



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-311723-21**

Strategic Housing Development	1,030 no. apartments, 2 no. creches and associated site works.
Location	Former Tedcastles Site, Centre Park Road, Co. Cork.
Planning Authority	Cork City Council
Prospective Applicant	Tiznow Property Company Limited (Comer Group Ireland)
Date of Consultation Meeting	20/12/2021
Date of Site Inspection	05/11/2021
Inspector	Conor McGrath

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1.0 Introduction

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

2.0 Site Location and Description

The site comprises an area of 4.72ha gross, located at the eastern end of Centre Park Road, approx. 2km east of the city centre. This brownfield site is irregular in shape and was formerly in use as a fuel storage and distribution site. The site is relatively level and is generally free of structures and buildings. The site is bounded to the southeast by Centre Park Road which runs east from Victoria Road / Albert Road to the Marina.

There is an open drainage channel running along the inside of the frontage to Centre Park Road and a large tidal storage area along the northern boundary of the site, which features are reflective of the historic reclaimed nature of lands in this area. North of the site is the marina amenity area and associated surface car park. To the northwest of the site is the boathouse of Shandon Boat Club / Naomhoga Chorcai. A large pylon on the southern bank of the river Lee carries a 110kv line across the western corner of the site to the former ESB power plant to the west. To the southeast of the site, across Centre Park Road is the former Ford Distribution Site. Permission was granted in 2020 for a large residential scheme on that site under ref. ABP-309059-19.

3.0 Proposed Strategic Housing Development

The proposed development comprises the construction of 1,030 no. apartment units in six no blocks across the site (A – D, F & K). Building heights range from part 9 no. to part 32 no. storeys over lower ground floor with the buildings generally arranged along the northern edge of the site, looking toward the River Lee.

The development also provides 2 no. creches, resident amenity and ancillary commercial areas. Access is proposed from Centre Park Road with new internal roads providing access to undercroft car parking. Vulnerable uses are provided at first floor level, accessed via podium level open spaces, while less vulnerable and commercial uses provide active frontage to adjoining streets.

The development is presented as part of a wider masterplan for this area, which includes a site to the south of Centre Park Road.

Key development parameters include:

Site Area	4.72 ha gross including zoned school lands & public open space 2.61 ha net
Dwellings	1,030 dwellings 338 no. 1-bed units – 32.8% 46 no. 2-bed 3 person – 4.5% 498 no. 2-bed units 4 person – 48.3% 148 no. 3-bed units – 14.4%
Density	395 dwellings / hectare net (247/ha incl POS) Plot Ratio 4.23 net Site Coverage 32%
Height	9 to 32-storeys over lower ground
Total Commercial	4,482 sqm Café/restaurant/bar 1,139-sq.m. Retail/commercial 2,634-sq.m.
Creche	709 sqm (2 no. facilities, 130 no. spaces)
Public Open space	7,410-sq.m. / 28.2% on residentially zoned lands.

	Zoned open space 15,500-sq.m.
Communal Open Space	6,828-sq.m. 4,485-sq.m external & 2.343-sq.m. internal
Car parking	313 (291 under podium) or 0.3 / dwelling unit
Cycle Parking	1,856 no. secure and 515 surface visitor spaces

4.0 Relevant Planning History

ABP-311470-21: Concurrent pre-application consultation request in respect of the demolition of existing structures, construction of 191 no. apartments, creche and associated site works at the Former Cork Warehouse Company Site, Monaghan Road / Marquee Road, to the south of the subject site. This pre-application request is within the same masterplan area as the subject case and is described as phase 1 of the overall development of the masterplan lands.

The opinion on this s.5 request has been issued and concludes that further consideration was required in order to constitute a reasonable basis for an application.

ABP-309059-20: Permission granted for an SHD application in respect of the demolition of existing structures and construction of 1,002 no. apartments, childcare facilities and associated site works on lands at the Former Ford Distribution Site, to the southeast of the subject site, on the opposite side of Centre Park Road. Building heights range from four to fourteen storeys.

5.0 Section 247 Consultation(s) with Planning Authority

Documentation refers to S.247 meetings between the prospective applicant and the planning authority on 22/07/2021. Matters discussed included the following:

- Land use zoning and the requirements of zoned school sites, and liaison with Dept. of Education.
- Density of development.

- Urban design rationale and building heights.
- Ground floor uses and integration across the scheme.
- Treatment of adjoining roads and required building set-backs.
- Incorporation of the green strategy and landscape corridor from the Drainage Strategy.
- Interface with Maria Walk.
- Car parking strategy and public realm.
- Ground floor uses and sectional detail of relationship with adjoining roads.
- SUDS and finished floor levels.
- Part V
- Landscape and visual impact.

6.0 Planning Policy

6.1. National and Regional Planning Policy

6.1.1. Project Ireland 2040 - National Planning Framework

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

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

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

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

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

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

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

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

The plan identifies five pillars for action. Pillar 3: Build More Homes, seeks to increase the output of private housing to meet demand at affordable prices.

The key action is to double housing output over the Plan period aided by measures including infrastructural funding through the Local Infrastructure Housing Activation Fund (LIHAF).

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

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

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

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

6.1.4. Southern Region - Regional Spatial and Economic Strategy 2020

The strategy for a strong, resilient, sustainable region includes measures to strengthen and grow cities and metropolitan areas. Key principles include an

adequate supply of quality housing, and regenerating and developing existing built-up areas as attractive and viable alternatives to greenfield development.

RPO 10: Compact Growth in Metropolitan Areas

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

Cork MASP Policy Objective 1, includes

- b. To promote the Cork Metropolitan Area as a cohesive metropolitan employment and property market where population and employment growth is integrated with:
 - (i) the city centre as the primary location at the heart of the metropolitan area and region reinforced by;
 - (ii) the continued regeneration, consolidation and infrastructure led growth of the city centre, Cork City Docklands, Tivoli and suburban areas,
 - (iii) active land management initiatives to enable future infrastructure led expansion of the city and suburbs and

Cork MASP Policy Objective 2, includes

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

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

- d. East-West Light Rail Public Transport Corridor: From Mahon to Ballincollig via the City Centre. The corridor requires development consolidation at appropriate nodal points for a high-capacity service.
- f. Core Bus Network: A comprehensive network of high frequency bus services operating on a core radial and orbital bus network as provided for in CMATS.
- g. Delivery of the Cork City Centre Movement Strategy 2018-2024.

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

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

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

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

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

- Eastern Gateway Bridge, upgrades to Monahan Road, Centre Park Road and bridge approach roads, PT provision, transition area junction upgrades.
- Flood relief measures.
- Marina Park, Kennedy Park, quayside amenities.
- Education and health infra.
- Potential Brownfield Site remediation.

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

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

infrastructure in conjunction with more attractive walking and cycling networks and associated public realm improvements.

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

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

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

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

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

6.2. **S.28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission of the planning authority and other submissions on the file, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities.
- Urban Development and Building Heights, Guidelines for Planning Authorities.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual').
- Design Manual for Urban Roads and Streets (DMURS).
- National Cycle Manual.
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices').
- Childcare Facilities – Guidelines for Planning Authorities.
- Retail Planning Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.

6.3. Local Planning Policy

6.3.1. Cork City Development Plan 2015 - 2021

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

The application site is primarily zoned ZO16 Mixed Use Development.

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

An area in the northwestern corner of the lands is zoned Z014 Public Open Space.

Objective Z14 seeks to protect, retain provide for recreational uses, open space and amenity facilities, with a presumption against Neighbourhood developing land zoned public open space for alternative purposes, including public open space within housing estates.

The site includes a corridor running through lands zoned ZO 18 Schools, connecting ZO16 lands with Centre Park Road.

An area of the site along Centre Park Road is also zoned ZO 09 for Neighbourhood Centre use.

Objective 5.1 Strategic Transport Objectives (include)

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

Objective 5.17 Additions to Local Street Network

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

Objective 13.25 identifies aims for the Docklands.

- a) To promote the development of the North and South Docklands as major development opportunities of regional and national importance.
- b) Review the South Docks LAP.
- c) Support the upgrade of recreational and amenity facilities at Marina Park, Pairc Ui Caoimh and Monahan Road over this Plan period.
- d) Work with key stakeholders to overcome barriers to development of South Docks.

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

buildings and local landmark buildings are identified. (One such site is identified on the zoning map, to the east of the subject site.)

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

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

16.25 The following building height categories are identified:

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

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

Section 16.45 states that whilst it is the long-term objective to ensure that half of dwellings in Zones 1 and 2 are 3-bed+ (family-sized units) it is considered more realistic to apply lower targets in the medium term and to increase the size of units to ensure that they are attractive dwellings for all household types. An extract from Table 16.4, Indicative Targets for Dwelling Size and Distribution, is set out below.

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

6.3.2. Draft Cork City Development Plan 2022-2028

The site is zoned predominantly Z02 New Residential - Housing, employment, neighbourhood services, community hub, education, health services, cultural activities, sports and recreation, amenity and open space.

Lands remain zoned as Z016 Public Open space and ZO 09 - Neighbourhood and Local Centres, while the School / Education zoning objective (ZO13) has been extended further into the lands.

Chapter 10 identifies the City Docks as a Strategic Consolidation and Regeneration Area for which the Vision and Role is described as:

- A new sustainable neighbourhood in the centre of Cork City that benefits from excellent placemaking, with people-centred streets and spaces;
- A great place to live and work: an extension to Cork City Centre and a key destination for the economic, cultural, educational, commercial, civic and social vibrancy of the City;
- A green lung for the City that optimises the use of the River Lee, green and blue infrastructure and nature-based solutions.

Paragraph 10.25 notes that the City Docks has the capacity to accommodate c.10,000 homes and a residential population of between 22,500 and 25,000 people. It has the capacity to accommodate approximately 20% of the population growth target for Cork City to 2040.

The site is located in the Marina Walk Character Area. Table 10.3 sets out the development capacity of the City Docks. For Marina Walk, a plot ratio of 2.5 and land use mix of 90% residential and 10% non-residential is identified. Table 10.4 identifies a density of 250 / ha and building height range of 6 – 10-storeys for this character area. Key infrastructure includes:

- Post Primary School
- Centre Park Road
- Eastern Gateway Bridge

The eastern end of Centre Park Road is identified as an appropriate location for taller buildings.

7.0 Submissions Received

7.1. **Irish Water:** In order to accommodate the proposed water connection, delivery of a strategic project for the South Docks area is required, involving upgrading of water infrastructure to supply the wider South Docks. This project is currently in design and engineering stage with an approximate timeline on delivery estimated at the end of 2022 (subject to change). A wastewater connection for the proposed development to wastewater network is feasible without infrastructure upgrade.

8.0 Forming the Opinion

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

8.1. Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. The documentation submitted with this pre-application consultation request is set out in appendix 1 to this report.

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

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

- Urban Development and Building Height, Guidelines for Planning Authorities 2018.
- Guidelines for Planning Authorities: Sustainable Residential Development in Urban Areas 2009, and associated Urban Design Manual: Best Practice Guide.
- Design Manual for Urban Roads and Streets (DMURS) 2013.
- Childcare Facilities: Guidelines for Planning Authorities 2001 and circular PL3/2016.
- The Planning System and Flood Risk Management Guidelines 2009
- Southern Regional Assembly: Regional Spatial and Economic Strategy.
- Cork Area Strategic Plan 2020 and CASP Update 2008.
- Cork Metropolitan Area Transport Strategy 2040 (CMATS)
- Joint Housing Strategy: Cork Planning Authorities.
- Cork City Development Plan 2015 – 2021.
- South Docklands Local Area Plan 2008 (now lapsed).

The statement seeks to demonstrate that the proposed development is consistent with these policy documents. Relevant policies are set out in tabular form, including relevant Specific Planning Policy Requirements (SPPR's), along with a response demonstrating how the development is consistent therewith. This includes an assessment of the development against the criteria set out in section 3.2 of the Building Height Guidelines. The statement refers to supporting documentation, including the following:

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

Neither the statement nor the supporting documentation identify any material contravention of the development plan.

8.2. Planning Authority Submission

A submission from Cork City Council was received by An Bord Pleanála on the 17/11/21 in accordance with Section 6(4)(b) of the 2016 Act. The submission includes the following:

1. Relevant planning history documents.
2. Record of Section 247 (PDA 2000) pre-application consultation held on 22/07/2021 (Appendix A)
3. A statement on the key considerations relating to proper planning and development that may have a bearing on the Board's decision in relation to the proposed strategic housing development, in particular having regard to the provisions of the Cork City Development Plan 2015-2021.
4. Reports of Internal Sections (Appendix B):
 - Planning Policy Section
 - City Architect
 - Parks
 - Conservation
 - Infrastructure
 - Drainage
 - Surface Water Drainage (SPED)
 - Traffic & Transport
 - Urban Roads & Street Design
 - Water
 - Archaeology
 - Environment
 - Environment Operations
 - Fire Officer

The Statement on Key Planning Considerations makes the following points:

National Policy:

- The development is supported in strategic terms and is compliant with national and regional policy.

Insufficient Documentation

- Plan, site / contextual sectional information is not adequate to illustrate the nature of the development and its relationship to either the site or its context.
- The sectional strategy should form a key component of the Design Statements, with a focus on ground level, finished floor levels, building height, streets and spaces, and relationship to adjacent sites.
- Neither the Design Statement or Masterplan Design Statement include a design rationale or a clear outline of the development constraints, development objectives, design options considered etc.

Need for a Coherent Masterplan / Site Boundary:

- The red line site boundary does not relate to the land use zoning objectives.
- Neither the master plan or the development proposal recognise that the lands include a site zoned ZO 18 Schools.
- An area of public open space / pedestrian, cycle route traverses the school site.
- The reason for the exclusion of an area of residential / neighbourhood centre zoned land is not clear.
- The Dept Education and Schools (DES) is preparing a site feasibility study for all three school sites in the City Docks.
- Land zoned ZO 18 Schools within the applicant's ownership to the west of the site are indicated as open space in the submitted Masterplan.
- The Masterplan provides for schools on the ESB site to the south of Centre Park Road but only part of these lands is zoned for 'Schools'.
- The open space corridor should be omitted to enable the development of zoned school sites. This could be integrated along the western site boundary.
- The documents do not indicate how the development would integrate with or impact the development of future schools on the zoned site.

- A masterplan complying with the City Development Plan is required to enable the development to be fully assessed. Collaboration with the Dept Education and Skills is recommended.

Compliance with Land Use Zoning

- The proposed land uses broadly comply with the Development Plan, except for the lands zoned for Schools (ZO18).
- While the proposed neighbourhood centre does not reflect the zoned area the proposal is broadly compliant with the spirit of the objective and development plan.
- TII will determine the location of the proposed LRT stop on Centre Park Road. The LRT Alignment Feasibility Study is currently being prepared.
- Residential uses and open space corridor are not in compliance with the school zoning objective.

Emerging / Future Policy Context

- Proposed material amendments to the Draft Plan are likely to be published for consultation in April 2022 with the final adoption in July 2022.
- Input studies nearing finalization include a South Docks Drainage and Levels Study and the Cork City Docks Area Based Transport Assessment (ABTA).
- The key material change to the Draft Plan affecting the proposed development site is a change to the configuration of the lands zoned for 'Schools'.

Residential Density

- A Plot ratio of 4.23:1 and density of 394 / ha is not compliant with the City Development Plan which provides a maximum plot ratio of 2.5:1.
- A density of c.170% of target would create an undesirable precedent and present significant challenges for infrastructure provision which is being designed on the basis of densities set out in the 2008 LAP (i.e., transport, recreation, community infrastructure etc).
- This may have policy, funding and practical implications.
- There is a need for flexibility having regard to the densities permitted under ABP-309059-21, the acceptance of a landmark / taller buildings at the Eastern Apex of the site and the reduced development area due to zoning of lands for school use.

Scale and Height

- The Cork City Urban Density, Building Height and Tall Building Study 2021 is an input to the Draft Development Plan. It is not part of adopted policy.
- This study provides for general building heights in the South Docks of between 5 and 10 storeys, with the potential for exceptional tall buildings.
- The proposed density is driving the building height and volume. There is very little material variation in the general building height proposed.
- The tall building at the apex of the site is broadly supported by the tall buildings policy recommendations for the area, however, the five additional tall buildings are not supported in principle.
- The scale of development along Centre Park Road should correspond in height to the Ford Distribution development, varying from 6 to 10 storeys.
- Marina Walk / river frontage should be 8 to 10 storeys. The towers at both ends can remain at 16 to 32 storeys, but both need serious architectural articulation and good detailing.
- The applicant should be requested to revise the development to reflect the density strategy for the whole site, offer variety in building height, break blocks down into collections of individually designed buildings, and present an excellent face in urban design terms to the River Lee and Centre Park Road.

Urban Design Strategy / Architectural Strategy

- The Applicant should consider the following:
 - A coherent design for the whole Character Area, including Marina and School sites.
 - How the Masterplan will interact with the Wharf Quarter to the west.
 - An urban density strategy that responds to the target density for the site and the opportunity presented by its significant attributes.
 - Breaking the development into two clear phases with separate basements and a real “on-level” street connecting Centre Park Road to The Marina.
 - An architectural strategy emphasising the creation of exemplar blocks, buildings, liveable environments and tall buildings.

- Where tall buildings are designed to excellent standards and avoid being extrusions of blocks and unnecessarily deep floor plans that have an adverse impact on the visual appearance of the City Docks.
- The development is not successful in urban design terms and considerable revision is required to address placemaking and development of character areas.
- Greater detail and consideration of complementary materials would be welcome.

Built Heritage

- The Conservation Officer regards the visual impact on Shandon Boat Clubhouse, a protected structure, as unacceptable.
- The development would have a considerable negative impact on the established landscape character and the Protected Structure, and on the various views and other ACAs in the city.
- The upper sections of the taller structures on this river valley landscape will have a negative impact on the views and character of some historic areas.
- The conservation officer recommends refusal.

Residential Standards and Mix

- The development appears to comply with the Apartment Design Guidelines.
- The target for 3 bed units in the City Development Plan is 35%. The Board may request additional 3 bed family type units given that the development represents a significant residential scheme within this new / emerging neighbourhood.

Public Open Space / Landscape Strategy

- The Senior Parks and Landscape Officer raises no objection.
- The Draft South Docks Drainage and Levels Strategy (2021) includes guidance on a range of issues, including the Landscape Strategy for the South Docks.
- This includes a north-south landscape corridor connecting Marina Park to The Marina via Marquee Road and a new space to be created on the join between the Ted Castle and ESB lands. This landscape corridor also has the capacity to accommodate stormwater flood volume storage.

Connectivity, Access and Traffic and Transportation

- No Traffic and Transport Assessment, Road Safety Audit, Mobility Management Plan or Construction Traffic Management Plan have been submitted.
- A Quality Audit will be required.
- Parking provision complies with the ABTA report for the South Docks area.
- Further detail on the breakdown of parking by type and land use is required.
- Details of bicycle storage is required.
- Internal road design issues are raised.

Infrastructure:

- In principle there is no objection to the proposed development on the basis of interference with planned transport or other infrastructure projects in this area.
- A minimum set-back of 16m from the centre line of Centre Park Road is required as set out in ABTA.

Drainage

- The existing outfall from the site to the River Lee requires upgrade.
- Further detail is required regarding the treatment of existing open channels adjoining the site, in accordance with the CDSLs.
- Site investigations and soil sampling should be undertaken.
- Taking in charge of attenuation infrastructure requires clarification.
- Piling design should address the risk to underlying aquitard.

SUDS and Stormwater

- The site is identified in the South Docks Drainage Strategy as having potential for future public realm floodwater storage.
- A strategy for the storage of stormwater within the Masterplan area is required.
- Retention of the surface water storage facility / open channel on the northern boundary is in compliance with the drainage strategy.
- On-site attenuation proposals and connection to Centre Park Road sewer are acceptable.
- The proposal complies with the strategy in relation to vulnerable uses and the proposed Finished Floor Levels.

Environmental Waste

- Full construction management and waste management details are required.
- There is a possibility of site contamination and site investigations should be undertaken and remedial actions identified.

Other Matters:

- Water Services section recommend conditions.
- There are no objections in terms of Archaeology & Natural Heritage.
- The level of childcare provision is below guidelines requirements. The applicant should consult with Cork City Childcare.
- The applicants should liaise with Cork City Council's Housing Directorate regarding the proposed Part V proposal.
- The Chief Fire Officer notes that the drawings do not show two protected fire escape staircases serving the high-rise elements, as required.
- There are issues with resourcing to deal with an incident in such development.

Conclusion

- The development is supported in principle from a strategic planning perspective.
- The site boundary should reflect the Development Plan land use strategy.
- A masterplan should reflect the 'Schools' zoned site and clearly illustrate how the subject scheme and adjoining 'Schools' site will integrate.
- The density of development should be reduced to reflect the target for the City Docks and the capacity of planned infrastructure for the development of the area.
- A revised building height and tall building strategy is required and a clear design statement and rationale defining the placemaking qualities of the development, and how it will relate to its site and context.

8.3. The Consultation Meeting

A Section 5 Consultation meeting was held on 20/12/2021, commencing at 10am, via Microsoft Teams. I refer to the record of the meeting in respect thereof.

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

1. Land Use and Development Principle, including overall Masterplan and Development Strategy and compliance with land use objectives.
2. Design and Layout, including Density, Building Heights Strategy and Residential Amenity.
3. Transportation and Parking, taking account of the City Docks Area Based Transport Assessment (ABTA).
4. Drainage and Flooding, taking account of the South Docks Levels Strategy.
5. AOB

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-311723-21' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

In relation to the Land Use and Development Principle, including overall Masterplan and Development Strategy and compliance with land use objectives, An Bord Pleanála sought clarification and further elaboration and justification for the proposed development in respect of the following matters:

- Compliance with the current land use zoning objectives for the lands and the Masterplan strategy for the adjacent school site.
- The status of consultations with the City Council and the Department of Education with regard to the development of the adjoining school sites.
- Proposals for lands zoned as Neighbourhood Centre and rationale for the layout and location of non-residential uses within the site.

In relation to Design and Layout, including Density, Building Heights Strategy and Residential Amenity, An Bord Pleanála sought clarification and further elaboration in respect of the following matters:

- The capacity for increased densities of development in this area and the provisions of the Draft City Development Plan in this regard.
- The rationale for the development and building height strategy, and response to the submission of the planning authority.
- The relationship of the development with the Gateway Building identified for this area in the current City Development Plan.
- The status of Sunlight, Daylight and Microclimate studies in respect of this development.

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

- The status of the Docklands to City Centre Road Network Scheme and any dependencies of the proposed development thereon.
- The status of public transport infrastructure / service improvements in this area.
- Any necessity to provide for the continuation of the Marina Walk pedestrian cycle route westwards through the subject site / adjoining boatclub site.
- Compliance with the parking provisions of the City Docks Area-Based Transport Assessment (ABTA).

In relation to the Drainage and Flooding, taking account of the South Docks Levels Strategy, An Bord Pleanála sought clarification and further elaboration in respect of the following matters:

- Any requirement for public stormwater storage on the site as part of the wider drainage strategy for this area.
- The satisfaction of the City Council with the flood risk assessment undertaken.
- The treatment of existing open drains along Centre Park Road.

In relation to AOB, the City Council queried the rationale for the selected boundary of the Masterplan area, particularly with regard to the adjoining former power station lands to the west.

9.0 Conclusion and Recommendation

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

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

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

1. Relationship of the development with the adjoining school zoned lands.
2. Further justification for the design, scale, height and layout of development.
3. Compliance with the Neighbourhood Centre zoning objective for lands fronting Centre Park Road.

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

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

10.0 Recommended Opinion

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

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

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

1. Further consideration of, and possible amendment to the documents and/or design proposals in respect of the relationship of the proposed development with the adjoining lands which are zoned in the Cork City Development Plan Objective ZO18 *To provide for new primary and post-primary schools*. The application documentation should clearly demonstrate how the development will comply with the lands use zoning objectives of the plan and set out how the development

would integrate with, or impact on the future development of a school(s) on those lands.

2. Further consideration of the documents and justification for the design, scale, height, and layout of development proposed. The application should describe and demonstrate a strategic design process for these lands which has had regard to the relationship with adjoining lands, and which recognises the role of this site, and the significance of the proposed development, in the wider city.

Regard should be had in particular to the criteria set out in Section 3.2 of the Urban Development and Building Height, Guidelines for Planning Authorities' 2018, particularly at the scale of the city and the district, the provisions of the City Development Plan in relation to building height, and as well as the submission of the planning authority to An Bord Pleanála, dated 16/11/2021.

3. Further consideration of, and possible amendment to the documents and/or design proposals, having regard to the Neighbourhood Centre zoning objective for lands fronting Centre Park Road.

Consideration should provide a detailed / robust planning rationale for the location and layout of commercial uses on the site and should demonstrate how the development will support the land use objectives of the development plan for this area. Regard should be had to the relationship with adjacent development on Centre Park Road permitted under ref. ABP-309059-20 and how these developments will contribute to the objectives of the development plan in this regard.

The application should provide a rationale for the omission of lands zoned for neighbourhood centre uses, which are within the prospective applicant's ownership.

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

1. The application drawings should provide further detail with regard to existing and proposed levels across the entire development site. The treatment of level differences within the proposed development and the relationship of the development with adjoining lands and public roads should be described in detail, in plan and in section drawings. Particular consideration should be given to the interface with Centre Park Road and the Marina.

The application should describe the relationship between proposed commercial units and adjoining public spaces and how pedestrian footfall and activity will be generated within these areas.

2. Further analysis of the relationship with Centre Park Road should be undertaken and described in detail in the application, to include detailed section drawings and other imagery demonstrating the context of the site with adjoining permitted development.
3. The application should include a detailed rationale for the proposed residential density and housing mix having regard to the provisions of the City Development Plan and relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018). The application should respond to the issues raised in the submission of Cork City Council received by An Bord Pleanála on 17/11/2021.
4. Detailed design proposals for proposed pedestrian bridges from the application site to the Marina, crossing the open storage channel, should be provided. Any associated works occurring outside of the applicant's landholding should be clearly identified and evidence of the consent of the relevant landowner should be submitted in this regard.
5. An analysis of the impact on views identified in the Landscape and Visual Summary Statement should be provided and further consideration should be given, inter alia, to the scale and mass of development in longer views east from the city. The analysis of visual impacts should also give consideration to the extent of masterplan proposals for the lands.

6. An Invasive species management plan should accompany the application where such species are identified within the lands.
7. The site plans should clearly identify all / any wayleaves or rights of way across the application site in accordance with the requirements of article 127(2) of the Planning and Development (Strategic Housing Development) regulations 2017, as amended.

In addition, existing overhead powerlines traversing the site, and associated adjacent pylon structures, should be clearly identified in the application drawings.

8. A revised strategy should be submitted for the collection, management, storage, and discharge of surface waters, including SUDS measures, which shall take account of the provisions of the Cork South Docks Levels Strategy. The strategy should include detailed proposals for the treatment, including any upgrading, realignment or remediation, of existing open drains and culverts within and adjoining the site. The application should address the matters raised in the report of the Drainage Department of Cork City Council dated 19/10/2021.
9. An analysis of wind microclimate and pedestrian comfort should be submitted, with reference to pedestrian occupation and usability of new public spaces in the context of the proposed development and adjoining permitted developments. The analysis should also address the safety and comfort of residential amenity spaces, including communal spaces and private upper floor balconies, both within the site and on adjoining lands. Any required mitigation or other design measures arising from such assessment should be clearly described and assessed in the study. The assessment should have regard to the interaction with adjoining future development within the Masterplan area.
10. The application should include a comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties, including permitted development to the east and the adjoining zoned school site. This assessment should consider the relationship between the proposed development and future development on the wider Masterplan lands.

In preparing such assessment regard should be had to the provisions of section 3.2 of the Urban Development and Building Heights Guidelines for Planning

Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

The assessment should provide a comprehensive view of the performance of the entire development in respect of daylight provision. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should be clearly identified and justified, and their effect appropriately described and / or quantified.

11. A housing quality assessment should be submitted which provides the specific information regarding the proposed apartments required by the Guidelines on Design Standards for New Apartments (2020). The assessment should demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.
12. The application should be accompanied by the following:
 - (a) A Traffic and Transport Impact Assessment (TTIA), the scope of which should be discussed in advance with Cork City Council, and a Mobility Management Plan.
 - (b) A report demonstrating compliance with the principles and specifications set out in DMURS and the National Cycle Manual.
 - (c) A Parking Management Strategy including detail on the breakdown of parking by type and land use.
 - (d) Details of the design of bicycle parking / storage, which should accord with the provisions of the Guidelines on Sustainable Urban Housing: Design Standards for New Apartments.
 - (e) A Quality Audit that includes: (i) Road Safety Audit, Access Audit, Walking Audit and Cycle Audit. The Road Safety Audit should include the design and layout of the proposed basement / undercroft car park.
 - (f) A Servicing and Operations Management Plan.
13. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) should also be submitted.

14. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.
15. Detail of areas intended to be taken in charge by the local authority, including any surface water management features within such areas.
16. An Aeronautical Assessment should be undertaken in respect of the proposed development which should include consideration of potential construction and operational impacts on instrument flight procedures and equipment at Cork Airport.
17. The application should respond to the objective of the City Development Plan for the continuation of the riverfront Marina Walk amenity route in a westerly direction toward the city centre.
18. The application should give consideration to incorporating publicly accessible viewing areas in prominent tall buildings which would afford wider views across the city.
19. The application should identify and address any requirements arising from the presence of COMAH sites in the surrounding area.
20. The application should consider the presence of the underlying aquitard and describe the construction methodology proposed to ensure that this layer is not compromised as a result of the proposed development. Details to be provided in this regard should include the design and construction of foundations and pipes/drainage systems, and should address the risk of creating conduits for groundwater flow from the underlying saturated gravel layers and also the risk of contamination of such groundwaters.
21. A Construction and Demolition Waste Management Plan and a Construction and Environmental Management Plan should be submitted which should address the presence of any hazardous materials on the site.

The application should be accompanied by an assessment of the site for the presence of contaminated soils or other materials. The investigation works should provide for sufficient sampling and testing to ensure that any potential areas of

contaminated land are identified. Where such lands are identified, a detailed method statement for their management and remediation should be provided, addressing in particular how it is proposed to avoid impacts on adjacent watercourses, drainage channels or the River Lee. Other assessments to be undertaken in respect of the proposed development should have regard to the findings of such investigations.

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

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

1. Irish Water.
2. The Minister for Housing, Local Government and Heritage
(Development Applications Unit)
3. The Heritage Council.
4. An Taisce.
5. National Transport Authority.
6. Transport Infrastructure Ireland
7. Irish Aviation Authority.

8. The Operator of Cork Airport.
9. Cork City Childcare Committee
10. The Minister of Education and Skills
11. Health and Safety Authority

PLEASE NOTE:

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

Conor McGrath
Planning Inspector

20/12/2021

Appendix 1:
Documentation accompanying this S.5 request

- Completed Application Form and fee
- Cover Letters to ABP and CCC
- Planning Statement
- Statement of Consistency
- Statement on Rationale for Childcare Provision
- Part V Proposal
- Minutes of Section 247 meeting
- Schedule of documents
- Architectural Design Statement
- Masterplan Design Document
- Site Location OS Map
- Site Layout Plan
- Architectural Plans, Elevations, sections etc.
- Part V Site Plan
- Schedule of Accommodation & HQA
- Part V Schedule
- A3 Drawing Booklet
- Traffic and Transport Assessment Strategy
- Statement on DMURS consistency
- Flood Risk Assessment
- Site Infrastructure Report + Drawings, including Irish Water Confirmation of Feasibility
- Engineering Drawings
- EIA Screening and Scoping Report and Statement of Possible Effects on the Environment
- Appropriate Assessment Screening
- Landscape Masterplan Drawings
- Landscape Design Strategy and landscape drawings
- Landscape and Visual Impact Assessment Summary Statement
- Visually Verified Views