quantum of parking at the stadium is 89 spaces. It is 258 spaces, and the usable off-site number is 300, which is more than adequate for their requirements.
- There are concerns about the CCC submission proposal for multi-storey car parks, which is contrary to the Docklands ethos for low car dependency.
- The addition of an events centre and additional traffic would result in traffic congestion on an unsuitable road network.
- There appears to be an increasing probability of increased sea levels in the area in the future and it would be unwise to use natural floodplains as car parks.

- The revised access proposals submitted with the appeal are unacceptable and could lead to a high-speed drive-through situation.

6.5 Responses to First Party Response

6.5.1. The applicant's observations on the planning authority response were circulated to relevant parties. There were further observations from the Planning Authority, BARA, Denis O'Regan, Jenny Vaughan, and Jamie O'Rourke. In addition to the points already outlined, the issues raised can be summarised under the following headings:

Loss of open space

- The proposal is contrary to condition no. 5 of the previous permission (ABP Ref. 243384) and the Inspector's report.
- The area is suitable for parkland use, recreation, and flood storage. The areas are used by teams and children as warm-up/play areas
- It is agreed that 26 spaces would be an unacceptable loss of public space

Parking, Access and Traffic

- Stakeholders have always objected to Monahan Road access, which is reflected in the previous application proposals
- The requirement for 300 spaces adjacent to the stadium for teams, VIPs, and wheelchair users has been delivered at the waterfront car park.
- The additional parking would achieve nothing in the case of a large-scale event and should not be facilitated. The proposed 'temporary parking' would actually be for 'conference/events' which would be on a daily basis, not occasional use.
- The applicant has failed to manage the smallest of events (4G pitch rental) when inadequate public parking causes havoc, while the private car park area remains all but empty.
- It is untrue and misleading to say that public access to the concourse continued during its operation as a vaccination centre.

- The applicant's concerns about safety along The Marina are not reflected in their lack of management of vehicle/pedestrian conflict within the public parking areas to the east of the stadium
- The northern access arrangement does not involve severance of the Park.
- The applicant's traffic generation calculations are flawed by applying a 40% reduction by 2029, while at the same time refusing to support public transport to the stadium.
- The MHL report is contrary to national policy on sustainable transport and is contrary to local experience of traffic conditions. It contains multiple inaccuracies and misrepresentations which are outlined in the BARA submission.
- The applicant has incorrectly identified the planned running track, which goes directly through both proposed car parks and access points.
- Ongoing vehicular access along the Marina will be required and can be managed safely, including access to Lee Rowing Club and the pumping station, in accordance with current CCC plans for the Marina Park and Marina Promenade.
- Monahan Road has been designated as a public transport/active travel route and its potential will be severely restricted by the proposed development

Landscape / Visual Impact

- The applicant's argument is misunderstood in that the visual landscape is affected much more with the opening of an internal road network and car parking, as compared to providing car parking at peripheral park locations. This is a basic design concept to retain open space and to distract from the obtrusiveness of excessive cars.
- The presence of car parking is not visually appealing

Other Issues

- Any development that would hinder the principal aims of the Draft CDP post consultation should be considered.

- Flooding provisions in the Park should be maximised for Docklands development and designed in accordance with the current plans for Phases 2 & 3 of the Marina Park.

7.0. Assessment

7.1. Introduction

- 7.1.1. This case relates to a first-party appeal against the decision of CCC to refuse permission for the proposed development. The appeal has included 'revised plans', which is not an uncommon practice in the appeal process. The main effects of the amended proposal would be to remove the 124 spaces proposed at Zone B and to reorganise the layout of bicycle parking, disabled parking, and the playground. Given the revised plans involve an overall reduction in parking spaces, I am satisfied that potential impacts for 3rd parties would be reduced and that all relevant parties in this case have had the opportunity to comment on the appeal. Accordingly, I have no objection to the consideration of the revised plans as part of the appeal.
- 7.1.2. Having inspected the site and examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal are as follows:
- The principle of the development
 - Traffic and Transport
 - Visual Amenity
 - Flooding & Drainage
 - Ecology
 - Material Contravention
 - Appropriate Assessment

7.2. The principle of the development

- 7.2.1. At the outset it is clear that the Development Plan (section 11.20) supports the development of the stadium and centre of excellence on lands zoned for 'sports grounds', and section 15.20 supports suitable ancillary uses on such grounds. Furthermore, the planning authority and many of the 3rd party submissions have expressed support for the success of the stadium. However, those parties and planning policy (CDP objective 11.6) also outline clear and unambiguous support for the delivery of Marina Park Masterplan (MPM). The key issues in this case relate to nature and scale of the proposed development and how it impacts on the ongoing delivery of the MPM.

The 'ZO 13' zone

- 7.2.2. I have outlined that the majority of the site is zoned as ZO 13 'Sports Grounds'. This zone effectively constitutes the footprint of the stadium, the all-weather pitch, and the concourse space in-between. The proposed development does not involve any additional 'greenfield' development within this zone, and I am satisfied that there will be no 'loss of land' in the zone as outlined in s. 15.20 of the CDP.
- 7.2.3. The works within the ZO 13 zone are largely confined to the reorganisation of various existing spaces and uses. At ground floor level a new GAA museum and exhibition space is proposed, along with associated visitor and café facilities. Consistent with s. 15.20 of the CDP, I am satisfied that these uses are ancillary to the sports ground use. They would also support cultural heritage and tourism objectives, including objective 8.10(b) which aims to support and expand museum facilities. Other alterations to the Ard Comhairle spaces, the gymnasium, licensed restaurants, and administration areas are also relatively minor and ancillary to the main sports ground use and I have no objection in this regard.
- 7.2.4. The most contentious uses are those which involve conferences and other similar events. At 2nd floor level it is proposed to amend the existing meeting spaces and bar areas to provide enhanced conference facilities over an area of c. 750m². At 3rd floor level it is proposed to use the existing outdoor terraces and associated facilities (2856m²) as corporate social venues as an ancillary part of the overall conference facilities. The Traffic Management Plan (TMP) submitted with the application states that this will utilise the permitted conference facilities to a greater extent for both

seminars and special events with up to 1,000 persons in attendance, although I would accept that it is unlikely that full capacity for all spaces would occur simultaneously. The TTA submitted with the appeal outlines that a large-scale conference event would involve up to 600 attendees and would be likely to occur twice a year. In the Oral Hearing for the previous application, the Board's Inspector reported that the applicant stated that the 2nd floor area would facilitate up to 450 persons and this is consistent with the numbers used for the 'existing' scenario in the TTA.

- 7.2.5. Having regard to the above, I acknowledge that the proposed development would involve an intensification of conference/events usage. However, I would accept that large-scale conferences would be likely to be infrequent and that the proposed spaces would generally be used for much smaller conferences, events, etc. In that context and given the overall scale and intensity of sports use within the stadium and the 4G pitch, I am satisfied that, consistent with the existing planning permission and generally established practice for sports stadiums, the proposed conference/event uses would remain ancillary to the principle use of the site for sports. And while this would be consistent with the ZO 13 zoning in principle, further consideration will be required in relation to the associated parking proposals and their impact on traffic and open space.

The 'ZO 14' zone

- 7.2.6. The remainder of the site is zoned as 'ZO 14 Public Open Space'. This includes the existing parking/circulation areas to the east, north, and west of the stadium; the proposed playground area; and the areas to the east, west, and south of the 4G pitch. The objective for ZO 14 includes a presumption against developing such lands for alternative purposes, while s. 15.21 states that such zones may incorporate sports facilities and city parks may incorporate ancillary/incidental uses that add to/support their life and recreational infrastructural role. Unlike some development plans, there is no detailed matrix of uses outlining 'permissible uses' within the zones.
- 7.2.7. Having regard to the above, I am satisfied that the proposed playground would be an ancillary or supporting use within the park and would be consistent with the ZO 14 zoning. And while it has been welcomed to some extent in CCC reports and 3rd party

submissions, concerns have also been raised that it is not consistent with the MPM. I note that the MPM includes the provision of playground facilities in the area the proposed parking Zone B and this has been complied with in the revised plans submitted with the appeal. Ultimately, I consider that the proposed playground would be acceptable in principle within zone ZO 14 and that the proposed location as per the 'revised plans' would be acceptable in accordance with the MPM.

- 7.2.8. However, while the playground proposal has been generally welcomed in principle and seen by the applicant and some observers as a 'planning gain', I would be reluctant to put too much emphasis on its relationship to the proposed development. It is effectively an unrelated element. And while it could be seen as a compensatory proposal in the original proposal (i.e. as compensation for the loss of the MPM playground location at proposed Parking Zone B), there is no obvious rationale for its inclusion in the 'revised plans'. I accept that a playground is generally a positive and benign inclusion, but I would advise the Board that the proposed development should still be judged on its merits, without any recourse to place undue reliance on unrelated 'planning gain'.
- 7.2.9. The proposal to include the new parking and associated access/circulation arrangements within the ZO 14 zone is clearly a key issue in this case. I would accept that the development plan does not specifically exclude parking facilities within the zone. However, it does clearly outline the zone should be used primarily for recreation, while sports facilities and other ancillary/incidental uses may be incorporated. This requires a further examination of the nature and purpose of the proposed parking facilities.
- 7.2.10. In general, I would accept that purpose-built public car-parking would be an ancillary and common element of a public park, which would be acceptable in the ZO 14 zone. As such, the applicant refers to a number of developments, including the recent provision of the 'greenway' parking within ZO 14 at Shandon Boat Club, and argues that there is no material difference between such developments and the current proposals. However, I consider that the 'purpose' of the parking is the key consideration in such instances.
- 7.2.11. The applicant outlines that the proposed parking would serve different purposes depending on the scenario. The TTA states that 'normal use' would cater for training

sessions, meetings, school tours and public visitors to Marina Park. A 2019 audit shows that 90% of normal everyday events involved less than 70 attendees and that the larger events were held in the evening time, thereby avoiding peak times for Marina Park parking demand. Therefore, the TTA concludes that under 'normal use' the bulk of the proposed parking would be available for public use.

- 7.2.12. It is clear that the applicant does not have a primary remit to provide parking facilities for the everyday public users of Marina Park, although I acknowledge that the stated objectives of the application include the improvement of integration with the overall park. Furthermore, I note that the planning authority and 3rd party observers have highlighted a distinct lack of need for additional parking, stating that the existing parking facilities have adequate capacity. From my own experience, I visited the site and the wider park surrounds over the morning of 13th April 2022, i.e. a 'normal use' scenario. However, I would highlight that it was an unseasonably warm, sunny day during the Easter holiday period, which I consider to represent a busy period under normal circumstances. At the time of my inspection there was an abundance of parking available, both at the Blackrock End of the stadium and at the Marina Greenway car park. There was no evidence of illegal parking to the south of the stadium along Monahan Road or elsewhere, and there were no related traffic congestion/safety issues. Accordingly, I would conclude that there is no apparent need for additional parking at this location to serve the everyday needs of Marina Park visitors.
- 7.2.13. On match/event days, it is accepted that access is restricted on the surrounding road network. The TTA states that the new parking areas will be used for disabled drivers, match officials, and team coaches, and will be managed as per the Major Event Traffic Management Plan. I would highlight that the proposed development does not involve any increase to the capacity or intensity of match/event days. Accordingly, the application in itself does not generate any associated requirement for additional parking and it would appear that the proposal simply reflects the applicant's desire to improve the existing arrangements.
- 7.2.14. It is notable that such alterations are being proposed within such a short period following the stadium redevelopment, given that all such arrangements would have been planned, assessed, and permitted as part of the parent permission (ABP Ref. PL 28.243384). Again, the strong view of the planning authority and 3rd parties is that

there is no requirement for this additional parking. In this regard, I note the presence of c. 125 spaces around the stadium (although the applicant states that these spaces are restricted during large events), together with the recently delivered c. 250 spaces at the Marina Greenway, and the proposed additional match-day parking to the south of the stadium provided for in the MPM (estimated to be c. 206 spaces by the applicant). Regarding the planned parking to the south of the stadium, it should be noted that this mainly involves roadside parking along Monahan Road, along with temporary 'incidental match day parking' consisting of 'protective matting on turf' adjacent to Atlantic Pond. As such, I would contend that these proposals do not involve any significant, permanent loss of open space.

7.2.15. Having regard to the above, I would conclude that there is adequate existing and planned parking provision to cater for the match/event day requirements. I acknowledge that the increase in disabled parking capacity is an important element of the development. The proposal includes 10 no. additional disabled spaces in parking Zone B, while an increased number of 20 no. repurposed spaces is included in the existing parking area at Park Avenue as per the alternative 'revised plans'. However, I would consider that this extent of disabled parking understandably represents a minor, ancillary portion of the overall application for a total of 150 spaces. This matter is discussed further in section 7.3 of this report.

7.2.16. The remaining scenario included in the TTA is for 'Large Scale Conferences (up to 600 attendees)'. Having regard to the nature of the application, involving the expansion of capacity for conferences and similar events, I consider that the proposal for additional parking is clearly related to this element. This is reflected in the TTA, which states that its purpose is to assess the impact of the increased conference facility capacity. Similarly, the Mobility Management Plan (MMP) confirms that parking is an essential component when promoting the conference component and that the application actively seeks to develop this important revenue stream to ensure the financial viability of the stadium. The application also confirms that the additional parking is intended to respond to the concerns raised in the previous Inspector's report (ABP Ref. 28.243384) that there was inadequate parking to cater for the conference capacity proposed at that time (i.e. 450 persons).

7.2.17. Having regard to the above, I would accept that questions of the 'nature' and 'purpose' of the proposed parking is complicated given the various uses proposed

under different scenarios. Under 'normal' circumstances, I do not consider that there is any appreciable need for the additional parking. For 'match/event' days, I consider that adequate parking can be provided through existing and the planned facilities as per the MPM, and I note that the frequency of such major match/event days would be limited. And while the applicant states that the existing parking surrounding the stadium is not available for major events, I note that the 'revised plans' propose to relocate the majority of the proposed parking to the immediate surrounds of the stadium, which would suggest that this is not a major impediment to the stated parking needs. Therefore, having regard to the nature of the application and the likely scale of conferences and similar events, I consider that the primary purpose of the additional parking is to cater for the proposed increase in conference activity and similar events.

7.2.18. Having established my opinion that the primary purpose of the parking is to cater for conferences etc., I will now consider the appropriateness of this use within the ZO 14 Public Open Space zone, where there is a clear presumption against alternative uses. Section 15.21 of the CDP outlines possible alternative uses, one of which is 'public sports facilities and grounds'. And while I consider that the proposed parking is primarily ancillary to the conference facilities, which in turn are ancillary to the sports stadium use, I consider that it would be beyond reasonable to say that the proposed parking would be acceptable in ZO 14 as a public sports facility/ground.

7.2.19. The other alternatives referred to in section 15.21 are 'ancillary and incidental uses that add to the life of the park (such as small cafes and other amenities) and also to and support the public open space and public recreational infrastructural role of the parks'. In this regard, I would again accept that the proposed parking is ancillary to the conference uses and the sports stadium, which is itself an integral part of Marina Park. However, I do not consider that the primary parking purpose is ancillary or incidental to the open space zone, and I do not consider that it would add to the life of the park or support its open space/recreational role. Therefore, the proposed additional parking would not be in accordance with ZO 14 Public Open Space zoning.

Revised Plans

7.2.20. The revised plans involve the removal of parking Zone B and its replacement with a proposed new playground. In principle, this would be acceptable in accordance with the ZO 14 zoning and the MPM. The proposed spaces would be relocated to the existing circulation/parking area surrounding the stadium to the east, north, and west (i.e. within the ZO 14 zone), and repurposed within the existing car park at Park Avenue, and additional bicycle parking is included. Having regard to the peripheral location and minor nature of these works, together with the established use of these lands, I do not consider that this proposal would result in any loss of public open space, and I would have no objection in terms of zoning principles. However, the revised plans would retain parking Zone A and as previously outlined, I do not consider that this would be in accordance with the ZO 14 Public Open Space zoning.

Conclusion

- 7.2.21. In summary, I acknowledge that planning policy supports the redevelopment and ongoing successful operation of the stadium, and I am satisfied that the proposed ancillary uses within the stadium are consistent with its established use and CDP zoning objectives. However, having considered the nature of the application, I consider that the primary purpose of the proposed parking would be to serve the increased capacity of conferences and similar events. Given that this would not primarily serve the public open space function and considering the substantial area of both proposed car parks (Zone A & B) and associated circulation space, which cannot be considered minor or peripheral spaces, I consider that the proposed development (including the revised plans) would involve a significant and unrelated encroachment on public open space. Accordingly, I would concur with the view of the planning authority that the proposed development would materially contravene the Development Plan's ZO 14 Public Open Space zoning.
- 7.2.22. The issue of material contravention will be addressed further in section 7.8 of this report. Furthermore, in addition to the 'revised plan' option, the Board may also wish to consider the possibility of omitting both parks (Zone A & B), in which case there would be no material contravention of the ZO 14 zoning. These matters will be considered further in the following sections.

7.3. Traffic and Transport

Information and submissions received

- 7.3.1. The application included a Traffic Management Plan (TMP) and Mobility Management Plan (MMP). The TMP considers 6 different scenarios. Under scenario 0 ('normal day'), it is stated that conferences and events could accommodate up to 1,000 persons and that all existing parking facilities and on-street parking would be required (managed through a Liaison Officer). Under scenarios 1, 2, and 3 (1,000 to 6,000 persons), alternative transport modes will be promoted through a management plan and Liaison Officer. During scenario 4 (6,000 to 15,000 persons), an event manager would be appointed to liaise with An Garda Síochána and CCC. It is stated that parking for buses and disabled users in Zone B would be critical for scenarios 1 to 4. Scenario 5 (15,000+ persons) would require a Major Event Traffic Management Plan as outlined in section 3 of the TMP. It is stated that the greenway carpark can be used for staff and event management parking for the duration of such events.
- 7.3.2. The MMP highlights the existing and planned infrastructure in the area. It reports that a survey found that 100% of stadium staff commuted to work by private car. It outlines proposals, including the appointment of a Mobility Manager, aimed at encouraging sustainable transport initiatives and the implementation of the MMP.
- 7.3.3. The appeal includes a Traffic and Transport Assessment (TTA), the purpose of which is to assess the impact of the increased conference facilities. It is based on a traffic survey of October 2019 which established peak hours of 07:30 – 08:30 (AM) and 17:15 – 18:15 (PM).
- 7.3.4. The TTA considers three different scenarios. In the 'normal' scenario it states that 90% of events would involve less than 70 attendees and would not significantly impact on traffic flows in the area. Vehicular crossing of the concourse would be allowed in this scenario. In the 'match/event day' scenario, it is stated that the new parking areas would be used for disabled persons, match officials, and team coaches etc. A Major Event Traffic Management Plan would be in place and no crossing of the concourse would be allowed (except for emergency and broadcasting vehicles). The TTA accepts that there is a widespread impact on the wider road network in such events. In the 'large scale conference' scenario (up to 600 attendees) there would be managed crossing of the concourse and the TTA accepts

that there is potential to impact on the road network, including the N27 and junction with Albert Road. It is stated that such events are likely to happen twice a year and that other uses such as museum tours (mostly buses) and GAA county Board meetings (evenings) are not expected to coincide with peak hour traffic.

- 7.3.5. The TTA calculates traffic generation based on an increase in conference attendees from 450 to 600 persons and a total of 510 vehicles. This is estimated to result in a total of 357 vehicles at the Victoria Road roundabout during AM and PM peaks. The TTA assesses the impact on 9 links/junctions using ARCADY modelling software, which shows that event traffic would result in significant increases on the approaches to the Victoria Road roundabout for AM and PM peaks, with increases up to 41% and 91% respectively. It states that the impacts on the N27 South Link Road would be minor, with increases of 6% (AM) and 5% (PM).
- 7.3.6. The TTA states that impacts would be similar to the existing 450 person events, in that they would be accepted events as irregular occurrences. It states that the 2019 traffic survey shows significant spare capacity on the Victoria Road roundabout, and while a 'large scale conference' would decrease capacity on all arms, there would still be a maximum 'flow to ratio capacity' of 48% and a 'level of service' rated as 'free flow' would be maintained. The assessment is based on a design year of 2022, and it concludes that a future year analysis is not appropriate given that planned infrastructural upgrades will significantly change traffic flows in the area.
- 7.3.7. As part of the appeal, the applicant's consulting engineers (MHL) have also commissioned JB Barry & Partners to carry out an 'Access & Road Safety Review'. This reviews the existing and proposed access arrangements and includes a Stage 1/2 Road Safety Audit (RSA). The main issue identified with the existing access is the steep incline down to the stadium and associated conflict points with pedestrians/cyclists, together with the poor standard of lighting in the surrounding area. Similar concerns are also raised in the context of the proposed Eastern Gateway Bridge and its potential limitations on access to the Marina, which may require a relocated access from Monahan Road in any case.
- 7.3.8. The review states that the proposed development can improve this situation by reducing traffic at the Marina. And to address concerns about the proposed concourse crossings, it is suggested to provide raised pedestrian sections with

appropriate bollards, markings, and signage, including the potential removal of the eastern crossing altogether as per the 'revised plans'. The report contends that this would reduce the extent of conflict between vehicles and pedestrian/cyclist movement; would distribute traffic flows more evenly; would facilitate proposals for the Marina promenade and greenway extension; and would provide improved illumination and accessibility, particularly for disabled users. It concludes that the proposed arrangements would be favoured in terms of safety and accessibility.

7.3.9. The Road Safety Audit identified 21 potential problems and recommendations. The applicant has addressed these recommendations in the RSA 'feedback form', which outlines an explanation and/or amendment to the proposed road layout and design.

7.3.10. I have considered the 3rd party and planning authority responses to the appeal. In summary, these submissions contend that: the proposal is contrary to local and national sustainable transportation policies; there is no justification for additional parking given the existing capacity and the availability of alternative solutions with better management procedures; that the proposals will introduce unacceptable traffic safety and congestion issues to the south side of the stadium; and that existing access arrangements along the Marina can be maintained in accordance with planned infrastructural upgrades. The applicant's further response to the planning authority submission has also been outlined in section 6.4.2 of this report.

Assessment

7.3.11. In terms of the wider road network, I have considered the TTA and submissions received, including the TII submission. The TTA has demonstrated that the existing road network has spare capacity, and this was evident at the time of my site inspection when traffic flows in the area were low and free flowing. I would also accept that the area will be subject to significant change in the future, both in terms of transport infrastructure and land use, and it is, therefore, difficult to carry out a detailed analysis of future traffic scenarios. However, I note that the planning authority policy is focussed on a significant shift toward non-car modes, and this will help to maintain the road network capacity. Therefore, given that the traffic generation impacts are largely based on the increased capacity of conference facilities from 450 to 600 persons, together with the limited frequency of such large-scale conference events, I consider that any impacts on the road network are likely

to be limited and infrequent, and I do not consider that there would be any unacceptable impacts in this regard, including impacts on the national road network.

7.3.12. However, notwithstanding the available network capacity, national and local planning policy is consistent in promoting sustainable modes of transport and the integration of land use and transportation. In accordance with this approach, the Zoning and Development Framework for the South Docks (Chapter 13 of CDP) is based on the promotion of public transport and sustainable travel principles.

7.3.13. Similarly, the Development Plan car-parking standards are based on 'maximums' in order to constrain car trip generation and promote patronage of 'green' modes of transport. In this regard the stadium and associated conference facilities are located within Zone 2B and Table 16.8 outlines that conference centre (public areas) have a maximum allowance of 1 space per 50m². I calculate that the existing and proposed conference facilities would have an overall floor area of c. 4,500m². This is considered a maximum area given that significant non-public areas and the ancillary outdoor terraces have been included, so the actual usable public area is likely to be lower. At a rate of 1 space per 50m², this area could allow a total of 90 parking spaces. I acknowledge that the development involves other uses, but the conference facility has been used in this case given that I have identified it as the main generator of additional parking demand. Furthermore, it has been established that large scale conference event traffic is not likely to significantly combine with other events such as museum tours and GAA training/meetings.

7.3.14. Given the existence of 125 spaces around the stadium and the other existing and planned spaces in the vicinity (c. 250 existing spaces at the greenway car park and c. 200 planned spaces to the south of the stadium as per the MPM), and given that the development plan standard allows a maximum of 90 spaces to cater for the maximum conference demand, I do not consider that there is a justification for an additional 150 spaces in this case. I acknowledge that the development plan allows additional parking above the maximum standard in the case of temporary parking provision. However, the proposed development has not been proposed on a temporary basis and would involve a fundamental and permanent provision of parking and associated access arrangements. I acknowledge that the additional parking is also sought to cater for other everyday and major match/event day scenarios (importantly including disabled parking). However, as previously outlined, I

do not consider that the need for additional parking has been justified in everyday scenarios and I consider that the specific parking needs for larger events can be accommodated at the stadium and its environs.

- 7.3.15. In terms of access arrangements, the application involves a fundamental relocation of the primary access from the north to the south side of the stadium. This is one of the key issues in the appeal, with much of the argument outlining contrasting opinions on the most suitable approach.
- 7.3.16. From the applicant's point of view, I would accept that there has been increased pedestrian movement along the marina in recent times. This has been facilitated by temporary signage etc., which I would accept as being less than ideal for traffic movement and pedestrian safety. The applicant highlights deficiencies with regard to lighting and gradients, particularly as it applies to disabled access, although I would also highlight that this is still generally consistent with the northern access arrangements proposed by the applicant and permitted by the Board under the previous stadium redevelopment. Concerns are also raised in relation to access restriction as a result of other projects such as the marina promenade, the Eastern Gateway Bridge, and the proposed light rail system. The appeal argues that these concerns can be avoided through a southern access approach, and that any traffic conflict to the south can be resolved through the incorporation of traffic calming measures as per the Design Manual for Urban Roads and Streets (DMURS).
- 7.3.17. In response, the planning authority and 3rd party submissions have highlighted that there are no plans to fully pedestrianise the marina and that ongoing vehicular access will be required. It is submitted that the existing temporary arrangements along the marina will be fully regularised as part of the marina promenade, including the appropriate management of vehicles, pedestrians, cyclists, and other vulnerable users, as well as the provision of appropriate lighting etc. The planning authority has also confirmed that the Eastern Gateway Bridge would be appropriately designed to facilitate ongoing access to the stadium. Serious concerns have been raised about the traffic conflict that would be caused by increasing vehicular movements to the south and many submissions suggest that the applicant could more suitably resolve access concerns by applying DMURS traffic calming measures to the existing northern access arrangements.

7.3.18. I consider that there would be some inevitable degree of conflict between the movements of vehicles and vulnerable users in both scenarios, i.e. the existing northern approach and the proposed southern approach. On the northern side, I acknowledge that the area to be managed is quite concentrated and that movements would largely be limited to parallel east-west directions. Consistent with the previous permission and the provisions of the MPM, I am satisfied that the existing northern access arrangements can be suitably managed to cater for the needs of vehicles and vulnerable users. I have considered the problems identified in the Road Safety Audit and I consider that these issues can be suitably addressed through appropriate design, mitigation, and management. Furthermore, while the marina promenade project has not yet been finalised, I consider it reasonable to conclude that the existing access (which have already been deemed acceptable under the previous permission) and the temporary pedestrian arrangements would be significantly improved and formalised. And as outlined in the planning authority submissions, I am satisfied that the other major transportation projects in the area would be suitably designed to facilitate the ongoing access requirements of the stadium.

7.3.19. On the other hand, the proposed southern access would significantly increase vehicular movement in a large open space area, including north-south movements which would clearly conflict with the east-west alignment of Monahan Road and the pedestrian concourse. In particular, the pedestrian concourse obviously involves vulnerable users and has been identified as an important link between phases 1 & 2 of the MPM. And while I acknowledge that the proposed crossings would be designed to minimise hazards, including the use of signage, markings, and bollards, I consider that these mitigation measures would clearly detract from the functionality and attractiveness of the concourse link. Furthermore, I note that there are various proposals for the availability and management of access, parking, and crossing arrangements depending on the use scenario (i.e. everyday, large scale conferences, major events etc.). And while the differing circumstances are acknowledged, I do consider that this has the potential to cause confusion for motorists and vulnerable users alike, which would exacerbate traffic congestion and safety concerns.

7.3.20. The revised plans involve the removal of the eastern access and Parking Zone B. This proposal is, at least in part, a response to the applicant's RSA, which itself

identifies the safety concern and includes the removal of the eastern access as a recommended solution. I acknowledge that this proposal would reduce the extent of traffic conflict to the south of the stadium. However, consistent with my previous concerns, I am still of the opinion that it would introduce an unacceptable movement conflict on the pedestrian concourse link.

Conclusion

7.3.21. In conclusion regarding traffic and transport, I would accept that, apart from temporary, infrequent impacts for larger events, the proposed development is not likely to have any unacceptable impacts on the capacity of the surrounding road network. However, notwithstanding the available capacity, I consider that the proposal to mainly accommodate increased private car transport is contrary to local and national policies regarding the promotion of sustainable transport modes. Furthermore, having regard to the extent of existing and planned car parking in the vicinity of the site, I do not consider that the extent of the proposed parking is justified at this location. The proposed southern access arrangements would significantly increase vehicular traffic movements and create an unacceptable conflict with the important pedestrian concourse link, notwithstanding the proposal to omit the eastern access under the revised plans submitted with the appeal. Accordingly, I do not consider that the proposed southern access and parking proposals should be permitted.

7.3.22. As a further alternative, the Board may wish to consider permitting additional parking only for those spaces immediately around the stadium (i.e. the additional 80 no. spaces in the existing parking/circulation area to the east, west and north of the stadium) or within existing parking areas (i.e. adjoining Park Avenue). This option would retain the existing northern access arrangements. And while I acknowledge that it would have the potential to intensify traffic movements along the marina and Centre Park Road, I am satisfied that this would only occur infrequently and that there is adequate network capacity having regard to the applicant's TTA. Furthermore, consistent with the planning authority submissions and my previous comments, I am satisfied that the promenade improvement project would incorporate suitable upgrades to improve traffic safety/congestion at this location. Importantly, this approach would also accommodate the 20 no. repurposed disabled spaces within the existing car park along Park Avenue.

7.3.23. I acknowledge that the planning authority has raised concerns about inadequate assessment of circulation around the stadium as a result of the additional proposed spaces, including swept path analysis. However, the applicant has submitted a detailed auto track analysis in its response to the planning authority submission. This analysis also includes improved proposals to maintain pedestrian permeability around the stadium, which appears to have reduced the number of additional spaces from 80 to 69. I note that the proposal would maintain a 2-way aisle width of 6 metres, which is less than that commonly required for two-way aisles (i.e. 6.9m). However, given the likely infrequency of the spaces being intensively used, together with the likely long-stay nature of visits for matches, events etc., I am satisfied that the proposed layout is acceptable. Indeed, a reduced aisle width has the potential to have a positive traffic-calming effect around the stadium. On this basis, I would have no objection to the additional/revised parking proposed within the existing parking/circulation areas.

7.3.24. I accept that this would be a shortfall on the stated requirements of the applicant, albeit that it would be only 26 spaces less than that proposed under the 'revised plans'. However, I consider that it would be consistent with national policy as outlined in NPO 13 of the NPF, which promotes a more performance criteria driven approach to car parking standards that seek to achieve well-designed high-quality outcomes. Ultimately, it is widely accepted that the car-parking demands for major events within the stadium cannot be met on site. The key issue is that the events should be appropriately planned and managed, with supporting services and facilities put in place. I consider that this equally applies to large-scale conference events and any other parking demands associated with the proposed development. Therefore, I consider that it would be unacceptable to accommodate parking demands through the loss of open space, and I am satisfied that the requirements can be met within the existing and planned parking/circulation areas, together with the implementation of appropriate traffic management plans. The revised plans also include proposals for significant bicycle parking and I consider that this will help to alleviate car parking demands while promoting sustainable transport modes.

7.4. Visual Amenity

- 7.4.1. Much of the proposed works to the stadium involves internal alterations which will have no visual impact on the public realm. The exterior stadium alterations mainly involve modifications to the entrances at the City End and Blackrock End, at the southwest and southeast corners respectively. The alterations include sheltered porches and signage, which the applicant contends will improve legibility and functionality. Some additional signage is proposed on the east and west sides of the south stand, which I consider to be excessive and inappropriate in terms of visual amenity. Otherwise, in the context of the overall stadium scale, I consider that these are relatively minor works which would not significantly impact on the character or appearance of the stadium. The proposed colours and finishes would be consistent with the existing stadium, and I would have no objection in this regard.
- 7.4.2. In terms of the external works, I consider that the most significant visual impacts would be the loss of open space areas and their replacement with the proposed car parks and playground. According to the CDP, the site is within the 'Urban Sylvan Character' area and is identified as a 'primary green link' in the Conceptual Landscape Structure Plan, wherein it is the aim to develop and enhance the River Lee Corridor as a series of public parks and accessible spaces linked by a continual linear park and walkways. The Marina (to the north of the site) and Marina Park (to the east of the stadium, including the site of the proposed playground) is classified as an 'Area of High Landscape Value' (AHLV). Objective 10.4 aims to conserve and enhance the character and visual amenity of AHLVs and development will be considered only where it safeguards 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 landscape value. Chapter 11 of the Plan also highlights the need to maintain visual linkage between the eastern and western parts of the planned Marina Park to ensure maximum permeability and cohesion of the overall park.
- 7.4.3. I consider that the stadium, the 4G pitch, and all associated fencing, netting etc. already forms a significant presence between the eastern and western parts of Marina Park. Therefore, having regard to the stated CDP aims regarding the preservation of visual linkages, there is only limited potential for additional

development in this area. In this context, I consider that the proposed car parks and associated circulation space would result in the loss of a significant extent of open space which would further erode the visual linkage. And despite the mitigating landscaping proposals, I consider that the potential presence of 150 parked vehicles would form an incongruous feature within this parkland setting. In combination with the visual impact, I would also consider that the potential vehicle-generated noise, emissions, and disturbance would also detract from the overall amenity and attractiveness of the park.

7.4.4. I acknowledge that the proposed development area constitutes only a minor portion of the overall Marina Park. However, I do still consider that the localised impacts would be unacceptable at this prominent location and that the visual and associated impacts would seriously detract from the amenity of the area. Furthermore, the potential for cumulative impacts must be considered and I would be concerned that the proposed development, if permitted, would place further pressure on valuable open space within the Park.

7.4.5. The playground is proposed to the west of Atlantic Pond, within an area an AHLV, and includes substantial structures up to 6.5m high. Given the sensitivity of this location and CDP presumption against development within such areas, I consider that an alternative location would be appropriate. Under the revised plans submitted with the appeal, the playground would be relocated to the previously proposed parking Zone B. The playground area is much smaller than parking Zone B and is of a nature that can be much more easily assimilated into the parkland setting. Furthermore, it is outside the AHLV and is consistent with the location identified in the MPM.

7.4.6. In conclusion, I would have no objection to the revised location of the playground and bicycle parking, or to the interior and exterior alterations to the stadium. However, I consider that the proposed parking zones, both individually and cumulatively, are unacceptable within this parkland setting and would detract from its visual amenity, attractiveness, and its overall functionality and cohesiveness.

7.5. Flooding & Drainage

- 7.5.1. To address the concerns of the planning authority, the appeal includes a Flood Risk Assessment (FRA) and a response to the issues raised in the CCC Drainage Report.
- 7.5.2. The CCC Drainage Report raises concerns that the proposed parking is located within a planned 'sunken' flood storage area (design level of -0.38m OD) as envisioned in the 2012 Preliminary Surface Drainage Report (PSDR) by O'Connor Sutton Cronin (OCSC) and the previous permission for the stadium redevelopment. It contends that this approach is supported in the 2014 OCSC Drainage Strategy for Phase 1 & 2 of Marina Park; the Marina Park Part 8 Report of 2014; and the Marina Park (phase 1 & 2) tender designs. Concerns are also raised that the proposals would encroach on the main drainage channel into the Atlantic Pond and would negatively impact on its conveyance capacity.
- 7.5.3. In response, the appeal submits that the level of -0.38m OD is based on 'Image 7' of the Drainage Report. It accepts that this level does appear in the 2012 OCSC report but states that it does not refer to all storage cells, and that the level design for the area around the stadium is actually 0.325m OD. Based on a maximum flood level of 0.5m OD, it states that the storage depth of 0.175m was required for the 4G pitch and adjoining areas, and that the 2012 OCSC report allowed for a total storage of 3,810m³ in this area. In accordance with the terms of the previous permission, the applicant states that this storage volume (plus 10% i.e. 4,200m³) has been provided under the 4G pitch. It states that the levels around the 4G pitch were not meant to be depressed and that all level details and storage requirements have been complied with by the applicant. The appeal also contends that, as per the 2012 OCSC Report, there is no requirement for attenuation as the open space areas were designed as impervious surfaces.
- 7.5.4. In calculating lost storage capacity, the appeal considers the full area of the car park (1790m²) and the Low Water Neap Tide, which is stated to be identified in the 2012 OCSC Report as the critical level for design purposes. Based on the difference (i.e. 0.93m) between the maximum flood level (0.5m OD) and the Mean Low Water Neap Tide (-0.43m OD), the area of 1790m² is calculated to result in a total displaced storage volume of 1,665m³. The appeal states that 390m³ of this has already been provided under the 4G pitch (i.e. the additional 10% provided as part of the previous

permission) and that the remaining 1275m³ will be provided in 2672m² of Storm Tech SC-740 Chambers under the eastern car park area (zone B). It also states that the southern stream capacity will be maintained through its full length.

- 7.5.5. Based on the Lee CFRAMS flood extent mapping, the applicant's FRA outlines that the site is located within 'Flood Zone A' as per Flood Risk Management Guidelines for Planning Authorities (OPW & DEHLG, 2009). It also acknowledges that the 2008 South Docks LAP includes increased levels in some areas to achieve gravity discharge to the River Lee, while the levels in the area around the appeal site would be retained as existing with provision made for increased storage capacity in the Atlantic Pond, the volume and level of which is outlined in the 2012 OCSC report. The FRA accepts that the above clearly outlines the extent of potential fluvial and tidal flooding from the Lee estuary.
- 7.5.6. In terms of other flood sources, the FRA states that the existing drainage channels intercept overland flow and direct it to the Atlantic Pond, therefore the proposed ground level development is classified as being water compatible as per the Flood Risk Management Guidelines and could tolerate any effects of overland flow. It also outlines that ground investigations indicate that there is an impermeable clay layer of up to 3m thickness which prevents groundwater rising, therefore groundwater flooding is not a risk.
- 7.5.7. The FRA states that the Guidelines classify 'water compatible' development to include 'amenity open space outdoor sports and recreation and essential facilities such as changing rooms'. It concludes that Table 3.2 of the Guidelines confirms that this type of development is appropriate within 'Flood Zone A' and that there is no requirement to prepare a 'Justification Test'.
- 7.5.8. With regard to potential flooding elsewhere, the FRA states that all drainage will be directed towards Atlantic Pond and the River Lee as per the 2012 OCSC Drainage report. It is also stated that the 2012 report assumes 100% impermeability for Marina Park and provision is being made for run-off during storm events, therefore there will be no impact on storage or maximum water levels.
- 7.5.9. The FRA does not identify any residual risks and section 5.1 outlines design details for storm water storage as outlined in the 'response to Drainage Report'. And due to the existing arrangement whereby all water drains to Atlantic Pond and the River Lee

at low tide, the FRA contends that an attenuation system would serve no purpose and is not proposed in the development. It concludes that the development meets all requirements of the Guidelines, that all risks have been mitigated in the proposed design, and that there will be no flooding outside the site.

- 7.5.10. In response to the appeal, the planning authority refers to the draft South Docks Drainage and Levels Strategy 2021 and the Draft CDP 2022-2028, although given that the CDP has yet to be adopted, I do not consider it appropriate to consider its contents. The planning authority reiterates its position that the site is within a flood storage area set at a level of -0.38m OD, and states that the FRA is incorrectly based on the outdated 2012 OCSC report, which has been superseded by a 2014 revision which takes into account the 4G pitch level and associated storage. The response also highlights the need to consider a High End Future Scenario for climate change with a 40% rainfall increase and a 1m sea level rise; the importance of providing mitigation for any increase in run-off; and states that the proposed compensatory storage is not in keeping with a SUDS/nature based approach to storm water management. It concludes that the FRA has not adequately assessed the flood risks identified and that the proposal should be refused in accordance with the CCC decision.
- 7.5.11. I note that much of the debate on the question of flooding and drainage centres on contested flood storage purpose of the site and the design levels for same in accordance with various plans and projects. I would accept that there is a lack of clarity on this matter and the various versions of the drainage strategies for the area do not appear to be publicly available. The excerpts from these strategies, as contained within the file documentation, are largely illegible and difficult to comprehend in the absence of the complete documents.
- 7.5.12. However, according to the 'flood storage cells diagram' contained in the MPM, it would appear clear to me that both proposed car parks would be located within a 'flood storage cell' which surrounds the 4G pitch. This diagram clearly indicates a ground level of -0.38m OD for one of the cells, but I would accept that it is not overtly clear in clarifying that this level relates to all cells, including the proposed car park areas. The applicant contends that the level does not refer to the application site and has adopted the higher level of 0.325m OD based on the text of sections 7.2, 8.6, and 9.4 of the 2012 OCSC report. It is also the applicant's position that the flood

storage area to the east of the 4G pitch was effectively replaced by the detailed design/compliance proposals for underground storage, and that this was agreed with the planning authority on foot of the previous grant of permission.

- 7.5.13. Notwithstanding the differing interpretations of the drainage strategy for the area, I have already outlined more fundamental concerns about the principle of replacing open space with the proposed car parks. I would also question the applicant's approach towards the 'justification test'. Based on the Flood Risk Management Guidelines, the applicant has clarified the proposed works as 'amenity open space outdoor sports and recreation and essential facilities such as changing rooms', which is classified as 'water-compatible development' in Table 3.1 of the Guidelines. However, given that the works in question mainly involve the provision of car parks and associated access/circulation roads, I do not agree with the applicant's classification. The type of development in question is not specifically included within Table 3.1 and in such cases it is stated that uses should be 'considered on their own merits'. I note that 'local transport infrastructure' is included as 'less vulnerable development' and I consider that this would be the most appropriate classification for the proposed car parks and associated roads.
- 7.5.14. As a 'less vulnerable development', I note that Table 3.2 of the Guidelines states that a 'justification test' would be required for the proposed development given its location within 'Flood Zone A'. Therefore, in the event that the Board is minded to permit the proposed car parks, it would have to be satisfied that the proposal passes the 'justification test' as outlined in Box 5.1 of the Guidelines. The first point of that test requires that 'The subject lands have been zoned or otherwise designated for the particular use of form of development in an operative development plan, which has been adopted or varied taking account of these guidelines'. In this regard, I have already outlined my opinion that the proposed subject lands have been zoned as 'open space' and that the proposed car parks would materially contravene that zoning objective. Therefore, the proposed car parks would fail point 1 of the 'justification test' and should not be permitted on that basis.
- 7.5.15. Apart from the proposed car parks and associated roads, the remainder of the development involves relatively minor development which would not have significant flooding impacts. The proposed playground would be the most significant addition to 'greenfield' lands. I am satisfied that the playground would constitute 'amenity open

space outdoor sports and recreation' and would be classified as 'water-compatible' development in accordance with the Guidelines, which does not require a justification test. It involves a small area of just 520m² and I am satisfied that it can be designed to have no significant impacts on the flooding and drainage arrangements at this location.

7.5.16. In conclusion, I consider that the flooding/drainage concerns in this case relate to the proposed car parks. And while I note the conflicting interpretations of the drainage strategy for the area, I have a fundamental concern about the proposed location of the car parks within zoned open space. I also note that the MPM prescribes a flood storage function to the subject lands, and I consider that the proposed car parking use within 'Flood Zone A' would not pass the 'justification test' as outlined in the Flood Risk Management Guidelines. I would have no flood risk/drainage concerns in relation to the other elements of the development.

7.6. Ecology

7.6.1. The application includes an Ecological Impact Assessment (EclA) prepared by Doherty Environmental Consultants Ltd. This included an extended Phase I Habitat Survey carried out in April 2021, which focused on identifying habitats to Level 3 of 'Guide to Habitats in Ireland' (Heritage Council). The survey considered the vegetation occurring; field signs indicating the presence of otters or other protected non-volant mammal species; all bird species seen using the site; and the potential to support bat species.

7.6.2. A desktop analysis of designated conservation areas was completed and concluded that the Cork Harbour SPA and Douglas River pNHA are not within the zone of influence of the project. A search of the National Biodiversity Data Centre was also completed for records of rare and/or threatened species in the area, including the adjoining Atlantic Pond.

7.6.3. The survey concludes that the habitat in the vicinity of the site comprises amenity grassland, artificial surfaces, an artificial channelised stream, and an artificial pond (Atlantic Pond) which supports a range of wildlife including waterbirds. It states that the habitats within the footprint of the external elements of the development are of low ecological value and do not provide suitable habitat for rare or protected species

or special conservation interest bird species of the Cork Harbour SPA. The EclA states that the site offers little habitat for ground dwelling mammals and that no resting places of protected mammals occur at the site. The adjoining artificial stream is deemed to offer little habitat for otters. No potential bat roosts were identified within the site but it is acknowledged that the adjoining stream and pond offer suitable foraging habitat for bats.

7.6.4. In summary, the EclA assesses the potential impacts as follows:

Construction Phase

- No impacts on designated conservation areas due to the limited scale of the development, the separation distances involved, and the tenuous nature of the hydrological pathway.
- Any habitat loss within the site will be of low magnitude involving artificial surfaces and amenity grassland.
- The treelines along the Blackrock End will be retained and augmented, resulting in a potentially positive impact.
- Discharge of contaminated surface water has the potential for localised impacts on the adjoining stream and Atlantic Pond.
- No breeding or resting places of protected non-volant mammals were found within/adjacent to the site and there will be no significant disturbance.
- There will be no perceptible change to bat foraging habitats that would have the potential to undermine the conservation status of the local bat population.
- There would be potential temporary disturbance to bird species in the immediate vicinity, but this would be low given the urban location of the site, the small scale of the works/noise, and the distance of the works from Atlantic Pond.

Operational Phase

- No impacts on designated conservation areas due to the limited scale of the development, the separation distances involved, and the small volumes of run-off that would be generated.
- No further habitat loss.

- No disturbance to non-volant mammals or birds due to the absence of non-volant species and the low value habitat of the site for birds.
- Artificial lighting will be designed to be environmentally sensitive and ensure that potential impacts on bats and night-time invertebrates are minimised.

7.6.5. The EclA includes a range of mitigation measures aimed at ensuring that a best practice approach is applied to minimise ecological impacts. In summary, measures include the following:

- Construction work and machinery will be restricted to site roads and the footprint of the scheme.
- Enhancement tree planting will take place between the Blackrock End and Atlantic Pond.
- Measures will be implemented during construction to protect water quality along Marina Stream and in Atlantic Pond, including appropriate storage/bunding of machinery, fuels, materials etc., and the management of any potential run-off or emissions.
- During the operational stage, design measures have been incorporated to avoid the potential discharge of surface water run-off. Surface water drains will pass through a petrol interceptor and silt trap prior to discharge to the adjacent stream.

7.6.6. The EclA concludes that the mitigation measures have been taken from established best practice guidelines and that, even in the absence of mitigation measures, the project is not anticipated to have any potential negative impacts for water quality in the wider surrounding area. However, the mitigation measures will ensure that potential localised negative impacts on Marina Stream and Atlantic Pond are avoided.

7.6.7. I would acknowledge that the loss of any 'greenfield' site has the inevitable potential for ecological impacts, which is clearly undesirable in the wider parkland environment. However, having inspected the site, I would agree with the EclA conclusion that the site is of low ecological value and offers little in terms of suitable habitat for rare, threatened, or protected species.

- 7.6.8. I acknowledge that the construction phase would have the potential for emissions that would have localised impacts on water quality, but I am satisfied that the proposed best practice mitigation measures would satisfactorily address this threat. Construction disturbance is also accepted as a potential impact. However, given the limited scale/duration of the works, the separation distance from Atlantic Pond, and the location of the site within an urban area, I am satisfied that there would be no unacceptable disturbance in this case.
- 7.6.9. At operational stage, I consider that the potential for surface water discharge impacts will be appropriately managed through the proposed design, including the proposed petrol interceptor and silt trap. I consider these measures to standard best practice for such development. I also acknowledge the additional lighting proposed and the potential for impacts on bats and invertebrates. However, it is proposed that the lighting will be sensitively designed to minimise impacts. And having regard to the established presence of lighting and floodlighting within this urban site, I do not consider that there would be any unacceptable ecological impacts.
- 7.6.10. I note that the CCC Heritage report effectively accepts the conclusions of the EclA but states that an assessment of cumulative impacts would have been useful. I acknowledge that there is a wide range of recently constructed/permitted and planned projects in the wider area, as previously outlined in section 4.0 of this report. However, having reviewed these projects I am satisfied that they have been subjected to an appropriate level of ecological assessment and mitigation. The current proposal is of a quite different nature to the other projects, is of a significantly smaller scale, and largely involves artificial or recently disturbed ground. Accordingly, I am satisfied that there is no potential for significant cumulative ecological impacts with the other existing and permitted developments.
- 7.6.11. In conclusion, I am satisfied that the EclA has appropriately classified the ecological value of the site and the potential impacts associated with the proposed development. Subject to the implementation of the proposed mitigation measures, I do not consider that the proposed development would have any unacceptable impacts on the ecological integrity of the site and surrounding areas. The potential impacts on Natura 2000 sites are discussed further in section 8.0 (Appropriate Assessment) of this report.

7.7. Other Issues

Residential Amenity

- 7.7.1. Some 3rd party submissions have raised concerns about impacts on residential amenity as a result of additional lighting and anti-social behaviour. As previously outlined, any additional lighting would be designed to minimise glare and would be within the context of an established stadium complex (including floodlighting) in an urban area. Accordingly, I consider that scale and impact of lighting would be relatively minor and that there would be no unacceptable lighting impacts on the surrounding residences. Furthermore, I do not believe that there is any reasonable basis to suggest that the proposed development would result in increased anti-social behaviour.

Draft plans and projects

- 7.7.2. The planning authority and some 3rd party submissions have referred to the contents, policies and objectives of draft plans and projects, including the Draft CDP 2022-2028. According to CCC information, the timeline of the Draft CDP means that a new plan would not take effect until 8th August 2022. Therefore, in advance of that date, I would advise the Board that the appeal must be determined under the provisions of the current CDP 2015-2021 and all other relevant current local, regional, and national policy (excluding draft policy). I have limited my assessment to the provisions of current policy accordingly.
- 7.7.3. However, where appropriate, I have had regard to other planned projects in the area such as the Marina Promenade Project. That is not to say that I have relied upon any such projects or that any permission would be dependent upon their delivery. In particular, with regard to the existing northern access arrangements, I have concluded that they are acceptable in principle, consistent with the previous permission. However, I also consider it reasonable to assume that the Marina Promenade project will be delivered in the short term, and that it will provide further improvements to the existing arrangements.

State Aid and competition

- 7.7.4. Concerns have been raised that the proposed development would breach EU State Aid rules and would conflict with plans for another 'events centre' in the city centre.

In this regard, I consider that any question of State Aid is a matter to be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal.

- 7.7.5. I also note that the Board has approved a proposed events centre/arena in the city centre (ABP Ref. PL28.305847) and I acknowledge the importance of this facility in the regeneration and vitality of the city centre. It has been widely reported that funding arrangements for this project have been completed and that construction is expected to commence in Q4 2022. However, it should be noted that this is a large-scale facility with a capacity of 6,000 persons. The proposed conference/event facilities in the case of the current appeal are of a much smaller scale (maximum capacity of 1,000 persons) and I do not consider that they would adversely impact on the viability of the city centre.

Development Contributions

- 7.7.6. Having regard to the nature and scale of the proposed development, involving no additional floorspace, I do not consider that development contributions apply.

7.8. Material Contravention

- 7.8.1. The Planning Authority's first reason for refusal states that the proposed development would materially contravene Objective ZO 14 Public Open Space of the Cork City Development Plan 2015-2021. And in section 7.2 of this report, I have outlined my agreement with this opinion given that the proposed development would involve a significant and unrelated encroachment on the ZO 14 public open space zone.
- 7.8.2. In the event that the Board agrees with this opinion, I would highlight that section 37(2)(b) of the Planning and Development Act 2000 (as amended) outlines that where a planning authority has decided to refuse permission on the basis of a material contravention of the development plan, the Board may only grant permission where it considers that:

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

7.8.3. Although the applicant contends that the proposed development does not materially contravene the Development Plan, the appeal outlines an argument in respect of section 37(2)(b). This is discussed with references to the relevant criteria in the following sections.

(i) the proposed development is of strategic or national importance.

7.8.4. The appeal highlights the long-established nature of the stadium; its grant-aided funding at national and EU level; its importance to the Docklands; the associated financial/economic benefits; its contribution to regional and national policies regarding the promotion of sport, culture and tourism; and its recognition by the planning authority as a key strategic city asset.

7.8.5. I would accept that the stadium itself is of strategic and national importance as a venue for hosting major sporting and entertainment events. However, I consider it appropriate to distinguish between the recently redeveloped stadium project and the current appeal case. The current case relates only to the reorganisation of ancillary spaces/uses and the associated facilities, particularly access and car parking arrangements. I have previously outlined that I do not consider that these proposals are primary or essential elements of the main stadium use. Accordingly, I do not consider that the proposed development can be considered to be of strategic or national importance.

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned.

7.8.6. The appeal contends that the zoning objective is not explicit in stating that car parking cannot be developed on the lands. I have previously outlined that the Development Plan does not include a 'matrix' outlining a range of 'permissible' uses

within the various zoning categories. Even with such a matrix, it is inevitable that it would not be an exhaustive list and many uses would have to be assessed on their merits. However, as outlined in section 7.2 of this report, I consider that the Development Plan is clear in stating that the zone should be used primarily for recreation, while sports facilities and other ancillary/incidental uses may be incorporated. I consider that section 15.21 of the Development Plan is clear in outlining the nature of appropriate alternative uses and I have concluded that the proposed car parking does not comply with the relevant criteria.

7.8.7. The appeal also outlines that the Marina Park Masterplan itself allows for the provision of car parking (including GAA-related parking) to the south of the stadium and contends that this conflicts with the ZO 14 open space zoning. I have reviewed the planned parking to the south of the stadium as per the MPM. It should be noted that this mainly involves roadside parking along Monahan Road, along with some temporary 'incidental match day parking' consisting of 'protective matting on turf' adjacent to Atlantic Pond. As such, I do not consider that the MPM parking provisions involve any significant, permanent loss of open space, nor do I consider that they would conflict with the ZO 14 open space zoning objective.

(iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government.

7.8.8. The appeal outlines a wide range of regional and national policies/directives regarding promotion of and investment in the sustainable/compact development of Cork as supported in the RSES, NPF and NDP, and the importance of the stadium in the context of policy promoting sport, heritage, culture and tourism. Again, I consider that these provisions may be applicable to the nature and scale of the existing stadium. However, given the nature and limited scale of the current proposal, involving only ancillary uses and facilities, I do not consider that there are sufficient grounds to warrant a material contravention of the Development Plan.

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

- 7.8.9. The appeal contends that the proposed development is entirely in keeping with the permissions and pattern of development in the immediate area and is essentially a modification to the permitted stadium development. The appeal also highlights various other permitted developments, including those which have included car parking within open space zones.
- 7.8.10. Having regard to the nature of the site and the wider Marina Park, I do not consider that there is any recognisable pattern of development. The park is clearly a unique facility, within which various sports, recreation and open spaces have been provided as required. Therefore, unlike a typical residential or commercial area, there is no particular established or emerging pattern of development. And while much of the site has been recently redeveloped, I consider that that has occurred in the context of its ZO 13 'sports' zoning, unlike the proposed car parking in the ZO 14 zone.
- 7.8.11. I acknowledge that some extent of car parking appears to have been permitted within the ZO 14 zone of Marina Park and the appeal refers to similar parking other city parks. However, I consider that the primary purpose of such parking has been primarily related to the public sports, recreation, and open space function of the Park. Otherwise, it has generally been of a limited scale and at peripheral locations, which has not resulted in any significant encroachment/loss of usable open space. Conversely, I have concluded that the primary purpose of the proposed parking is not related to the public sports, recreation, or open space function of the park, and I consider that it would result in a significant loss of public open space.
- 7.8.12. The appeal also refers to the permitted Monahan Road extension project and the permitted SHD proposal (ABP Ref. 309059) at the western end of Marina Park. While I acknowledge that the road extension area is within the ZO 14 zone, I would highlight that the Development Plan zoning map (Map 5) also clearly provides for a 'new street' at this location. Accordingly, I do not consider that it would materially contravene the ZO 14 zoning. The recent SHD application (ABP Ref. 309059) also included part of the ZO 14 zone, and this was addressed in the Inspector's report, which outlined that this included a linear park, circulation, and access space. The Inspector concluded that it would constitute a minor encroachment onto open space which is not regarded as material or undermining towards the vision or land use objective for the open space lands. Accordingly, the Inspector did not consider that

the proposal in respect of this space contravened the land use zoning objectives of the city development plan.

- 7.8.13. Having regard to the above, the pattern of development, and permissions granted in the area since the making of the development plan, I do not consider that a material contravention of the Development Plan would be warranted on this basis.
- 7.8.14. In conclusion, I consider that the proposed parking areas and associated access arrangements would materially contravene the ZO 14 zoning objective, and that a material contravention would not be warranted under the provisions of section 37 (2)(b) of the Act. The Board may disagree with this opinion, which should not necessarily justify a grant of permission. Irrespective of the question of material contravention, I consider that the proposal to replace valuable open space with car parking would not be acceptable in the context of policies to protect open space and visual amenity, as well as policies aimed at promoting sustainable transport modes.
- 7.8.15. However, apart from the car-parking and access proposal, I acknowledge that the proposal as a whole contains desirable elements which are supported in principle, including the internal reorganisation of the south stand, the external modifications to the stadium, and the proposed playground. Therefore, the Board may wish to consider permitting these elements while excluding the proposed parking and access proposals.
- 7.8.16. This approach could be achieved in various ways. However, I consider that the most appropriate approach would be to permit the 'revised plans' submitted with the appeal (which omitted parking zone B), subject to appropriate conditions to also omit the proposed parking and access proposals associated with parking zone A (at the western end of the site). I am satisfied that this would not materially contravene the development plan. It would result in a reduced number of car-parking spaces, but the applicant would still benefit from an additional 69 no. spaces around the stadium, which is only 26 spaces less than that proposed under the 'revised plans'. Importantly, it would also achieve a key element of the proposal by accommodating 20 no. repurposed disabled spaces within the existing parking area adjoining Park Avenue.
- 7.8.17. The existing northern access arrangements would be retained and may be subjected to intensified vehicle movement. However, as previously outlined in section 7.3 of

this report, I am satisfied that this can be accommodated on the basis that the access arrangements were permitted under the previous permission and significant vehicle movements would only occur infrequently. Furthermore, while the marina promenade project has not yet been finalised, I consider it reasonable to conclude that the existing access and the temporary pedestrian arrangements would be significantly improved and formalised.

- 7.8.18. On balance, I consider that this would provide an acceptable and reasonable balance between the stated requirements of the applicant and the need to protect the public open space within Marina Park. It would support the local plan-led approach to area, which has been comprehensively outlined in the Marina Park Masterplan and the Development Plan, while also reflecting national policy to place less reliance on car transport and to apply a performance driven approach towards car-parking standards.

8.0 Appropriate Assessment - Screening

8.1. Compliance with Article 6(3) of the Habitats Directive

- 8.1.1. The requirements of Article 6(3) of the Habitats Directive, as related to screening the need for Appropriate Assessment of a project under Part XAB (section 177U) of the Planning and Development Act 2000 (as amended), are considered fully in this section.

8.2. Background to the application

- 8.2.1. As part of the application, a Screening Report for Appropriate Assessment was compiled by Doherty Environmental Consultants (DEC) Ltd. Based on the Source-Pathway-Receptor framework, the DEC report identifies Cork Harbour SPA as the only European Site within the zone of influence of the project.
- 8.2.2. I am satisfied that the applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. It concludes that the project is not likely, alone or in-combination with other plans or projects, to have a significant effect on any European Sites in view of

their Conservation Objectives and on the basis of best scientific evidence, and it is stated that there is no reasonable scientific doubt as to that conclusion.

8.2.3. Having reviewed the documents, drawings and submissions included in the appeal file, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

8.2.4. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development would have any possible interaction that would be likely to have significant effects on a European Site(s) designated as a Special Area of Conservation (SAC) or Special Protection Areas (SPA).

8.3. **Description of the Development**

8.3.1. The applicant provides a description of the proposed development in section 2.0 of the AA Screening Report. In summary, the development comprises:

- Internal reorganisation and redevelopment of the south stand to provide additional museum / exhibition / visitor / café / conference spaces.
- Revised vehicular access and parking via Monahan Road, including 150 car park spaces and pick-up/drop-off areas.
- New pedestrian and cycle connections and facilities.
- Modifications to the City End and Blackrock End stadium entrances to include porches and signage.
- New children's playground and hard and soft landscaping to public areas.
- Ancillary uses to the stadium to include conferences and events, hospitality, visitor/tourist uses, administration, and restaurant/café uses.

8.3.2. The application is supported by an Engineering Design Report which outlines that the surface water drainage system is in accordance with SUDS principles with all drainage being attenuated using Stormtech Underground Chamber systems with controlled runoff based on greenfield rates. Storm water will discharge to the adjoining stream via hydrocarbon interceptors.

8.3.3. The application also includes an Ecological Impact Assessment (EclA). Section 6.3 of the EclA outlines that the proposed development incorporates a wide range of best practice guidance to minimise ecological disturbance during the construction and operational phases. The development site is described in detail in the EclA and mainly comprises amenity grassland and artificial surfaces.

8.3.4. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European Sites:

- Habitat loss/fragmentation
- Construction and Operational related pollution
- Habitat/species disturbance (Construction and Operational)

8.4. Submissions and Observations

8.4.1. Concerns about non-compliance with the Habitats Directive in relation to Appropriate Assessment were raised in the 3rd party submissions to the planning authority. The subsequent CCC Planner's report included an AA Screening Report. It concludes that, having regard to the nature and scale of the proposed development; the intervening land uses and separation distance from European sites; and the lack of direct connection having regard to the source-pathway-receptor model.

8.5. European Sites

8.5.1. Based on the Source-Pathway-Receptor framework, the applicant's AA Screening report considers the European Sites within the zone of influence of the project. It acknowledges presence of the Great Island Channel SAC (Sitecode 001058) located c. 6.6km to the east of the site, which is designated for its role in supporting coastal habitats. No Annex 2 species are listed as qualifying interests for this SAC. It outlines that hydrodynamic modelling has shown that the Great Island Channel is influenced by tidal flows, with little influence from freshwater inputs from the River Lee. Given these dynamics, together with the limited scale and separation distance from the appeal site, I am satisfied that there is no hydrological pathway that would give rise to potential significant effects on Great Island Channel SAC and that no further examination is required for this European site.

8.5.2. The nearest Natura 2000 site is the Cork Harbour SPA, which is located c. 2km to the east (along the River Lee estuary at Blackrock) and c. 1.5km to the south (within the Douglas River estuary at Mahon. Given that the SPA is located downstream of the appeal site, I accept that further analysis will be required to assess potential indirect hydrological effects and ex-situ effects on mobile species associated with the SPA. The Atlantic Pond (to the east of the site) is known to support waterbird species that may be associated with the SPA. I am satisfied that there are no other European Sites which require AA Screening.

8.5.3. The special conservation interests (SCIs) of the Cork Harbour SPA include 23 wetland bird species. Wetland habitats are also included as a qualifying interest. In total, the qualifying interests are as follows:

- Little Grebe (*Tachybaptus ruficollis*) [A004]
- Great Crested Grebe (*Podiceps cristatus*) [A005]
- Cormorant (*Phalacrocorax carbo*) [A017]
- Grey Heron (*Ardea cinerea*) [A028]
- Shelduck (*Tadorna tadorna*) [A048]
- Wigeon (*Anas penelope*) [A050]
- Teal (*Anas crecca*) [A052]
- Pintail (*Anas acuta*) [A054]
- Shoveler (*Anas clypeata*) [A056]
- Red-breasted Merganser (*Mergus serrator*) [A069]
- Oystercatcher (*Haematopus ostralegus*) [A130]
- Golden Plover (*Pluvialis apricaria*) [A140]
- Grey Plover (*Pluvialis squatarola*) [A141]
- Lapwing (*Vanellus vanellus*) [A142]
- Dunlin (*Calidris alpina*) [A149]
- Black-tailed Godwit (*Limosa limosa*) [A156]
- Bar-tailed Godwit (*Limosa lapponica*) [A157]
- Curlew (*Numenius arquata*) [A160]
- Redshank (*Tringa totanus*) [A162]
- Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
- Common Gull (*Larus canus*) [A182]

- Lesser Black-backed Gull (*Larus fuscus*) [A183]
- Common Tern (*Sterna hirundo*) [A193]
- Wetland and Waterbirds [A999]

8.5.4. The applicant's AA Screening Report outlines that the distribution of SCI bird species within the River Lee estuary section of the SPA has been determined based on baseline surveys by the Irish Wetlands Bird Surveys published by NPWS in 2014. This shows that 19 of the 23 SCI bird species regularly occur within the estuary section, with important numbers being supported for 16 of the species as follows: Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Red-breasted Merganser, Oystercatcher, Golden Plover, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Common Gull, Lesser Black-backed Gull.

8.5.5. The AA Screening Report also outlines that bird surveys were completed for the previous stadium redevelopment application in 2013, stating that a low diversity of species was found in the vicinity of the project site. At Atlantic Pond, a higher diversity was found or is known to be found, including SCI species such as Grey Heron, Teal, and Little Grebe. Wetland SCI species were also found at the pond during further surveys in 2020 and 2021, including Grey Heron, Teal, Little Grebe, Comorant, Black Headed Gull, and Lesser Black Headed Gull. The AA Screening Report assumes that the wintering populations of Grey Heron, Little Grebe and Teal (listed as SCIs for the SPA) are the same as the local breeding populations for the same species recorded at Atlantic Pond. As such, it is assumed that the wintering populations of the SPA rely on Atlantic Pond as an ex-situ habitat.

8.5.6. The conservation objective for wetland habitat is to maintain the favourable conservation condition of the wetland habitat as a resource for the regularly occurring migratory waterbirds that utilise it. The overall conservation objectives for the SCI bird species of the Cork Harbour SPA are to maintain the favourable conservation status of bird species for which the SPA is designated. The conservation condition of the SCI species is defined by the following list of attributes and targets:

Attribute	Measure	Target	Notes
Population trend	Percentage change	Long term population trend stable or increasing	Waterbird population trends are presented in part four of the conservation objectives supporting document
Distribution	Range, timing and intensity of use of areas	No significant decrease in the range, timing or intensity of use of areas by great crested grebe, other than that occurring from natural patterns of variation	Waterbird distribution from the 2010/2011 waterbird survey programme is discussed in part five of the conservation objectives supporting document

8.6. Identification of likely effects

Habitat loss/fragmentation

- 8.6.1. The only qualifying interest habitat for the SPA is wetland habitats. Such habitats are located at least 2km from the appeal site and are separated by a significant hydrological buffer and assimilative capacity. Therefore, I am satisfied that there is no potential for significant effects on the SPA by reason of wetland habitat loss or fragmentation. It is acknowledged that Atlantic Pond functions as an ex-situ habitat for the SCI species of the SPA and potential impacts in this regard will be considered further.

Construction and Operational related pollution

- 8.6.2. The external works will be limited in scale and duration (20 months) and there is no potential for perceptible discharge of sediment given that excavated material will be removed from the site. Resurfacing materials will be deposited to the excavated voids and the application of macadam will occur during dry periods. Therefore, there will be no potential for migration via run-off to the Marina Stream. All fuels will be appropriately stored and dispensed at a safe distance/buffer to prevent risk of migration to the adjoining watercourses.
- 8.6.3. I note that the EclA contains a wide range of best practice guidance to minimise ecological disturbance during the construction phase. This includes proposals to protect water quality along Marina Stream and in Atlantic Pond, including appropriate storage/bunding of machinery, fuels, materials etc., and the management of any

potential run-off or emissions. I am satisfied that this constitutes standard best practice and is not incorporated for the purpose of AA Screening.

- 8.6.4. During the operational phase, I consider that the only potential pollution omission would be related to surface water runoff from the new car parks and associated roads. However, the design incorporates attenuation and treatment of any such surface water via a hydrocarbon interceptor this will ensure that there will be no likely significant effects on the water quality of the adjoining stream and pond. Again, I am satisfied that SUDS and the hydrocarbon interceptor are standard best practice and are not incorporated for the purpose of AA Screening

Habitat and Species disturbance

- 8.6.5. As previously outlined, it is assumed that SCI bird species associated with the SPA use the adjoining Atlantic Pond as an ex-situ habitat. There is therefore the potential for disturbance of species at construction and operational stages. However, I would accept that wetland birds at Atlantic Pond are habituated to noise and visual disturbance in this existing environment. And given the separation distance from the proposed works, the limited levels of likely noise, and the limited duration of construction works, I am satisfied that there will be no potential for significant disturbance at construction stage.
- 8.6.6. Similarly, the potential operational disturbance would be limited to noise, light and general human-related activity. However, I do not consider that there would be a significant intensification of existing activity levels to the extent that it would disturb or significantly affect any of the SCI species.

In-combination or cumulative effects

- 8.6.7. The applicant's AA Screening Report includes a review of other recent projects in the area, and it concludes that each project, alone or in combination with other plans or projects, would not result in likely significant effects to any European Sites. I have previously outlined such projects in section 4.0 of this report. Having reviewed these projects, I am satisfied that they have been subjected to AA or AA Screening as appropriate, and the competent authorities have concluded in each case that there will be no likely significant effects or adverse impacts on the integrity of European Sites.

8.6.8. The current proposal is of a quite different nature to the other projects and is of a significantly smaller scale than many of the relevant projects. I have concluded that there is no potential for likely significant effects on European Sites associated with the proposed development and, accordingly, I do not consider that there is potential for significant cumulative or in-combination effects with other projects.

8.7. **Mitigation Measures**

8.7.1. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

8.8. **AA Screening Determination**

8.8.1. The proposed development was considered in light of the requirements of section 177U of the Planning and Development Act 2000 (as amended). Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project, individually, or in combination with other plans or projects, would not be likely to give rise to significant effects on Cork Harbour SPA (Site Code 004030), or any European Sites, in view of the sites' conservation objectives, and Appropriate Assessment (Stage 2), including the submission of a Natura Impact Statement is not, therefore, required.

8.8.2. This determination is based on the following:

- The nature and limited scale of the proposed development and the location of the site within the urban area;
- The distance of the proposed development from European Sites and the limited potential for pathways;
- The incorporation of best-practice construction management and surface water management;
- The dilution/assimilation capacity within the existing drainage network and the receiving water environment in the River Lee estuary and Cork Harbour.

9.0 Recommendation

I have outlined my concerns in relation to the access and car parking proposals to the south of the site. Otherwise however, I would support the proposed development and I am satisfied that it can be permitted without the proposed access and parking proposals. I recommend that planning permission for the proposed development should be **granted**, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the provisions of the Cork City Development Plan 2015-2021 and the Marina Park Masterplan 2013, the nature and scale of existing development on site and the character of the wider parkland setting, the separation distances between the proposed development and surrounding residential uses, and the design and layout of the proposed development and its relationship with Marina Park, it is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with the zoning provisions of the Development Plan, would be acceptable in terms of traffic safety and convenience, would not seriously injure the amenity of residential property in the area, would not seriously detract from the visual amenity of the area, would not give rise to flooding within or outside the application site, would not significantly affect the ecological value of the area or the Natura 2000 network, and would otherwise be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars, including the revised plan to omit 'parking Zone B' and associated amendments, received by An Bord Pleanála on the 13th day of October, 2021, and on the 17th day of January, 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the

developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) The proposed 'parking zone A' shall be omitted.
- (b) The proposed 'managed pick up / drop off' area along the western access from Monaghan Road shall be omitted.
- (c) The proposed crossing point and all associated works at the western end of the pedestrian concourse shall be omitted.
- (d) Vehicular access to the stadium off Monaghan Road shall be restricted to the western access only and shall accommodate major event emergency access only.

Proposals in respect of (a), (b), (c), and (d) above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of protecting public open space and the amenity value of Marina Park, and in the interest of the safety and convenience of pedestrians and other vulnerable users.

3. All uses hereby permitted shall be ancillary to the principal use of the development site as a sports facility.

Reason: In the interest of clarity.

4. The additional parking around the stadium shall be provided in accordance with the plans and particulars submitted to the Board on the 17th day of January, 2022.

Reason: In the interest of clarity and traffic safety and convenience.

5. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority proposals to improve the existing access arrangements at the northern end of the stadium. Proposals shall include improved signage, traffic calming, and road markings to address the conflict between the movements of vehicles, pedestrians, and other vulnerable road users.

Reason: In the interest of traffic safety and convenience.

6. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority an updated Traffic Management Plan and Mobility Management Plan for the operational stage of the development to address the terms of this permission.

Reason: In the interest of traffic safety and convenience.

7. (a) All areas within the proposed development site, with the exception of the stadium itself, the enclosed/fenced all-weather pitch and the car parking areas associated with the stadium located immediately to the north and the west of the stadium, all as reflected in the submitted plans and particulars, shall be accessible by the general public at all times and shall not be closed, restricted, gated or otherwise constrained unless in accordance with the provisions of this condition.

(b) Prior to the first operation/opening of the development, the developer shall submit to and agree in writing with the planning authority details of the arrangements for and management of the temporary short-term closure to the general public of the public path/accessway between the stadium and the all-weather pitch, the public car parking to the east and north-east of the stadium, and other vehicular and pedestrian roads and paths within the proposed development site for matches and other large or significant events.

Reason: To ensure adequate linkages between the western and eastern portions of the Marina Park, and to ensure that the general public has adequate access to all areas of the public realm.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, management measures for waste, noise, dust and dirt, and construction traffic management proposals to include details of any temporary public access restrictions.

Reason: In the interest of public safety and residential amenity

9. Water supply and drainage arrangements, including the drainage proposals for the new playground, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to prevent flooding.

10. (a) The proposed signage on the eastern and western elevations of the south stand shall be omitted.

(b) Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs, other than the proposed signage on the south elevation of the south stand indicated in the plans and particulars, (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

11. The proposed seating area outside the café shall not restrict movement along the concourse. Details of the extent, layout, and management of this area shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of pedestrian amenity and convenience.

12. All services and cables associated with the proposed development (such as electrical, television, telephone, broadband and public lighting cables) shall be run underground within the site.

Reason: In the interest of visual amenity.

13. No additional development shall take place above parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

Stephen Ward
Senior Planning Inspector

23rd May 2022