



An
Bord
Pleanála

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

Inspector's Report ABP-312866-22

Strategic Housing Development

Demolition of existing structures, construction of 609 no. residential units including 257 no. Build to Rent apartments, creche and associated site works.

Location

Former CMP Dairy Site, known as Creamfields, Kinsale Road and Tramore Road, Cork, Co. Cork. (www.creamfieldsshd.ie)

Planning Authority

Cork City Council

Applicant

Watfore Limited

Prescribed Bodies

Irish Aviation Authority

Irish Water

National Transport Authority

Transport Infrastructure Ireland.

Observer(s)

Antoinette Fitzgerald

John Conway and the Louth

Environmental Group (BKC Solicitors)

Date of Site Inspection

24th May 2022

Inspector

Elaine Power

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is located in the south-central suburbs of Cork city, c. 2km from the city centre and 3km from cork airport. The site is located c. 500m north of the Kinsale Road / South Link Road (N27) / South Ring Road (N40) junction. The surrounding area is characterised by a large variety and mixture of uses comprises mature residential suburban housing, retail warehousing, sports and recreational open space, warehousing, and public transport facilities (Black Ash Park and Ride). Tramore Valley Park is located approximately 300m east of the site.
- 2.2. The site has a stated area of 3.39ha. The northern portion of the site is generally level, while the southern section gently slopes to the south. The site is bound to the north by Tramore Road with the Musgrave Park sports complex located on the opposite side of the road, to the south and west the site is bound by a convenience retail store and two large warehousing logistics complexes belonging to the Musgrave Group and Allied Foods and to the east the site is bound by Kinsale Road. The sites boundary with Kinsale Road and Tramore Road generally comprises a palisade fence with hedging. There is an existing vehicular access from Tramore Road.
- 2.3. Between 1995 and 2006 the site was occupied by creamery buildings associated with the operations of Cork Milk Producers (CMP). In 2006 all buildings on site were demolished. The site is currently vacant and is used seasonally as the location for a fun fair (Funderland). The site generally comprises hardstanding, including the remnants of building foundations, as well as rubble, gravel, shrubbery, semi-mature and some mature trees and mature hedging growing along the boundaries of the site. Japanese Knotweed is present in the southern half of the site. An overhead 38 kV electricity power line traverses the southern section of the site in a south-westerly/north-easterly direction.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the construction of 609 no. residential units comprising 561 no. apartments and 48no. duplex units in 11 no. blocks (Buildings B, C, E, F, G, H, I, J, L, M, and N) and a single storey coffee kiosk. The residential units comprise 189no. 1-bed, 338no. 2-bed, 48no. 3-bed, and 34no. 4-bed. The buildings range in height from single storey to 15 storeys.
- 3.2. All 257no. apartments (78no. 1-bed; 142no. 2-bed; and 37no.-3 bed) in Buildings E and F would be Build To Rent (BTR). Buildings E and F also include commercial and community facilities at ground level comprising a 289sqm crèche with ancillary outdoor play area, a 547.5sqm community hub facility a 550sqm gym, a 218sqm retail unit and a 272sqm café and these would be provided over undercroft car parking. The remaining 352 no. residential units are Build to Sell.
- 3.3. The scheme includes the provision of internal and external amenities for residents and private, communal and public open space / landscaped areas. The scheme also includes 209no. shared car parking spaces, including EV charging points, 147no. spaces are provided in an undercroft and 62no. surface spaces and 1,145 no. bicycle parking spaces provided within 7 no. dedicated internal and covered external cycle stores.
- 3.4. The works also include a new vehicular access off Kinsale Road at the junction with Mick Barry Road with upgrades to this junction, an upgrade to the existing access from Tramore Road and all internal roads through the site, as well as pedestrian access points, shared surfaces, pedestrian walkways and cycle paths throughout the site and all associated ancillary development works.
- 3.5. Key Development Statistics are outlined below:

	Proposed
Site Area	3.39 ha
No. of Units	609no. units
Unit type	561no. apartments and 48no. townhouse apartments:

Unit mix	189no. 1-bed dwellings; 338no. 2-bed dwellings; 48no. 3-bed dwellings; and 34no. 4-bed dwellings
Density	180 units per ha
Plot Ratio	1:1.8
Site Coverage	26%
Height	1-15 storeys
Dual Aspect	68% of apartments
Other Uses	1,429m2 total creche (63no. child places), gym, café, coffee kiosk and retail use
Open Space	7,865 sqm (23% of the site)
Car Parking	209 no. spaces
Bicycle Parking	1,145 no. spaces

3.6. The application included the following:

- Planning Report and Statement of Consistency
- Design Statement
- Statement in Response to An Bord Pleanála Opinion
- Statement of Material Contravention
- Housing Quality Assessment
- Statement of Housing Mix
- Part V Provision
- Daylight and Sunlight Analysis
- Wind and Microclimate Study
- Environmental Impact Assessment Report Part 1 of 2: Non-Technical Summary and Main Chapters
- Environmental Impact Assessment Report Part 2 of 2: Appendices
- AA Screening and Natura Impact Statement
- Flood Risk Assessment
- Landscape Design Rationale
- Arboricultural Tree Survey Report
- Site Infrastructure Report
- Traffic and Transportation Assessment and Mobility Management Plan

- Construction Traffic Management Plan
- Construction and Demolition Waste Management Plan
- Operational Waste Management Plan
- Construction Environmental Management Plan
- Social and Community Audit
- Childcare Needs Assessment
- Property Management Planning Submission
- Planning Support Report
- Building Lifecycle Report
- Energy Statement
- Outdoor Lighting Report
- M&E Basis of Design

4.0 **Relevant Planning History**

Reg. Ref. 06/30717: Permission was granted in 2006 to demolish and remove existing buildings, divert the municipal sewer around the site and carry out ground remediation works.

PL28.206292 (Reg. Ref. 03/27881): Permission was granted in 2004 for a 4-storey office building on a portion of the subject site.

Reg. Ref. 22/40906: Current application with Cork City Council for a Primary Care Centre (7,767sqm) ranging in height from 4 – 7 storeys in height immediately adjoining the site and within the ownership of the applicant. Further Information was requested in April 2022.

5.0 **Section 5 Pre Application Consultation**

- 5.1. A Section 5 pre-application virtual consultation took place on the 7th October 2021 in respect of a development of 706 no. residential units (656 no. apartments and 50 no. townhouse apartments) and a creche. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Compliance with County Development Plan Policy (Integration with the wider area; Density / Plot Ratio; Height Strategy & Visual Impact; Housing Typology / BTR)
- Issue of Primary Care Centre
- Infrastructure services (Surface Water, Flooding, Irish Water, Transportation & Connectivity).
- Residential Amenity (Daylight and Overshadowing; Outdoor Amenity Space; Resident support services & facilities)
- Open Space and Landscaping
- Issues Raised in the Chief Executives Report

Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the Notice of Pre-Application Consultation Opinion dated 20th December 2021 (ABP-311166-21) An Bord Pleanála stated that it was of the opinion that the documents submitted require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála with regard to the following: -

Delivery of pedestrian and cycle links

Clarification as to the provision of pedestrian and cycle connectivity from the development site to the closest bus stop and Black Ash Park and Ride. Any impediments to such connections should be clearly identified and proposals submitted as to how such impediments are to be overcome.

Development Strategy

Further justification for the height strategy, integration with the wider area and density, specifically how transition occurs in terms of design, presentation, quality community and place making. A key issue at this location is the existing environment and specifically how transition occurs between the existing established development and the proposed development cognisance being had that this development will form a catalyst for future development on surrounding lands.

5.3. The following specific information was also requested: -

1. An updated Architectural Design Statement.
2. A Material Contravention Statement.
3. A Housing Quality Assessment.
4. Traffic and Transportation Impact Assessment.
5. Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture Drawings, and Engineering Plans that take account of one another.
6. Justification of quantum and quality of open space provision.
7. A Daylight. and Shadow Impact Assessment.
8. A response to matters raised in relation to the quantum of resident services and amenities.
9. A covenant / legal agreement is required at application stage for BTR development.
10. A report on surface water drainage, surface water management strategy and flood risk which deals specifically with quality of surface water discharge.
11. Clarification regarding connection to water and drainage infrastructure having regard to the Irish Water submission.
12. A response to issues raised in the Drainage Planning Report, and the Transportation Planning report undated, accompanying the PA Opinion.
13. An AA screening report.
14. Site Specific Construction and Demolition Waste Management Plan.
15. Details of public lighting.

5.4. A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

- Irish Water
- Irish Aviation Authority (IAA)
- National Transport Authority (NTA)

- Transport Infrastructure Ireland (TII)
- The Minister for Culture, Heritage and the Gaeltacht,
- The Heritage Council
- Department of Education
- An Taisce — the National Trust for Ireland
- Cork City Childcare Committee.

5.5. ***Applicant's Statement***

- 5.5.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016 and a summary is provided below

Delivery of pedestrian and cycle links

A Traffic and Transportation Assessment and Mobility Management Plan have been submitted. The bus stop at the Black Ash Park and Ride facility on Mick Barry Road is c. 250m (5 minutes to walk) from the proposed development. There is an existing footpath that connects the Black Ash Park and Ride bus stop to the development site, and the signalised junction of Mick Barry Road and Kinsale Road traffic include a pedestrian phase. It is proposed to provide a formal pedestrian crossing via a commercial property to the west of the Park and Ride facility. This would facilitate pedestrian priority and would continue the pedestrian route up to the Park and Ride pedestrian access. It is also understood that funding from the National Transport Authority (NTA) has been approved in principle for improved pedestrian and cyclist infrastructure that will link Kinsale Road to Tramore Valley Park. In the future, this infrastructure will further improve pedestrian connectivity with the Park and Ride Facility and also provide a cyclist route

Appendix C of the accompanying Traffic and Transportation Assessment and Mobility Management Plan provides evidence of the continuous footpaths and cycle lanes to the existing bus stops serving route nos. 203 and 219 located within 15 minutes of the proposed development site.

Development Strategy

An Architectural Design Statement has been submitted. Following the tripartite pre-application consultation there was a further meeting with the planning authority to discuss revised proposals to include a reduced density and increased typology at the southern end of the site. The revised scheme consisted of 609 no. dwellings, resulting in a reduction of 97 no. units from that discussed at the tripartite meeting. This revised scheme also reduced the density from 240 units/ha to 180 units/ha, a reduction of 25%. The revised scheme also has significantly reduced heights at the southern end of the site, by the elimination of 7- and 8-storey buildings (Building A and K) and their replacement with 3-storey duplex units and a 4-storey building consisting of 3-storey duplex units with apartments above (Buildings I, L, M and N). To ensure successful mediation between these lower buildings and Building J, the height of Building J was reduced by one storey. An additional floor was added to Buildings C and F.

In terms of the integration of this scheme with the wider area, consideration has been given to the potential for development on adjoining lands, with the proposed development site as the new town centre that will serve the wider area as it intensifies in line with national, regional and local planning policy in the future. Permeability and connectivity form a key part of the urban design proposal for the proposed development.

6.0 Relevant Planning Policy

6.1. *Cork City Development Plan 2015*

Variation no. 6 (Tramore Road / Kinsale Road Site) was adopted on the 11th November 2019. This variation changed the zoning of the subject site from “Light Industry and Related Uses” to “Residential, Local Services, and Institutional Uses” with the associated land use objective to protect and provide for residential uses, local services, institutional uses and civic uses, having regard to employment policies outlined in Chapter 3.

Section 15.10 of the development plan notes that the provision and protection of residential uses and residential amenity is a central objective of this zoning, which covers much of the land in the suburban area. However other uses, including small

scale local services, institutional uses and civic uses and provision of public infrastructure and utilities are permitted, provided they do not detract from residential amenity and do not conflict with the employment use policies in Chapter 3 and related zoning objectives.

Relevant policies in the plan include the following: -

Objective 6.1: Residential Strategic Objectives

Objective 6.8: Housing Mix

Objective 6.9: Housing Density

Objective 16.3: Urban Design

Objective 16.9: Sustainable Residential Development

Chapter 16 – Development Management also sets out standards for apartment developments.

6.2. ***Regional Spatial and Economic Strategy for the Southern Region***

The site is located with the 'Cork Metropolitan Area Strategic Plan'. The RESE incorporates Metropolitan Area Strategic Plans (MASP) to ensure coordination between local authority plans. A key component of the RSES is building partnerships and a collaborative approach between the cities and metropolitan areas to realise combined strengths and potential, and to support their development as a viable alternative to Dublin. Tramore Road area is identified as a Regeneration Area and a Strategic Employment Location, Mixed Use Employment and Regional Assets within the Cork Metropolitan Area.

RPO 2: Cork City: Seek delivery of the following subject to the required appraisal, planning and environmental assessment processes.

a. To strengthen the consolidation and regeneration of Cork City Centre to drive its role as a vibrant living, retailing and working city, the economic, social and cultural heart of the Cork Metropolitan Area and Region.

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

c. Seek investment to achieve regeneration and consolidation in the city suburbs. Seek high quality architectural and urban design responses to enhance the uses of the waterfront and all urban quarters.

d. To strengthen the attributes and opportunities for the city centre, including transformative initiatives such as the City Centre Strategy and other initiatives as identified by the City Development Plan (existing and future).

f. Seek to achieve High Quality Design to reflect a high-quality architectural building stock in all urban quarters.

RPO 10 : Compact Growth in the Metropolitan Area: To achieve compact growth, the RSES seeks to:

a. Prioritise housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.

b. Identify strategic initiatives in Local Authority Core Strategies for the MASP areas, which will achieve the compact growth targets on brownfield and infill sites at a minimum and achieve the growth targets identified in each MASP...

6.3. ***National Planning Framework (2018)***

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place.

Table 2.1 sets out a summary of the key national targets. With regard to Cork city and suburbs it sets an additional population target of 105,000 – 125,000 to provide an overall population of 315,000 by 2040. It also states that to create compact, smart and sustainable growth 50% of new housing should be provided within the cities and suburbs and 30% elsewhere within the existing urban footprint.

Relevant Policy Objectives include:

National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

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

National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

National Policy Objective 57: Enhance water quality and resource management by ... ensuring flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities...

6.4. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, 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, 2020
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013

- The Planning System and Flood Risk Management Guidelines, 2008

6.5. ***Applicants Statement of Consistency***

The applicant has submitted a Statement of Consistency (as part of the Planning Report) as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the relevant Development Plan.

6.6. ***Material Contravention Statement***

The applicant submitted a Material Contravention Statement is summarised below.

Building Height

The proposed development is up to 15 storeys in height. Paragraph 16.27 states: *“Within the suburban areas of the city (developed after 1920) low rise buildings will be considered appropriate (including cases where demolition and replacement of existing buildings occurs) except in the following areas:*

- *Major development areas identified in this development plan for which a local area plan or Development Brief will be prepared;*
- *Larger development sites – sites of greater than 0.5 hectares (or one residential block) which area capable of accommodating their own intrinsic character without having an adverse impact on their neighbours.”*

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

Paragraph 16.34 states that: *“Tall buildings can play a visual role as landmark buildings and can make a positive contribution to the skyline of a city. Due to the visual prominence and strategic significance of tall buildings their design must be of a high standard. There are large areas of the city where tall buildings are unsuitable given the potential conflicts with the character, grain, and the amenity enjoyed by users of adjacent sites. In particular, high buildings should be avoided in the historic areas of*

the city. The City Council has identified Docklands and South Mahon as areas with the potential to accommodate high buildings. Maps 2, & 7 in Volume 2 specify those locations. All other areas of the city are not considered appropriate for tall buildings. Such development will be resisted in areas of special and/or significant character in the city i.e.:

- *The City Centre (within the 1869 boundary);*
- *The North and South River Lee Channels (west of Docklands);*
- *Architectural Conservation Areas;*
- *Other historic areas of the city of architectural and historic character (including the old city approaches and the villages enveloped by city expansion);*
- *The suburban areas of the city (apart from locations specified in the Plan);*
- *Areas of significant landscape value (including Landscape Preservation Areas and Areas of High Landscape Value)”.*

There is a contradiction between paragraphs 16.34, 16.27 and 16.37 in relation to building height. In addition, the 17-storey mixed use primarily residential Elysian complex is located 1.8km north-east of the proposed development site. With existing and permitted heights of 34 storeys (Custom House Quay), 25 storeys (Jacob's Island), 24 storeys (Albert Quay), 17 storeys (Elysian; Railway Gardens), 15 storeys (Prism), 14 storeys (the Former Ford Distribution Site), and several developments comprising 10 storeys as well as the previously permitted 27 storey mixed use development (eastern end of Docklands), it is clear that decisions regarding applications that include tall buildings frequently rely on an assessment of the site- and development-specific merits of individual proposals as opposed to the conflicting current City Development Plan objectives regarding height.

Density

The proposed development involves a residential density of 180 units/ha. Paragraph 16.12 states: *“Density is a measure of the relationship between buildings and their surrounding space. Density is expressed as units per hectare. The attainment of higher densities is not a stand-alone objective; rather higher densities must be delivered in tandem with quality to ensure the creation of good urban places and attractive neighbourhoods. The appropriate density for any site will be determined by*

a wide range of factors. In assessing proposals for higher density development proposals the following design safeguards will be relevant:

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

Paragraph 16.41 states: *“Within the city minimum residential density in Suburban areas should be 35-50 dwellings per hectare. Densities of greater than 50 dwellings per hectare will normally require a mix of houses and apartments. Densities higher than this baseline level will be appropriate in other types of location:*

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

Applications for higher density residential development must be assessed on the site-specific and proposal-specific merits of each proposal. The relevant criteria typically include relationship to context; the architectural quality and urban design of the scheme; proximity to sustainable transport infrastructure; proximity to amenities, services and facilities; proposed or anticipated provision of amenities, services and facilities. The satisfying of these criteria must also be balanced with the need to densify

urban settlements and develop brownfield sites as opposed to greenfield sites, which exacerbate unsustainable urban sprawl. Permitted densities in Cork City include, amongst others, 530 units/ha (Albert Quay), 495 units/ha (Horgan's Quay), 454 units/ha (Railway Gardens), 247 units/ha (The Former Ford Distribution Site), 238 units/ha (Victoria Road), 220 units/ha (Crow's Nest), 183 units/ha (Lower Friar's Walk), and 137 units/ha (Jacob's Island). Residential densities well in excess of 130 units/ha are considered acceptable, not only in Cork City Centre but also in inner and outer suburban locations in Cork.

Dwelling Mix

The proposed development involves a dwelling size mix of 1-bed (31%); 2-bed (55%); 3-bed (8%); and 4-bed (6%). Paragraph 16.43 states: *"Policies setting out the need for a mix of dwelling sizes (in terms of units with different numbers of bedrooms) are set out in paragraph 6.19 and Objective 6.8 Housing Mix as detailed in Chapter 6: Residential Strategy. The provision of a range of housing types and sizes in the city will increase in importance as trends show a decline in family households and an increase in elderly and single person households. Provision of dwellings with 3 / 3+ bedrooms are very important to achieving balanced communities as they are attractive to families, providing they are of a sufficient size and accompanied by high quality amenities and infrastructure. Larger units are also flexible in that they can accommodate a variety of household types."*

Paragraph 16.44 states: *"Within Zone 1 and Zone 2 the predominant development format is likely to be mainly apartment / duplex schemes but houses will be appropriate on sites within historic townscapes. Within Zone 3 all residential developments should comprise a mix of houses and apartments / duplexes to the size and distribution targets. (See Figure 16.1 Car Parking Zones, Map 12 of Volume 2, and Table 16.4 below)."*

Paragraph 6.19 states: *"Home ownership is encouraged as this provides not only a more stable residential environment but also promotes a sense of community and shared responsibility for the residential area. The private rented sector also has an important role in helping to meet accommodation needs which seem likely to increase in line with modern trends such as greater labour mobility, reducing household size and changing lifestyle preferences."*

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. Planning applications for multiple housing units shall submit a Statement of Housing Mix detailing the proposed mix and why it is considered appropriate. The needs of special groups such as the elderly and disabled shall also be considered as part of this process.”*

The dwelling size mix of any scheme should respond to contemporary population demographics, which themselves drive market demand. The appropriateness of the proposed dwelling mix of any planning application must be assessed in each instance on its own merits and in response to, amongst other matters: the contemporary demographics of the local population, as well as the projected future demographic trends for that population; market demand in the local area; and trends in lifestyle choices. Development proposals for sites in Cork City that do not align with the suggested mixes of the current city development plan have been approved, with decisions evidently being based on the various other planning merits of the respective proposals, including the demographic trend towards smaller households.

Section 37(2)(b)(i): The proposed development is of strategic importance, as it will contribute to an increased supply of residential accommodation in the context of a chronic housing shortage and thus support national and regional policy objectives to deliver more homes within the existing footprint of cities and in cities other than Dublin to achieve regional parity in the country.

Section 37(2)(b)(ii): Having regard to the above, it is considered that there are conflicting objectives or objectives that are not clearly stated in the Cork City Development Plan 2015, insofar as the proposed development is concerned, having regard to Section 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended).

Section 37(2)(b)(iii): The proposed scheme can be justified with regard to the following:

- Project Ireland 2040 – The National Planning Framework (2018)

- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2020), and
- Regional Spatial and Economic Strategy for the Southern Region, (2020).

Section 37(2)(b)(iv): Table 1 of the material contravention statement provides details of recently granted developments with a range of heights, densities and unit mix. These include 34 storeys (Custom House Quay), 25 storeys (Jacob's Island), 24 storeys (Albert Quay), 17 storeys (Elysian; Railway Gardens), 15 storeys (Prism), 14 storeys (the Former Ford Distribution Site), and several developments comprising 10 storeys as well as the previously permitted 27 storey mixed use development (eastern end of Docklands), the proposed development of 12 no. buildings ranging in height from 1-15 storeys will not be out of character with the building typologies of the City, including those in inner suburban areas, and will complement the emerging character of the skyline of Cork City.

In addition, permitted densities in Cork City include, amongst others, 530 units/ha (Albert Quay), 495 units/ha (Horgan's Quay), 454 units/ha (Railway Gardens), 247 units/ha (The Former Ford Distribution Site), 238 units/ha (Victoria Road), 220 units/ha (Crow's Nest), 183 units/ha (Lower Friar's Walk), and 137 units/ha (Jacob's Island). Therefore, the proposed development of 180 units/ha will not be out of character with the residential density of the city, including areas in the inner and outer suburbs, as well as locations in the city centre.

Furthermore, details provided in Table 2 of the Material Contravention Statement indicates that proposals have been routinely permitted that do not align with the suggested dwelling mixes.

In conclusion, permission for the proposed development should be granted having regard to regional planning guidelines 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, and 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, including recent decisions of An Bord Pleanála. In this context, the Board can grant planning permission for the proposed development in accordance with Section 9(6)(c) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 (as amended), and Section 37(2)(b) of the Planning and Development Act, 2000 (as amended).

It is noted that the Material Contravention Statement also addressed non-compliance with the Draft Development Plan which is due to be adopted in August 2022.

7.0 **Third Party Submissions**

7.1. 2 no. third party submissions were received. The concerns raised are summarised below: -

Antoinette Fitzgerald

- Generally supportive of the redevelopment of the site for residential uses.
- There are concerns that there is insufficient capacity on both Tramore Road and Kinsale Road to accommodate the existing volumes of traffic. Additional traffic generated by the proposed development would exacerbate the existing situation. Traffic queues are already constant on Tramore Road and Kinsale Road.
- There is an issue with parking congestion on the surrounding road network.
- The addition of a cycle lane on Tramore Road has narrowed the carriageway which makes it difficult for large vehicles to pass.
- The road surfaces are in a poor condition.
- The volume of traffic has a negative impact on the residential amenities of the existing residents.
- An environmental survey of the impact of the existing traffic is required.
- The scale of the proposed development is out of character with the area.

John Conway and the Louth Environmental Group (BKC Solicitors)

Legal Issues

- Permission cannot be granted in circumstances, where it would be justified by the Building Height Guidelines 2018 and the Apartment Guidelines 2020. These Guidelines are not authorised by Section 28(1C) of the Planning and Development Act, 2000 (as amended). The Guidelines are also contrary to SEA Directive as they authorise contraventions of Development Plans / Local Area Plans without and SEA being conducted, or a screening for SEA being conducted on the variations being brought about to the Development Plan / Local Area Plans as a result of same.
- The proposed development materially contravenes the density, housing mix, public open space, building height and visual impact, car parking, childcare, Architectural Conservation Area, Local Area Plan / Masterplan / Urban Design Framework (Policy SS02a and PM17) requirement / provision set out in the development plan and cannot be justified.
- The proposed development does not comply with the requirements of the Urban Height Guidelines.
- The proposed development is not of 'strategic or national importance' and the applicant has not provided any basis for asserting same.
- The application and associated documentation do not comply with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001(as amended).
- The applicant has not demonstrated that there is sufficient infrastructure to support the proposed development by reference to public transport, drainage, waster services and flood risk.

Screening for EIA

- The EIAR is inadequate and deficient and does not permit an assessment of the potential environmental impacts.
- The screening for EIAR and the Ecological Impact Assessment are inadequate and deficient and does not permit an assessment of the potential environmental impacts.
- Insufficient information has been submitted. It is envisioned that certain matters would be agreed by a contractor and with the planning authority, such an

approach is contrary to the requirements, including public participation, of the EIA directive, in circumstances where there is no mechanism for the public to participate in the process leading to the agreement with the planning authority under the 2016 Act, and in circumstances where there is a distinct lack of detail in the information provided that would provide a clear criteria for matters to be so agreed. If the Board was minded to impose such a condition, in light of the foregoing, it would effectively be abdicating its responsibilities under the EIA directive.

- The Board lacks ecological and scientific expertise and / or does not appear to have access to such expertise in order to examine the EIA Screening Report as required under Article 5(3)(b) of the EIA Directive.
- The information submitted is insufficient and contrary to the requirements of the EIA Directive and the provisions of national law.
- There is insufficient information on the impact on bird and bat flight lines / collision risks.
- The EIAR does not adequately address the cumulative impact.
- The Population and Human Health chapter is inadequate as it fails to assess the impact of an increased population on services including schools, childcare and medical care.
- The impact on biodiversity and human health is inadequate and lacking in terms of detail.
- The development does not comply with the BRE guidelines.

Screening for AA

- The Screening for AA is insufficient and not based on appropriate scientific expertise and as such does not comply with the Habitats Directive and the Planning and Development Act 2000 (as amended). The Board does not have sufficient and / or adequate information to carry out a complete AA Screening.
- The AA Screening Assessment does not provide sufficient reasons or findings. The conclusions / statements made do not identify a clear methodology and no analysis is offered in respect of sites screened out.
- Insufficient surveys regarding bird collision / flight risk.

- The Zone of Influence is not reasoned or explained.
- No regard or inadequate regard to the cumulative effects.
- Insufficient site specific surveys for the purpose of AA.

Tenure

- Concerns that this area of Cork is becoming saturated with Build to Rent developments. This is not conducive to the aims of the development plan and national planning policy around sustainable neighbourhoods.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 21st April 2022. The report includes a summary of the site description and context, the proposed development, pre-planning, relevant planning history, third-party submissions and prescribed bodies. The views of the elected members at a meeting held on the 14th April 2022 are summarised as follows: broadly welcomed in principle; landmark building too tall and may be more suited to the southern part of the site; density is excessive; potential for anti-social behaviour; underground car parking increases the cost of units; additional footpaths are required; potential for lack of integration with surrounding area; tokenistic public realm; poor quality architecture; soulless; no connection to Tramore Valley Park; concerns regarding BTR model. Appendix B includes Internal Reports from City Architect; Parks Section; Infrastructure; Drainage; Water Services; Urban Roads and Street Design; Traffic Regulation and Safety; City Archaeologist; Environment; Heritage Officer; Fire Officer; and Housing.
- 8.2. The key planning considerations of the Chief Executive's report are summarised below.

Site Zoning / Principle of Development: The land use zoning objective for the site is zoning objective ZO 4 Residential Local Services and Institutional Uses. The principle of the development and all the proposed uses are supported.

Layout / Urban Design / Architectural Assessment: The redevelopment of this brownfield site is welcome for a high-density residential development with local and community supporting services. The Primary Care Centre (proposed under a separate application) will give the redeveloped site a new identity and as an urban mixed-use quarter. Given the size of the site, the redevelopment will provide its own character in terms of layout and street creation. The delivery of a redevelopment of this site will act as a catalyst for future redevelopment of this area and redefine this part of the south-central area of Cork city.

The proposed scheme will change the identity of the site from a post- light industrial site to a contemporary and dense urban quarter. The scheme will redefine in relationship with the receiving environment, especially along the interface with Kinsale Road and Tramore Road. It is considered that how the scheme will visually integrate with these public roads and activities of this area is crucial to ensure a successful enhancement and rejuvenation of this area.

The Planning Authority welcomes the new “town centre” plaza as a new focal point for Tramore Road. The mid and southern sections of the scheme consist of buildings with lower height and more mixed range of residential units, consisting of apartment and duplex units. The layout of the buildings provides 3 plaza areas which will provide communal open space for the residents of the scheme. The development strategy shows that the density and building heights lower as it moves southward through the scheme. In terms of its identity with the receiving environment along Kinsale Road, this stepping down of building heights, helps to convey a more residential character of the development and breaks up the massing of the development when viewed from Kinsale Road. In terms of the integration of the proposed development with the streetscape of Kinsale Road and Tramore Road, the Planning Authority has no objection to same.

In terms of the external finishes of the building the use of brick is an appropriate finish for a residential development in an urban setting. The scheme also consists of plaster finish in some areas, notably in the inner courtyard areas.

The City Architect notes that the scheme is welcomed and considered to be a high urban design and architectural standard by the use of residential dwellings typologies

and a gradual height strategy. This proposal is a good contribution to the urban fabric of Cork City.

Density: The proposed plot ratio of the development is 1.8 which slightly exceeds the indicative plot ratio as specified for Suburban key Development Areas in Table 16.1 of the Development Plan. The proposed density would set a precedent for a range of other sites in the local area. However, given the significant site area of 3.39 ha, it is considered that there is capacity for an increased plot ratio for this proposal.

Variation No. 6 accepted c. 400 units and a primary care centre on this site with political support. The principle of 400 units equates to a density of 125 units per hectare. The residential density guidance in the Draft City Development Plan 2022-2028 for the general area, which is considered an inner urban residential location, would have expected yields 40-100 units per hectare.

While the plot ratio and the residential density of the proposed scheme would exceed the indicative plot ratio and residential density yields, the location and scale of this brownfield site does provide possibility for an increased density. The key indicators for the appropriateness of scale for the scheme will be how the scheme integrates with the local built environment (visual impact) and the quality of the placemaking and community living provided for by this development.

Residential Mix: While the Planning Authority accepts the points made by the applicant in terms of current trend of household size, the scheme would be required to comply with the development plan policy and relevant ministerial guidelines in this regard. The submitted Statement of Material Contravention is noted.

Having regard to the overall mix of the non-BTR units in the scheme, their overall floor areas and private open space provision, the existing building stock in the local area, the lack of delivery of new apartments schemes in the city over the past 10 years and the current trend relating to household size, the housing mix for this scheme is acceptable.

Unit Size: It is noted that all apartment sizes and their internal room areas either meet or exceed the minimum floor areas set out in the guidelines. In terms of dual aspect, it is noted that the number of apartments that have dual aspect layout is 68%, which

is over the 50% minimum requirement. It is also noted that the scheme complies with minimum floor to ceiling heights and the maximum number of apartments per floor per lift/stair core. With regard to the BTR unit, the applicant has shown compliance with SPPR 7 and SPPR 8.

Residential Amenity: The quality and quantum of the private and shared indoor and outdoor communal spaces provided for within the scheme is considered acceptable.

Part V: No objection in principle.

Development Strategy / Building Height Strategy: It is considered that the overall increases in building height are justified in the context of the transformational impact of the redevelopment of the site and the likely catalyst impact it will have to encourage other similar sites in the area to come forward for redevelopment. Having regard to the recent rezoning of the site to residential in 2019, the significant site area of this site, it is considered that the proposal is uniquely placed to provide a new type of built environment for this area. It is considered that the provision of the proposed Primary Care Centre will provide the scheme with a mixed-use identity, attracting a catchment of visitors and employment from beyond the immediate area. The development of the site represents the beginning of a transformation of this part of the city suburbs to a new mixed use urban quarter.

The overall increase in building height in this area, as proposed in this scheme is accepted, given the rezoning of the site to residential and the nature of the mixed-use development. It is considered that the northern portion of the site is the more appropriate location for the tallest element of the scheme.

Visual Impact Assessment: The methodology and scope of the Townscape Visual Impact Assessment is acceptable. The visual impact of the proposed development will have a significant magnitude of change both at close, mid and long-range views. The cumulative visual impact of the proposed Primary Care Centre is considered a positive contribution to the mixed-use identity of this high-density development.

Overall, there is no objection to the proposed development, in terms of visual impact and welcomes the regenerative impact and positive contribution that it will bring to this area.

Open Space: The Parks Department report is noted. Having regard to the quantum and quality of public open space provided for in the scheme of 7,865 sqm (23% of the site) it is considered that the provision and quality of communal open space is acceptable to serve the proposed development. It is anticipated that the upkeep, maintenance and managed of all of these 4 communal areas will be carried out by a management company to be arranged by the applicant.

Green Infrastructure Plan, Landscaping Plan and Tree Survey Details: The Parks Department report is noted. Overall, it is considered that the proposed landscaping strategy, design rationale and outdoor amenity provisions and the treatment of the interface areas along Kinsale Road and Tramore Road are acceptable to serve the proposed development. The public areas to be taken in charge are to be agreed with the Planning Authority by way of condition.

New Urban Residential Quarter / Social & Community Infrastructure and Services: It is considered that the scope of the Social and Community Audit is adequate and comprehensive in terms of catchment area and its audit on existing services. The audit notes that there is a deficiency in local childcare services and equipped play areas which will be provided for within this site for use by the residents.

Having regard to the provision and quality of the external communal spaces in the courtyard areas and the internal community hub facility and ancillary spaces, it is considered that the proposed development will facilitate and enable an opportunity to build a community through the activity and interaction of residents within these spaces. The BTR element is also adequately served with specific residential support services and on-site facilities, including 2 no. communal roof garden areas which will meet the communal needs of this element of the proposal. Overall, it is considered that there is sufficient dedicated space, facilities and amenity within the proposal to enable the building of a community within this new urban quarter.

The development site is detached from the established residential areas of Ballyphehane and Turner's Cross to the north and it is accepted that this site is the first large post-industrial site to come forward for a mixed use and high density residential development, where new social and community connections will form within

as well as outside the site. The immediate area is well served with shops and supermarkets, which will initiate these new social links and habits.

Childcare: The applicant has submitted a Childcare Needs Assessment which states that this level of provision is of an adequate quantum to cater for the needs of the proposed development. The Board should satisfy itself that this level of provision will be sufficient to meet the likely childcare demands of the proposed development.

Impact on Adjacent Properties: It is considered that the proposed development will not cause any undue negative impacts on adjoining properties and would have a very positive impact in terms of the delivery of a new urban quarter in this part of the city. It is further considered that the proposed development and the proposed Primary Care Centre will have a redefining impact in terms of the identity of this area and will act as a positive catalyst for future redevelopment of local lands in the vicinity.

Traffic and Transportation: The Roads and Transportation Directorate assessed the TTA, cycling parking, public lighting, Construction Management Plan, Road Safety Audit, road marking, signalised junction details, traffic signal sequencing. Detailed planning conditions are recommended.

The Infrastructure Development Directorate report is satisfied regarding adequate provision for future Bus Connects infrastructure on the Kinsale Road, safety concerns for pedestrian access to the Black Ash Park and Ride for residents of the proposed development and safety concern for residents attempting to access the Tramore Valley Park due to lack of pedestrian/cycle access to the park crossing over the N27. Detailed planning conditions are recommended.

Drainage/ Flood Risk Assessment: The report of the Drainage Section assessed matters relating to Storm Water Drainage, SUDS, Flooding and Wastewater Drainage. There is no objection, subject to a number of detailed conditions.

Water Services: The report from the Water Services Section is noted. A number of conditions are recommended.

Fire Officer: The report of the Fire Officer raised concerns in relation to the proposed development from a fire safety perspective. These matters will be dealt with under a

separate Fire Cert Application. However, it is noted that the Fire Officer has raised an issue in relation to the design which may require modifications to the proposed development

Archaeology: The City Archaeologist report is noted. The proposed development is situated outside the Zone of Archaeological Potential for the city (CO074-03401). There are no archaeological monuments located within the site however the former Cork-Macroom Railway line did traverse the site at the southern end. A number of conditions are recommended.

Construction Strategy, Duration and Phasing: The Planning Authority is satisfied that the planned phasing of the construction and delivery of this development is acceptable.

Conclusion: The development is to be welcomed as the first mixed use and high-density development to be proposed in this area of the city. The concurrent application for the Primary Care Centre is an integral part of the new identity of the site as a mixed-use urban quarter. The site is well served by local services and is located on a public transport corridor with planned upgrades for public transport in the coming years. The redevelopment of this site will act as a catalyst development for the new residential neighbourhood in this locality. It is considered that the development will make a significant contribution to addressing housing shortage in the city. However, An Bord Pleanála is advised that the following issues may require further consideration:

- The internal Urban Roads & Street Design report. The design of the streets and spaces will require further work to ensure that they meet the needs of pedestrians and to provide an adequate pedestrian and cyclist network outside of the site, particularly to the east towards Tramore Valley Park.
- The outdoor areas of the scheme to be managed and maintained by a management company as separate from those areas to be taken in charge by the local authority.
- Whether the quantum of childcare spaces for the proposed creche is adequate to serve the development.
- Concerns raised in the internal Chief Fire Officer's report.

It is considered that the proposed development would be consistent with the relevant objectives of the Cork City Development Plan 2015-2021 as well as the ambitions set out in the National Planning Framework, and on that basis recommends that planning permission should be granted subject to 49 no. conditions

9.0 **Prescribed Bodies**

9.1. ***Irish Aviation Authority***

The report from IAA recommends the following: -

- The applicant should be required to engage with DAA / Cork Airport and IAA-Air Navigation Service Provider (ANSP) to undertake a preliminary screening assessment to confirm that the proposed development and any associated cranes that would be utilised during its construction would have no negative impact on the safety of flight operations at Cork Airport.
- The applicant should be requested to engage a specialist consultant to undertake a Glint and Glare study to carry out an analysis of any potential effects on aviation. This Glint and Glare study should be submitted to DAA / Cork Airport and IAA-ANSP for their review and comment prior to the finalisation of the application.
- In the event of planning consent being granted, the applicant should be conditioned to contact the Irish Aviation Authority to: (1) agree appropriate aeronautical obstacle warning lighting and (2) notify the Authority and Cork Airport of intention to commence crane operations with at least 30 days prior notification of their erection.

9.2. ***Irish Water***

Wastewater: Records show a 600/750mm combined main traversing the land where the new development is proposed. The applicant has engaged with Irish Water in relation to a proposed diversion of existing infrastructure (DIV21300) for which an

assessment of feasibility has been completed and a Confirmation of Feasibility of a diversion has been issued to the applicant.

To accommodate the connection a Pumping Station is required, which the applicant is proposing to deliver within the development. The Pumping Station shall be constructed such that it can serve the area to the south of the development. The design of the pumping station shall be agreed with Irish Water as part of any connection agreement.

Water: A connection can be made to the watermain on the Kinsale Road

9.3. ***National Transport Authority (NTA)***

The Cork Metropolitan Area Transport Strategy 2040 (CMATS) was undertaken by the National Transport Authority, in conjunction with Cork City Council, Cork County Council and Transport Infrastructure Ireland and was completed in early 2020. It is considered that the location of the subject site will most likely benefit from improved levels of public transport accessibility / public transport service provision and proximity to the emerging cycle network. It is, therefore, concluded that the provision for higher density development in this area is complementary to CMATS' land use priorities. However, there is a need for link between the proposed development's design and access arrangements and bus-based public transport objectives and walking and cycling objectives in the surrounding area. Given the scale and density of the proposed development, there is a need for the provision of a high-quality public realm and associated high levels of walking/cycling permeability between the subject site and the surrounding area, to be provided concurrent with the development of the site, so as to maximise accessibility to public transport services, walking & cycling networks, recreation facilities and services at the local level, including the Tramore Valley Park.

As such, grant of permission should be contingent on prior agreement with Cork City Council on how high-quality walking and cycling accessibility to local public transport nodes, including Black Ash Park and Ride, the Tramore Valley Park and other local destinations are going to be provided, concurrent with the development of the site.

In relation to the proposed design, location and access arrangements for cycle parking, it is recommended that these are reviewed - assessed against the

recommendations set out in Dun Laoghaire / Rathdown County Council's 'Standards for Cycle Parking and associated Cycling Facilities for New Developments' and amended as appropriate

9.4. ***Transport Infrastructure Ireland (TII)***

The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any recommendations arising should be incorporated as conditions on the permission, if granted. The developer should be advised that any additional works required as a result of the Assessment should be funded by the developer.

The proposed development shall be undertaken strictly in accordance with the recommendations of the mobility management plan. Any recommendations arising should be incorporated as Conditions on the Permission, if granted. The developer should be advised that any additional works required as a result of the plan should be funded by the developer

10.0 **Assessment**

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and has full regard to the chief executives report and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Principle of Development
- Design and Layout
- Quantum of Development
- Building Height
- Housing Tenure and Unit Mix
- Open Space and Landscaping
- Residential Amenity

- Transportation and Car Parking
- Water Services
- Impact on Aviation
- Material Contravention

10.2. ***Principle of Development***

10.2.1. The proposed development comprises the redevelopment of a brownfield site in the south-central suburb of Cork city. Variation no. 6 (Tramore Road / Kinsale Road Site) of the development plan which was adopted in 2019 changed the zoning of the subject site from “Light Industry and Related Uses” to “Residential, Local Services, and Institutional Uses” with the associated land use objective to protect and provide for residential uses, local services, institutional uses and civic uses, having regard to employment policies outlined in Chapter 3. It is noted that in general the planning authority welcome the redevelopment of the site and consider it to be in accordance with the zoning objective. I am satisfied that the proposed development, which comprises residential uses with some commercial / community uses is appropriate at this location and in accordance with the land use zoning objective.

10.3. ***Design and Layout***

10.3.1. The proposed scheme represents the comprehensive and significant redevelopment of a 3.39 ha brownfield with the south central suburbs of Cork city. The surrounding area is characterised by a large variety and mixture of uses comprises traditional suburban housing at Togher / Ballyphehane, retail warehousing, sports and recreational open space, warehousing with associated surface car parking and the Black Ash Park and Ride public transport facility at Mick Barry Road. To the north the site is bound by Tramore Road with the Musgrave Park sports complex located on the opposite side of the road. To the south and west it is bound by a convenience retail store and two large warehousing logistics complexes belonging to the Musgrave Group and Allied Foods and to the east it is bound by Kinsale Road.

10.3.2. The site is rectangular in shape. The northern portion of the site is generally level, while the southern portion gently slopes towards the south. Between 1995 and 2006 the site was occupied by creamery buildings associated with the operations of Cork

Milk Producers (CMP). In 2006 all buildings on site were demolished. The site is currently vacant and is used seasonally as the location for a fun fair (Funderland). The site largely comprises hardstanding, including the remnants of building foundations, as well as rubble, gravel, shrubbery, semi-mature and some mature trees and mature hedging growing along the boundaries of the site. Japanese Knotweed is present in the southern half of the site. An overhead 38 kV electricity power line traverses the southern section of the site in a south-westerly/north-easterly direction.

- 10.3.3. Concerns are raised by a third party that the scale of the development is out of character with the surrounding area. The proposed development comprises the construction of 609 no. residential units in 11 no. blocks (Buildings B, C, E, F, G, H, I, J, L, M, and N). The development also includes a 12th building comprising a single storey (100sqm) coffee kiosk. The residential units comprise 189no. 1-bed, 338no. 2-bed, 48no. 3-bed, and 34no. 4-bed. The buildings range in height from single storey to 15 storeys. The main vehicular access to the site is proposed via an existing signalised entrance on Tramore Road. The natural topography of the site has been utilised to provide an undercroft car park on the northern portion of the site. A secondary vehicular access is proposed from Kinsale Road, which would result in a 4-arm signalised junction with Kinsale Road and Mick Barry Road. The main north-south internal access road is provided along the sites western boundary which and allows for vehicular connectivity between the 2 no. accesses. The layout also includes additional pedestrian and cycle linkages onto Kinsale Road and Tramore Road and is designed to allow for future connectivity to adjacent sites to the south and east.
- 10.3.4. The proposed scheme is design around 3 no. character areas which are identified as areas of open space. These character areas generally sub-divide the scheme into a high-density northern portion (Town Plaza), a medium density central portion (Garden Court) and a lower density southern portion (Meadow Park). There is also a current application for a (7,767sqm) primary care centre ranging in height from 4 – 7 storeys with Cork City Council (Reg. Ref. 22/40906). This building would form an integral part of the proposed scheme and would provide direct frontage onto Tramore Road on the proposed Town Plaza.
- 10.3.5. Town Square (Character Area 1) is located in the northern portion of the site. It is bound by the proposed primary care centre and Building E which ranges from 6 – 15

storeys in height and includes non-residential uses at ground floor level including a gym, retail and café / restaurant uses and a single storey coffee kiosk. These buildings front directly onto a large hard landscaped plaza, which is provided over the undercroft car park. It is envisioned that this public plaza would be a key element of the scheme and would provide a meeting place / destination for the surrounding environs of Togher / Ballyphehane area. It is noted that the planning authority welcome the new “town centre” plaza as a new focal point for Tramore Road.

- 10.3.6. Garden Court (Character Area 2) consists of public open space in the centre of the scheme that contains an all-weather children’s play area and community facility. This area of open space is located to the south of Town Square. Due to the 3m level difference between the Town Plaza and Garden Court, access between the two areas is via steps. However, a less direct and accessible access is available from the sites eastern and western boundaries. Garden Court is bound by Buildings C, F, G and the single storey coffee kiosk. Building C and F are apartment buildings ranging in height from 6 - 9 storeys. Building G is a 3-storey duplex building. From Garden Court there is a pedestrian access to the central street to Meadow Park. The documentation submitted states it is anticipated that Garden Court would operate as communal open space for future residents.
- 10.3.7. Meadow Park (Character Area 3) is located in the southern portion of the site. This area is surrounded by 7 no. buildings and is formed by 2 no. distinct parkland areas, Upper Meadow and Lower Meadow which provide communal open space for the residential units. The Upper Meadow is bound by 6 – 7 storey apartment Buildings B and J and 3 storey duplex buildings H and I. Lower Meadow is generally characterised by 3 – 4 storey duplex buildings (Buildings I, M, N and L) which provide an active frontage onto the pocket park. Again, the documentation submitted states that Meadow Park would be semi-private, and it is anticipated that it would operate as communal open space for future residents.
- 10.3.8. Blocks C, B and L are located along the sites western boundary and have a north – south orientation. Blocks E, F, J and N are located along the site’s eastern boundary with Kinsale Road and also have a north- south orientation. Blocks G, H, I and M have an east – west orientation and are located between the perimeter blocks. The lower height and scale of Blocks G, H I and M also allows for daylight and sunlight to access

the areas of open space. I agree with the applicant and the planning authority that this layout provides a sense of enclosure within the different character areas. In my view there is a clear hierarchy and an appropriate variety in scale and height of the buildings, with the tallest building (Building E) located at the northern portion of the site at the junction of Kinsale Road and Tramore Road with a transition in height with the buildings of lower scale and height located at the site's southern boundary. The layout and orientation of the buildings also provide an appropriate urban edge to both Kinsale Road and Tramore Road. While it is acknowledged that this scheme would introduce a new feature in the skyline and change the character of the site from light industrial / warehousing to residential it is my opinion that the proposed scheme would help to create a distinct character for the site, which would aid with placemaking and legibility. Overall, it is my view that the form, massing and height of the blocks, the relationship between the blocks and the proposed the hierarchy of streets and open spaces results in a high quality and coherent urban scheme that would have a significant positive impact on the consolidation of the urban environment and the visual amenities of this area. It is noted that the planning authority welcome the development as the first mixed use and high-density development to be proposed in this area of the city and consider that it in combination with the primary care centre would provide a new mixed-use urban quarter. The planning authority also note that the redevelopment of this site will as a catalyst development for the new residential neighbourhood in this locality and that the development will make a significant contribution to addressing housing shortage in the city.

- 10.3.9. The predominate external finish is brick. The applicants Architectural Design Statement notes that the use of brick is reflective of the residential buildings in Cork city and is a feature throughout the city for the 19th and 20th Century. The central portions of the blocks also include a render finish. The applicant notes that the plaster finish would allow for variety of colour within the scheme to brighten the courtyard areas. It is stated that the specification of the plaster finish would ensure a high-quality hardwearing finish that would be easy to maintain as part of a facilities management and maintenance programme. The use of brick, which is a robust and durable material is welcomed. Having regard to the limited use of render on the internal elements of the building and its consideration by the applicant I have no objection in principle to its

use in this instance. However, it is recommended that a condition be attached that the final details of all external materials be agreed with the planning authority.

- 10.3.10. A Housing Quality Assessment (HQA) was submitted with the application. It is noted that the proposed units reach and exceed the minimum standards for room sizes as set out in the Apartment Guidelines. In addition, 65% of the apartment (485 no. units) and all of the duplex units would be dual aspect, which is in accordance with SPPR4(i) which allows for a minimum of 33% of units to be dual aspect in more central and accessible urban locations. I have no objection to the room sizes or percentage of dual aspect units and consider them appropriate at this site.
- 10.3.11. The proposed Buildings E and F would be BTR. SPPR 7 (b) of the Apartment Guidelines provides that BTR developments must be accompanied by detailed proposals for (i) resident support facilities and (ii) resident services and amenities. It is noted that Building E includes a 550sqm gym, a 218sqm retail unit and a 272sqm café at ground floor level and Building F incorporates a 289sqm creche, a 329sqm community lounge / town hall events room, an 83.5sqm cinema / media presentation room and a 78sqm co-working lounge / business centre. The provision of these non-residential uses at ground floor level immediately adjacent to the proposed town plaza is welcomed and in my opinion are appropriate for a scheme of this scale. In combination with the proposed primary care centre, it is my view that the proposed scheme would provide an appropriate mix of uses and active frontage on to Kinsale Road and Tramore Road and onto the proposed Town Plaza, which would support the creation of a destination / focal point for the surrounding area.
- 10.3.12. The site-specific Property Management Planning Submission Report submitted with the application indicates that all of the proposed non-residential uses within Buildings E and F would be available to the public. While I welcome the publicly accessible spaces within Buildings E and F, I have concerns that insufficient residential services and amenities have been provided to serve the BTR units. In particular, refuse stores, bicycle parking and post boxes are not considered sufficient internal residential amenity spaces to serve the proposed 257 no. BTR residential units. However, it is considered that this concern could be addressed by way of condition. Therefore, to ensure an appropriate level of internal residential amenity space for the BTR units, in

accordance with SPPR7 of the Apartment Guidelines, it is my view that if permission is being contemplated that units E01, E11 and E11 at first floor level of Block E, directly above the gym be omitted and replaced with internal residential amenity space (c. 550sqm) to serve the BTR units only.

- 10.3.13. The concerns of the third party that the proposed scheme is out of character with the area is noted. However, it is my view that the design approach is well considered and has regard to the site's urban context. The proposed development would result in the creation of a new high quality distinct urban quarter with wider benefits, such as the delivery of a significant quantum of housing and public open space. The redevelopment of this underutilised brownfield site is welcomed and represents a high-quality, contemporary scheme, which includes variety in height and scale that would positively contribute to the streetscape and the consolidation of the urban environment.

10.4. ***Quantum of Development***

- 10.4.1. The development has a density of c.180 units per ha. The planning authority raise no objection in principle to the proposed density and noted that Variation No. 6 of the development plan, adopted in 2019, accepted c. 400 units and a primary care centre on this site, which equates to a density of 125 units per hectare.
- 10.4.2. Objective 6.9 of the development plan aims to promote suitable densities to meet the needs outlined in the Core Strategy as set out in Chapter 16. Paragraph 16.12 of the plan states an appropriate density for any site will be determined by a wide range of factors including the presence or capacity of public transport, response to context, building height, conservation, amenity considerations, parking and ancillary facilities. In addition to the above, paragraphs 16.40 – 16.42 state that minimum densities in the suburban area should be 35-50 dwellings per ha. Densities of greater than 50 dwellings per hectare will normally require a mix of houses and apartments. In addition, higher densities (minimum of 50 units per ha) would be appropriate at certain locations including sites along bus routes (subject to constraints imposed by the character of the surrounding area); At larger development sites (>0.5 hectares in size, the size of a residential block) capable of generating and accommodating their own

character; and at major development areas and mixed-use areas (including the central areas, District, Neighbourhood and Local centres).

- 10.4.3. With regard to Objective 6.9 to promote sustainable densities to meet the needs outlined in the Core Strategy it is noted that Table 2.1 of the development plan sets out a population target of 150,000 up to 2022 for Cork city. This was a targeted increase of 30,770 persons from 2011 and equated to c.17,792 new residential units. The size of the administrative area of Cork City Council has increased since the development plan was adopted in 2011. Figure 2.6 of the draft development plan provides population trends and targets between 1990 – 2040 based on the current administrative area. It is noted that over the past 30 years Cork city has grown at a low rate of 2 – 5% from a population of 178,716 in 1991 to 210,853 in 2016. The draft development plan sets a growth rate target of between 9.9% - 17.4% between the period 2020 – 2040 with an estimated population for Cork city of 335,853 by 2040. Table 2.16 sets out a population target of 258,091 for Cork city by 2028 (lifetime of the plan), which is an increase of 47,238 from 2016. This population target equates to 17,800 new residential units. While it is noted that the development plan is still in draft form these figures are reflective of the targets set out in the National Planning Framework to provide an overall population in Cork city of 315,000 by 2040.
- 10.4.4. Table 2.15 of the draft development plan details construction activity in Cork city for the period 2019 – 2020. It indicates that in Q4 of 2020 commencement was underway on sites with planning permission to deliver over 3,173 new residential units. In addition, it notes that the city has capacity to deliver more than 5,200 additional residential units via live planning permissions not yet commenced. The draft development plan further states that measures are needed to ensure the housing market can deliver the housing stock required to meet these ambitious standards.
- 10.4.5. The Planning Support Report submitted with the application estimates that only 6,739 no. units have planning permission in the city area with no developments underway. The report further notes that there have been no private apartment developments schemes of scale developed since 2006 / 2007. The planning authority also acknowledge that there has been a limited delivery of apartments in Cork city, especially over the past 10-12 years and that there is an existing undersupply of new housing in the city.

- 10.4.6. It is noted that the figures provided in the draft development regarding previously approved and commenced residential units (8,373 no.) is slightly higher than the applicants figure of 6,739. Notwithstanding this, the total number of units falls far below the targets set out in the current development plan, of c.17,792 new residential units by 2022. Therefore, it is my view that the provision of 609 no. units with a density of 180 units per ha is in accordance with Objective 6.9 of the development plan to promote suitable densities to meet the needs outlined in the Core Strategy as set out in Chapter 16.
- 10.4.7. Paragraph 16.12 of the development plan states an appropriate density for any site will be determined by a wide range of factors. In assessing proposals for higher density, the following safeguards are considered relevant: the presence or capacity of public transport; vision for urban form; amenity considerations; parking; provision of ancillary accommodation; and regard to Sections 16.40 – 16.42 of the plan. In the interest of clarity these issues are addressed below:

Presence or capacity of public transport

- 10.4.8. The site is located c. 2km south of the city centre and is, therefore, highly accessible by walking and cycling. It is also well served by public transport in the form of bus. The nearest bus stop is located at the Black Ash Park and Ride c. 200m (5-minute walk) east of the site on Mick Barry Road. This stop is served by the 213 route which provides a link to the city centre. This route operates at a 7 min frequency in the peak periods and is, therefore, considered a high frequency service. Further details are available on www.buseireann.ie. Table 1 and Figure 12 of the applicants TTA outlines a number of additional bus routes (203, 206, 226, 219 and the 209a) all within a 20 min walk of the subject site. BusConnect proposals are outlined in Figure 1 of the applicants TTA. BusConnect services would be retained at Black Ash Park and Ride, with 3 no. BusConnect routes serving the N27 within 250m of the subject site and a new route along Kinsale Road, immediate east of the subject site, which would provide direct connectivity to the city centre. BusConnects also includes a southern orbital route on Pearse Road, c. 550m north of the subject site. Therefore, it is considered that the subject site is well served by high frequency public transport.

Vision for Urban Form

10.4.9. Vision for Urban Form is subdivided into 3 no. elements, in this regard appropriate response to context; acceptable building heights; and conservation. As outlined above in Section 10.3 it is my view that the proposed development would create a new high quality urban quarter that integrates with the urban streetscape of both Kinsale Road and Tramore Road. It is noted that the planning authority consider that the redevelopment of this site will act as a catalyst for the new residential neighbourhood in this locality. The issue of building height is addressed in detail in Section 10.5 below and I am satisfied that the proposed building heights are in accordance with the provisions of the development plan and provide a reasonable response to their context. The site is not located within or immediately adjacent to a conservation area. It is my view that the proposed scheme responds appropriately to its context and is significantly large to create its own character and is, therefore, in accordance with the vision for urban form requirements.

Amenity Considerations

10.4.10. Amenity Considerations are subdivided into 3 no. elements, in this regard overlooking, overshadowing, daylight and sunlight; provision of adequate external space; and provision of adequate internal space. Overlooking, overshadowing, daylight and sunlight issues have been addressed in detail below in Section 10.5. Having regard to the information submitted it is my view that the proposed development would have an insignificant impact on the surrounding commercial buildings with regard to overbearing, overlooking and overshadowing and no impact on any existing residential dwelling with regard to overlooking, overshadowing or overbearing impact. The provision of adequate external space references paragraphs 16.18 – 16.20 (public open space) and 16.64 – 16.69 (private open space) of the development plan. The issue of open space has been addressed in detail in Section 10.7 and as outlined I have no objection to the quantity or quality of the open space proposed. The provision of adequate internal space references Sections 16.52 – 16.53 of the development plan. This section of the plan relates to room sizes and internal dimensions as outlined in the Guidelines for Quality Housing for Sustainable Communities, 2007. The proposed scheme does not include any houses. As noted above in Section 10.3 the internal layout of the apartment reaches or exceeds the standards set out in the

Apartment Guidelines, 2020. Having regard to the above it is my view that the proposed scheme is in accordance with the Amenity Considerations outlined in the development plan.

Parking Considerations

10.4.11. The issue of car parking is addressed in detail in Section 10.9 below. It is my view that sufficient car parking has been provided to serve the proposed development.

Provision of Ancillary Facilities.

10.4.12. Building E includes a 550sqm gym, a 218sqm retail units and a 272sqm café at ground floor level and Building F a 289sqm creche, a 329sqm community lounge / town hall events room, an 83.5sqm cinema / media presentation room and a 78sqm co-working lounge / Business centre. The provision of these non-residential uses at ground floor level immediately adjacent to the proposed town plaza are welcomed. However, as noted above in Section 10.3, I have concerns that insufficient residential services and amenities have been provided to serve the BTR units in Blocks E and F, in accordance with SPPR7. However, it is considered that this concern could be addressed by way of condition to replace units E01, E11 and E11 at first floor level of Block E, directly above the gym with internal residential amenity space (c. 550sqm) to serve the BTR units only.

Sections 16.40 – 16.42

10.4.13. Sections 16.40 – 16.42 note that higher densities, with a minimum of 50 units per ha would be appropriate at other types of locations; including sites along bus routes (subject to constraints imposed by the character of the surrounding area); At larger development sites (>0.5 hectares in size) capable of generating and accommodating their own character; and at major development areas and mixed-use areas (including the central areas, District, Neighbourhood and Local centres). As noted above the site is well served by public transport. The site is also significantly large (3.39ha) and, therefore, capable of absorbing a high-density development and creating its own character. The site is not located within the city centre or at the site of a district, neighbourhood or local centre, however, it is located in the centre of a major development and mixed use. The surrounding area is characterised by a large variety

and mixture of uses comprises mature residential suburban housing, retail warehousing, sports and recreational open space, warehousing, and public transport facilities (Black Ash Park and Ride). Tramore Valley Park is located approximately 300m east of the site. Therefore, it is my view that the subject site is in accordance with the criteria of Section 16.41 of the development plan for increased density.

10.4.14. It is noted that a third party raised concerns that the proposed scheme would materially contravene the development plan with regard to density. However, having regard to the above it is my view that the proposed density is in accordance with the provisions of the development and is not a material contravention of Objective 6.9, paragraph 16.12 or paragraph 16.40 – 16.42. It is noted that planning authority raised no concerns regarding a material contravention with regard to density.

10.4.15. The proposed density should also be viewed in the changing context of Cork city. In this regard it is noted that there are a large number of planning permission within the city area that have been recently approved for schemes with increased densities. These include ABP-305779-19 for 201 no. BTR apartments with a density of 536 units per ha at Albert Quay, c. 2.2km north of the subject site. ABP-305278 for 302 no. apartments with density of 495 units per ha at Railway Street c. 2.4km north of the site. ABP305173-19 for 118 no. BTR apartments with a density of 454 units per ha at South Link Road c. 1.7km north of the site. In the context of the changing profile of the city environs it is my view the proposed site is capable of absorbing a high-density urban scheme and would make a positive contribution to the streetscape and support the consolidation of the urban area.

10.4.16. In addition to density, plot ratio is a tool to help control the bulk and mass of buildings and site coverage can prevent the adverse effects of overdevelopment. The scheme has a plot ratio of 1.8 and a site coverage of 26%. Paragraph 16.14 of the development plan sets out an indicative plot ratio range of 1.0 – 1.75 for Suburban Key Development Areas. Paragraph 16.16 further states that in some cases higher plot ratios may be permitted for example where sites adjoining major public transport termini and nodes along rapid transit corridors where an appropriate mix of commercial and residential is proposed; and to maintain townscape and building elevation profiles. The development plan does not set out standards for site coverage. The planning authority

note that the proposed plot ratio slightly exceeds the indicative plot ratio. However, given the significant site area of 3.39 ha, it is considered that there is capacity for an increased plot ratio for this proposal. I agree with the planning authority that the site is capable of accommodating a high-density development. In my view, the proposed density, plot ratio and site coverage are appropriate at this urban site. It is also noted that the plot ratio in the plan is indicative standard and does not relate to a policy of the plan. Therefore, the proposed plot ratio is not considered to be a material contravention.

- 10.4.17. While it is acknowledged that the quantum of development is significantly denser than the traditional housing estates in the south central suburban area of the city it is my view that the proposed development would reinforce that changing profile of the city and would significantly contribute towards consolidating the urban environment which is in accordance with Objectives 4, 13, 33 and 35 of the National Planning Framework, RPO 2 and RPO 10 of the Regional Spatial and Economic Strategy for the Southern Region and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, which support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.
- 10.4.18. Chapter 2 of the Design Standards for New Apartments Guidelines, 2020 also notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. The apartments guidelines identify accessible urban locations as sites within a reasonable walking distance (i.e. up to 10 minutes or 800 - 1,000m) to / from high capacity urban public transport stops, such as DART or Luas. Having regard to the site's urban location, proximity to high frequency public transport in this regard and proximity to employment centres and significant urban amenities, it is my opinion that the proposed development complies with national guidance and, therefore, is suitable for higher density.
- 10.4.19. In conclusion, having regard to the sites zoning objective, the significant delivery of residential and associated commercial / community uses in a compact form comprising well-designed, higher density units, on this prime underutilised urban site, the site's

size, its proximity to public transport and to the changing context of the city, it is my view that that the proposed quantum of development is appropriate in this instance and would be in accordance with the provisions of the development plan.

10.5. ***Building Height***

10.5.1. The scheme incorporates 12 no. buildings ranging in height from a single storey to 15 storeys. Paragraphs 16.25 – 16.38 of the development plan provide guidance on building height within the city. Paragraph 16.25 sets out 3 categories of building height. low rise buildings are identified as between 1 and 3 storeys. Therefore, Buildings G, H, I, L and M are considered low rise. Buildings between 4 and 9 storeys / less than 32 m are considered medium rise. Therefore, Buildings B, C, J, N and F are considered medium rise. Building E which ranges in height from 6 – 15 storeys are considered a tall building as it is over 32m in height. A third party raised concerns that the proposed building height would be a material contravention of the development plan.

10.5.2. Paragraph 16.27 states that in the suburban areas of the city (developed after 1920) low rise buildings will be considered appropriate except in the following areas:

- Major development areas identified in this development plan for which a local area plan or Development Brief will be prepared.
- Larger development sites – sites of greater than 0.5 hectares (or one residential block) which area capable of accommodating their own intrinsic character without having an adverse impact on their neighbours.

10.5.3. The subject site is located in the suburban area developed after 1920. The site is not identified as a major development area in a Local Area Plan or Development Brief. However, it is a larger development site. Therefore, in my view the medium buildings B, C, J, N and F and the taller building E would be considered in accordance with the provisions of the plan due to the size of the development site (3.39ha) and the surrounding urban context of the site, which in my view is capable of absorbing the proposed building height. In addition, paragraph 16.37 states that tall buildings will normally be appropriate where they are accessible to a high-quality public transport system. As outlined above the site is highly accessible by public transport in the form of bus. It is noted that there is a contradiction in the plan between paragraphs 16.27, 16.37 and 16.28. As paragraph 16.28 states: *“Buildings of between 3-5 storeys will be*

considered appropriate in principle in major development areas and larger development sites, subject to normal planning considerations. In exceptional circumstances local landmark buildings may be considered with a height of up to 20-23 metres (approximately 6-7 storey equivalent). Building heights greater than this will only be considered where specifically identified in a local area plan.” As the subject site is not identified in a local area plan as an area for a landmark building it would appear that it does not accord with this provision. However, as paragraph 16.28 does not relate to a policy of the plan it is my opinion that the proposed building height is not a material contravention and that the proposed building heights are generally in accordance with the provision of the plan. It is also noted that the planning authority have not raised any concerns regarding the material contravention of the development plan with regard to height.

10.5.4. The proposed blocks range in scale and height with a transition in height and scale from the lower density blocks in the southern portion of the site towards the higher density blocks in the northern portion of the site. The proposed variation in height throughout the scheme forms an integral part of the overall design approach with the tallest building (Building E) located at the junction of Tramore Road and Kinsale Road. In my view the location of this block at this junction provides an appropriate sense of arrival to the scheme and would be a positive contribution to the legibility of this new residential quarter within the urban context. The planning authority considered that the overall increases in building height are justified in the context of the transformational impact of the redevelopment of the site and the city architect considers that that the northern portion of the site is the more appropriate location for the tallest element of the scheme.

10.5.5. A Townscape and Visual Assessment forms part of the EIAR (Chapter 12) and Appendix 12.1 includes 22 no. verified views of the scheme, which provide a comparison of the existing site, the proposed development and the proposed development and the primary care facility. It is my view that the submitted photomontages provide a comprehensive and reasonable representation of how the proposed development would appear.

10.5.6. There are 5 no. categories used to classify sensitivity and magnitude of change, Very High, High, Medium, Low and Negligible. Details of these categories are provided

within Tables 12.1 and 12.2 of the EIAR. To classify the significant effects the magnitude of change is assessed against the sensitivity. There are 7 no. classifications of significance, these are imperceptible, not significant, slight, moderate, significant, very significant and profound. Table 12.7 of the applicant's assessment provides a summary of the visual impact (significance) of the development from the 22 no. viewpoints. Of the views assessed the applicant considers that the proposed development would constitute a significant intervention in the local suburban landscape which would change the character of the site and influence the character of the locality. It is noted that the proposed development would have a very significant visual effect from 1 no. viewpoint (view 2). This viewpoint is from Kinsale Road and the proposed development would block the view of the rural landscape / hills to the south. While the loss of the view is noted I agree with the applicant's assessment that the cumulative impact of this view is neutral as the proposed development would largely have a positive impact due to the current vacant nature of the site and the high quality of the scheme which would aid with placemaking and legibility.

- 10.5.7. With regard to the potential impact on short distance views it is acknowledged that the blocks would be highly visible when viewed directly from the site boundaries, surrounding streets and commercial premises and that the proposed height is significantly taller than the existing adjacent buildings and would introduce new features in the skyline. However, I agree with the findings of the applicant's assessment and consider that the proposed height would not significantly detract from the visual amenities of the area and would not be visually obtrusive. In my opinion the visual impact from short range views, would be generally positive due to the current vacant nature of the site, the high-quality contemporary design of the scheme and the transition in height with lower scale buildings located at the sites southern boundary and taller elements located at the northern boundary. It is also my view the proposed site is capable of absorbing a high-density urban scheme and that it would make a positive contribution to the streetscape.
- 10.5.8. With regard to the potential impact on medium and long-distance views, I also agree with the findings of the applicant's assessment that the scheme would generally have a medium to neutral impact. It is my view that due to the urban location and the

relatively large size (3.39ha) of the site it has the capacity to absorb the proposed height and scale of the blocks. The proposed height should also be viewed in the changing context of the city area. In this regard the following permissions for taller buildings are noted: ABP 308596-20 permission was granted for a mixed-use development including a 34-storey hotel at Custom House Quay c. 2.2km north of the subject site; ABP 305779-19 permission was granted for 201 no. BTR units in a building with a maximum height of 24 storeys at Albert Quay, c. 2.2km north of the subject site; ABP 301991-18 permission was granted for 423 no. apartments and a neighbourhood centre with a maximum height of 24 storey at Jacobs Island c. 5.4km east of the subject site; and ABP 305173-19 permission was granted for 118 no. BTR units with a maximum height of 17 storeys at South Link Road c. 1.7km north of the subject site. Having regard to the existing and approved building heights in the city it is my view that the proposed scheme would not be out of context and would have a minimal impact on the visual amenity of the environs when viewed from the middle- or long-distance views. In addition, it is noted that the proposed buildings do not impact or impede any protected views within the city.

10.5.9. In addition to the above, the Building Height Guidelines are intended “to set out the national planning policy guidelines on building heights in relation to urban areas, as defined by the census, building from the strategic policy framework set out in Project Ireland 2040 and the National Planning Framework”. It is further noted that statutory development plans have set generic maximum heights across their functional areas and if inflexibly or unreasonably applied “can undermine wider national policy objectives to provide more compact forms of urban development as outlined in the National Planning Framework and instead continue an unsustainable pattern of development whereby many of our cities and towns continue to grow outwards rather than consolidating and strengthening the existing built up area” . Section 2 refers to Building Heights and the Development Plan. It states that implementation of the National Planning Framework requires increased density, scale and height and requires more focus on reusing brownfield sites and building up urban infill sites, and of relevance those which may not have been built on before.

10.5.10. SPPR 1 of the Height Guidelines states that in accordance with Government policy to support increased building height and density in locations with good public transport

accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

10.5.11. I am of the opinion that this particular area can accommodate the increased height proposed and should not be subject to a 'blanket numerical limitation'. The design proposed has taken full account of its setting with the taller units located towards the northern portion of the site at the junction of Tramore Road and Kinsale Road. The number (609) of units proposed will assist in achieving national policy objectives for significantly increased housing delivery in an urban area with substantial amenities including locations with good public transport accessibility. Furthermore, having regard to the 3.39ha size and to the configuration of the site, it is considered to be able to accommodate increased heights and densities.

10.5.12. Section 3 of the Guidelines refers to the Development Management Process. It is noted that 'building heights must be generally increased in appropriate urban locations. In this respect the continuation of low-rise development is not an option in this location, simply because the prevailing heights are single to 3-storeys. The Guidelines continues to describe information that the applicant should submit to the Planning Authority to demonstrate that it satisfies certain criteria at the scale of the relevant city/town, at the scale of district/neighbourhood/street, and at the scale of the site/building. Taking each point in turn as detailed in this section 3.2 of the Guidelines with reference to the bullet points therein, I conclude:

Scale of Relevant city/town:

- Site is well served by public transport
- A Townscape and Visual assessment was carried out as part of the EIAR and has been addressed throughout the report. I am satisfied that there will not be an unacceptable impact.
- Proposal makes a positive contribution to place-making by virtue of new streets and public spaces within the 3.39ha site, using massing, scale, and height to achieve required densities but with sufficient variety and height as has been done with the range of block heights and it responds to the scale of adjoining

developments, with respect to the taller buildings being located towards the northern portion of the site the junction of Tramore Road and Kinsale Road.

Scale of district/neighbourhood/street:

- Design has responded to its overall natural and built environment and makes a positive contribution with the placement of parking below podium level at the northern portion of the site and the provision of significant areas of public open space and high-quality public realm including upgrades to the existing public footpath and cycle network.
- It is not monolithic – it is 12 blocks of varying heights and scales.
- It enhances a sense of scale and enclosure having regard to the passive surveillance as a result of the design.
- Enhances legibility with additional pedestrian / cycle routes through the site being made available from Tramore Road and Kinsale Road.
- It positively contributes to the mix of uses – the non-residential uses will be available to the wider community and there is a sufficient mix of typology - 1-, 2-, 3- and 4-bedroom units.

Scale of site/building:

- The Daylight and Sunlight Analysis and the Wind and Microclimate Study submitted demonstrate access to natural daylight, ventilation and views and minimise overshadowing and loss of light and has taken account of BRE documents.

10.5.13. The Specific Assessments required to support the proposal referred to in section 3.2 of the Guidelines include micro-climatic assessment, interaction with bird flight lines and/or collisions, telecommunications, air navigation, urban design statement, and relevant environmental assessments. These assessments have been carried out in the reports and EIAR submitted by the applicant.

10.5.14. It is noted that concerns are raised by a third party that the proposed development is not in compliance with the Building Height Guidelines. However, having regard to my assessment above which takes account of the documents submitted by the applicant, I am satisfied that the applicant has set out how the development proposal complies with the criteria SPPR 3 of the Building Height Guidelines.

10.5.15. In conclusion, it is my opinion that having regard to the setting of this site with respect to public transport, its size, and in particular the local infrastructure that it is a suitable location for increased height without giving rise to any significant adverse impacts in terms of daylight, sunlight, overlooking or visual impact and represents a reasonable response to its context. The high-quality design would also support the redevelopment of this underutilised brownfield site and the consolidation of the urban area, which is welcomed.

10.6. ***Housing Tenure and Unit Mix***

Housing Tenure

10.6.1. The proposed development comprises the construction of 609 no. residential units, 257 no. units in Buildings E and F are Build to Rent. The remaining 352 no. units are Build to Sell. Concerns raised by third parties regarding the provision of Build to Rent units as they are not conducive to sustainable neighbourhoods.

10.6.2. Chapter 5 of the Apartments Guidelines notes that *'a key aspect of the BTR is its potential to accelerate the delivery of new housing at a significantly great scale than at present'*. Therefore, the provision of a BTR development would deliver a higher volume of units for the private rental sector over a shorter timeframe. Having regard to government policy to provide more housing as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness additional housing units are welcomed.

10.6.3. Having regard to the site's location in close proximity to the city centre and large employment and education centres, services, and facilities and to public transport, it is my view that the proposed Build to Rent scheme is appropriate in this instance as it would provide an additional housing tenure in the wider area, which is professionally managed and would support the provision of long-term residents. It is noted that the planning authority raised no objection to the proposed tenure.

10.6.4. SPPR 7(a) of the Apartment Guidelines requires the submission of a proposed covenant or legal agreement to ensure the scheme remains as a BTR for at least 15 years, this has been prepared and an appropriate condition should be attached.

10.6.5. It is proposed to lease 122 no. units (50 no. 1-bed, 60 no. 2-bed and 12 no. 3-bed units) throughout the scheme for Part V. This equates to 20% of the proposed 609 no.

units. The quantity of units is in accordance with the provisions of the Affordable Housing Act, 2021 which requires that land purchased on or after the 1st of August 2021 or prior to September 2015 must have a 20% Part V requirement. In this regard at least half of the Part V provision must be used for social housing. The remainder can be used for affordable housing, which can be affordable purchase, cost rental or both. It is noted that the planning department and third parties raised no objection in this regard.

Housing Mix

- 10.6.6. The proposed development comprises 609 no. residential units a breakdown of 189 no. (31%) 1-bed, 338 no. (55%) 2-bed, 48 no. (8%) 3-bed, and 34 no. (6%) 4- bed dwellings. A third-party submission raised concerns that the proposed development materially contravenes the development plan with regard to housing mix. Objective 6.8: Housing Mix aims to encourage the establishment of sustainable residential communities by ensuring a mix of housing and apartment types, sizes and tenures is provided. The applicants Statement of Housing Mix notes that households are becoming smaller in size, with 61% of the city's population living in 1-person and 2-person households. It further states that 19% of the city's population live in apartments. It is my opinion that the proposed unit mix is in accordance with the provisions of Objective 6.8 of the development plan and I agree with the applicant that the proposed development would make a positive contribution to the mix of dwelling typologies by introducing apartments with a limited number of duplex unit to the city.
- 10.6.7. Paragraph 16.43 states that the provision of dwellings with 3 / 3+ bedrooms are very important to achieving balanced communities as they are attractive to families, providing they are of a sufficient size and accompanied by high quality amenities and infrastructure. Larger units are also flexible in that they can accommodate a variety of household types. It is my view that adequate provision has been made for family homes within the scheme which includes 82 no. 3 and 4 -bed units. It is noted that the planning authority raised no concerns regard the proposed housing mix.
- 10.6.8. Paragraph 16.44 states that Within Zone 3 all residential developments should comprise a mix of houses and apartments / duplexes to the size and distribution targets. While the proposed development does not include any traditional housing

units I am satisfied that an appropriate mix of units have been provided within the site having regard to the site's urban location and predominance of traditional 2-storey housing stock in the south central suburbs of cork city. It is also noted that paragraph 16.44 does not relate to a policy of the development plan, therefore it is my opinion that the unit mix is not a material contravention.

- 10.6.9. In addition, SPPR1 of the Apartment Guidelines states that for developments over 50 units housing developments may include up to 50% one-bedroom type units and there shall be no minimum requirement for apartments with three or more bedrooms. With regard to BTR schemes SPPR8(1) states that there shall be no restrictions on dwelling mix. Therefore, the proposed dwelling mix is considered to be in compliance with the Apartment Guidelines.

10.7. ***Open Space and Landscaping***

Public Open Space

- 10.7.1. Table 16.2 of the development provides guidance on public open space provision. A general provision of 10% of the site area is recommended. The proposed scheme incorporates 7,865sqm of ground floor level open space which equates to 23% of the site area, which is significantly in excess of the development plan standard. The documentation submitted states that open space would be provided in the Town Square (3,025sqm), Garden Court (1,650sqm), Upper Meadow Park (1,350sqm) and Lower Meadow Park (1,840sqm) which relates to the different character areas outlined above in Section 10.3. The Landscape Design Rational submitted with the application indicates that the Town Square would incorporate a central multifunction space for a café / market / exhibition / events etc, a piece of public art and a café seating area. In my opinion this area of public open space which includes high quality landscaping and finishes would provide an amenity for the wider area and as such it is recommended that a condition be attached to any grant of permission that public seating be made available within this area.
- 10.7.2. The Garden Court accommodates a neighbourhood play area, a multifunction community area / space and seating. It is noted that this area is connected by steps to the Town Square. Having regard to the topography of the site and the design of the scheme which incorporates and undercroft car parking area, it is my opinion that the

provision of steps at this location is unavoidable and to provide a sloped / ramped access would negatively impact on the design of the scheme. It is noted that a less direct accessible access is available between the Town Square and the Garden Court from the sites eastern and western elevations. Access to the Garden Court area is also available from the Kinsale Road via the proposed 'central street' entrance to the site. The Upper Meadow area accommodates a play space for older children and young teenagers and a separate play area for smaller children. The space also includes a multifunctioning community area and a lawn area. Lower Meadow incorporates a play area and a lawn area. These 4 no. areas of open space are connected by pathways. Ancillary open space equating to 4,610sqm is also provided throughout the scheme and is incorporated into the proposed upgrade of the public realm along Kinsale Road. I have no objection to the proposed quantity or quality of the proposed public open space.

Communal Open Space

- 10.7.3. The development plan does not provide any guidance on communal open space for the apartments. The Apartment Guidelines set out minimum areas of communal open space for apartment units, in this regard 5sqm for a 1-bed, 6sqm for a 2-bed (3 person), 7sqm for a 2-bed (4 person) and 9 sqm for a 3-bed. In my opinion there is a requirement to provide 3,357sqm of communal open space to serve the apartment units in (B, C, E, F, J and N). Having regard to the provision of private open space / gardens associated with the duplex units I am satisfied that there is no requirement for communal open space associated with these units (Buildings G, H, I, L, M and N). In the interest of clarity, it should be noted that Block N provides a combination of duplex units and apartments.
- 10.7.4. Buildings E and F are BTR blocks. The documentation states that 598sqm of communal open space is provided at roof top level to serve these apartment blocks.. The drawings indicate that it is proposed to provide a roof garden / communal open space at 7th floor level on the western elevation of Building E. Building E accommodates 115 no. units and in accordance with the standards set out in the Apartment Guidelines has a required to provide 763sqm of communal open space. It is also proposed to provide a roof garden / communal open space at 7th floor level on the western elevation of Building F. Building F accommodates 142 no. units and in

accordance with the standards set out in the Apartment Guidelines has a required to provide 912sqm of communal open space. I have no objection to the provision of roof top open spaces to serve these developments, however, having regard to the drawings submitted it would appear that the quantum of open space proposed at roof top level is sufficiently less than 589sqm. As indicated on drawing 33004 (Building E – Typical Floor Plan) the total communal open space is c. 77.5sqm. Having regard to the nature of the BTR units it is my opinion that high quality and quantity of communal open space is required to ensure a residential amenities of future occupants. As noted above, I also have concerns regarding the lack of internal residential amenity space to serve the BTR units. However, it is considered that this could be addressed by way of condition.

- 10.7.5. The documentation submitted indicates that 4,840sqm of semi-private space, the Garden Court (1,650sqm), Upper Meadow Park (1,350sqm) and Lower Meadow Park (1,840sqm) would be provided, and it is considered that this space would primarily function as communal open space for all future residents. In my opinion Upper Meadow Park (1,350sqm) and Lower Meadow Park (1,840sqm) located in the southern portion and lower density portion of the site should be reserved solely for the future residents of the scheme (all blocks) and provided as communal open space with appropriate boundary treatments. These spaces would result in c. 3,190sqm of communal open space, when combined with the proposed roof top terraces at Buildings E and F it is my view that the proposed provision of communal open space would generally comply with the recommended standard of 3,357sqm set out in the Apartment Guidelines. Having regard to the high quality public open space provision in combination with the proposed public realm improvements along Kinsale Road and Tramore Road it is my view that a sufficient quantum and quality of communal open space would be provided to ensure high standard of residential amenity to future occupants.
- 10.7.6. The recommended amendment would retain 4,675sqm of public open space within the scheme, in this regard Town Square (3,025sqm) and Garden Court (1,650sqm), which equates to c 14% of the total site area and is, therefore, in accordance with the development plan requirement of 10% of the site area to be provided as public open space.

10.7.7. The applicants Microclimatic Study indicates that that the proposed development would produce a high-quality environment that is attractive and comfortable for pedestrians of all categories and does not impact or give rise to negative or critical wind speed profiles. I am satisfied that the proposed layout would achieve a high-quality environment for the intended use and would not introduce any critical wind impact on the surrounding areas or existing buildings.

Private Open Space

10.7.8. In addition to the above, all of the residential units have individual private open space in accordance with the standards set out in the Apartment Guidelines, 2020.

Trees

10.7.9. An Arboricultural Report was submitted with the application. It is noted that this report was carried out for the applicant's overall landholding which includes the site of the proposed primary care centre to the north west of the subject site. There are currently 148 no. trees on site. The trees range in age from young (less than 15 years) to mature (150 years +). The majority of trees on the site are of low quality, Category C & U. There are 2 no. category A trees and 26 no. category B trees identified in the study area. However, it is noted that 1 no. category A tree and 1 no. category B tree are located outside of the subject site and within the site of the proposed primary care centre site. It is proposed to remove all existing trees from the site to accommodate the proposed development. To compensation for the loss a total of 505 no. new trees are proposed to be planted. The subject site is located in an urban area on zoned and serviced lands. It is my view that the proposed tree loss would be adequately compensated by the planting of 505 no. trees and the significant landscaping proposed within the areas of open space. The planning authority raised no objection in principle to the removal of the trees.

10.8. ***Residential Amenity***

Overlooking and Overbearing Impact

10.8.1. As noted above, the scheme comprises 11 no. urban blocks and a single storey coffee kiosk centred around areas of open space. The blocks range in height from single

storey to 15 storeys and vary in scale and massing to respond to the existing adjacent properties, with the taller block (Building E) located at the northern portion of the site.

10.8.2. The scheme is not immediately adjacent to any residential units, with the nearest residential property c. 170m to the west of the site on Tramore Road. The sites to the south and west of the scheme comprise light industrial and warehousing units. Having regard to the commercial nature of the surrounding uses and the transition in scale and height of the buildings, with the highest building located in the northeast corner of the site it is my opinion that the proposed scheme would not result in any undue overlooking or overbearing impact on existing properties.

10.8.3. The separation distances between the proposed blocks range from c.10m to 45m. The blocks have been designed to ensure there is no direct overlooking of windows or balconies. It is my opinion that the proposed separation distances between the blocks achieves a balance of protecting the residential amenities of future occupants from undue overlooking and overbearing impact and achieving high quality urban design, with attractive and well connected spaces that ensure a sense of enclosure and passive overlooking of public / communal spaces. In my view that proposed scheme would not result in undue overlooking or result in an overbearing impact between the blocks.

Daylight, Sunlight and Overshadowing

10.8.4. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing, and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of

that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

10.8.5. The applicant's assessment of daylight, sunlight and overshadowing relies on the standards in the following documents:

- BR 209 (2011) – Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (Second Edition) and
- BS 8206-2:2008 – Lighting for Buildings, Part 2: Code of Practice for Daylighting

10.8.6. I have considered the reports submitted by the applicant and have had regard to BR 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011), the BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK) I am satisfied that this document / updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines.

Internal Daylight and Sunlight

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

kitchen/living/dining layout. It does, however, state that where a room serves a dual purpose the higher ADF value should be applied.

10.8.8. The layout of the proposed units includes a combined kitchen/living/dining room. As these rooms serve more than one function the 2% ADF value was applied to the K/L/D rooms. The applicant has also assessed the development against the alternative 1.5% ADF. The assessment was carried out on a representative sample of units and includes a mix of unit sizes, floor levels and orientations. It is my view that this approach is acceptable and represents a reasonable representation of ADF for the proposed scheme.

10.8.9. The information provided in Appendix A indicates that 190 no combined K/L/D rooms and 353 no. bedroom were assessed. 81% (154 no.) K/L/D have a minimum ADF of 2% or more and 93% (328 no.) bedrooms have a minimum ADF of 1%. Overall, with regard to both LKD rooms and bedrooms, the scheme has an 87% compliance with the recommended target of 2% for LKD rooms and 1 % for bedrooms. Having regard to the information provided within the report a breakdown for the sample taken from each Block is as follows: -

Building	2% ADF K/L/D	1% ADF Bedroom	Total
Building B	96.5%	88.8%	91%
Building C	80.5%	84.1%	83%
Building E	78.1%	98%	91%
Building F	71%	85.8%	80%
Building J	90.9%	79.4%	84%
Building N	50%	100%	85%
Building M	50%	100%	88%
Building G	33%	100%	82%
Building H	33%	100%	82%
Building I	33%	100%	82%
Building L	50%	100%	88%

10.8.10. It is acknowledged that in a scheme of this nature it is significantly challenging for large open plan living / kitchen / dining rooms to achieve 2% ADF and do so would unduly

compromise the design / streetscape. The ADF for rooms is only one measure of the residential amenity that designers should consider in the design and layout, and to this end, I am satisfied that the applicant has endeavoured to maximise sunlight/daylight to the apartments and where possible achieve 2% ADF.

10.8.11. I note that Criteria 3.2 of the Building Height Guidelines states that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It is acknowledged in these Guidelines that, where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. The Board can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as an effective urban design and streetscape solution.

10.8.12. Section 4 of the report outlines how the scheme was developed having consideration to daylight and sunlight. It is noted that a series of iterative simulations and design workshops were completed to improve access to daylight in all units across the scheme. Section 6.2.3 provides compensatory design solutions, which includes significant (23% of the total site area) public open space, pop out living rooms and balconies, dual aspect units and the larger size of the units. As noted, there are some shortfalls in daylight provision within the scheme for kitchen/living/dining rooms. The full extent of the shortfalls of the 2% ADF can be ascertained from Appendix A of the Daylight, Sunlight and Overshadowing Study. I am satisfied that all of the rooms would receive adequate daylight and having regard to the need to develop sites such as these at an appropriate density, full compliance with BRE targets is rarely achieved, nor is it mandatory for an applicant to achieve full compliance with same. I am satisfied that adequate justification for non-compliance exists, and that the design and associated design solutions and alternative target is appropriate.

10.8.13. The BRE Guidelines also recommend that the centre of at least one window to a main living room can achieve 25% of An Annual Probable Sunlight Hours (APSH), including at least 5% in the winter months for relevant windows, in this regard relevant windows are windows orientated 90 degrees of due south. Section 5 of the assessment notes

that 75% of rooms reach or exceed the annual APSH target and 87% reach or exceed the winter APSH target. While no detailed numerical assessment has been provided the illustrations indicate that units on the applicable main living room windows would achieve good annual and winter APSH and appear reasonably well lit.

10.8.14. Having regard to the information submitted I am satisfied that all of the rooms within the scheme would receive adequate daylight and sunlight and that the shortfalls are not significant in number or magnitude. I would also note, that in urban schemes there are challenges in achieving the recommended standards in all instances, and to do so would unduly compromise the design / streetscape.

10.8.15. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. The report states that all proposed amenity spaces would be great that then BR209 target and Appendix A (A1.9) provides a breakdown of the percentage of the area in 8 no. areas of open space meeting the target. It is noted that the percentages range from 75% to 100%. An illustration of the amenity space is provided in Appendix A (A1.13). This indicates that the areas of open space provided within the scheme would receive good quality access to sunlight.

External Daylight, Sunlight and Overshadowing

10.8.16. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight.

10.8.17. The scheme is not immediately adjacent to any residential units, with the nearest residential property c. 170m to the west of the site on Tramore Road. No concerns were raised regarding overshadowing by third parties or the planning authority. An assessment on the impact of VSC on the surrounding buildings has been included in Appendix A (A2) of the applicant's report. The report does not state what surrounding

buildings are being assessed, however, it is assumed that it relates to the commercial building to the west of the site. Having regard to the commercial nature of the adjacent development and the information provided in the Daylight and Sunlight Analysis, it is my view that the proposed scheme would have an insignificant impact on the adjacent property. It is also my opinion that the scale, height and orientation of the blocks and the separation distances from the southern and western boundaries would not impede future residential developments of the adjacent sites.

Conclusion

10.8.18. As outlined above the proposed development does not achieve all of the standards set out in the BRE, with particular regard to the 2% ADF for some of the K/L/D rooms within the proposed scheme. The Building Height Guidelines state that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It is acknowledged in these Guidelines that, where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. The Board can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as urban regeneration and an effective urban design and streetscape solution. Throughout the Daylight and Sunlight Report the applicant has provided a clear rationale for alternative and compensatory design solutions. The information provided indicates that access to daylight and sunlight formed an integral part of the design approach and that the design team endeavoured to maximise sunlight/daylight within the scheme and ensure a minimal impact on existing adjacent properties.

10.8.19. While it is noted that the scheme does not achieve all recommended standards, it is considered that this development results in wider planning benefits, such as the delivery of a significant quantum of housing, connectivity through the site, a high quality public open space and the comprehensive development of an underutilised serviced site in the urban area, which would support the consolidation of the urban environment. Therefore, the shortfalls outlined above are considered acceptable in this instance.

10.9. ***Transportation and Car Parking***

- 10.9.1. The subject site is located c. 2km south of Cork city centre at the junction of Kinsale Road and Tramore Road. There is an existing access to the site from Tramore Road. The site is strategically located c. 500m north of the Kinsale Road roundabout which links the N40 Cork South Ring Road and the N27 South Link Road. Kinsale Road to the east of the site is an urban connector road which provides access from the south to the city centre. Mick Barry Road is a local connector which connects the Kinsale Road to the N27 and also provide access to Black Ash Park and Ride. Tramore Road to the north of the site is a local connector that serves the industrial and residential uses.
- 10.9.2. The Cork Metropolitan Area Transport Strategy 2040 (CMATS) was undertaken by the National Transport Authority, in conjunction with Cork City Council, Cork County Council and Transport Infrastructure Ireland and was completed in early 2020. It is considered that the location of the subject site will most likely benefit from improved levels of public transport accessibility / public transport service provision and proximity to the emerging cycle network.
- 10.9.3. In general, footpaths are provided on all roads within the vicinity of the site. However, a footpath is only available one side / the western side of Kinsale Road immediately adjacent to the site. It is also noted that the existing footpaths are narrow in particular on Tramore Road. There is also the Tramore River walking route which links Togher Community Park to Kinsale Road, c. 100m south of the subject site. It is noted that this route does not provide access to Tramore Valley Park. Dedicated cycle lanes are provided on Kinsale Road immediately adjacent to the site, on Tramore Road and on the majority of major routes in the vicinity of the site including the N27 (southbound). However, there is no cycle infrastructure on Mick Barry Road, and it is noted that existing cycle lanes are narrow and disjointed and in some instances in a state of disrepair. Significant improvement of the cycle network is proposed under the CMATS. Figure 11 of the applicants TTA indicates the proposed cycle network which includes a new primary cycling route along Kinsale Road, to the east of the site, which would provide continuous connectivity to the city centre. It is also proposed to provide a green route along the Tramore River, c. 100m south of the subject site which would link to Tramore Valley Park.

- 10.9.4. Concerns are raised by a third party that there is insufficient public transport infrastructure to accommodate the proposed development. In my opinion the site is well served by public transport in the form of bus. The nearest bus stop is located at the Black Ash Park and Ride c. 200m east of the site on Mick Barry Road. This stop is served by the 213 route which provides a link to the city centre. This route 7 min frequency in the peak periods. Table 1 and Figure 12 of the applicants TTA outlines a number of additional bus routes (203, 206, 226, 219 and the 209a) all within a 20 min walk of the subject site. Bus Connect proposals are outlined in Figure 1 of the applicants TTA. It is proposed that services would be retained at Black Ash Park and Ride with 3 no. Bus Connect routes serving the N27 within 250m of the subject site and a new route along Kinsale Road, immediate east of the subject site, which would provide direct connectivity to the city centre. It is noted that the scheme has been set back along Kinsale Road and that the report of the Infrastructure Development Directorate of the planning authority are satisfied that there is adequate provision for future Bus Connects infrastructure on the Kinsale Road and no concerns have been raised by the NTA in this regard. Bus Connects also includes a southern orbital route on Pearse Road, c. 550m north of the subject site.
- 10.9.5. Concerns are raised by third parties that the surrounding road network does not have the capacity to accommodate the proposed development. In order to estimate the likely volumes of traffic generated by the residential units within the proposed development the TRICS database were utilised. Modal share assumptions outlined in Section 6.3 of the TTA were applied to the TRICS figures. Full details for the phasing of the development, including the cumulative impact of the proposed Primary Care Centre are provided within Section 6 of the TTA. Table 29 indicates the scenario including all ancillary uses for the Opening Year + 15 (2040). In the final phase of development, it is estimated that the development would generate 114 no trips in the AM peak (53 no. arriving and 91 no. departing) and 174 no. trips in the PM peak (97 no. arriving and 77 no. departing). It is my opinion that the trips represent a reasonable estimate. In addition, as the creche and ancillary retail and commercial uses are likely to serve the proposed residential units, therefore, the proposed trip generation represents a worst-case scenario.

- 10.9.6. Due to the impact of covid restrictions the applicant utilised existing relevant historical traffic survey data publicly available from 2017 and 2019 and applied the TII growth rate to the figures. In my opinion due to the impact of covid restrictions the approach undertaken by the applicant is acceptable and the proposed baseline traffic provides a reasonable representation of baseline traffic on the surrounding road network.
- 10.9.7. The TTA assessed 5 no. junctions (1) Kinsale Road / Mick Barry Road (2) Kinsale Road / Tramore Road (3) Tramore Road Access (4) N27 / Mick Barry (5) N40 / N27 in the AM and PM peak for the Base Year (2022 - Traffic Analysis results), Opening Year (2025), Design Year +5 (2030) and Design Year +15 (2040). As a junction approaches values of 85% - 90% this typically indicates traffic congestion, with queues beginning to form. The lower figure (85%) is generally assigned to unsignalised junctions which rely on human behaviour while the higher figure (90%) is assigned to signalised junctions. The TTA notes that once the RFC is above 100% the modelling software produces results for queue lengths and delays that are unrepresentative of the actual or likely effects.
- 10.9.8. Junction 1 Kinsale Road / Mick Barry Road is a signalised junction and currently has three approaches. For purposes of analysis, it was assumed that the junction would operate as a four-armed junction, to include the proposed access to the site. This junction current works within with design capacity. The analysis indicates that by the Design Year 2040 all arms of the junction would continue to operate within capacity both in the AM and PM peak with maximum RFC of 81% on Kinsale Road.
- 10.9.9. Junction 2 Kinsale Road / Tramore Road is signalised junction. The baseline indicates that the Kinsale Road (S) reaches capacity in the AM peak with a RFC of 91%. It is noted that the proposed Bus Connects route through this junction would improve the capacity of the junction and increase the modal share in favour of public transport. However, for purposes of analysis the existing capacity of the junction was assumed. Having regard to the existing junction layout the analysis indicates that with or without the development 3 arms of the junction (Tramore Road and Kinsale Road north and south bound) would operate above capacity in both the AM and PM peak in 2025, 2030 and 2040. It is acknowledged that this junction is already operating above design capacity and would exceed capacity at 3 arms of the junction by 2025. It is my opinion that the traffic volumes are the norm with a busy urban area and that the proposed

development would have a negligible impact on the capacity of the surrounding road network.

- 10.9.10. Junction 3 Tramore Road Access is a priority junction. The analysis indicates that the junction would operate within capacity for all design years. Junction 4 N27 / Mick Barry is a signalised junction. The analysis indicates that all arms of this junction within capacity and would continue to do so with or without the development for all design years.
- 10.9.11. Junction 4 N40 / N27 is a major interchange of 2 no. national roads and also provides access to Kinsale Road. The analysis indicates that 3 arms (N27, N40 east and west bound) of this junction is already operating above capacity in the AM peak and 2 no. arms (N27 and N40 west bound) are operating above capacity in the PM peak. With or without the development all 4 arms of the junction would reach capacity by 2040 in the PM peak. This junction is already operating above design capacity and due to the limitations of the modelling software once the RFC is above 100% it produces results for queue lengths and delays that are unrepresentative of the actual or likely effects. Having regard to the information submitted it is my opinion that the proposed development would have an insignificant impact on the operation of this junction.
- 10.9.12. The concerns raised by the third-party regarding traffic congestion and the capacity of the surrounding road network are noted. However, it is my view that within any urban area a certain level of congestion is to be expected during peak times and the proposed traffic volumes on the road network are within the norms of a busy urban environment. While it is acknowledged that improvements to the surrounding road network could alleviate traffic congestion in the city, including the implementation of BusConnect and the objectives outlined in the CMATS, this is outside of the remit of this application and the proposed development is not reliant on them. Having regard to the sites zoning objective, its proximity to the city centre and public transport and overall national, regional, and local policy to consolidate the urban area, it is my view that the potential traffic generated by the proposed development is acceptable in this instance. The submissions from TII, NTA and the planning authority raised no objections to the impact of the proposed development on the capacity of the road network.

Road Safety

10.9.13. A Road Safety Audit (RSA) was submitted with the application and the recommendations have been incorporated into the current site layout design. The RSA notes that there have been a number of minor collisions in the general area between 2007 and 2016, which suggests that there may be an issue with speeding along Kinsale Road.

Car Parking

10.9.14. Table 16.8 of the Development Plan sets out the following maximum car parking standards. The subject site is located with Parking Zone 3. The table below sets out the development plan standard and the proposed provision.

Use	Development Plan Standard	Maximum Provision	Proposed Provision
1 and 2 bed residential units (527 no.)	(1 - 2 bed units): 1 space plus 0.25 spaces per unit for visitors	527 no. plus 132 no. visitor spaces	199 no.
3 and 3+ residential units (64 no.)	(3 – 3+ bed units): 2 spaces plus 0.25 spaces per unit for visitors	164 no. plus 21 no. visitor spaces	
Creche (63 no. children)	1 space per 6 students	10 no.	10 no.
Retail (218sqm)	1 space per 20 sqm	10 no.	-
Café (272 sqm)	1 space per 20sqm	11 no.	-
Gym (recreational use) (550sqm)	1 space per 50sqm	11	-
Total		886	209

10.9.15. Therefore, a maximum of 886 no. car parking spaces are permissible. It is proposed to provide 209 no. spaces. It is proposed that a car sharing company would have access to some car parking spaces located within the scheme. A third party raised

concerns that the proposed level of car parking would be a material contravention of the development plan. However, as the car parking standards are maximum standards it is my view that the proposed provision of 209 space is not a material contravention of the development plan.

- 10.9.16. The subject site is located c. 2km south of Cork City Centre which provides a wide range of employment, shopping facilities, restaurants, banks, hotels and other services and leisure facilities. The University College Cork (UCC) located c. north west 2km of and Cork Airport is located c. 3.5km south of the subject site. The applicants TTA notes that there are several local employment areas closer to the development site to the south and west including Tramore Commercial Park, Industrial Estates, and the South Ring West Business Park. The site is also served by a number of local shopping facilities. There is a supermarket c. 600m north of the site and a Centra located immediately to the south of the site. There are also many amenities within the vicinity of the site including the Tramore Valley Park, Musgrave Park and a variety of parks and sport fields within the residential areas to the west.
- 10.9.17. As outlined above the site is accessible by walking and cycling and is also well served by public transport in the form of bus. The nearest bus stop is located at the Black Ash Park and Ride c. 200m east of the site on Mick Barry Road. This stop is served by the 213 route which provides a link to the city centre. This route operates at a 7 min frequency in the peak periods and is, therefore, considered a high frequency service. Further details are available on www.buseireann.ie. Table 1 and Figure 12 of the applicants TTA outlines a number of additional bus routes (203, 206, 226, 219 and the 209a) all within a 20 min walk of the subject site. Bus Connect proposals are outlined in Figure 1 of the applicants TTA. It is proposed that services would be retained at Black Ash Park and Ride with 3 no. Bus Connect routes serving the N27 within 250m of the subject site and a new route along Kinsale Road, immediate east of the subject site, which would provide direct connectivity to the city centre. Bus Connects also includes a southern orbital route on Pearse Road, c. 550m north of the subject site. A Mobility Management Plan has been submitted with the application which notes that a plan coordinator would be appointed to ensure the implementation of the measures outlined in the plan.

10.9.18. In addition, SPPR8 (iii) the Apartments Guidelines states that there shall be a default of minimal or significantly reduced car parking provision for BRT developments. Having regard to the purpose built and professionally managed nature of the Buildings E and F, the sites urban location, its proximity to high frequency public transport in the form of bus I am satisfied that the provision of 209 no. car parking spaces is appropriate at this location to serve the proposed development and complies with the standards set out in the development plan and the Apartment Guidelines.

Cycle Parking

10.9.19. The documentation states that the scheme incorporates 1,145 no. bicycle parking spaces within 7 no. dedicated internal and covered external cycle stores. The site layout plan indicates 542 no. stacked bicycle spaces in Block E and 2 no. bike storage rooms (117sqm and 51sqm) in Block F, the proposed number of spaces within these storage areas is unclear. An additional 125 no. covered bicycle parking spaces are located at the site's western boundary and 68 no. covered bicycle spaces are located at the sites southern boundary adjacent to Building L. The submission from the NTA raised some concerns regarding the design, location, and access arrangements for cycle parking. I agree with the concerns raised by the NTA. While I have no objection in principle to the provision of stacked bicycle parking spaces it is my view that the design and size of the bicycle parking areas do not allow for the efficient and effect use of the spaces. I also agree with the concerns regarding the location of the spaces. In this regard all internal / private spaces appear to be located in the BTR Buildings E and F with the remaining spaces provided outside in sheltered areas. To support a modal shift in favour of cycling it is my view that cycle parking spaces should be available within each block or immediately adjacent to that block. I have particular concerns regarding the lack of dedicated cycle parking to serve the higher density Buildings B (90 units), C (116 no. units) and J (55 no. units). However, it is considered that this could be addressed by way of condition to provide dedicated cycle storage for these blocks. It is noted that this may result in the omission of a limited number of ground floor apartments in Blocks B, C and J to provide cycle parking or alternatively the loss of some car parking spaces or open space area. It is also my view that high quality secured, and sheltered visitor cycle parking spaces should be provided adjacent to the Town Plaza area in the north of the scheme. If permission is being

completed a condition should be attached that the final details of the design, location and access arrangements to the proposed cycle parking be agreed with the planning authority.

Connectivity

- 10.9.20. The submission from the NTA considers that there is a need for linkages between the proposed schemes design and access arrangements and bus-based public transport objectives and walking and cycling objectives as outlined in the CMATS in the surrounding area. Given the scale and density of the proposed development, the NTA also emphasise the need for provision of a high-quality public realm and associated high levels of walking/cycling permeability between the subject site and the surrounding area including the Tramore Valley Park.
- 10.9.21. The Black Ash Park and Ride facility is located on Mick Barry Road c. 200m east of the subject site. The scheme includes a new 3m wide footpath and 2m wide cycle route along its eastern boundary with Kinsale Road. There is an existing signalised crossing on at the Kinsale Road / Mick Barry Road junction. The proposed works include upgrades to this junction with a new 2m wide footpath along the southern side of Mick Barry Road, a pedestrian cross point at the junction of Mick Barry Road and Black Ash Road and another pedestrian cross at the junction of the access to the Park and Ride and Mick Barry Road. The 2 no. additional crossings and the proposed footpath and cycle routes are indicted in Drawing no. 252666-ARUP-22-XX-DR-CG-1001. The report from the Infrastructure Section of the planning authority notes that significant improvements in pedestrian safety have been made recently by Cork City Council in the vicinity of the Black Ash Park and Ride and the planning authority raised no concerns regarding pedestrian safety between the subject site and the Black Ash Park and Ride. I am satisfied that there is a continuous connectivity between the site and the park and ride facility and welcome the proposed improvements.
- 10.9.22. It is acknowledged that there is no continuous or direct connectivity between the site and Tramore Valley Park. The planning authority note that they are currently progressing plans to develop safe access to the park by means of a pedestrian / cycle bridge over the N27 or an alternative facility. It is considered that the timeline for the occupation of the proposed development and the provision of access to the Tramore

Valley Park are likely to be similar. While connectivity to the park is welcomed it is my view that the proposed development is not reliant on access to the parkland and as noted above, high quality and quantity of public, communal, and private open space have been provided within the scheme.

10.9.23. It is noted that the proposed scheme represents the first significant redevelopment of a brownfield site in this part of the city. The internal layout has been designed to allow for future vehicular and pedestrian / cycle connectivity to sites to the west and south, which is welcomed.

10.10. ***Water Services and Flood Risk***

10.10.1. The applicants Site Infrastructure Report notes that there is an existing public 600mm diameter combined sewer traversing the site in a west - east direction before ultimately draining away from the site in a north-easterly direction. Records indicate that there are 2 no. surface water outfalls into the Tramore River to the south of the site. These are understood to take surface water runoff from the roads and buildings located immediately north of the outfalls

10.10.2. The existing site is predominantly hardstanding. The site falls from north to south and the section of site immediately inside the southern boundary is subject to ponding water. It is proposed to construct a new dedicated surface water system which would discharge to the public network located at Kinsale Road and ultimately to the Tramore River. The proposed surface water strategy aims to reduce the discharge rates by restricting run-off from site to a greenfield runoff rate. Attenuation will be provided to cater for those instances where the runoff generated on site exceeds the restricted run-off rate and SuDS features would be incorporated into the design of the scheme.

10.10.3. The applicants report states that a CCTV survey of the network was carried and indicates that there is a blockage along the existing pipework upstream of the outfall. The applicant has stated that they have engaged with Cork City Council, and it is understood that the existing gullies in the vicinity of the pipework may not be adequately connected to the existing pipework. It is proposed that the pipe blockage will be remedied, and the existing gullies will be connected to the pipework as part of the proposed works the.

- 10.10.4. It is proposed to divert the existing sewer within the site to accommodate the proposed scheme and construct a new dedicated foul network. The submission from Irish Water notes that the applicant has engaged with Irish Water in relation to a proposed diversion of existing infrastructure (DIV21300) for which an assessment of feasibility has been completed and a Confirmation of Feasibility of a diversion has been issued to the applicant
- 10.10.5. It is proposed that all foul water from Block E in the northern section of the site would be discharge via gravity to the existing diverted combined sewer. The remaining buildings to the south cannot discharge to the combined sewer via gravity due to the topography of the site. Therefore, it is proposed to discharge to a centrally located pumping station which would discharge to the combined sewer. It is also proposed that any rainwater runoff from the under-croft car park would discharge to the foul water network. Irish Water raised no objection in principle, however, the submission states that the design of the pumping station shall be agreed with Irish Water as part of any connection agreement. It would appear from information submitted that it is the applicant's intention that the pumping station would be taken in charge by Irish Water.
- 10.10.6. There is existing potable watermain infrastructure located adjacent to the site within Kinsale Road (150mm diameter) and Tramore Road (200mm diameter). The submission from Irish Water notes that a connection can be made to the watermain on the Kinsale Road.
- 10.10.7. Having regard to the above, I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified. It is also noted that no concerns were raised by the planning authority or third parties regarding water services.

Flood Risk

- 10.10.8. The OPW maps indicate that the subject site is located within Flood Zone C. There is no record of historic flooding on the site. A Flood Risk Assessment was submitted with the application which states that the risk of fluvial flooding from the nearby Tramore River is considered to be low. The risk of pluvial flooding, tidal flooding and groundwater flooding is also considered to be low. In the event of a very extreme high-intensity rainfall event, the capacity of the drainage system for the proposed

development could be exceeded leading to surface water/ponding on the site. It is, therefore, proposed that the finished floor levels of the proposed buildings be elevated (c. 300mm) above the surrounding ground levels. In addition, the surrounding ground levels will be profiled to promote a flow of surface water away from the buildings towards areas or open space. Having regard to the sites location in Flood Zone C I am satisfied that the proposed development would not result in a potential flood risk within the site or to any adjoining sites and I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified. It is also noted that no concerns were raised by the planning authority or third parties regarding flood risk.

10.11. ***Impact on Aviation***

- 10.11.1. The subject site is located approx. 3.5km north of Cork Airport. Figure 3.7 of the Ballincollig Carrigaline Municipal District Local Area Plan 2017 identifies the airport public safety zones. It is noted that the subject site is located outside of any public safety zone relating to Cork Airport.
- 10.11.2. The LAP also sets out Obstacle Limitation Surfaces (OLS) which define the maximum allowable height of obstacles within the approach and take off areas of a runway, along the side of a runway strip and for a distance around the airport. Figure 3.8 of the LAP indicates that the subject site is located in the blue zone (within 15km of the airport). Within the blue zone there is no requirement for buildings below 90m to be referred to the Aviation Authority. The tallest building within the scheme, Building E is c. 50m in height, which is significantly below the standard set out in the LAP.
- 10.11.3. Notwithstanding this the submission from the IAA recommends that in the event of planning consent being granted, the applicant should be conditioned to contact the Irish Aviation Authority to agree appropriate aeronautical obstacle warning lighting and notify the Authority and Cork Airport of intention to commence crane operations with at least 30 days prior notification of their erection. Having regard to the submission from the IAA it is recommended that if permission is being contemplated that the condition be attached in this regard.

10.12. **Material Contravention**

10.12.1. The applicant's Material Contravention Statement submitted noted that the proposed development could be considered to materially contravene the Cork City Council Development Plan 2015 – 2021 with regard the following

- Building Height
- Density
- Dwelling Mix

Building Height

10.12.2. Paragraphs 16.25 – 16.38 provide guidance on building height within the city. Paragraph 16.27 states that in the suburban areas of the city (developed after 1920) low rise buildings will be considered appropriate except in the following areas:

- *Major development areas identified in this development plan for which a local area plan or Development Brief will be prepared*
- *Larger development sites – sites of greater than 0.5 hectares (or one residential block) which area capable of accommodating their own intrinsic character without having an adverse impact on their neighbours.*

10.12.3. It is noted that the site is not identified as a major development area in a Local Area Plan or Development Brief. However, it is a larger development site. Therefore, in my view the proposed taller buildings, i.e those above 3-storeys (Buildings B, C, E, F J, N) would be considered in accordance with the provisions of the development plan due to the size of the development site (3.39ha) and the surrounding context of the site, which in my view is capable of absorbing the proposed building height.

10.12.4. Paragraph 16.37 states that tall buildings will normally be appropriate where they are accessible to a high-quality public transport system. As outlined above the site is highly accessible by public transport in the form of bus. It is noted that there is a contradiction in the plan between Paragraphs 16.27, 16.37 and 16.28. As Paragraph 16.28 states: *“Buildings of between 3-5 storeys will be considered appropriate in principle in major development areas and larger development sites, subject to normal planning considerations. In exceptional circumstances local landmark buildings may be considered with a height of up to 20-23 metres (approximately 6-7 storey equivalent).*

Building heights greater than this will only be considered where specifically identified in a local area plan.” As the subject site is not identified in a local area plan as an area for a landmark building it would appear that it does not accord with this provision. However, as paragraph 16.28 does not relate to a policy of the plan it is my opinion that the proposed building height is not a material contravention and that the proposed building heights are generally in accordance with the provision of the plan. It is also noted that the planning authority have not raised any concerns regarding the material contravention of the development plan with regard to height.

Density

- 10.12.5. Objective 6.9 of the development plan aims to promote suitable densities to meet the needs outlined in the Core Strategy as set out in Chapter 16. Paragraph 16.12 of the plan states an appropriate density for any site will be determined by a wide range of factors including the presence or capacity of public transport, response to context, building height, conservation, amenity considerations, parking, and ancillary facilities. In addition to the above, paragraphs 16.40 – 16.42 state that minimum densities in the suburban area should be 35-50 dwellings per ha. Densities of greater than 50 dwellings per hectare will normally require a mix of houses and apartments. In addition, higher densities (minimum of 50 units per ha) would be appropriate at certain locations including sites along bus routes (subject to constraints imposed by the character of the surrounding area); At larger development sites (>0.5 hectares in size, the size of a residential block) capable of generating and accommodating their own character; and at major development areas and mixed-use areas (including the central areas, District, Neighbourhood and Local centres).
- 10.12.6. Having regard to the population targets set out in the development plan it is my view that the proposed density would support Objective 6.9 of the development plan to promote suitable densities to meet the needs outlined in the Core Strategy and, therefore, does not materially contravene Objective 6.9.
- 10.12.7. Paragraph 16.12 of the development plan states an appropriate density for any site will be determined by a wide range of factors. As outlined above it is my view that having regard to the criteria outlined in the development plan, which includes the presence or capacity of public transport; vision for urban form; amenity considerations;

parking; provision of ancillary accommodation; and regard to paragraphs 16.40 – 16.42 the proposed density is appropriate.

10.12.8. Sections 16.40 – 16.42 note that higher densities, with a minimum of 50 units per ha would be appropriate at other types of locations; including sites along bus routes (subject to constraints imposed by the character of the surrounding area); At larger development sites (>0.5 hectares in size, the size of a residential block) capable of generating and accommodating their own character; and at major development areas and mixed-use areas (including the central areas, District, Neighbourhood and Local centres). As noted above the site is well served by public transport. The site is also significantly large (3.39ha) and, therefore, capable of absorbing a high-density development and creating its own character. The site is not located within the city centre or at the site of a district, neighbourhood, or local centre, however, it is located in the centre of a major development and mixed use. The surrounding area is characterised by a large variety and mixture of uses comprises mature residential suburban housing, retail warehousing, sports and recreational open space, warehousing, and public transport facilities (Black Ash Park and Ride). Tramore Valley Park is located approximately 300m east of the site. Therefore, it is my view that the subject site is in accordance with the criteria of paragraphs 16.40 – 16.42 of the development plan and is, therefore, capable of absorbing increased density.

10.12.9. Having regard to the above it is my view that the proposed density is in accordance with the provisions of the development and is not a material contravention of Objective 6.9, paragraph 16.12, or paragraph 16.40 – 16.42. It is noted that planning authority raised no concerns regarding a material contravention with regard to density.

Dwelling Mix

10.12.10. Objective 6.8: Housing Mix aims to encourage the establishment of sustainable residential communities by ensuring a mix of housing and apartment types, sizes and tenures is provided. The proposed development comprises 609 no. residential units a breakdown of 189 no. (31%) 1-bed, 338 no. (55%) 2-bed, 48 no. (8%) 3-bed, and 34 no. (6%) 4- bed dwellings. it is my view that the proposed unit mix is in accordance with the provision of Objective 6.8.

10.12.11. Paragraph 16.43 states that the provision of dwellings with 3 / 3+ bedrooms are very important to achieving balanced communities as they are attractive to families, providing they are of a sufficient size and accompanied by high quality amenities and infrastructure. Larger units are also flexible in that they can accommodate a variety of household types. It is my view that adequate provision has been made for family homes within the scheme which includes 82 no. 3 and 4 -bed units. It is also noted that paragraph 16.43 does not relate to a policy of the development plan, therefore it is my opinion that the unit mix is not a material contravention.

10.12.12. Paragraph 16.44 states that Within Zone 3 all residential developments should comprise a mix of houses and apartments / duplexes to the size and distribution targets. While the proposed development does not include any traditional housing units I am satisfied that an appropriate mix of units have been provided within the site having regard to the site's urban location and predominance of traditional 2-storey housing stock in the south central suburbs of cork city. It is also noted that paragraph 16.44 does not relate to a policy of the development plan, therefore it is my opinion that the unit mix is not a material contravention.

Conclusion

10.12.13. As outlined above, I am satisfied that the proposed development does not materially contravene the Cork City Council Development Plan 2015 – 2021 with regard to Building Height, Density or Dwelling Mix.

11.0 **Environmental Impact Assessment (EIA)**

Environmental Impact Assessment Report

11.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project. The proposed development provides for 609 no. residential units and 1,976.5sqm of non-residential uses including creche, community facility, retail, and commercial uses on a site area of 3.39 ha. The site is located within the administrative area of Cork City Council. Concerns are raised by a third party that the submitted EIAR is inadequate and does not sufficiently assess the potential negative impacts on the environment. The specific concerns are addressed below.

- 11.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:
- Construction of more than 500 dwelling units
 - Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- 11.1.3. The current proposal is an urban development project that would be in the built-up area of a city but not in a business district. It is, therefore, within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and the submission of an environmental impact assessment report is mandatory because the scale of the proposed development exceeds 500 dwellings. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Table 1.3 List of Competent Experts describes the expertise of those involved in the preparation of the EIAR.
- 11.1.4. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air, and climate; (d) material assets, cultural heritage, and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.
- 11.1.5. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from Cork City Council, the prescribed bodies and members of the public which are

summarised in sections 7, 8 and 9 of this report above. Concerns are raised by a third party that the process provided for under the 2016 Act contravenes the requirements of the EIA Directive and the public participation requirements set out. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions. I note that a third party has raised issues concerning the various findings and conclusions of the EAIR and that they are flawed, particularly with regard to the assessment of population and human health and biodiversity. However, for the purposes of EIA, I am satisfied that the EIAR is suitably robust and contains the relevant levels of information and this is demonstrated throughout my overall assessment.

11.2. ***Vulnerability of Project to Major Accidents and/or Disaster***

- 11.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. The EIAR addresses this issue in Chapter 18 – Major Accidents and Disasters. I note that the development site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO. Therefore, this is not a source for potential for impacts. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. Chapter 14 Water of the EIAR address the issue of flooding. The site is not at risk of flooding as the proposed development will not have an impact on floodplain storage and conveyance. The likelihood of flooding is further minimised with adequate sizing of the on-site surface network and SuDS measures. Adequate attenuation and drainage have been provided for to account for increased rainfall in future years. The proposed development is primarily residential in nature and will not require large scale quantities of hazardous materials or fuels. I am satisfied that the proposed use is unlikely to be a risk of itself. Having regard to the sites zoning objective, its urban location, and the previous commercial use on the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

11.3. **Alternatives**

11.3.1. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;

Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

Chapter 3 of volume I of the EIAR notes that 8 no. alternative designs for the site were considered and developed by the Architects during the design process, with input from the overall project team. This involved a constantly evolving design whereby different solutions were constantly tested to establish the optimum design solution. The alternatives that were considered were largely restricted to variations in height, layout and building design, access, and open space arrangements. I am satisfied that the alternatives have been adequately explored for the purposes of the EIAR. In the prevailing circumstances the overall approach of the applicant is considered reasonable, and the requirements of the directive in this regard have been met.

11.4. **Consultations**

11.4.1. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions

11.5. **Likely Significant Direct and Indirect Effects**

The likely significant indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- Traffic and Transportation
- Air Quality and Climate
- Noise and Vibration
- Biodiversity
- Archaeology, Architectural and Cultural Heritage
- Townscape and Visual
- Land, Soil, Geology and Hydrogeology
- Water
- Resources and Waste Management
- Population and Human Health
- Material Assets
- Major Accident and Disaster
- Cumulative Interactive Effects
- Summary of Mitigation, Monitoring and Residual Effects

11.6. ***Traffic and Transportation***

11.6.1. Chapter 7 of the submitted EIAR deals with Traffic and Transportation. Third parties have raised concerns in relation the capacity of the surrounding road network, car parking and the adequacy of pedestrian and cycle infrastructure. From an environmental perspective, the EIAR addresses these aforementioned matters in detail alongside potential construction and cumulative impacts. My assessment of Transportation in Section 10.9 above also considers these matters and I refer the Board to same.

11.6.2. The subject site is accessed from the public road network. The modelling submitted indicates that Kinsale Road / Tramore Road signalised junction already reaches capacity in the AM peak, and the N40 / N27 junction also operates above capacity in the AM and PM peak. Both with and without the development these junctions would continue to operate above capacity in the peak periods.

- 11.6.3. Construction traffic on the surrounding road network would be less significant than the impact of the operational traffic. This impact would be confined to the duration of construction activity. Mitigation measures proposed for the construction stages of the development include a detailed Construction and Environmental Management Plan (CEMP), including a plan for the scheduling and management of construction traffic. In the operational phase, the development will incorporate several design elements intended to mitigate the impact of the development on the operation of the surrounding road network. No significant impacts are anticipated.
- 11.6.4. A Travel Plan Co-ordinator will be appointed for the proposed development, to assist future occupants and visitors in making the most of sustainable transport opportunities and in avoiding single-occupant car journeys. A residential car sharing club will also be established within the development, providing residents with an alternative to private car ownership.
- 11.6.5. Cumulative impacts were also assessed. Mitigation measures have been proposed. Overall, the proposed development is considered to permanently generate additional vehicles on the road network within the local vicinity, however, this impact is considered to be non-significant.
- 11.6.6. I have considered all of the written submissions made in relation to Traffic and Transportation. It is my view that within any urban area a certain level of congestion is to be expected during peak times and the proposed traffic volumes on the road network are within the norms of a busy urban environment and that the potential traffic generated by the proposed development is acceptable in this instance. The submissions from TII, NTA and the planning authority raised no objections to the impact of the proposed development on the capacity of the road network. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Traffic and Transportation.

11.7. ***Air Quality and Climate***

- 11.7.1. Air Quality and Climate Change are outlined in chapter 8 of the EIAR. The proposed development and associated open spaces would not accommodate activities that

would cause emissions that would be likely to have significant effects on air quality. There is a potential for dust emissions, engine exhaust emissions associated with construction vehicles and plant to occur during construction and odours from the construction phase, however, standard construction practices are proposed to mitigate against any potential negative impacts as set out in Chapter 20 of the EIAR. They are likely to be effective. It is therefore concluded that the proposed development is unlikely to have significant effects on air.

- 11.7.2. Asbestos Containing Materials (ACMs) were identified in a previous asbestos survey and during standard geo-environmental sampling undertaken as part of site investigation works at the proposed development site. A formal asbestos audit would be undertaken prior to any demolition and excavation works. It is likely that further instances of asbestos may be found on site during construction. It is possible that disturbance of ACMs on site could cause asbestos fibres to be released into the ambient environment. Due to the hazardous properties of asbestos all ACMs will be bagged, stored, and removed from site by licenced contractors. In addition, contaminated soils will be excavated, managed, and disposed of in full accordance with all relevant legislation and guidance, to ensure no significant risk to the population. Further details on the asbestos identified within soils has been described in Chapter 13 Land and Soils.
- 11.7.3. During construction, there is the potential for a number of greenhouse gas emissions to atmosphere. However, residential units will be constructed to high energy saving standards, the likely overall magnitude of the changes on climate in the operational stage of the proposed development is imperceptible. The impact of the proposed development on the climate would be negligible.
- 11.7.4. I am satisfied that the EIAR complies with all the relevant national and international requirements on climate change.
- 11.7.5. Cumulative impacts have been considered in conjunction with future and current developments in the vicinity of the subject site. It is predicted that due to the temporary nature of these projects and with the implantation of mitigation measures the impact on air quality from the construction phase would be low and short term. No cumulative impacts are predicted to arise from the operational phase.

11.7.6. I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

11.8. **Noise and Vibration**

11.8.1. Noise and Vibration are outlined in chapter 9 of the EIAR. The baseline noise environment at the proposed development site is characterised by noise generated by vehicles on the surrounding roads, as well as operations at the nearby commercial properties. A baseline noise survey was carried out at two locations within the subject site, and one location immediately south of the subject site on the 4th and 5th October 2021. The results indicate that noise levels on the subject site are generally relatively high across the site, which is to be expected at an urban location, adjacent to busy roads.

11.8.2. Noise and vibration will be generated during the construction phase as a result of site preparation and enabling works, demolition and removal of existing concrete, construction of site infrastructure, excavation of foundations and façade, fit-out and landscaping works. A noise assessment of the site preparation and construction works was carried out and concluded that the construction daytime noise limit of 70dB LAeq can typically be complied with for the scenarios assessed. This includes future residents of the initial phases of the development who would experience construction noise associated with the later phases of development. At the closest commercial receptors, the noise limit would be exceeded intermittently for a period of up to a month during the initial concrete breaking activity. This would be a temporary slight to moderate impact at these locations, associated with activity that is typical for large-scale urban development of this type.

11.8.3. No rock-breaking or blasting is predicted to be required for the construction of the proposed development, as all excavation will be in soils, and the piling will be bored. Vibration effects associated with construction activities are likely to be negligible to slight.

- 11.8.4. During the operational phase, noise sources include additional traffic, plant, and equipment. There would not be any significant adverse effects on noise from traffic associated with the construction or operation of the proposed development.
- 11.8.5. Mitigation measures and monitoring are described in Section 9.5 of the EIAR, with a focus on implementation on the control of construction activities to limit noise and vibration. Following the implementation of mitigation measures and compliance with limit values, no significant residual effects on the environment in terms of noise and vibration are envisaged.
- 11.8.6. Cumulative impacts have been considered in conjunction with future and current developments in the vicinity of the subject site. It is predicted that there would be no additional cumulative impacts on noise or vibration in the construction phase. In operation, the cumulative traffic generated by the operation of both developments will give rise to increases in traffic volumes on the neighbouring roads.
- 11.8.7. I have considered all of the written submissions made in relation to noise and vibration and I am satisfied with the level of information submitted and that construction impacts resulting from the proposed development are within acceptable limits and can be addressed by way of condition. I concur with the conclusions of the EIAR that following the implementation of the mitigation measures and compliance with limit values, there would be no significant effect on the environment in terms of noise and vibration.
- 11.9. ***Biodiversity with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC***
- 11.9.1. Chapter 10 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. It is noted that an Appropriate Assessment Screening Report and a Natura Impact Assessment were prepared as standalone documents. As assessed in section 13 below, the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.
- 11.9.2. A desk study was undertaken and included review of available ecological data within zone of influence. Ecological surveys were undertaken at the site 7th September 2021,

8th December 2021 and the 15th February 2022. The surveys included consideration of habitats, birds, mammals, and bats.

- 11.9.3. The development site can be described as highly modified with buildings and artificial surfaces with tree lines and scrub along the site's boundaries. Japanese Knotweed dominates large sections of the treelines and scrub. It is listed as alien invasive as per European Communities (Birds and Natural Habitats) Regulations 2011, SI 477 of 2011. There are no watercourses on or directly adjacent to the site, no bodies of open water or habitat which could be described as wetlands. There are no mature or overmature trees with roosting potential for bats. The habitats on the site have been evaluated as local importance of both lower and higher value.
- 11.9.4. *Flora*: No rare or protected plant species were recorded during the site survey and given the highly disturbed nature of habitats onsite, they are unlikely to occur. No habitats of significant ecological value will be affected by the proposed development and the habitat value of new habitats created by landscaping of the site will improve over time.
- 11.9.5. *Invasive Species*: Japanese Knotweed dominates an area of scrub within the proposed development site. Figure 10.5 of the EIAR outlines the locations of Japanese knotweed on the site. It is a highly invasive and non-native species. Buddleia (*Buddleja davidii*) and Himalayan Honeysuckle (*Leycesteria Formosa*) were also recorded in a scattered distribution throughout the site. Buddleia and Winter Heliotrope (*Arctostaphylos Luciana*) were recorded along the Mick Barry Road at the east of the site. Buddleia and Himalayan Honeysuckle are considered medium impact invasive species by the National Biodiversity Data Centre (NBDC). Winter Heliotrope is considered a low impact invasive species. These species are not included in the Third Schedule and, therefore, their presence at the site does not have the potential to lead to an offence under the Birds and Natural Habitats Regulations 2011 (S.I. 477 of 2011). However, the NBDC notes that under the right ecological conditions this species may have an impact on the conservation goals of a European site or impact on a water body achieving good/high ecological status under the Water Framework Directive (Directive 2000/60/EC). Buddleia and Winter Heliotrope are also included in the NRA Guidelines on the Management of Noxious Weeds and Non-native Species on National Roads (NRA 2010) as these species have been shown to have an adverse

impact on landscape quality, native biodiversity, or infrastructure; and are likely to be encountered during road schemes.

- 11.9.6. There is potential during the construction phase for invasive species to be spread outside the boundary of the proposed development, thus impacting negatively on adjoining habitats. However, any potential risks from invasive species would be managed during the construction phase and, therefore, there is no risk from the spread of invasive species during the operational phase has been identified.
- 11.9.7. *Bats*: There are no mature trees or buildings with the potential to be used as significant bat roosting sites within the boundary of the proposed development. The habitats which dominate the proposed development, in this regard recolonising bare ground and artificial surfaces are of low value for foraging bats. Treelines / scrub at the site's boundaries are likely to provide foraging routes for bats.
- 11.9.8. Bat surveys were carried out on the site on the 7 September 2020 and a survey was also carried out along the Tramore River, which is the closest habitat of potential value for bats. Relatively high levels of bat activity were recorded along the Tramore River which provides higher value habitat at a local level.
- 11.9.9. The proposed development site is of low to moderate foraging / commuting value for local populations of Common Pipistrelle and Leisler's Bat. No potential roosting habitat was recorded within the proposed development site or in immediate proximity to it. The treelines and scrub provide some foraging habitat for bats. However they are considered to be of low to moderate value for bats at a local level. There will be a net loss of small areas of foraging habitat as a result of the development. However, some long-term potential foraging habitat will be provided by landscape planting.
- 11.9.10. Overall, no potential roosting habitat will be affected by the proposed development and subject to the recommendations outlined in Section 10.5.1.6 the impact will be negative, slight, and long-term.
- 11.9.11. Concerns are raised by a third party that the proposed development could resulting in a collision hazard for bats. As noted above the site does not provide bat roosting sites and is of low to moderate foraging / commuting value for local populations and is not located on an obvious commuting route for bats. The third party has not submitted

evidence in relation to existence of flight paths. There is no reason to believe a bat would not fly over or around the proposed structures.

11.9.12. *Mammals*: The proposed development site is of negligible value for Otter. No evidence of Badgers was recorded during the site surveys and the habitats noted within the proposed development area are considered of negligible value for this species. The habitats noted within the proposed development site are also considered to be of negligible value for Hedgehog, Red Squirrel, Irish Hare, Irish Stoat and Sika Deer these species. The surrounding landscape is already subject to high levels of disturbance from traffic and human activity. Given the levels of disturbance within adjacent habitat the impacts on mammals are predicted to be negative, slight, and long-term.

11.9.13. *Birds*: The proposed development site is of a local importance (lower value) for terrestrial bird species that are relatively common in the Irish countryside. No species of high conservation status were recorded within the proposed development site.

11.9.14. During the construction phase common bird species will be displaced and are no longer likely to use the site. Given the availability of similar habitat in the immediate vicinity, birds are likely to readily breed and/or forage in nearby habitats. The landscape plan includes the planting of native trees and a wildflower meadow. The impact on common bird species is likely to be negative, slight, and long-term at a local level due disturbance and/or displacement during the operational phase.

11.9.15. Concerns are raised by a third party that the proposed development could resulting in a collision hazard for birds. The applicant addresses this concern in Section 10.4.4.5 of the EIAR and a review of bird-building collision risk has been included with the NIS. The proposed buildings range from 1 to 15 storeys in height with a maximum height of the buildings of up to c. 51.2me. The proposed development area does not provide high value habitat for rare bird species and is not located on an obvious commuting route which links high value habitats. The third party has not submitted evidence in relation to existence of flight paths. There is no reason to believe a bird would not fly over or around the proposed structures. The proposed development will not pose a significant risk to SCI species within the Cork Harbour SPA. The impact on birds due

to collision during operation will be localised negative, slight, and long-term at a local level.

11.9.16. *Other Species*: During the habitats survey no rare or notable species of invertebrate species were observed within the application site. Whilst no site is without invertebrate interest, it is considered unlikely, given the habitat types, that the proposed development site would support any protected invertebrate species.

11.9.17. *Reptiles and Amphibians*: There are no watercourses or wetland habitats within the proposed development site. Therefore, this site is of negligible value for reptiles and amphibian species.

11.9.18. Having regard to the present condition of the site, with no special concentrations of flora or fauna, I am satisfied that the development of the site and the proposed landscaping and planting provides greater benefits in terms of biodiversity. I draw the Boards attention to the AA section of my report (Section 12) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

11.10. ***Archaeology, Architectural and Cultural Heritage***

11.10.1. Chapter 11 of the EIAR considers archaeological, architectural heritage and cultural heritage. A desk-based assessment was carried out with a visit on the 4th August 2021.

11.10.2. The site is not indicated as a Zone of Archaeological Interest, or as a Site of Archaeological Interest and there are no recorded monuments within the site. The development site is situated 1.2km to the south of the Zone of Archaeological Potential for the historic city of Cork (CO074-034001). The closest RMP site is a graveyard (CO074-102) 500m to the north of the subject site. Table 11.1 of the EIAR lists Recorded Archaeological Monuments within 2km of the subject site.

11.10.3. Prior to the development of the CMP Dairy facility, a section of the Cork to Macroom railway line ran through the southern end of the site. The southern end of the site is currently under hardstanding. However, it is possible that some remnant remains of railway infrastructure may exist beneath the surface. Should railway infrastructure be

found it would be preserved by record. It is recommended that archaeological monitoring be carried out in this regard.

11.10.4. There are no protected structures or structures listed on the NIAH within the site. Table 11.2 of the EIAR lists recorded architectural structures within 1km of the subject site. The subject site is not located within an Architectural Conservation Area (ACA)

11.10.5. No significant cumulative impact has been identified. It is anticipated that there will be no operational impact on any recorded sites by the development.

11.10.6. The proposed development site has already been subjected to extensive ground reduction. I am satisfied that no significant adverse direct, indirect, or cumulative effects on archaeological, architectural heritage and cultural are likely to arise.

11.11. ***Townscape and Visual***

11.11.1. Chapter 12 outlines the landscape and the visual impacts that would arise from the development. Appendix 12.1 includes 22 no. verified views of the scheme. The environmental impacts from the proposed development are detailed in the EIAR, to avoid repetition and to be clear, I have assessed in detail the impact of the scale and height of the proposed development on the urban environs of the site from an urban design and planning context in the planning assessment of my report.

11.11.2. The lands are not recorded as a high value landscape but are located within an established urban area. The character of the local suburban landscape is mixed-use, with a high proportion of retail warehousing and significant road infrastructure (N27 South Link Road and the N40 South Ring Road). The proposed development site itself is considered to be of low value. However, the overall local landscape value is considered to be medium.

11.11.3. During the construction phase the site and immediate environs would be disturbed by construction activities and haulage and the incremental growth of the buildings on site, with indirect effects on the setting of the existing area. Such temporary negative townscape and visual effects are unavoidable and not unusual in the urban context where change is continuous.

11.11.4. The proposed development will constitute a significant intervention in the local suburban landscape which will change the character of the site and influence the character of the locality. The site is currently underutilised and of low visual quality. The context is already urban, therefore, the broad changes that would arise from the proposed development would not have a negative effect on the landscape. The layout of the site and positioning of higher buildings towards the northern portion of the site, at the junction of Kinsale Road and Tramore Road together with landscaping proposals and the provision of a new street network aim to minimise the visual impact of the development. While, the development would result in significant townscape impacts, due to its appreciable response to the context and to relevant policy its effects on townscape character can be considered positive.

11.11.5. Cumulative impacts have been considered in conjunction with future and current developments in the vicinity of the subject site. Cumulative effects in respect of the proposed Primary Care Centre site are found to be Medium and Neutral in quality. Cumulative effects in respect of distant city centre developments are found to be Negligible and Neutral in quality.

11.11.6. Third parties have raised concerns about the scale of the development is out of character with the area. I have considered all of the written submissions made in relation to landscape and visual impact and considered in detail the urban design and placemaking aspects of the proposed development in my planning assessment above. From an environmental impact perspective, I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of the layout and design of the proposed scheme, in particular the variation in height and scale of the buildings and the location of the taller building in the northern portion of the site at the junction of Kinsale Road and Tramore Road. It is also noted that the Planning Authority raised no objection to the visual impact of the scheme. I am, therefore, satisfied that the proposed development would have an acceptable direct, indirect, and cumulative effects on the landscape and on visual impact.

11.12. ***Land, Soils, Geology and Hydrogeology***

11.12.1. Chapter 13 of the EIAR deals with land, soil, geology, and hydrogeology of the site. Site visits were carried out on the 19th March and the 20th April 2021. A ground

investigation was carried out between March and May 2021 to collect geo-environmental information. Details of borehole logs are provided in Appendix 13.2. Additional hydrogeological ground investigation was carried out on the site in 2006. This information is provided in Appendix 13.3.

- 11.12.2. The EIAR states that artificial ground is located across the site. It is thicker in the east and south, where historic maps show that previously that there had been lower ground level. This suggests that soil was placed to build-up the ground level. The ground in the south contains more man-made material including plastic package from the old CMP dairy, construction, and demolition (C&D) waste and asbestos containing material. Environmental soil testing was carried out, of 50 no. samples taken 2 no. samples are classified as suitable for disposal to a hazardous landfill due to the presence of asbestos, 16 no. are classified as suitable for disposal to a non-hazardous landfill based on levels of heavy metals and 32 no. samples are classified as suitable for disposal to an inert landfill.
- 11.12.3. It is noted that asbestos contamination is present in soils in the south of the site. Once the foundations are constructed and contaminated soil removed, fill materials will be required to build up the site to the required levels, in addition further fill will be required for under hard and soft landscaping areas. Where the soil has suitable engineering properties made ground can be left in-situ under buildings where it poses no risk to site users. In addition, in the landscaped area such as the central court garden and open spaces between the buildings where soil is exposed the contaminated soil shall be covered by a geotextile a suitable thickness of clean soil to prevent site users coming into contact with contaminated soil.
- 11.12.4. During the 2021 ground investigations groundwater was observed. Groundwater was monitored during summer 2021 and the results are presented in Appendix 13.2. During the construction of the undercroft, foundations, site services and attenuation tanks it is estimated that approximately 45,920m³ of excavated material will be generated from the proposed development. Therefore, ground and subsoil will be excavated during the dig. The excavation will be above the groundwater level in the Regionally Important limestone aquifer. Hence no dewatering of the Regionally Important aquifer is anticipated. In addition, no perched groundwater was noted in that area, so the excavation is anticipated to be largely dry. Localised excavations will occur across the

site. Hence some localised dewatering from the made ground or shallow gravel maybe required during construction and to manage surface water or perched water ingress into excavations.

- 11.12.5. The proposed development would result in the loss of c. 3.39 Hectares of urban brownfield land, zoned for residential purposes. Given the character and extent of such land that would remain available in the overall region, this is not considered to be a significant effect. The proposed development would not require substantial changes in the levels of site. Excavation of existing fill, topsoil, subsoil, and bedrock will be required for some site levelling and for the installation of drainage and services (wastewater, water supply, electricity, etc.) infrastructure. Excess material, including any potentially contaminated material will be adequately classified and exported off site to suitably licenced landfill facilities. Following construction there will be no long-term significant impacts with respect to soils and geology of the site.
- 11.12.6. Storage and handling of materials will be carried out using best practice methods, which would remove potential pathways to ground. Measures to prevent subsoil erosion during excavation and reinstatement will be undertaken to prevent water quality impacts. It is therefore unlikely that the proposed development would have significant effects with respect to soil and land.
- 11.12.7. No cumulative impacts were identified during the construction or operational phase. With the implementation of the proposed mitigation measures outlined in Section 13.5.1 and monitoring during construction, the effect of the proposed development on land soil geology and hydrogeology is considered to be of negligible magnitude and imperceptible significance during construction phase. No residual effects of significance on land soil geology and hydrogeology were identified during the operational phase.
- 11.12.8. I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land, soils, geology, or hydrogeology.

11.13. **Water**

11.13.1. Chapter 14 of the EIAR deals with Water. My assessment of Water Services and Flood Risk in Section 10.10 above also considers these matters and I refer the Board to same. The site is highly modified. There are no watercourses within the proposed development site, however, the Tramore River runs approximately 100m south of the site boundary and flows eastwards to the Douglas River Estuary which subsequently flows to Lough Mahon in Cork Harbour.

Surface Water Drainage

11.13.2. There are two surface water outfalls into the Tramore River to the south of the site. These are understood to take surface water runoff from the roads and buildings located immediately north of the outfalls. It is proposed to construct a new dedicated surface water system to serve the proposed development. The intention is to discharge surface water off site to an existing surface water pipework located within Kinsale Road to the south of the site. This surface water drainage network ultimately outfalls to the Tramore River. A CCTV survey of this pipe was carried out which indicates a blockage along the existing pipework upstream of the outfall. From discussions with Cork City Council, it is understood that the existing gullies in the vicinity of the pipework may not be adequately connected to the existing pipework. It is intended that the pipe blockage will be remedied, and the existing gullies will be connected to the pipework.

11.13.3. A potential for an effect to arise during the construction of the proposed development from the emission of sediments or hydrocarbons to surface water. The potential for such effects arises in projects that involve building on urban infill sites. It is therefore commonplace. There are standard measures that are used to avoid such effects which are described in section 14.5 of the EIAR. The efficacy of such measures is established in practice. Subject to the implementation of those measures, the construction of the proposed development would be unlikely to have significant effects on the quality of water.

Foul Water Drainage

11.13.4. There is an existing Irish Water 600mm diameter combined sewer which enters the site from the west and exits to the east before ultimately draining away from the site in a north-easterly direction. A below-ground foul drainage network will be constructed to collect and convey all foul water generated by the proposed development. The existing 600mm diameter combined sewer will be diverted to accommodate the proposed buildings/site layout. It is proposed to discharge all foul water from Block E in the northern section of the site via gravity to the diverted combined sewer. The remaining buildings to the south cannot discharge to the combined sewer via gravity due to the topography of the site. As a result, it is proposed to discharge foul runoff from most of the site to a centrally located Pumping Station (PS). A rising main from the PS will discharge to the combined sewer. The proposed effluent generated by the scheme combined with the separation and attenuation of storm flows is predicted to have a minimal impact on the receiving infrastructure.

Water

11.13.5. There is existing potable watermain infrastructure located adjacent to the site within Kinsale Road (150mm diameter) and Tramore Road (200mm diameter). The submission from Irish Water notes that a connection can be made to the watermain on the Kinsale Road.

Flood Risk

11.13.6. The site is located on lands identified as flood zone C. A site specific Flood Risk Assessment (FRA) for the development has been submitted with the application. The risk of fluvial, tidal, pluvial and groundwater flooding to the site is low, based on the Flood Risk Assessment accompanying this EIAR (Appendix 14.1.) In addition, while one flooding event was recorded in December 2009 at the Tramore River (approximately 100m from the site), there are no historic flood events recorded within the proposed development site. The proposed development is not likely to have an impact on floodplain storage and conveyance and will not increase flood risk off site during the construction phase.

11.13.7. I have considered all of the written submissions made in relation to water and the relevant contents of the file including the EIAR. I am satisfied that subject to the implementation of the measures described in the EIAR the proposed development would not be likely to have a significant effect on water. With regard to cumulative impacts, no significant cumulative impacts on the water environment are anticipated.

11.14. ***Resource and Waste Management***

11.14.1. Chapter 15 considers resource and waste management impacts associated with the construction and operational phases of the proposed development and the potential impact that it may have on the receiving environment and on local and regional waste management infrastructure. This chapter is informed by the site-specific Construction and Demolition and Waste Management Plan and Operational Waste Management Plan submitted with the application.

11.14.2. The proposed development will require the demolition and removal of the existing concrete ground floor slabs and foundations along with carpark surfacing. Surface material removed from within the working area of the proposed development will be reused within the proposed development in so far as reasonably practicable. Where this is not practicable, the material will be transferred for recovery or disposal at appropriately authorised waste facilities in respect of which a waste permit or a waste licence is granted.

11.14.3. Construction works, site offices and temporary works facilities will require the use of resources and will generate construction waste. Where possible, waste materials arising from demolition and site clearance works will be reused within the proposed development. Where this is not practicable, the material will be transferred by licenced contractors for recovery or disposal to appropriately authorised waste facilities. An estimated maximum of approximately 45,920m³ of material will be excavated during the construction works for the proposed development. The vast majority of this material will be comprised of made ground and will be non-hazardous or inert. Any hazardous material will be dealt with in appropriate manner and removed to a suitably licenced off-site facility.

11.14.4. During the operational phase, waste will be generated from the residents, crèche, café and from transient users of the town square. Both hazardous and non-hazardous

wastes will be generated. All waste will be collected by licensed contractors and transported to permitted facilities. The implementation of the Operational Waste Management Plan will work to ensure that waste is managed in accordance with the waste hierarchy.

11.14.5. Following the implementation of mitigation measures, including the implementation of a Construction and Demolition Waste Management Plan and Operational Waste Management Plan, the residual impact of the proposed development on resources and waste management will be direct, slight, negative, and long-term.

11.14.6. I am satisfied that the EIAR has adequately assessed impacts and that the environmental impacts have been adequately detailed and appropriately mitigated against and that there are no significant permanent adverse impacts on resources or from waste management.

11.15. ***Population and Human Health***

11.15.1. Population and Human Health is addressed in Chapter 16 of the EIAR. The methodology for assessment is described as well as the receiving environment. Recent demographic and socio-economic trends are examined. The principal findings are that human population and job opportunities will increase as a result of the proposal.

11.15.2. Third parties have raised concerns that there is insufficient information to assess the impact on risk to human health. This chapter sets out the potential impacts on the population with regard to social considerations, traffic and accessibility, economic activity, land use and human health. I am satisfied that this provides an adequate basement for assessment with regard to the impact on population and human health.

11.15.3. *Social Consideration:* This phased construction strategy will allow completed residential and retail units to open and operate, while the subsequent construction phases occur. This will have a positive impact on the surrounding area, as the opening of these units will contribute to meeting the population demand for housing in Cork City, as efficiently as possible. The design of the proposed development was cognisant of the requirement to ensure that the proposed development does not reduce the quality of the public realm. No significant negative effects were identified upon

completion of a visual impact assessment. The proposed development will provide local amenity through the provision of retail units, gym, crèche, café, and public realm and indirectly support businesses in the area.

11.15.4. *Traffic and Accessibility:* The level of traffic generated during the construction phase of the proposed development has the potential to affect road users. In addition, due to the phasing of the proposed development, construction traffic will also impact the residents of the proposed development as subsequent Phases 2-4 are constructed. In the long-term, the proposed development will generate additional vehicles on the road network within the local vicinity, however this impact will not be significant.

11.15.5. *Economic Activity:* During the construction phase direct employment of a maximum of 250 employees will have a moderate positive effect on economic activity in the short term. In addition, to direct construction employment, the construction of the proposed development will require suppliers and materials which will have an indirect slight positive impact on construction suppliers and associated economic activity in the short term. The operation of the mixed-use retail and commercial development will lead to direct local employment opportunities and will also contribute to attracting new businesses and services to the area which would also benefit the wider community. The direct economic effect would be moderate, long-term, and positive.

11.15.6. *Land Use:* The site will have a temporary hoarding/security fencing during the construction phase for safety reasons. Hoarding/security fencing will block views of the area and alter the passive amenity available to local residents and passers-by. The operational phase of the proposed development will result in a change of land use.

11.15.7. *Human Health:* Human health could potentially be affected during the construction phase of the proposed development in relation to an increase in air pollutants (i.e. dust and asbestos), an increase in noise levels and a risk of major accidents. Due to the hazardous properties of asbestos all ACMs will be bagged, stored, and removed from site by licenced contractors. In addition, contaminated soils will be excavated, managed, and disposed of in full accordance with all relevant legislation and guidance, to ensure no significant risk to the population activity in the short term. With the implementation of suitable mitigation measures, no significant negative effects are

predicted. Overall, while subsequent construction phases are carried out, there will be potential short-term effects on the human health of residents on the site in terms of construction noise, odours, dust, and traffic.

11.15.8. No effects on human health are predicted during the operational phase.

11.15.9. Third parties have also raised concerns that this chapter is inadequate in that it fails to assess the impact of an increased population in the area on services in the area. I am satisfied that these concerns have been addressed as part of the scheme, which includes non-residential uses including a creche, retail and commercial uses and areas of public open space.

11.15.10. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects on population and human health.

11.16. ***The interaction between the above factors***

11.16.1. A specific section is provided in each chapter on interactions between the topic described and how it relates to and interacts with other chapters. Chapter 19 addresses Interactions and highlights those interactions which are considered to potentially be of a significant nature and Table 19.1 provides a matrix of interactions. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis.

11.16.2. The development is concluded in the EIAR to have no significant negative impact when mitigation measures are incorporated. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified

11.17. ***Cumulative Impacts***

11.17.1. Third parties have raised concerns that the EIAR does not adequately address the cumulative impact. Chapter 19 and each individual chapter provides an assessment of the cumulative impact of the development. I am satisfied that the EIAR has adequately addressed the cumulative impact.

11.17.2. The proposed development could occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ from that envisaged under the county development and local area plans which have been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the other provisions of the relevant plans and national policy. The proposed development is not likely to give rise to environmental effects that were not envisaged in the plans that were subject to SEA. It is, therefore, concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

11.18. ***Reasoned Conclusion on the Significant Effects***

11.18.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and third parties in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of underutilised brownfield land to residential use. Given the location of the site within the built up area of Cork city and the public need

for housing in the region, this effect would not have a significant negative impact on the environment.

- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the removal of potentially hazardous material from the site, and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- A positive effect on the streetscape as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

11.18.2. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in many of the individual EIAR chapters are satisfactory, I am satisfied with the information provided in relation to Townscape and Visual to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

12.0 **Appropriate Assessment**

12.1. ***Introduction***

12.1.1. The applicant has prepared a Report in Support of AA Screening Report and a Natura Impact Statement (NIS) as part of the application. The AA screening report concluded that potential impacts on The Cork Harbour SPA (Site Code 004030) may arise as a result of the proposed development, on this basis an NIS has been prepared. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

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

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

12.2.2. The applicant has submitted a Report in Support of Appropriate Assessment Screening and a Natura Impact Assessment. The report was prepared by Dixon Brosnan Environmental Consultants. The AA Screening report provides a description of the existing site, the proposed development, identifies and provides a brief description of European Sites within a possible zone of influence of the development (15km), an assessment of the potential impacts arising from the development and an assessment of potential in-combination effects. The AA screening report concludes that on the basis of objective information and in view of best scientific knowledge, the possibility of significant effects from the proposed project on a European site, Cork Harbour SPA, cannot be ruled out and, therefore, an NIS has been prepared.

12.2.3. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

12.3. ***Stage 1 AA Screening***

12.3.1. 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 is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

12.4. ***Brief Description of the Development***

12.4.1. The applicant provides a description of the project in Section 3 of the AA Screening Report. The development is also summarised in Section 3 of my report. In summary, the proposed development comprises the construction of 609 no. residential units and ancillary facilities arranged in 12 no. buildings (Buildings B, C, E, F, G, H, I, J, L, M, and N and a standalone 100sqm coffee kiosk) varying in height from 1 to 15 storeys. The proposed development will also include a 289sqm crèche, a 547.5sqm community hub facility, a 550sqm gym, a 218sqm retail unit, and a 272sqm café, 209 no. car parking spaces provided on surface and within an undercroft carpark, 1,145 no. bicycle parking spaces; and 21no. motorcycle spaces, open space, 5 no. ESB substations and 1no. ESB kiosk; plant; signage; new footpath and cycle lane along Kinsale Road; new access from Kinsale Road; an upgrade of the Kinsale Road/Mick Barry Road junction, an upgrade to the existing access from Tramore Road; a cycle lane on Tramore Road; public lighting; all site development works, including the demolition of existing hardstanding areas and all drainage works.

12.4.2. The site is located on a brownfield site on the southern edge of cork city within an area of mixed commercial, light industrial and residential developments. The site is currently hardstanding and was previously in use as a Milk Distribution Centre. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the

application site. The site is serviced by public water supply and surface water and foul drainage networks. The site generally falls from in north south direction with the northern portion of the site c. 6m higher than the southern portion.

12.5. **Submissions and Observations**

12.5.1. The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 8, 9 and 10 above. As outlined above, concerns were raised by a third party that the Screening for AA is insufficient and not based on appropriate scientific expertise The Board does not have sufficient and / or adequate information to carry out a complete AA Screening.

12.6. **Zone of Influence**

12.6.1. The proposed development is not located within or immediately adjacent to any European Site.

12.6.2. A third party raised concerns that the Zone of Influence was not reasoned or explained. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Sensitivity and location of ecological features.

12.6.3. The applicant considers that a source-pathway-receptor link exists between the subject site and the following European sites: -

- Cork Harbour SPA (004030) located c. 2.3km east of the subject site
- Great Island Channel SAC (001058) located c 9km east of the subject site.

12.6.4. These sites along with their qualifying interests are listed in Table 1 of the applicants AA Screening Report. In terms of Conservation Objectives for each site, it is noted that the most sites have generic conservation objectives, which seek to maintain or restore the favourable consideration condition of the habitat / species for which the site has been selected. Detailed conservation objectives are available on www.npws.ie and I refer the Board to same which seek to maintain and/or restore favourable conservation condition. The proposed development has no potential source pathway receptor connections to any other European Sites.

12.6.5. The Tramore River is located c. 100m south of the subject site. It is separated from the site by existing commercial buildings. The river flows in an west – east direction and has been highly modified and disturbed with significant sections of the channel culverted. No works are required at the existing outfall location on the Tramore River as the existing outfall pipe is sufficient to accommodate the proposed development. Therefore, there would be no direct impacts on the river during construction works. As this River flows to the Cork Harbour via the Douglas River Estuary and Lough Mahon (which forms part of Cork Harbour) there is an indirect hydrological link between the subject site and the Cork Harbour SPA (004030) and the Great Island Channel SAC (001058), which overlap. In addition, wastewater from the proposed development would discharge to the Cork City Wastewater Treatment Plant, which ultimately discharge into the waters of the Lough Mahon which sections overlap with that of the Cork Harbour. Therefore, there is a distant and indirect hydrological link between the subject site and the Cork Harbour SPA (004030) and the Great Island Channel SAC (001058). On this basis both these sites are subject to a more detailed Screening Assessment.

12.7. **Screening Assessment**

12.7.1. The Conservation Objectives and Qualifying Interests of the Cork Harbour SAC and the Great Island Channel are as follows:

Cork Harbour SPA (004030) - c. 2.3km from the subject site.

Conservation Objective – To maintain the favourable conservation condition of the species for which the SPA has been selected.

Qualifying Interests/Species of Conservation Interest: 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]

Great Island Channel SAC (001058) - c. 9km from the subject site.

Conservation Objective - To maintain and restore the favourable conservation condition of the habitats for which the SPA has been selected.

Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140], Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]

12.8. **Consideration of Impacts**

12.8.1. It is considered that there is nothing unique or particularly challenging about the proposed development, either at construction or operational phase.

12.8.2. It is proposed that attenuated surface water would run off to an existing outfall at the Tramore river c. 100m south of the site via storm sewers to be constructed as part of

the development. In general, the river is separated from the site by an urban area with a commercial unit. The stream flows in an eastward direction and is extensively culverted. This watercourse flows under and through urban lands before outflowing to Cork Harbour. The habitats and species of Natura 2000 sites in Cork Harbour are between 2.3km and 9km downstream of the site and water quality is not a target for the maintenance of any of the QI's within either the SAC or the SPA. surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites via the Tramore River. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the Cork Harbour via the Tramore River. During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Cork Harbour from surface water run off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Cork Harbour (dilution factor).

- 12.8.3. The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is not considered mitigation measures in the context of Appropriate Assessment.
- 12.8.4. The foul discharge from the proposed development would drain, via the public sewer, to the Cork City WWTP for treatment and ultimately discharge to Lough Mahon which flows to Cork Harbour. Therefore, there is potential for an interrupted and distant hydrological connection between the subject site and the Cork Harbour SPA and Great Island Channel SAC due to the wastewater pathway. It is noted that the Cork City WWTP is well within its design capacity. The proposed development would not comprise the operational capability of the WWTP. Therefore, the impacts from the

proposed development would be negligible given the current operating conditions at the WWTP.

- 12.8.5. A third party raised concerns in relation to bird flight paths and potential for collisions. No significant flight paths related to protected birds have been identified in this area and the third party has submitted no evidence in relation to existence of flight paths. There is no reason to believe a bird would not fly over or around the proposed structures.
- 12.8.6. Japanese Knotweed dominates an area of scrub within the proposed development site. This is a highly invasive and non-native species and under the right ecological conditions it may have an impact on the conservation goals of a European site. However, any potential risks from invasive species would be managed during the construction phase via standard pollution control measures that would be put in place. An invasive species management plan for the site has been prepared, and this is included as part of the EIAR. This outlines specific measures that will be taken to treat and manage the known infestation of Japanese Knotweed on the site, including herbicide treatment under the supervision of a qualified ecologist. Site investigations would be carried out prior to the commencement of works to determine if Knotweed species are still present and the degree of contamination. Detailed fencing and hygiene protocols would ensure that viable plant material will not be spread outside of its current distribution area. Following completion of works, monitoring and treatment protocols would be implemented to ensure any regrowth is effectively treated. These measures are standard practices and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. Having regard to the distant and interrupted hydrological connection to the qualifying interests of Natura 2000 sites in Cork Harbour I am satisfied that there is no risk from the spread of invasive species during the construction or operational phase of the development.
- 12.8.7. It is also noted that the subject site is identified for development through the land use policies of the Cork City Development Plan 2015 – 2021 (as extended). This statutory plan was adopted in 2015 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development is for a relatively small residential development providing for 609 no. units, on serviced lands on the edge of

the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water.

- 12.8.8. The site is located in an urban area and has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between the European sites and the proposed development site and the absence of relevant qualifying interests in the vicinity of the works.

12.9. ***Cumulative In-Combination Effects***

- 12.9.1. It is anticipated that there will be no predicted in-combination effects given the nature and scale of the proposed development and the distance to any European sites.

12.10. ***AA Screening Conclusion***

- 12.10.1. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which is located in the built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on the Cork Harbour SPA (004030) and the Great Island Channel SAC (001058) or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

- 12.10.2. I note the applicant submitted a Natura Impact Statement (NIS). I am of the opinion that the application of the precautionary principle in this instance represents an over-abundance of precaution and is unwarranted.

13.0 **Recommendation**

Having regard to the above assessment, I recommend that Section 9(4)(a) of the Act of 2016 be applied, and that permission is granted for the reasons and considerations and subject to the conditions set out below.

14.0 Reasons and Considerations

Having regard to

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Cork City Development Plan 2015 – 2021 (as extended)
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Southern Region;
- i. The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- n. Chief Executive's Report; and
- o. Submissions and observations received.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design,

height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Recommended Order

Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 25th day of February by Coakley O'Neill Town Planning Limited on behalf of Watfore Limited

Proposed Development: The proposed development comprises the construction of 609 no. residential units comprising 561 no. apartments and 48no. duplex units in 11 no. blocks (Buildings B, C, E, F, G, H, I, J, L, M, and N) and a single storey coffee kiosk. The residential units comprise 189no. 1-bed, 338no. 2-bed, 48no. 3-bed, and 34no. 4-bed. The buildings range in height from single storey to 15 storeys. All 257no. apartments (78no. 1-bed; 142no. 2-bed; and 37no.-3 bed) in Buildings E and F would be Build To Rent. Buildings E and F also include commercial and community facilities at ground level comprising a 289sqm crèche with ancillary outdoor play area, a 547.5sqm community hub facility a 550sqm gym, a 218sqm retail unit and a 272sqm café and these would be provided over under croft car parking. The remaining 352 no. units are Build to Sell.

The scheme includes the provision of internal and external amenities for residents and private, communal and public open space / landscaped areas. The scheme also includes 209no. shared car parking spaces, including EV charging points, 147no. spaces are provided in an under croft and 62no. surface spaces and 1,145 no. bicycle parking spaces provided within 7 no. dedicated internal and covered external cycle stores.

The works also include a new primary access off Kinsale Road at the junction with Mick Barry Road with upgrades to this junction, an upgrade to the existing access from Tramore Road and all internal roads through the site, as well as pedestrian access points, shared surfaces, pedestrian walkways and cycle paths throughout the site and all associated ancillary development works.

Decision:

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

Matters Considered

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

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

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Cork City Development Plan 2015 – 2021 (as extended)
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Southern Region;
- i. The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020;

- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- n. Chief Executive's Report;
- o. Inspector's Report; and
- p. Submissions and observations received.

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

Appropriate Assessment:

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required

Environmental Impact Assessment

The Board completed, in compliance with s.172 of the Planning and Development Act 2000, an Environmental Impact Assessment of the proposed development, taking into account: (a) The nature, scale and extent of the proposed development; (b) The

Environmental Impact Assessment Report and associated documentation submitted in support of the application, (c) The submissions from the applicant, planning authority, third parties and the prescribed bodies in the course of the application; and (d) The Planning Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

- Population and human health impacts mitigated by appropriate construction and operational management plans. Direct positive effects with regard to population and material assets due to the increase in population to help sustain and generate improvements to physical infrastructure in the area.
- Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices.
- Soils and geology impacts mitigated by construction management measures including removal of contaminated soil, minimal removal of topsoil and subsoil; management and maintenance of plant and machinery; dust suppression measures.
- Hydrology and Water Services impacts to be mitigated by management of surface water run-off during construction to prevent run off discharging directly into watercourses.
- Landscape and Visual impacts would be significant with a direct effect on land by the change in the use and appearance of a relatively large area of brownfield land to residential. Given the location of the site within the urban area and the public need for housing in the region, this effect would not have a significant negative impact on the environment.

- Cultural Heritage - Architectural Heritage would be mitigated by landscaping. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects on Cultural Heritage-Archaeology are likely to arise.
- Climate and Air Quality impacts mitigated by dust minimisation plan.
- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans
- Noise and Vibration impacts mitigated by adherence to requirements of relevant code of practice.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that the proposed development is compliant with the provisions of the Cork City Development Plan 2015 – 2021 (as extended) and would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 Conditions

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

in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 20 – Summary of Mitigation, Monitoring and Residual Effects, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. The proposed development shall be amended as follows: -

- a. Units E01, E11 and E11 at first floor level of Block E, directly above the gym shall be permanently omitted and replaced with internal residential amenity space (c. 550sqm) to serve the BTR units, Buildings E and F, only.
- b. Upper Meadow Park (1,350sqm) and Lower Meadow Park (1,840sqm) shall be reserved solely as communal open space for the future residents of the scheme (all blocks) and provided with appropriate boundary treatments.

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

Reason: In the interest of privacy and residential amenity

4. Prior to the commencement of development, the applicant shall contact the Irish Aviation Authority to ascertain their requirements with regard to appropriate aeronautical obstacle warning lighting.

Reason: In the interest of public safety.

5. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority details of additional visitor cycle

parking adjacent to the proposed town plaza and details of dedicated bicycle storage to serve residential of apartment Buildings B, C and J. Bicycle parking spaces shall be secure, sheltered and conveniently located. This may result in the omission of a number of ground floor apartments.

Reason: In the interest of encouraging the use of sustainable modes of transport and residential amenity

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

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

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

Reason: In the interests of orderly development and clarity.

8. The proposed render finish shall be omitted from the external materials. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

9. Details of signage relating to the creche, retail and commercial units shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

10. The boundary planting and public open space shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

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

11. Prior to commencement of development the applicant shall agree in writing with the Planning Authority the requirement for a piece of public art within the site. All works shall be at the applicant's expense.

Reason: In the interest of place making and visual amenity

12. Prior to commencement of development the applicant shall agree in writing with the Planning Authority the requirement for public seating be made available within the Town Plaza

Reason: In the interest of place making

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

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

14. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and to prevent inappropriate commuter parking.

15. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles

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

Reason: In the interests of amenity and public safety.

17. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.
- d) In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

18. No additional development shall take place above roof 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: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

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

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

20. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

21. The developer shall enter into water and wastewater connection agreement with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

22. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

23. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted

to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

24. 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, noise management measures and off-site disposal of construction/demolition waste.

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

25. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

26. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute

(other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

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

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

Elaine Power

Senior Planning Inspector

1st June 2022