



An
Bord
Pleanála

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

Inspector's Report ABP-313142-22

Strategic Housing Development

Demolition of existing structures on site and construction of 190 apartments, crèche and associated site works.

Location

Former Cork Warehouse Company Site, Monahan Road, Centre Park Road, Marquee Road, Co. Cork.
(www.Formercorkwarehouseshd.com)

Planning Authority

Cork City Council

Applicant

Tiznow Property Company Limited.

Prescribed Bodies

1. Irish Water.
2. The Minister for Housing, Local Government and Heritage
(Development Applications Unit)
3. The Heritage Council.

4. An Taisce.
5. National Transport Authority.
6. Transport Infrastructure Ireland
7. Irish Aviation Authority.
8. The Operator of Cork Airport.
9. Cork City Childcare Committee
10. The Minister of Education and Skills
11. Health and Safety Authority

Observer(s)

None.

Date of Site Inspection

24th May 2022.

Inspector

Stephen Rhys Thomas

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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. The application was made by Tiznow Property Company Limited (Comer Group Ireland) and received by the Board on 28th March 2022.

2.0 Site Location and Description

- 2.1. The subject site is located at the junctions of Centre Park Road and Monaghan Road and, in the South Docks area of Cork City. The site comprises about half of a large former industrial warehouse site, with a stated area of 1.06ha. The site is generally level and previous large warehouse structures have been substantially removed. The site is bounded to the northeast by Marquee Road which runs between Monaghan Road to the south and Centre Park Road to the north.
- 2.2. The site does not front directly onto Monaghan Road to the south and the intervening space comprises an open drainage channel and an area of currently overgrown open space. There is also an open drainage channel running along the inside of the frontage to Centre Park Road to the north, the channels are reflective of the historic reclaimed nature of lands in this area.
- 2.3. To the southwest of the site is a fuel storage site, understood to be no longer in operation. To the east of the Marquee Road is the former Ford Distribution Site which was the subject of a grant of planning permission for approx. 1,000 dwelling units and associated uses in 2020 (ABP-309059-20), currently occupied by a temporary event centre. Further to the east, lies Pairc Ui Chaomimh, a large sports stadium with associated parking and infrastructure. To the north, Centre Park Road continues to the river and provides access to the Marina Greenway and recreational area. The wider area is characterised by heavy industry and amenity space.

3.0 Proposed Strategic Housing Development

3.1. The proposed development on a total site of 1.06 hectares will consist of 190 residential units, in a building ranging in height from 1 to 12 storeys, the detail is as follows:

Parameter	Site Proposal
Application Site	1.06 hectares
Number of Units	190 apartment units
Density	179 units per hectare (gross) 244 units per hectare (net)
Dual Aspect	112 of all units (58.9%)
Other Uses	Crèche – 365 sqm – 43 children Retail – 233 sqm (2 units at 125 and 108 sqm) Café/restaurant – 231 sqm (3 units at 107, 95 and 29 sqm)
Public Open Space	0.1335 ha – 17.5% of the site (net)
Communal Open Space	0.1285 ha
Height	1-12 storeys
Parking	448 car parking spaces
Vehicular Access	Via the Marquee Road.
Part V	19 units

3.2. Housing Mix

Unit Type	1 bed	2 bed	3 bed	Total
Apartment	64	106	20	190
% of Total	34%	56%	10%	100%

3.3. The development also includes:

- Demolition of existing warehouse structures on the site,
- 3 café/restaurant units (total area 231 sq m),
- 2 retail units (233 sq m)
- Tenant amenity facilities (766 sq m) at ground floor level.
- Hard and soft landscaping, boundary treatments, public realm works on Marquee Road and Centre Park Road, car parking, bicycle stores and shelters, bin stores and signage
- Vehicular access will be provided via Marquee Road.

4.0 Planning History

4.1. Subject Site:

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

4.2. Nearby Sites:

ABP-313277-22 Demolition of existing structures, construction of 823 apartments, creche and associated site works. Decision Due 02/08/2022.

ABP-309059-20 Permission granted for a strategic housing development on lands at the Former Ford Distribution Site, on the opposite side of Marquee Road for approx. 1,000 apartments, childcare facilities and associated site works. Building heights range from four to fourteen storeys. Heights of 11-storeys generally front onto the proposed Monaghan's Road Extension and Marina Park. One fourteen-storey element is proposed in the southeastern corner of the site, at the junction of Marquee Road and Monaghan's Road.

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

5.0 Section 5 Pre Application Consultation

- 5.1. A section 5 pre-application consultation took place on the 26th November 2021 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-311470-21 refers. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

Relationship to School Site

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

- 5.2. The prospective applicant was advised that the following specific information was required with any application for permission:
1. The application should indicate how the development will positively address and interact with local site features, and should examine opportunities to improve the public realm at this location. Detailed plan and cross section drawings should be submitted in this regard, along with evidence of consent to any works or proposals within this area.

2. A revised surface water strategy to include: the collection, management, storage, and discharge of surface waters, including SUDS measures, which shall take account of the provisions of the Cork South Docks Levels Strategy. The strategy should include detailed proposals for the treatment, including any upgrading or realignment, of existing open drains and culverts within and adjoining the site.
3. Description of the design strategy for the public realm along Marquee Road, having regard to the planned role for this street within this area, including footpath width and interaction with ground floor commercial uses and projecting residential balconies.
4. Wind microclimate analysis and pedestrian comfort at ground level on and outside the site. Any required mitigation or other design measures arising from such assessment should be clearly described and assessed in the study.
5. Include a comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties, including permitted development to the east and the adjoining zoned school site to the southwest.
6. A detailed rationale for the proposed residential density and housing mix having regard to local and national policy documents.
7. A housing quality assessment (HQA).
8. The application should be accompanied by the following:
 - a) A Traffic and Transport Impact Assessment (TTIA), the scope of which should be discussed in advance with Cork City Council.
 - b) A report demonstrating compliance with the principles and specifications set out in DMURS and the National Cycle Manual.
 - c) A Parking Management Strategy and Mobility Management Plan.
 - d) A Quality Audit that includes: (i) Road Safety Audit, Access Audit, Walking Audit and Cycle Audit.
 - e) A Servicing and Operations Management Plan.
9. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) should also be submitted.

10. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, landscaping and paving, pathways, entrances and boundary treatments.
11. Identify and address any requirements arising from the presence of COMAH sites in the surrounding area.
12. Consider the presence of the underlying aquitard and describe the construction methodology proposed to ensure that this layer is not compromised as a result of the proposed development.
13. A Construction and Demolition Waste Management Plan and a Construction and Environmental Management Plan should be submitted.
14. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area.
15. All documents should be in a format which is searchable.
16. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

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

5.4. Applicant's Statement

- 5.4.1. Under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the applicant has submitted a statement of the proposals included in the application to address the issues set out in the notice, as follows:

Relationship to School Site

- 5.4.2. To begin the applicant states that the surrounding suburbs area are served by existing school infrastructure. Having regard to the changing demographics in these established residential areas, it is considered that they will have potential spare capacity in the coming years and demand should decrease. With reference to the site in particular, it is considered that any assumptions made in terms of school demand in the Urban Expansion Areas in the wider Metropolitan area will not necessary be the same in the Docklands.
- 5.4.3. Nevertheless, the applicant has engaged with the Department of Education (DoE), to establish the specific requirements for the delivery of educational facilities in the South Docklands. For the Docklands area, there is a potential need to deliver 6 primary schools and 3 post primary schools, this is the maximum number of schools required. There are 3 parcels of ZO 18 – School zoned lands identified in the Cork City Development Plan 2015 -2021, equating to 4.75 ha in total. After concluding discussions with the DoE, it was decided that the delivery of 2 primary schools (650 students each) up to five storeys in height on the adjoining lands to the west would be appropriate.
- 5.4.4. To ensure a good design relationship is maintained between sites, a public open space is located between the proposed creche and the boundary of the school zoned lands to allow parents and students to congregate safely at drop/off collection times. An indicative masterplan shows a designated access, drop off and car parking as required by the DoE.
- 5.4.5. The height, scale and massing of the proposed building reduces towards the west of the site to ensure an appropriate and balanced approach to the future school site is delivered. The reduction to part-3 to part-7 storeys along the western façade will

ensure that an acceptable transition to the delivery of a five storey school can be achieved. This is also integral to the Daylight, Sunlight and Overshadowing of the future school. The Daylight and Sunlight Analysis prepared by Arup has considered the future development potential of the lands to the west and conclude that the lands to the west will retain potential for good daylight and sunlight.

- 5.4.6. The potential for overlooking between the subject site and the school site has been considered and none anticipated that would not be expected in an urban area. The applicant concludes that the proposed development will not prejudice the future delivery of two primary schools on lands to the west.

6.0 Relevant Planning Policy

6.1. National and Regional Policy

6.1.1. National Planning Framework 2018-2040

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

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

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

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

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

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

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

6.1.2. **Housing for All - a New Housing Plan for Ireland** (September 2021)

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price
- built to a high standard and in the right place
- offering a high quality of life

6.1.3. **Rebuilding Ireland: Action Plan for Housing and Homelessness**

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

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

6.1.4. **Section 28 Ministerial Guidelines**

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the 'Sustainable Residential Development Guidelines').
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the 'Apartment Guidelines').

- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme
- The Regulation of Commercial Institutional Investment in Housing May 2021 Guidelines for Planning Authorities

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.

6.1.5. **Southern Region - Regional Spatial and Economic Strategy 2020**

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

RPO 10: Compact Growth in Metropolitan Areas

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

Cork MASP Policy Objective 1, includes

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

(iii) active land management initiatives to enable future infrastructure led expansion of the city and suburbs and

Cork MASP Policy Objective 2, includes

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

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

- d. East-West Light Rail Public Transport Corridor: From Mahon to Ballincollig via the City Centre. The corridor requires development consolidation at appropriate nodal points for a high-capacity service.
- f. Core Bus Network: A comprehensive network of high frequency bus services operating on a core radial and orbital bus network as provided for in CMATS.
- g. Delivery of the Cork City Centre Movement Strategy 2018-2024.
- i. Implement and further develop upon the Metropolitan Area Cycle Network Plan 2017, invest in infrastructure to support the integration of the cycle networks, improve and develop primary, secondary and feeder cycle networks.
- l. Other Strategic Road Priorities will include implementation of City Centre Movement Strategy, Cork Docklands and Tivoli Docks bridge (South Docks Eastern Gateway Bridge, Mill Road) and road infrastructure (South Docks and North Docks Roads, Tivoli Access).

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

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

Section 7.1 City Centre Consolidation and Regeneration, notes that the redevelopment of the North and South Docklands and Tivoli is one of the most significant urban regeneration schemes in Ireland. The City Council are seeking to regenerate the brownfield site as a sustainable, vibrant, mixed use socially inclusive

quarter, an extension of the city centre, capitalising on its waterside setting, access to city centre and public transport networks.

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

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

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

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

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

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

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

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

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

6.2. Local Planning Policy

6.2.1. Cork City Development Plan 2015 - 2021

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

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

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

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

Objective 5.1 Strategic Transport Objectives (include)

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

Objective 5.17 Additions to Local Street Network

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

Objective 13.25 identifies aims for the Docklands.

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

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

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

16.25 The following building height categories are identified:

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

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

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

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

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

6.2.2. Draft Cork City Development Plan 2022-2028

Cork City Council is currently in the process of preparing the Draft Cork City Development Plan 2022-2028. The Draft Plan is due to be adopted in June 2022 and come into force in August 2022.

6.3. Material Contravention Statement

- 6.3.1. The applicant has prepared a statement that states the proposed development materially contravenes the Cork City Development Plan 2015-2021 in respect of Social Housing, Plot Ratio, Height and Tall Buildings, Unit Mix, Unit Size, Dual Aspect, Stair Core and Private Open Space.
- 6.3.2. Social Housing - The proposed development is required to provide a 10 % Part V contribution in accordance with current legislation. Overall, the proposed development will provide 64 one bed, 106 two bed and 20 three bed units therefore 19 Part V units are proposed. Objective 6.3 of the Development Plan states: “To

require that 14% of units on all land zoned for residential uses (or for a mix of residential and other uses) to be reserved for the purpose of social housing and specialised housing needs. Each application subject to Part V requirements will be considered on an individual basis to the prior agreement of the Local Authority.” Given the Development Plan has been superseded by legislation the contravention of Objective 6.3 is justified notwithstanding the contravention of the development plan, having specific regard to Section 37(2)(b)(iii) and (iv) of the Act.

- 6.3.3. Plot Ratio - Table 16.1 of the Development Plan provides an indicative plot ratio standard of 1.5 – 2.5 for the Docklands (north and south docks). Based on the developable site area (7,785 sq m) the plot ratio of the proposed scheme is 2.69. The Development Plan recognises the limitations of plot ratio calculations stating that: “Plot ratio provides a useful indicator when considering the capacity of a development site and ascribing building volumes to be placed on a site and in determining the necessary infrastructure that will be required to service a development.” As plot ratio is an indicative measure, it follows that where site conditions allow, a higher plot ratio can be justified. There are no infrastructural constraints, development is pursued for the area and so it is evident that the plot ratio objectives conflict with the vision of Cork City Council, furthermore they contradict the aim to increase and promote suitable densities by imposing restraints on developments therefore Section 37(2)(b)(ii) of the Act is applicable in this regard. In addition, higher densities are sought for the Docks area and this would result in a higher plot ratio.
- 6.3.4. Height and Tall Buildings - The subject site is located on the south side (north-facing) of the south channel therefore a building height guide of 13-15 m and four storeys is applicable as per the extract from Table 16.3 of the Development Plan. The proposed scheme is part-1 to part-12 no. storeys with a height of 40.5 m. The lift overrun is 41.35 m. As per Section 16.25 of the Development Plan, the proposed development is classed as a ‘Tall Building’ and therefore the proposed height is considered to materially contravene both Table 16.3 and Objective 16.7 of the Development Plan. Numerous national policies are outlined in relation to increasing building height, notably the Building Height Guidelines. The conditions for increasing height at this location are listed, existing and planned public transport infrastructure

is noted and the rationale for height explained and similar heights have been permitted in the area.

6.3.5. Unit Mix - The proposed development therefore contravenes the development Plan in respect of the mix of units, as follows:

Unit Size	Percentage	Quantum	Development Plan Target
1 no. bed	33.7 %	64	Max 15 %
2 no. bed	55.8 %	106	Max 50 %
3 no. bed	10.5 %	20	Min 35 %
	100 %	190	

6.3.6 The proposed unit mix complies with the permitted mix of units sought by Specific Planning Policy Requirement 1 of the Apartment Guidelines, 2020. The Cork City Development Plan 2015 does not provide an evidence based HNDA for the South Docklands to dictate the mix of units needed to accommodate future population growth in this area.

6.3.7 Unit Size - The proposed development has been designed in accordance with the Apartment Guidelines, 2020 which set out standards below minimum standards.

Unit Size	Development Plan Standard	Apartment Guideline Standard
One bedroom	55 sq m	45 sq m
Two bedroom (three person)	80 sq m	63 sq m
Two bedroom (four person)	90 sq m	73 sq m
Three bedroom	100 sq m	6 sq m

6.3.8 The proposed development therefore contravenes the Development Plan in respect of the unit sizes. However, unit size can be justified because they are in line with national guidelines.

6.3.9 Dual Aspect - Section 16.51 of the Development Plan states that: “Dual aspect is a key quality of life issue and energy efficiency issue. Dual aspect provides for a more attractive, usable and adaptable living space, better views and also cross-ventilation and better sunlight/ daylight. The target is for 90% of apartments to be dual aspect. No single aspect apartments should be north facing.’ The proposed scheme provided 112 no. dual aspect apartments which represents 58.9% of the overall scheme. There are no north facing single aspect units. However, dual aspect ratio can be justified because they are in line with national guidelines.

6.3.10 Stair Core - In relation to stair and lift cores, the Development Plan stipulates that: “it is recommended that a maximum of 4 apartments per floor should be accessed from a lift/stair core in order to ensure a high quality of internal circulation space.” The layout of the proposed scheme exceeds the maximum of 4 units per floor per core therefore the proposed development contravenes the Development Plan in this respect. However, stair and lift provision can be justified because they are in line with national guidelines.

6.3.11 Private Open Space - Table 16.7 - Private Open Space Standards of the Cork City Development Plan 2015 -2021 sets out the minimum quantum of private open space for apartments and duplex units in the docklands. The proposed units have private open spaces ranging from 5 to 9 sq m. The proposed development has been designed in accordance with the Apartment Guidelines, as have other recently permitted developments to the east of the site.

7.0 Observer Submissions

7.1. None.

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 of 2016, was received by An Bord Pleanála on the 23rd May 2022. The report states the nature of the proposed development, the site location and description, planning history, submissions received and details the relevant Development Plan policies and objectives. A summary of the views of elected

members as expressed at a meeting held on 16th May 2022 is appended to the Chief Executive's Report and summarised below.

- Queried if the time frame of the permission could be restricted
- Expressed concern that the scheme would not be built
- Stated that the development was positive on the whole and a nice mix
- Asked if the new proposed Monahan Road extension would be running through the site and how it would impact the development
- Queried if 58 car parking spaces was enough
- Queried if there was enough open space and whether it was usable open space
- Queried if the site zoned for schools was being built on
- Asked if any of the apartments were 'Build to Rent'
- Asked for more detail of the Department of Education concerns

8.2. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) is summarised as follows.

8.2.1. **Site Zoning/Principle of the development**

The site is zoned "ZO 16 Mixed Use Development" with the objective to promote the development of mixed uses to ensure the creation of a vibrant urban area, working in tandem with the principles of sustainable development, transportation and self-sufficiency. A narrow strip along the southern portion of the site is zoned "ZO 14 Public open Space" with the objective to protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space areas for alternative purposes, including public open space within housing estates. In the context of the objectives and targets set by the NPF and RSES and given the zoning of the site, the proposal for 190 dwelling units is considered acceptable in principle.

8.2.2. **Masterplan**

A masterplan has been submitted that shows how the adjacent site to the east could accommodate schools buildings. It is noted that the Department of Education are not

satisfied that such an arrangement would suit their needs. A condition is suggested as follows:

4. Prior to commencement, the Applicant is requested to liaise with the Department of Education and submit a revised 'Indicative Schools' plan demonstrating how the proposed SHD scheme will not impact the viability of the neighbouring site zoned ZO 18 to deliver the required quantum of educational floorspace.

Reason: In the interest of proper planning and sustainable development.

In addition, a significant area of zoned open space and a watercourse runs along the southern boundary of the site and the current proposals do not take full advantage of the opportunity to provide high quality public open space in compliance with the zoning. This component of the scheme requires improvement together with further details required by the City Drainage Engineer.

8.2.3. Residential density

The density for this proposed development is 244 dph and the plot ratio is 2.69:1 and this exceeds the maximum density standards for the site in the adopted Cork City Development Plan 2015-2021. A density of 247 dph has already been permitted on the Former Ford site to east.

It should be noted that The Draft Cork City Development Plan 2022-2028, establishes a target density of 250dph for this site. However, the density targets for the City Docks in the Draft Plan can be considered to have a limited amount of weight in that they are not subject to Proposed Material Amendments and therefore benefit from Elected Member support. Increased densities beyond that indicated in the SDLAP and the CDP would exceed that which is considered necessary to support the proposed Light Rail Transit system (that being 200dph). However, it is considered that, having regard to the pattern of developments in the area, the precedent of previously approved developments, and taking cognisance of the National and Regional policy documents and Guidelines, should the Board be minded, permission could be granted for the proposed development under Section 37(2) of the Planning and Development Act (as amended).

8.2.4. Residential Standards and Mix

Most units meet or exceed minimum standards which is welcomed. It is noted that approximately 54% of units exceed the minimum standards by over 10% of floor area. All other standards in the 2020 Apartment guidelines are met and this is considered acceptable.

In terms of housing mix, the proposal does not meet the requirement for family living in the South Docks Area, South Docks LAP (now expired) section 4.5.1.3 refers. In addition, the Dwelling Size Mix targets set out in Table 10.6 of the Draft Cork City Development Plan 2022-2028, depart from that sought for the area and outlined in the HNDA. A condition is suggested to better include family type apartment units in the scheme:

3. Prior to commencement, the Applicant is requested to submit a revised set of plans showing a greater proportion of family units provided at lower floor levels with good levels of access to the communal space.

Reason: In the interest of proper planning and sustainable development.

8.2.5. Scale, height and visual impact

As the subject site has not been identified for a tall building, this would limit the building height to 'Medium-Rise' buildings which are defined in the current plan as being up to 9 storeys or less than 32 metres in height. The proposed development height ranges from 1-12 storeys (approximately 40m). The development therefore exceeds the 9-storeys / 32m limit on building heights at this location. Having considered applicant's rationale for taller buildings, it is considered that the applicant has put forward a robust justification for the proposed height of the building and it is satisfied that the tall building elements can be accommodated.

8.2.6. Design

In overall design terms the proposal is acceptable, however, issues remain in terms of ensuring the viability of the schools site to the west of the site.

8.2.7. Public Open Space

On site public open space meets with the requirements of the development plan, however, there are concerns with how the relationship with the school site will integrate successfully with the public open space proposed. As currently proposed, there are concerns with how the zoned public open space along the south and west

of the site will function and integrate successfully with future development beyond the red line, particularly given the relationship with the area zoned for a school and public open space. A set back of the southern building line by approximately 5m would result in a much-improved arrangement, allow for a nature-based treatment of the northern bank of the watercourse, an increased area of useable and attractive public open space, and encourage a better movement of pedestrians between Marquee Road westwards, a condition is suggested:

2. Prior to commencement, the Applicant is requested to submit a revised site layout plan, incorporating an amended interaction between the proposed development and the existing Monahan Road stream at its southern boundary, to provide a buffer zone, nature based treatment of the northern bank of the watercourse, increased provision of public open space and a more gradual interface between the development and the stream, in place of the 3.5m high hard edge proposed within the application documentation.

Full details, including elevational and sectional drawings, shall be submitted to, and agreed in writing with, the Planning Authority prior to development commencing.

8.2.8. Connectivity, Access and Traffic and Transportation

The proposed development will create a minor impact on overall traffic in the area, low amounts of car parking should be balanced by a mobility management plan and its full implementation. Standard and technical conditions are recommended.

8.2.9. Infrastructure

The proposed alignment of roads/streets is consistent with Cork City Councils proposed alignments and allows for the future envisaged road layout on Monahan Road, Centre Park Road, and Marquee Road to be delivered, standard and technical conditions recommended.

8.2.10. Site Services

Surface water proposals on the site are broadly acceptable subject to additional SuDS measures. In terms of flood risk, finished floor levels and flood defence heights as those proposed are in line with the South Docks Levels Strategy. The proposed mitigation in relation to groundwater and pluvial/surface flood risk are

noted and acceptable. In general terms, the proposals for the watercourse along the southern boundary are not acceptable and a change in design and approach is required.

8.2.11. **Landscape Strategy**

The landscape strategy on site is noted and conditions recommended.

Part V requirements noted, Childcare facility acceptable, Archaeology noted, Construction and Environmental Management Plan is noted, piling strategy noted and conditions recommended.

8.2.12. **Conclusion**

The planning authority support in principle the development of housing at this location and general and technical conditions are recommended (Appendix C). However, some outstanding issues remain

- The dwelling size mix is non-compliant with the HNDA and more family units should be included.
- The southern part the scheme requires adjustment and redesign to meet with the objectives of the open space zoning. In addition, the proposed channelization of the watercourse to the southern boundary of the site is not considered to be in accordance with the Inland Fisheries Ireland (IFI) guidance document entitled ‘Planning for Watercourses in the Urban Environment’.
- The ‘Indicative School’ scheme does not reflect the Department of Education’s forecasted quantum of educational floorspace required on the site to the immediate west. The buildings are too close and could present urban design challenges in the event that the schools are configured on the western and eastern sides of the “Schools” site.

Conditions are recommended in order to address the issues outlined above.

The planning authority is of the opinion that the proposed strategic housing development would be, generally, 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 Rebuilding Ireland and recommends that planning permission should be granted. However, the following should be noted:

- The scheme achieves a plot ratio of 2.7:1 and a density of 245dph. This exceeds the maximum density standards for the site in the adopted Cork City Development Plan 2015-2021 and the South Docks Local Area Plan. The Draft Cork City Development Plan 2022-2028 which is not a material consideration for this application, establishes a target density of 250dph for this site. In broad terms the target density is generally compliant with this proposed policy. The density targets for the City Docks in the Draft Plan can be considered to have a limited amount of weight in that they are not subject to Proposed Material Amendments and therefore benefit from Elected Member support.
- The proposed development height ranges from 1-12 storeys (approximately 40m), exceeding the 9-storeys / 32m limit on building heights at this location. The application is also accompanied by a detailed Design Statement, Sunlight and Daylight Assessment and Visual Impact Assessment. Having considered these detailed reports, it is considered that the applicant has put forward a robust justification for the proposed height of the building and it is satisfied that the tall building elements can be accommodated.

Noting the above, the proposed scheme may be considered to materially contravene the City Development Plan in terms of height.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant was advised to notify of the making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

1. Irish Water.
2. The Minister for Housing, Local Government and Heritage (Development Applications Unit).
3. The Heritage Council.
4. An Taisce.

5. National Transport Authority.
6. Transport Infrastructure Ireland.
7. Irish Aviation Authority.
8. The Operator of Cork Airport.
9. Cork City Childcare Committee.
10. The Minister of Education and Skills (Department of Education).
11. Health and Safety Authority.

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 28 March 2022. A summary of those prescribed bodies that made a submission are included as follows:

Irish Water (IW) – There is available capacity in IW networks for the proposed development, technical and standard conditions are recommended if permission is granted. Specifically, in order to accommodate the proposed connection, the delivery of a strategic project for the South Docks area is required. IW is progressing a project which will involve upgrading the water infrastructure to supply the wider South Docks area. The project is currently in design and engineering stage and has an estimated completion time of Q2 2023 (subject to change).

Department of Education (DoE) – the Department notes the anticipated growth in population for the Docks area and the consequences for primary and secondary school provision. Three sites have been identified for the area and specifically Site 2 Canal Walk (North) [part of former Goulding site] in the area of 1.5 Ha, is located adjacent to the development site. There has been a lengthy period of engagement with the planning authority and most recently with the applicant in terms of the importance of these school sites and the future educational needs they will supply. The site area, the need for up to three schools on this site (1 post-primary and 2 primary), and the urban context means a new school model of design is required. It is in this context that the Department are fearful that the proposed development could prejudice the reasonable future development of schools site 2.

The proposed residential development should be refused permission or redesigned to ensure the proper development of the school site. If not refused permission, the development should establish an acceptable building line for the school site

development no greater than 20m off the nearest point of the proposed apartment buildings and to anticipate school building height of up to six storeys residential height.

Health and Safety Authority (HSA) - The development is outside the outer zone for the lower tier COMAH establishment, Gouldings Chemicals at Centre Park Road. The HSA do not advise against the granting of planning permission in the context of Major Accident Hazards.

Irish Aviation Authority (IAA) - The applicant / developer should engage with Cork Airport and the Irish Aviation Authority's Air Navigation Service Provider to undertake a preliminary assessment to review the potential impact of the proposed development (and any associated cranes necessitated during construction) on instrument flight procedures and the communications, navigation and surveillance equipment at Cork Airport. In the event of planning consent being granted, the applicant should be conditioned to provide at least 30 days notification of any proposed crane operations to Cork Airport and the IAA.

Transport Infrastructure Ireland (TII) – have no comments, other than future LRT, Metro and BRT alignments are a matter for the NTA.

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 the proposed development in the context of the statutory development plan. My assessment also focuses on national policy, regional policy and the relevant section 28 guidelines. In addition, the assessment considers and addresses issues raised by the observations on file, the contents of the Chief Executives Report received from the planning authority and the submissions made by the statutory consultees, under relevant headings. The assessment is therefore arranged as follows:

- Principle of Development
- Material Contravention Statement
- Schools

- Residential Amenity
- Layout, landscape and overall design
- Traffic and Transport
- Infrastructure
- Other Matters

10.2. Principle of Development

- 10.2.1. Development Plan – The site is located in the South Docklands area of Cork City and situated on lands subject to zoning objective ZO16 Mixed Use Development, of the Cork City Development Plan 2015-2021, that promotes mixed uses to ensure the creation of a vibrant urban area, working in tandem with the principles of sustainable development, transportation and self-sufficiency. Residential development is permitted in this zoning and the planning authority acknowledge this aspect of the development.
- 10.2.2. The draft City Development Plan 2022-2028 is currently being prepared. It is my understanding that a meeting of the elected members was scheduled for the 27th June 2022, in order to make the Cork City Development Plan 2022-2028, after considering the Material Amendments to the plan published in April 2022. The draft plan will then replace the current Cork City Development Plan. However, at present, the Cork City Development Plan 2015-2021 is the operative plan, and it is this plan that the planning authority and I have had regard. As required, I have assessed this proposal against the Plan currently in place, namely the Cork City Development Plan 2015-2021. It is therefore the case that, the current plan is still the applicable statutory plan for the area.
- 10.2.3. Zoning - The site is located on lands zoned “ZO 16 Mixed Use Development” with the objective to promote the development of mixed uses to ensure the creation of a vibrant urban area, working in tandem with the principles of sustainable development, transportation and self-sufficiency. A narrow strip of land adjacent to the southern boundary of the site that includes a watercourse is zoned “ZO 14 Public open Space” with the objective to protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space areas for alternative purposes, including public open space within

housing estates. As proposed by the applicant, residential, childcare, retail and commercial are all permissible land uses in objective ZO 16. The development as proposed is therefore acceptable in principle and the planning authority concur with this conclusion.

10.3. **Material Contravention Statement**

- 10.3.1. I note that the review of the current City Development Plan is well underway and nearing completion. I understand that a new plan will come into effect in August 2022, however, the operative plan for the purpose of my assessment is the current City Development Plan 2015-2021 as amended and its objectives for the area. The applicant has prepared a material contravention statement that addresses the possibility that the proposed development could materially contravene the following eight aspects of the current plan: Social Housing, Plot Ratio, Height and Tall Buildings, Unit Mix, Unit Size, Dual Aspect, Stair Core and Private Open Space.
- 10.3.2. The applicant has advanced a very cautious approach as to what parts of the City Development Plan the proposed development could potentially contravene. The applicant's material contravention statement addresses no fewer than eight areas (inclusive of building height) of the statutory plan that could be contravened. In broad terms, the applicant points out that the Development Plan provides a flexibility towards the standards sought in relation to Social Housing, Plot Ratio, Height and Tall Buildings, Unit Mix, Unit Size, Dual Aspect, Stair Core and Private Open Space. The planning authority set out in Part 2 of the Chief Executives Report, the areas of the plan where they examine if and where the proposed development materially contravenes the plan. Firstly, in relation to plot ratio and density, the planning authority note that the proposed development would exceed both criteria, this is not viewed as a negative departure from the plan and is broadly welcomed. Secondly, the height of the proposed development, at up to 12 storeys is noted as a material contravention of the plan, but again is welcomed in the context of recently permitted development and the emerging characteristics of the area. From this, I am satisfied that the planning authority have expertly interpreted their own development plan and arrived at the conclusion that it is in the area of height that the proposed development would materially contravene the current plan. Other areas of the plan introduce flexibility and site specific assessment and I am satisfied that where the plan does so, such as in relation to Social Housing, Plot Ratio, Unit Mix, Unit Size,

Dual Aspect, Stair Core and Private Open Space, no material contravention of the plan would result. It is in this context, that I agree with the planning authority that the only area where the development plan is categorically and materially contravened is in the area of height and tall buildings. I do not consider it necessary to examine whether the development plan is materially contravened with regard to other elements of the plan as raised by the applicant, however, these matters are examined in more detail under the relevant sections throughout my assessment.

- 10.3.3. **Building Height** - the applicant recognises that the proposal for an apartment building of up to 40.5 metres (12 storeys) would materially contravene table 16.3 of the City Development Plan that outlines the building height strategy for the City Centre River Corridor. The proposed development comprises a block greater than these limits, and so according to the applicant this represents a height greater than the maximum height prescribed in the Development Plan. The applicant applies section 28 guidelines to rationalise the taller building elements proposed, specifically the development management criteria contained in section 3.2 of the Height Guidelines.
- 10.3.4. The planning authority note that the building heights proposed would materially contravene the City Development Plan, but support the heights proposed. The planning authority state that they raise no significant issues to do with the heights proposed at this location and they note recently permitted development in the area at the Former Ford Distribution site.
- 10.3.5. In terms of the form and scale of the development proposed I note that the Urban Development and Building Heights Guidelines link building height with achieving higher residential densities. The Height Guidelines also acknowledge that certain locations have the potential for comprehensive urban development or redevelopment (e.g. brownfield former industrial districts, dockland locations, low density urban shopping centres etc). In order to consider proposals in an integrated and informed way, an urban design statement addressing locational factors and how the proposed development will integrate with planned and permitted development will be important. The applicant has submitted a large number of drawings, documents and reports that respond to this call.

10.3.6. The Height Guidelines also state that certain urban locations often attract strong demand from other land uses, particularly of a commercial (non- residential) nature, which can result in a relative deficit in the supply of new residential development as part of appropriate mixed use neighbourhoods. This can militate against achieving the objective of increased proximity of new homes and employment which is a central theme of the National Planning Framework. Accordingly, in the interests of achieving national policy objectives for significantly increased urban housing delivery, there is a need for an appropriate quantum of residential developments to be included as part of significant development proposals for individual sites and urban neighbourhoods. In this context, the entire ground floor of the proposed development introduces, retail, restaurant and amenity uses. Based on the assumption that taller buildings are welcome at this location, the applicant makes the case that it is appropriate to contravene the development plan in line with national guidance. The planning authority hold the same opinion.

10.3.7. The building heights proposed by the applicant range from one to twelve storeys. The taller twelve storey element of the block is located to the east of the site and the lower elements of the scheme are adjacent to a future schools site to the west. The applicant outlines that the height of the proposed development has considered and responded to the existing scale, height and massing of existing and permitted development in the area including Páirc Uí Chaoimh and the Customs House Development (PA ref. 19/38589, ABP-308596-20). The part-one to part-seven storey element along the western boundary provides for a reasonable transition to the schools site in an urban context. According to the applicant the proposed height strategy has duly considered the adjacent school zoning objective to the west to ensure the development potential of these lands are not negatively impacted. In my view, increased building height is a key factor in assisting modern placemaking and improving the overall quality of our urban environments. Height can also play a role in higher density developments by indicating important street junctions and public spaces which reinforces and contributes to a sense of place within a city. The proposed apartment block is broken up into punctuations of different heights up to a maximum of twelve storeys.

10.3.8. I note that section 3.0 of the Building Height Guidelines sets out development management criteria in order to assess the appropriateness of taller buildings at a

particular location. Section 3.1 of the Height Guidelines presents three broad principles which Planning Authorities must apply in considering proposals for buildings taller than the prevailing heights. The Height Guidelines ask:

- Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres? In my opinion the development proposal meets these parameters, as noted and explained throughout this report by focussing development in key urban centres and supporting national strategic objectives to deliver compact growth in urban centres. The planning authority is also of the opinion that the site is suitable for a higher density of development and consequently height, in accordance with the principles established in the National Planning Framework.
- Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines? Not in the case of the current Cork City Development Plan, due to the blanket height limits applied in the Development Plan which predates the Guidelines and therefore has not taken clear account of the requirements set out in the Height Guidelines.
- Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework? It is my view that it cannot be demonstrated that implementation of the policies, which predate the Guidelines support the objectives and policies of the NPF.

10.3.9. Section 3.2 of the guidelines specifically refer to the proposal on hand. The following sections of my report assess the proposed development against these criteria as follows:

10.3.10. At the scale of the relevant city/town – the site is well served by pedestrian/cyclist connections to the wider area, existing high frequency bus services, running between the Apple (Hollyhill) / city centre and Mahon Point, are

accessible at Ballintemple an approx. 7-8 min walk from the site. A limited / hourly service from Kent Station serves the site more directly via Centre Park Road / Monaghan's Road. The site is within walking distance of the city centre, approx. 2km from Kent Station and 3km from Mahon Point. The upgrade of the existing greenway connection to Mahon has commenced. Future high-capacity services and connections are planned, however, these do not appear to satisfy the wording of the criteria that appears to refer to current linkages. The central location of the site ensures that it has good accessibility and access to the full range of public transport services.

10.3.11. This brownfield site is located in an area which is less sensitive in terms of its visual amenity context. The proposed development will improve the urban character of this area and integrate and address public realm improvements in the area. The application is accompanied by appropriate visual and landscape assessments, and I generally concur with the conclusions thereof.

10.3.12. The development provides for the appropriate higher density redevelopment of this strategically located brownfield area. The massing and layout of development is considered to be acceptable in terms of residential amenity, the creation of successful new spaces and linkages through the site and integration with adjoining open spaces and streets.

10.3.13. At the scale of district/ neighbourhood/ street – a new and active street network will be developed, and an improved public realm will result from the scheme. In design terms the overall layout, scale and design of the apartment buildings will not result in long, uninterrupted walls of building in the form of slab blocks. Instead, the design of the apartment buildings has been broken up and materials are well selected and appropriate. The urban design of the entire scheme is well considered and there are no flood risk issues as demonstrated by the findings of the Flood Risk Assessment submitted with the application. Overall, the proposal makes a positive contribution to the improvement of legibility through the site and wider urban area. The proposal positively contributes to the mix of dwelling typologies available in the neighbourhood.

10.3.14. At the scale of the site/building - The form, massing and height of the taller elements have been designed to provide adequate levels of daylight and sunlight for

future occupants and the design has been sensitively arranged to provide adequate levels of sunlight/daylight to the potential development of neighbouring properties. This has been modelled and demonstrated in the Daylight/Sunlight and Overshadowing analysis carried out by the applicant in accordance with BRE/BS guidelines.

10.3.15. The applicant has prepared specific assessments to support the proposals for taller elements on the site. These assessments include: Design Statement, Townscape and Visual Impact Assessment, Visually Verified Views Methodology Report, Daylight Sunlight and Overshadowing Assessment and Wind Microclimate Report. There are no air navigation concerns in the area that cannot be addressed by an appropriately worded condition and the Irish Aviation Authority confirm this.

10.3.16. I am satisfied that the location and design of the taller elements of the scheme, with some parts of up to twelve storeys opposite the redevelopment lands at the Former Ford Distribution site are acceptable and accord with the requirements and imperative outlined by SPPR 3 of the Height Guidelines and crucially the wider strategic and national policy parameters set out in the National Planning Framework and section 28 guidelines. The height guidelines observe that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas, particularly our cities and large towns through enhancing both the scale and density of development. Furthermore, taller buildings will bring much needed additional housing and economic development to well-located urban areas, they can also assist in reinforcing and contributing to a sense of place within a city or town centre, such as indicating the main centres of activity, important street junctions, public spaces and transport interchanges. In this manner, increased building height is a key factor in assisting modern placemaking and improving the overall quality of our urban environments.

10.3.17. Given the foregoing, I conclude that the proposed development would materially contravene the Cork City Development Plan in relation to height, as articulated by table 16.3 of the Development Plan that outlines the building height strategy for the City Centre River Corridor. However, I am satisfied that the Board can grant permission in accordance with section 37(2)(b) of the Planning and Development Act 2000 (as amended), paragraphs (i) and (iii). In terms of section 37(2)(b)(i), the proposed development is in accordance with the definition of

Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and will provide a significant number of residential units (190) and deliver on the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016 and the recently published government strategy Housing for All - a New Housing Plan for Ireland (September 2021). Also noted in relation to height the National Planning Framework that highlights National Policy Objectives (NPOs), as follows:

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 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-base regeneration and increased building heights.

10.3.18. This site is just such a case where, subject to performance criteria, taller buildings should be considered. I consider the proposed development in terms of height is in accordance with national policy as set out in the National Planning Framework, specifically NPO 13 and NPO 35. The proposed development is furthermore in compliance with the Urban Development and Building Height Guidelines in particular SPPR 3, which references section 3.2 Development Management Criteria. I have assessed the proposed development against the section 3.2 criteria of the guidelines in preceding sections above. Having regard to the provisions of Section 37(2)(b)(iii) of the 2000 Act, it is justified, in my opinion, to contravene the City Development Plan's blanket approach to building height restrictions.

10.4. **Schools**

10.4.1. The applicant has prepared a masterplan for the subject site and the adjacent site that is zoned ZO 18 Schools. This is in order to better understand how the proposed development would interact with the development of the adjacent site to the west for the provision of a school or schools. The applicant states that they have engaged with the Department of Education (DoE) who it is understood by them, that a new model for urban schools of up to four or five storeys is currently being developed. To this end the applicant has prepared layout and elevational drawings to show how two primary schools of two to four storeys in height (650 students for each school) could satisfactorily relate to the proposed apartment block on the subject site. In short, drawing number 0111 illustrates two primary school buildings up to 18 metres in height and positioned at the western edge of their site. A separation distance of 45 metres is maintained between a two storey element of the southernmost primary school and the seven storey arm of the apartment block. A separation distance of 28 metres is maintained between a two storey element of the northernmost primary school and the three storey arm of the apartment block. At the mid-point between sites, a three storey pop up element of the apartment block looks across a notional access road, landscaped margin and outdoor assembly area. The applicant is satisfied that this is the best arrangement and will ensure acceptable levels of residential amenity for the apartment block and satisfactory levels of privacy for any proposed school(s).

10.4.2. The Department of Education (DoE) have prepared a detailed submission and is summarised in section 9.2 of my report. The DoE have carried out an amount of research to determine the number, type and design of schools needed for the City Docks area. At present three sites are designated in the Cork City Development Plan 2015-2021:

- Site 1 Marina Quarter [former Tedcastles Site] in the area of 2.5 Ha.;
- Site 2 Canal Walk (North) [part of former Goulding site] in the area of 1.5 Ha;
- Site 3 Monahan's Quay (North) in the area of 1.5 Ha.

10.4.3. The DoE note that the same three sites are retained in the draft Development Plan 2022 -2028, but for a larger projected population. The DoE has assessed potential latent capacity within the surrounding network of schools and there is minimal if any capacity available for some minor growth at existing locations and no capacity for the

scale of development planned in the City Docks. Given the scale of development planned for and the urban context, the DoE anticipate a maximum requirement for:

- Six - 24- classroom primary schools, and
- Two - 1,000 pupil post-primary schools.

10.4.4. This will require a new urban model of school building, taller than before, with limited outdoor facilities and amenities and more reliance on public open spaces in the wider area. Engagement did occur between the DoE and the applicant and the extent of future school accommodation needs was outlined, no further communications occurred and the application was lodged. The DoE are critical of the applicant's indicative school plan:

- Separation distances are noted, but
- Up to three schools may be needed on this site, two primary and one secondary school,

10.4.5. The DoE's proposal for the school site, is quite different to the applicant's vision, the DoE proposal is more intensively populated with buildings and based around an enclosed perimeter block. No indication of height, in terms of elevations, has been advanced by the DoE.

10.4.6. The DoE are not satisfied that the proposed development will allow the reasonable future development of the schools site in line with the overall strategic demographic within the Cork City Docks masterplan area. Based upon this assertion, the DoE recommend that permission should be refused. Alternatively, the DoE suggest that the Board should consider amending the proposed development by eliminating certain elements judged to be too close or to ensure that all buildings are at least 20 metres off the shared boundary and this will allow the schools site to progress to its fullest potential. The planning authority note all of these requirements and urge the Board to take these issues into consideration in its assessment of the proposals.

10.4.7. The comments made by the DoE are clearly intended to ensure that the schools land adjacent to the subject site are protected to allow the requisite amount of school space to come to pass. The DoE have highlighted a need for eight schools in total for the City Docks area, spread across three parcels of land, of which Site 2 is one of the smaller sites (1.5 Hectares). Three schools, one of which will be a secondary

school for 1,000 pupils, are targeted for Site 2. The other two sites are more regularly shaped (larger in the case of Site 1) and will presumably host the remaining five schools to be accommodated. The applicant prepared an indicative school plan for two primary schools up to five storeys in height and arranged a significant distance from the lower parts of the proposed apartment block. I do not intend to critically analyse the DoE's own school building requirements, and I am satisfied that the basis for the type and need for schools in the area is reasonable and evidence based.

10.4.8. Instead, I will concentrate on the configuration of the subject site and how the proposed apartment block has been designed to provide a good neighbour to any new school or schools on the adjacent site. It is evident that the indicative school plan advanced by the applicant provides generous separation distances between school and apartment building, between 28 and 45 metres. Taking this indicative plan at face value it would appear to me that a significant intervening space has been left free from development. The DoE have not advanced any constructive opinion about the indicative school plan proposed by the applicant, and this is a pity, because their commentary on the layout would have been useful. Instead, the DoE view the indicative school layout as an understatement and will therefore not be able to provide the demographic need for much more school accommodation at this location. This point is noted.

10.4.9. The DoE have stated that they are in the process of developing a new urban school model, that may include taller school buildings with less outdoor amenity space and a new vertical mode of circulation and use. This is an interesting point and presumably a model has been developed and refined in many other urban settings outside of the State. It would not be unusual for new schools to be developed on constrained urban settings and I do not see any difference here. If the proposal is permitted, the DoE have stated the following requirements:

'establish an acceptable building line for the schools development no greater than 20m off the nearest point of the SHD building as proposed in this application for an anticipated school building height equivalent to six storeys residential height'

10.4.10. This would mean that the indicative school plan created by the applicant would change and school building heights up to six storeys would be located where car parking is currently provided. If the subject proposal did not change at all this would result in a separation distance of 20 metres between apartment and school buildings and this would not be unusual in intensely urban settings. An indicative school layout is useful and I accept that if a more desirable plot ratio were indicated, it would better show how the two sites could develop. However, it is quite possible that the school site could be developed to the requirements of the DoE without changes to the subject site. I find that the subject site has been laid out reasonably well with a wide though tapering margin between the lower elements of the apartment block and the proposed boundary line. I do not anticipate that a school building of up to six storeys could not be erected on the schools site in such a manner as to protect residential amenities and ensure that the schools operate unhindered. There are many situations where existing schools adapt to new development on adjacent sites and nearly all school grounds are overlooked from the public realm. I do not anticipate that a modern and new urban school model cannot be designed to cope with the proposed urban scale of development planned for the subject site. Given the foregoing, I do not agree with the position taken by the DoE that permission should be refused for the proposed development because it prejudices the future development of school Site 2. In addition, I do not think that any amendments, such as a changed building line or the elimination of parts of the apartment building, should be made to the proposed development, as I am satisfied that up to three new schools, with the right design input could be accommodated on Site 2.

10.5. Residential Amenity

10.5.1. The residential amenities offered to future occupants and the preservation and protection of existing residential amenities is an important consideration in any planning application. In this context, I firstly assess the proposed development as it refers to future occupants, I apply the relevant standards as outlined in section 28 guidelines, specifically the Sustainable Urban Housing: Design Standards for New Apartments (2020). With respect to the residential amenity for future residents (proposed residential amenity standards), the planning authority raise no issues with regard to the design of the scheme in terms of residential amenity. The applicant has

submitted a variety of architectural drawings, computer generated images and photomontages. I am satisfied that an appropriate level of information has been submitted to address issues to do with residential amenity.

Future Residents

- 10.5.2. The proposed development comprises 190 apartments arranged in a single open perimeter block with a central podium level open space. There are wide landscaped margins around the edge of the site and extensive areas of new public realm to the existing streets. The Sustainable Urban Housing: Design Standards for New Apartments 2020 has a bearing on design and the minimum floor areas associated with the apartments. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with.
- 10.5.3. The applicant states that all of the apartments meet or exceed the minimum area standard. The applicant has also submitted a Schedule of Accommodation and Housing Quality Assessment, that outlines a full schedule of apartment sizes, that indicates proposed floor areas and required minima. In summary, it is stated that all apartments exceed the minimum floor area requirement some by more than 10%, most (112 out of 190) units are described as dual aspect and all balcony/patio areas meet minimum requirements. I have interrogated the schedule of floor areas presented by the applicant and found these figures to be accurate. The majority of apartments exceed the minimum floor area by at least 10%, 103 units out of 190.
- 10.5.4. Dwelling Mix – The overall development provides 64 one bed units (33.6%), 106 two bed units (56%) and 20 three bed units (10.4%). The amount of one bed units is below the upward amount of 50% allowed for in the guidelines, with 33.6% of the total proposed development as one bed units. The planning authority have stated that their preference is for more family friendly units and refer to the Dwelling Size Mix targets derived from the HNDA and presented in Table 10.6 of the Draft Cork City Development Plan 2022-2028. A condition to provide more family orientated apartments at level 01 has been suggested by the planning authority. The applicant notes that the Cork City Development Plan 2015 does not provide an evidence based HNDA for the South Docklands to dictate the mix of units needed to accommodate future population growth in this area.

10.5.5. Though, the dwelling mix targets of the draft City Plan appear to be based upon an HNDA, the current plan does not have such an evidenced based objective for housing mix, at least that is how it appears to me. I note that the current development plan provides indicative targets for dwelling size and distribution, table 16.4 refers. However, these are indicative targets, to be achieved if possible and where there is variation from these targets a Statement of Housing Mix should be prepared, such is the case in the subject application. The applicant has prepared such a rationale and the proposed housing mix will provide a complementary choice of residential units to the existing stock of large, low density family type dwelling homes in the surrounding area of Cork City suburbs. According to the applicant, the proposed 190 units will provide suitably size tenure for a range of household formations ranging from young professionals to 'downsizers'. I note that up to 149 units (14.8%) in the redevelopment of the Former Ford Distribution Site (ABP-309059-20) will be three bed units and that the overall breakdown of units is similar to the proposed development on the subject site. In my opinion the introduction of one, two and three bedroom units will satisfy the desirability of providing for a range of dwelling types/sizes, having regard to the character of and existing mix of dwelling types in the area. Specific Planning Policy Requirement 1 is therefore met.

10.5.6. Apartment Design Standards - Under the Apartment Guidelines, the minimum gross floor area (GFA) for a 1 bedroom apartment is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m, the standard for a 2 bedroom (four-person) apartment is 73 sq.m, while the minimum GFA for a 3 bedroom apartment is 90 sq.m, Appendix 1 *Required Minimum Floor Areas and Standards* of the Apartment Guidelines refer. The applicant states that this has been achieved in all cases and has been demonstrated in the Housing Quality Assessment (HQA) for apartments submitted with the application. Having reviewed the HQA, in terms of the robustness of this assessment and in the context of the Guidelines and associated standards, I note that the apartments are larger than the minimum standards by the required 10% amount, with all above the minima. I am satisfied that the proposed apartments are therefore in excess of the minimum floor area standards (SPPR 3), with none close to the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded. I am satisfied that the internal layout and floor areas of the

apartments are satisfactory from a residential amenity perspective, SPPR 3 of the guidelines is met.

10.5.7. Dual Aspect Ratios – The applicant points out that more than half of the apartment units are dual aspect (59% are dual aspect). Given the variety of unit design proposed, a combination of mainly one and two bedroom units and some three bedroom units, I can see that it has been possible to provide dual aspect across most dwelling types, SPPR 4 of the guidelines is met. For those units that achieve only a single aspect, they are orientated with either a southerly, easterly or westerly aspect over amenity space. I note that the City Development Plan looks for a target of 90% of units to be dual aspect and though the proposed development does not achieve this target, the planning authority welcome the dual aspect ratio proposed. I am satisfied that the dual aspect design advanced by the applicant is acceptable and will provide satisfactory apartment units with adequate outlook and private amenity spaces are of a satisfactory size.

10.5.8. Floor to ceiling height – the HQA and apartment drawings that accompany the application show that floor to ceiling heights of 2.85 metres are achieved at all levels. This is acceptable and in accordance with SPPR 5 of the guidelines.

10.5.9. Lift and stair cores – up to nine units and no more than 12 units per floor are served by a lift/stair core and this is acceptable, SPPR 6 of the guidelines is met.

10.5.10. Internal storage space is provided for all apartments at a minimum of 3 sqm and up to 9 sqm in some cases. Private amenity spaces exceed the minimum area required by the Apartment Guidelines (5 sqm for a one-bed, 7 sqm for a two-bed unit and 9 sqm for a three bed unit). Public open spaces are evenly distributed throughout the scheme with no unit further than a short walk away to small areas of public open space. The design takes into account security considerations with good levels of passive surveillance and accessibility to amenity space. All of these features have been provided as part of the overall scheme and comply with the advice set out in sections 3 and 4 of the Apartment Guidelines.

10.5.11. Building Lifecycle Report - I note that the Apartment Guidelines, under section 6.13, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application and details long term maintenance and running costs. In

addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.

10.5.12. Overlooking/Privacy - The planning authority raise no concerns with regard to issues of privacy and overlooking in the proposed scheme. The central podium level open space provides at least 22 metres between opposing living spaces and more in some cases. Where separation distances between the gable end of an internal block are less, 15 metres, the layout and design of the apartments ensures that there are no instances of overlooking to opposing habitable rooms. For the most part the proposed development is well spread out and there should be no adverse impacts from potential loss of privacy or overlooking.

10.5.13. Overshadowing/sunlight/daylight – Section 6.6 of the Apartment Guidelines and Section 3.2 criteria under the Building Height Guidelines (SPPR 3) refers to considerations on daylight and overshadowing. When taking into account sunlight and daylight analysis the guidelines refer to the Building Research Establishments (BRE) and BS standards/criteria for daylight, sunlight and overshadowing. A Daylight and Sunlight Analysis Report prepared by Ove Arup & Partners Ireland Ltd has been submitted by the applicant. In addition to the assessment of the impact the proposed development would have on the neighbouring properties, an assessment on the level of daylight in the proposed residential units and sunlight in the proposed amenity areas has been carried out.

10.5.14. In terms of the development performance of the proposed scheme Average Daylight Factor – ADF is used as the criteria, the report states that analysis has used the strict BRE minimum values of 1.0% for bedrooms and 2.0% for the Living / Dining / Kitchen room spaces and also the 1.5% relaxed BRE targets for the Living room spaces than include food preparation areas.

10.5.15. In terms of ADF (average daylight factors), the report selected a representative sample of units to be simulated for ADF, rather than every room within all of the 190 units. The sample includes a total of 44 units (121 rooms) which corresponds to approximately 20% of the total number of units in the scheme. The rooms selected are shown in section A1 of the report and at lower levels of the block,

nearly all achieved acceptable levels of daylight. According to the figures presented in the report, 86% of rooms comply with the 2.0% guidance set out in the BRE Guidelines and 90% pass the lesser but still acceptable 1.5% target. The results for sunlight. APSH to living rooms shows that all living rooms receive some sunlight over the course of the year. Specifically, 99% of the south facing windows tested meet or exceed the BR 209 recommended target of 25% for annual sunlight (PASH) and 98% of the south facing windows tested meet or exceed the 5% target for winter sunlight (PWSH), as stated by the applicant's report.

10.5.16. Shadow/sunlight to three of the four provided shared amenity spaces pass the BRE requirement, relating to the areas receiving 2 hours of sunlight on the 21st of March > 50%. In addition, it is stated that all private balconies also receive qualifying sunlight over most of their surface on the test day of the 21st March. I find that the well considered open perimeter block format is carefully modulated so as to maximise access to natural daylight, ventilation and views and minimises any undue overshadowing and loss of light. The applicant's report clearly details the achievement of all requirements based on the BRE guidance document BR 209 and the referenced BS 8206-2:2008 Lighting for buildings – Part 2: Code of practice for daylighting. It is clear that an apartment scheme at the scale proposed and with adequate separation distances between opposing windows cases would allow good levels of daylight/sunlight to penetrate habitable rooms and amenity spaces and the report demonstrates this.

Existing Residential Amenity

10.5.17. There are no existing residential properties in the immediate vicinity of the site that could be reasonably considered to be impacted upon by the development. However, residential development has been permitted to the east of the site at the Former Ford Distribution site. In addition, the lands to the west of the site are zoned for educational uses and it is likely that schools will be developed here. The planning authority raise no particular concerns with regard to the amenities of neighbouring property but do highlight that the requirements of the DoE should be considered if permission is granted.

10.5.18. Firstly, residential apartment development has been permitted to the east of the site across a public road and up to 33 metres separates proposed blocks. I do

not anticipate any adverse impacts to arise from overlooking, overshadowing or overbearing appearance. In the case of both large scale developments, pedestrian comfort at ground level was assessed, and a Wind Microclimate Report submitted. In the case of the subject proposal, it is expected that a suitable environment for pedestrians and occupants to carry out a wide variety of 'sitting', 'standing' and 'business walking' activities will result. Wind mitigations have been adopted in the form of landscaping and solid parapets for the balconies. The proposed development will provide a sheltering effect in combination with the proposed surrounding buildings to the east and north.

10.5.19. Overall, the applicant's sunlight/daylight and overshadowing report concludes that planned neighbouring properties will generally not be affected by the proposed development and the impacts on Skylight, Sunlight and Shadow have been tested in accordance with the best practice guidelines (BRE). I have interrogated the analysis prepared by the applicant and found them to be robust. It is not surprising that the planned development to the east would return good results in terms of sunlight/daylight and overshadowing because the separation distances are so great, and the proposed apartment blocks are of an acceptable height to limit adverse impacts.

Overall residential amenity conclusion

10.5.20. I find that there will be no adverse impacts in terms of overlooking and loss of privacy to planned residences and this is due to the separation distances involved and the coordinated approach to design. Neither does overbearing impact become a concern because the development mirrors permitted apartment development at the Former Ford Distribution site to the east. Site sections and elevations submitted with the application illustrate these points. The proposed layout and design of the development is acceptable without significant amendment.

10.5.21. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants. In addition, the proposed development has been designed to preserve the planned residential amenities of nearby development sites.

10.6. Layout, landscape and overall design

10.6.1. The proposed development will occupy a new urban block and has been designed around the principle of a partially enclosed perimeter block. The block is open to the west, to allow for evening light penetration and to allow the provision of schools on educationally zoned lands to the west. The residential density for the proposed development is 244 dwellings per hectare (dph). The planning authority note that this would exceed the residential density and plot ratio parameters outlined in the plan but do not definitively determine that any material contravention has occurred. In this respect I note that residential density is qualified by section 16.41 of the City Development Plan, where it states:

...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).*

10.6.2. The subject site would fall within this criteria and I also note that a density of 247 dph has already been permitted on the Former Ford site to the east. I am satisfied that an appropriate residential density has been determined for this site, in common with the emerging urban character of the area.

10.6.3. The Architect's Design Statement submitted with the application states the development provides for higher density redevelopment of the site, the massing and layout good residential amenity, the creation of successful new spaces and linkages around the site and integration with adjoining open spaces and streets. Particular attention has been given to the future educational context to the West, the proposed upgrades of the Centre Park Road to the North and the proposed upgrades of the Marquee Road to the East have all been addressed in the proposed design. For the most part I agree, the subject site is a logical progression of form and massing from the permitted development at the Former Ford Distribution site to the east. Finally,

the applicant concludes that the height of the proposed development has also considered and responded to the existing scale, height and massing of existing and permitted development in the area.

- 10.6.4. The applicant has prepared massing drawings to show how the proposed development adds to the linear character of the Former Ford Distribution site to the east and this is acceptable. I note that the applicant has considered the microclimatic impacts such as wind, sunlight and daylight, of the proposed developments and the results are satisfactory. The proposed apartment block is similar in terms of overall design and scale to that permitted to the east. I am satisfied that an appropriately scaled perimeter block layout achieves a logical extension of permitted development to the east.
- 10.6.5. In terms of public open space, I note that up to 17% of the site will be available to public access in the form of a public plaza as well as incidental spaces around the margins of the site. These incidental spaces are extensions to the public realm and will result in wide footpaths with a good degree of planting and landscape design, this is appropriate given the emerging urban context of the site. The central podium level space will remain as a communal open space for residents only and this too is acceptable.
- 10.6.6. The planning authority note an area zoned for public open space running along the southern boundary of the site. This area falls outside the site boundaries. The planning authority are concerned with how the zoned public open space along the south and west of the site will function and integrate successfully with future development beyond the red line, particularly given the relationship with the area zoned for a school and public open space. Specifically, there are concerns from the planning authority that the treatment of the edge to the southern watercourse is too harsh and will not be amenable to a high quality public open space and thus make it difficult for this open space zoned land to reach its full potential as an amenity for the public. I concur with the planning authority's concerns about how the applicant has specified a hard built up edge to the watercourse and thus limited any kind of biodiversity opportunities that would in turn lead to a better overall amenity for residents and the public too.

10.6.7. The planning authority suggest that a five metre set back from the water's edge could lead to a more suitable riparian corridor and I agree. In practice this would mean that the entire block should shift northwards by a small degree. Such a shift northwards would not impact on the streetscape as it has been planned. There is no real impact in terms of building line with permitted development to the east. The existing watercourse along the northern boundary is to be culverted in any case, so no issues here either. In the interests of achieving a better outcome for land zoned open space, I recommend that a condition should require the applicant to submit a revised drawings (including cross sections) that provide a suitable buffer zone to the watercourse and also meet with the concerns raised by the internal report provided by the Drainage department of the Council. With regard to the margin of open space provided to the west of the subject site at the interface with a schools site, I do not share the concerns raised by the planning authority. I am satisfied that an appropriate amount of space has been left over for the enjoyment of future occupants and as a landscaped buffer to a future schools site. It is unlikely that this narrow and tapered site would act in any other way than a visual amenity for residents and this is acceptable given the urban context of the site and the high quality podium level communal open space provided.

10.6.8. In relation to the overall layout, design and open space provision, I find that the applicant has successfully integrated the site within the emerging urban quarter of the South Docks Area. I am satisfied that the overall design has been adjusted to take into account the provision of schools on the adjacent site, a matter I raise in more detail within section 10.4 of my report. On balance, I consider that the scheme delivers a high quality of development at a residential density and scale commensurate with this urban redevelopment site. Finally, in terms of the overall design of the apartment blocks, I am informed by the variety of drawings, photomontage images and computer-generated images presented by the applicant. The planning authority welcome the design and building finishes selected by the applicant. I am satisfied that the architectural approach to the design of the apartment blocks achieves the double aim of providing suitable and attractive living for future occupants whilst at the same time adding greatly to the emerging architectural and urban character of the area as a whole. I recommend no changes in terms of design and suggest that an appropriate condition can secure the

provision of high-quality materials such as those illustrated in the External Materials and Finishes Report submitted by the applicant.

10.7. Traffic and Transport

- 10.7.1. The application is accompanied by a Traffic and Transport Assessment, a Car Park Management Plan, a Quality Audit, an Outline Mobility Management Plan, a Design Manual for Urban Roads and Streets and the National Cycle Manual - Compliance Statement and a Construction Management Plan.
- 10.7.2. The application site is well located in Cork City, proximate to the city centre and the intervening relatively flat topography is amenable to alternative transport modes, such as walking and cycling. The low intensity of surrounding uses is such that there is spare capacity in the surrounding road network. The area has the benefit of cycle linkages east along the old railway line to the employment / commercial centre at Mahon Point, which are in the process of being upgraded as a greenway. Cycle facilities have recently been installed along Centre Park Road and Monaghan's Road and at time of inspection, there was relatively high levels of pedestrian and cycle activity on the adjoining roads and accessing the Marina amenity walk along the river frontage.
- 10.7.3. Significant transport infrastructure upgrades are planned for the area. The applicant refers to the South Docklands Area Based Transport Assessment (ABTA) due to be finalised and published in 2022. It is stated that the ABTA is aligned with the provisions of CMATS and will inform a new LAP for the area. In addition, specific transport infrastructure projects are either at the design stage or moving towards construction, such as Monahan Road Extension, Centre Park Road Upgrade, Eastern Gateway Bridge, greenways, BusConnects and an LRT corridor.
- 10.7.4. The Traffic Impact Assessment (TTA) considers that the trips generated by the proposed development is low in the context of the existing traffic volumes within the vicinity. Generally, the additional traffic on the network added by the proposed development is less than 5%, except for Marquee Road, Centre Park Road and Maryville which have low baseline traffic flows. The junction modelling shows that at these junctions the difference in the operation of the junction between the 'with development' and 'without development' scenarios is minor (up to 10%). The applicant's report concludes that the impact of the proposed development on the

local road network would not result in any material impact on the operation of the local road network. The planning authority note that the TTA is based on low levels of car parking as required by the South Docks ABTA and as such contributes to the low impact on the surrounding network. It is important the mobility management plan presented is implemented and managed to prevent the occurrence of parking overspill in the area due to the development. I concur with this conclusion and I do not anticipate that the proposed development on its own would significantly contribute to traffic volumes. I note that other large scale residential schemes have been permitted or are planned for the area, but I am satisfied that the high levels of public transport infrastructure planned for the South Docks area and its proximity to the city centre will all lead to greater access to more sustainable modes of transport. This end I note that at operational stage, the application provides for the implementation of a Mobility Management Plan and its full implementation will be paramount to successfully meeting modal shift targets.

- 10.7.5. The methodology adopted in the Traffic and Transport Assessment is regarded as satisfactory. Having regard to the submitted assessment and the reports of the planning authority, and proximity to planned high-capacity public transport linkages and alternative transport options I do not consider that the proposed development would give rise to unacceptable impacts on the city road network.
- 10.7.6. Car Parking – It is a strategic objective of the city development plan to control the supply of parking in order to promote sustainable transportation and reduce the requirement for car parking. The site is located within development plan parking zone 2B. However, the provision of 58 car parking spaces, including 3 accessible spaces is in accordance with ABTA requirements and the Traffic Operations and the planning authority acknowledge this point. In addition, as per Table 16.8 of the Cork City Development Plan, the planning authority note that no visitor parking is required and so six visitor spaces should be removed on Marquee Road, a condition to this effect is suggested. I note that the planning authority have no concerns about the quantum or design of car parking spaces.
- 10.7.7. The planning authority have stated that the application site is located with zone 2B of the City Councils parking zone areas. The car parking provision has been assessed at a total of 58 residential parking spaces, which represents 73% of the suggested maximum standards as per the ABTA guidance, and 28% of the maximum

requirement as per the City Development Plan. The quantum of car parking equates acceptably with national guidance, that states car parking should be reduced in locations where public transport options are available. The planning authority welcome the reduced level of parking provision and advise that this is aligned with such current and evolving policy. Having regard to the central and accessible location of the site, and proposed infrastructural improvements in the area, as well as the provisions of the Apartment Design Guidelines, I consider that the car parking proposals for the site are acceptable. I note and concur with the planning authority comments, however, regarding the reduction in on-street car parking along Marquee Road, in order to improve streetscape design and amenity.

10.7.8. A total of 336 bicycle parking spaces and 112 visitor bicycle parking spaces are to be provided in accordance with the requirements of Cork City Development Plan. The planning authority note the provision of cycle parking spaces and recommend standard and technical conditions.

10.7.9. Air Safety - I note the submission made by the Irish Aviation Authority that states a preliminary assessment should be undertaken of potential impacts, including construction cranes, on instrument flight procedures and equipment at Cork Airport. In the event of a decision to grant permission, the applicant should be conditioned to agree an obstacle lighting scheme for structures on the site and provide prior notification of proposed crane operations.

Traffic and Transport Conclusion

10.7.10. On balance, the proposed development is located at a well-served urban location close to the city centre and its variety of amenities and facilities, such as schools, playing pitches and existing commercial/retail centres. Current public transport options are good, with planned improvements on the way. In addition, there are good cycle and pedestrian facilities in the area and the proposed development will add significant improvements to the public realm in this respect. It is inevitable that traffic in all forms will increase as more housing comes on stream, but the affects have been demonstrated to be low in terms of impact on the existing road network. I am satisfied that most if not all of the ingredients are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of

the mobility management plan and car parking strategy to be submitted by the applicant.

10.8. Infrastructure

- 10.8.1. Surface Water Drainage - The Engineering Services Report submitted with the application outlines in detail the surface water management strategy proposed for the site. At present, the site discharges to the two existing open channels located along the northern and southern boundaries of the site. Both open channels ultimately discharge to the Atlantic pond prior to discharging to the River Lee. The proposed surface water management strategy comprises a series of pipes located within a service zone in the under-croft carpark ceiling and conveyed to a buried network beneath the under-croft carpark. This network will discharge via gravity to the existing channel located to the south of the site. SuDS measures will be incorporated where possible and where external levels allow surface water runoff will slow towards soft landscaping features to reduce peak runoffs, provide additional attenuation and improve water quality. In addition, and in order to meet the Cork South Docklands Levels Strategy (CSDL) criteria an attenuation/tidal holding tank will be required on site.
- 10.8.2. The planning authority raise some issues with regard to the surface water strategy for the site and recommend technical requirements be agreed prior to the commencement of development. In particular, the planning authority do not favour the harsh treatment of the northern edge of the southern stream and would prefer the provision of a buffer zone and a more gradual interface, that permits and is sympathetic to the potential for migration of wildlife up and down this stream, to and from the Atlantic Pond. The planning authority recommend a condition to be attached that requires a change to the design of the interface with the southern stream.
- 10.8.3. I am satisfied that an appropriate surface water management regime has been designed for the site in accordance with the relevant code of practice for drainage and to the requirements of the planning authority subject to an appropriate condition. In addition, I fully agree with the technical assessment by the planning authority of the failings associated with the proposed interface with the southern stream. From an ecological and amenity perspective it would be far more preferable if an improved arrangement for the treatment of the watercourse margins were to be developed. I

anticipate that this can be achieved by an appropriately worded condition and would also coincide with my assessment in relation to the overall layout of the scheme in section 10.6 of my report.

- 10.8.4. Flood Risk – The applicant has prepared a site specific Flood Risk Assessment. In terms of fluvial flood risk, maps indicate that a large proportion of the site is located within Flood Zone A (within the 1 in 100-year fluvial flood extent). However, the CFRAM maps also confirm that the site lies within a defended area due to the presence of the existing polder flood defences at the Marina to the north of the site. In a similar scenario, with regard to tidal flood risk, the site is located within Flood Zone A (1 in 200-year flood extent) and to a lesser extent Flood Zone B. The assessment identifies the risk of groundwater flooding as low and the maintenance of the low permeability silt / clay layer is important in this regard. Pluvial flooding is a feature of this area due to the drainage network backing up during periods of flood in the River Lee, however, the risk of flooding of the site is low due to the elevation of the site above adjoining road levels.
- 10.8.5. Given these factors and others the applicant has carried out a justification test, the proposed development will meet the objectives of the statutory plan for the area and with mitigation measures is an acceptable form of development despite the flood risk factors of the site. The FRA concludes that the development is considered to have the required level of flood protection. The planning authority agree with the findings of the FRA, the Justification Test and its conclusions, specifically in the matter of the finished floor levels and flood defence heights as those proposed are in line with the South Docks Levels Strategy. Conditions of a standard and technical nature are recommended.
- 10.8.6. Having regard to the foregoing, the provisions of the development plan for the area and the submission of the planning authority in respect of flood risk, I am satisfied that the development satisfies the justification test set out in the guidelines and the development could proceed subject to the attachment of appropriate conditions. I note the comments and recommendation of the planning authority in relation to the proposed surface water attenuation / storage design, and the taking in charge of such infrastructure. I consider that the recommended conditions are reasonable and adequate to satisfactorily address the issues raised.

10.8.7. Finally, the site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this. IW have stated that the proposed water and wastewater connections for this development to connect to the Irish Water network is via existing infrastructure and is feasible without upgrades. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition.

10.9. **Other Matters**

10.9.1. Childcare facility – The proposed development includes a crèche with capacity for 45 children. The planning authority note that the creche will be located proximate to the site to the immediate west which is zoned for Schools. Both the planning authority and I welcome the provision of a crèche and its location close to the schools site should promote sustainable travel. I note that a submission has not been received from the City Childcare Committee and I am satisfied that the applicant's calculation in relation to childcare spaces is reasoned, acceptable and in accordance with the Childcare Guidelines.

10.9.2. Social and Affordable Housing – The applicant has submitted proposals for transfer of 10% of the proposed units to the planning authority, 19 units. The applicant's Part V proposals include:

- 6 - One Bedroom Apartments
- 10 - Two Bedroom Apartments
- 3 - Three Bedroom Apartments

10.9.3. With regard to the above I note the Housing for All Plan and the associated Affordable Housing Act 2021 which requires a contribution of 20% of land that is subject to planning permission, to the planning authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board elects to grant planning consent, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

10.9.4. The Regulation of Commercial Institutional Investment in Housing May 2021 Guidelines for Planning Authorities – The recent guidelines are brief and concern the

regulation of commercial institutional investment in certain housing developments. The purpose of the guidelines is to set out planning conditions to which planning authorities and An Bord Pleanála must have regard, in granting planning permission for new residential development including houses and/or duplex units. This is intended to ensure that own-door housing units and duplex units in lower density housing developments are not bulk-purchased for market rental purposes by commercial institutional investors in a manner that causes the displacement of individual purchasers and/or social and affordable housing including cost rental housing. The proposed development has been advertised as an apartment development, it includes some own door units accessible from the outdoor amenity space at podium level 01, the guidelines may be applicable in this regard. The Regulation of Commercial Institutional Investment in Housing Guidelines, enables planning authorities and An Bord Pleanála to attach planning conditions that require a legal agreement controlling the occupation of units to individual purchasers, i.e. those not being a corporate entity, and, those eligible for the occupation of social and/or affordable housing, including cost rental housing. In the context of the current planning application that comprises apartment units, some with own door access, it may be appropriate to attach the relevant condition advised by the recently published guidelines.

- 10.9.5. Archaeology – The site is large and comprises largely former warehouse brownfield ground. I note the limited archaeological potential of the site. However, given the large scale of this urban site, I recommend that an appropriate condition be attached to ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.
- 10.9.6. Development Contributions – The planning authority have suggested a number of conditions should permission be granted, and they include a standard section 48 Development Contribution under the published General Development Contribution Scheme and Supplementary Development Contribution Scheme 2020-2022. I note that the Board Order for the Former Ford Distribution Centre site (ABP-309059-20) included a section 49 supplementary contribution with regard to the Cork Suburban Rail Project, condition 39 refers. However, no similar condition has been suggested by the planning authority for the subject proposal, yet the locational characteristics

are virtually the same. I recommend that a section 49 condition is attached in this instance, despite no recommendation by the planning authority having issued.

11.0 Screening for Environmental Impact Assessment

- 11.1. The site is an urban brownfield site and located in the South Docklands area of Cork City and situated on lands subject to zoning objective ZO16 Mixed Use Development, of the Cork City Development Plan 2015-2021. The site is located within an area of industrial and warehouse uses at the edge of the city centre. The proposed development relates to the construction of 190 apartment units and some retail/commercial uses.
- 11.2. The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district.
- 11.3. The proposal for 190 residential units on a site of 1.06 ha is below the mandatory threshold for EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I note that the uses proposed are similar to permitted land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The AA Screening set out in Section 12 concludes that the potential for adverse impacts on Natura 2000 site could not be excluded at the screening stage and the production of an NIS was required. The conclusion of the NIS was that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Cork Harbour SPA and Great Island Channel SAC, or any other European site, in view of the site's Conservation Objectives.
- 11.4. The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Report which includes the information required under Schedule 7A to the planning

regulations. In addition, the various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Planning and Design Statement
- A Site Masterplan and Design Rationale including CGIs
- A Landscape and Visual Assessment Report
- A Daylight and Sunlight Assessment
- Archaeological Impact Assessment
- An Ecological Impact Assessment
- An Appropriate Assessment Screening and Natura Impact Statement
- A Flood Risk Assessment
- Groundwater Assessment
- Services Infrastructure Report
- Tree Survey Report

11.1. The applicant has prepared and submitted a standalone documents entitled: Statement on EIA Screening Process – Statement pursuant to Planning and Development Regulations 2001 (as amended) and Section 299B(1)(b)(ii)(II)(C). Noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account I would note that the following assessments / reports have been submitted.

- Report on Appropriate Assessment Screening and a Natura Impact Statement has been undertaken pursuant to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
- The Flood Risk Assessment addresses the potential for flooding having regard to the OPW CFRAMS study which was undertaken in response to the EU Floods Directive.
- The submitted Outline Construction Management Plan sets out standards derived from the EU Ambient Air Quality Directive.

11.2. The EIA screening report prepared by the applicant has, under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening.

11.3. I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. Overall, I am satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.

11.4. Having regard to:

(a) The nature and scale of the proposed development which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(b) the site's location close to Cork City Centre, close to existing and planned public transport routes within an established built up area on lands with a zoning objective ZO16 Mixed Use Development, in the Cork City Development Plan 2015-2021

(c) the existing use on the site and pattern of development in the surrounding area,

(d) the planning history relating to the surrounding area,

(e) the availability of mains water and wastewater services to serve the proposed development,

(f) the location of the development outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations 2001, as amended,

(g) the provisions of the guidance as set out in the Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development, issued by the Department of the Environment, Heritage and Local Government (2003),

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

(i) the features and measures proposed by the developer envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Construction Management Plan.

11.5. Given the forgoing, having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

12.0 Appropriate Assessment

12.1. Screening

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

12.2.1. 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. The applicant has submitted a Natura Impact Statement as part of the planning application. In addition, the applicant has prepared and submitted a Report in Support of Appropriate Assessment Screening (Screening Report) and an Invasive Species Management Plan, together with other site management and construction documentation. Having reviewed the documents and submissions on the case, I am satisfied that the information provides a reasonable basis for the examination and identification of potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

12.3. **Screening for Appropriate Assessment**

12.3.1. The proposed development is not directly connected with or necessary for the management of any European Site and therefore it needs to be determined if the development is likely to have significant effects thereon.

12.3.2. Proposed development

The development site is described in section 3 of the submitted Screening Report and also in further detail in section 3 of the NIS. The site is currently under hard standing and contains limited industrial structures and buildings, currently in various states of demolition. No habitats or species that are qualifying interests for any Natura 2000 site were recorded and the site does not contain ex-situ habitats of value for such qualifying interests.

I have described the proposed development in section 3.0 of this report and detailed descriptions of the development and construction methodology are contained in Construction Environmental Management Plan submitted with the application. The proposal broadly comprises the redevelopment of this brownfield site and construction of 190 apartments in a single building over podium level parking. A number of commercial and community uses are proposed at ground / street level. Finished floor levels are to be raised having regard to the drainage characteristics of this area and the findings of the flood risk assessment. The development will connect to mains sewerage and water services. The site is currently drained by open channels to the north and south, which discharge eventually to the River Lee. The

main outfall in this wider area is via the Atlantic Pond, downstream and to the east of the application site. Some revisions to the local drainage network are proposed, however, the primary outfall will remain the same.

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

- Discharge of silt laden / contaminated waters from the site during construction works.
- Habitat disturbance / species disturbance (construction and / or operational).
- Operational surface water and wastewater emissions.
- Spread of invasive species.

12.3.3. Submissions and Observations

The submissions and observations from the Local Authority, Prescribed Bodies, and other observers (though none received) are summarised in sections 8, 9 and 10 above. There are no submissions that directly refer to appropriate assessment matters.

12.3.4. European Sites

The development site is not located within or immediately adjacent to any European site. The closest sites are identified below.

- Cork Harbour SPA (004030) – 1.7 km downstream to the east. Closest point approx. 1.6km south of the site without hydrological connection.
- Great Island Channel SAC (001058) approx. 6,9 km downstream of the application site.

There are hydrological connections between the application site and Great Island Channel SAC and Cork Harbour SPA via existing and proposed surface water and wastewater drainage systems.

Cork Harbour SPA 004030

Cork Harbour is of major ornithological significance. Several Annex 1 species occur regularly, and the site provides feeding and roosting sites for the bird species that use it. The qualifying interests and conservation objectives are set out below:

Cork Harbour SPA 004030

Qualifying Interests: Wintering bird species		
Grebe (Little and Great Crested) Grey Plover Great Crested Grebe Lapwing Cormorant Dunlin Grey Heron Black-tailed Godwit Shelduck Bar-tailed Godwit Wigeon Curlew	Teal Redshank Pintail Black-headed Gull Shoveler Common Gull Red-breasted Merganser Lesser Black-backed Gull Oystercatcher Golden Plover Greenshank	
<p>Conservation Objective: To maintain the favourable conservation condition of the qualifying interests in Cork Harbour SPA, defined by the following list of attributes and targets:</p>		
Attribute	Measure	Target
Population trend	Percentage change	Long term population trend stable or increasing
Distribution	Range, timing and intensity of use of areas	No significant decrease in the range, timing or intensity of use of areas other than that occurring from natural patterns of variation
Qualifying Interest - Breeding birds		
Common Tern		

Conservation Objective:

To maintain the favourable conservation condition of Common Tern in Cork Harbour SPA, defined by the following list of attributes and targets:

Attribute	Measure	Target
Breeding population abundance: apparently occupied nests	Number	No significant decline
Productivity rate: fledged young per breeding pair	Mean number	No significant decline
Distribution: breeding colonies	Number; location; area (hectares)	No significant decline
Prey biomass available	Kilogrammes	No significant decline
Barriers to connectivity	Number; location; shape; area (hectares)	No significant increase
Disturbance at the breeding site	Level of impact	Human activities should occur at levels that do not adversely affect the breeding common tern population

Qualifying interest - Habitat:

Wetlands

Conservation Objective:

To maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. This is defined by the following attribute and target

Attribute	Measure	Target
Habitat area	Hectares	The permanent area occupied by wetland habitat should be stable and not significantly less 2,587ha other than occurring from natural patterns of variation

The Conservation Objectives Support Document identifies factors that can adversely affect the achievement of Objective 1 including:

- Habitat modification: activities that modify discrete areas or the overall habitat(s) in terms of how listed species use the site, that could result in the displacement from the SPA and/or a reduction in their numbers.
- Disturbance: anthropogenic disturbance in or near the site that could result in the displacement of listed species from the SPA, and/or a reduction in numbers.
- Ex-situ factors: listed waterbird species may at times use habitats situated within the immediate hinterland or areas outside of the SPA but ecologically connected to it. Significant habitat change or increased levels of disturbance within these areas could result in the displacement of listed waterbird species from areas within the SPA, and/or a reduction in their numbers.

The maintenance of the 'quality' of wetland habitat lies outside the scope of Objective 2. However, the scope of Objective 1 covers the need to maintain, or improve where appropriate, the different properties of the wetland habitats contained within the SPA.

Great Island Channel SAC 001058

The main habitats of conservation interest are the sheltered tidal sand and mudflats and the Atlantic salt meadows. This SAC overlaps with part of the Cork Harbour SPA, with its estuarine habitats providing foraging and roosting resources for wintering waders and wildfowl for which the SPA is designated. The qualifying interests and conservation interests are set out below:

Great Island Channel SAC 001058		
Qualifying Interests		
Tidal Mudflats and Sandflats (1140),		
Conservation Objective:		
To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Great Island Channel SAC, which is defined by the following list of attributes and targets.		
Attribute	Measure	Target
Habitat area	Hectares	The permanent habitat

		area is stable or increasing, subject to natural processes.
Community distribution	Hectares	Conserve the following community type in a natural condition: Mixed sediment to sandy mud with polychaetes and oligochaetes community complex.
Qualifying Interests		
Atlantic Salt Meadows (1330).		
Conservation Objective:		
To restore the favourable conservation condition of Atlantic salt meadows in Great Island Channel SAC, defined by the following list of attributes and targets:		
Attribute	Measure	Target
Habitat area,	Hectares	Area stable or increasing, subject to natural processes, including erosion and succession.
Distribution	Occurrence	No decline or change in habitat distribution, subject to natural processes
Physical structure: sediment supply	Presence/absence of physical barriers	Maintain/restore natural circulation of sediments and organic matter, without any physical obstructions
Physical structure: creeks and pans	Occurrence	Maintain/restore creek and pan structure, subject to natural processes, including erosion and succession
Physical structure: flooding regime	Hectares flooded; frequency	Maintain natural tidal regime
Vegetation structure: zonation	Occurrence	Maintain range of coastal habitats including transitional zones, subject to natural processes including erosion and succession

Vegetation structure: vegetation height	Centimetres	Maintain structural variation within sward
Vegetation structure: vegetation cover	Percentage cover at a representative number of monitoring stops	Maintain more than 90% area outside creeks vegetated
Vegetation composition: typical species and subcommunities	Percentage cover at a representative number of monitoring stops	Maintain range of subcommunities with typical species listed in SMP
Vegetation structure: negative indicator species	Hectares	No significant expansion of common cordgrass, with an annual spread of less than 1% where it is known to occur

The Conservation Objectives Supporting Document identifies the main threats to its conservation significance come from road works, infilling, sewage outflows and marina development.

12.3.5. Identification of likely effects

Having regard to the Conservation Objectives of the SAC and SPA, factors potentially impacting on the sites arising from the proposed development are identified as:

- Habitat loss / modification
- Spread of invasive species.
- Disturbance of qualifying species of the SPA
- Ex-situ Impacts

The proposed development will not result in the direct loss or modification of habitats within any European sites. Impacts on water quality may impact on the qualifying interests of the site. Construction activity has the potential to give rise to the discharge of silt, contaminants or other polluting material to the surrounding drainage

network which discharges to the Atlantic Pond / River Lee and lower estuary, upstream of the European Sites.

The proposed development will connect to mains wastewater services which flow to the Carrigrennan Wastewater Treatment Plant, discharging to Lough Mahon. The plant operates under an EPA licence (D-0033-01) and there is adequate capacity to accommodate flows from the proposed development. The 2019 Annual Environmental Report (AER) notes, however, that discharge from the plant is not in compliance with emission limit values in respect of nitrogen and phosphorus. Improvement works identified in the AER and in EPA publication, *Urban Waste Water Treatment in 2019*, include the provision of a higher level of treatment to reduce the amount of phosphorus released and meet licence requirements. The applicants state that the discharge from the Wastewater Treatment Plant does not have an observable negative impact on receiving water quality nor a negative impact on the Water Framework Directive Status

The proposed development would equate to a very small percentage of the overall licenced discharge at the plant, and thus would not impact significantly on overall water quality within the Cork Harbour area or the European Sites. I do not therefore consider that the proposed development will give rise to likely significant effects on the European sites by reason of discharge to Carrigrennan WWTP.

The presence of invasive species on the site is noted. A small area of Giant Knotweed (*Fallopia sachalinensis*) was recorded along the northern boundary of a now derelict industrial structure. This species is listed on the Third Schedule of the 2011 European Communities (Birds and Natural Habitats) Regulations and is a species which it is an offense to disperse, spread or otherwise cause to grow in any place. Soils and other material containing knotweed are also identified in the regulations as vector materials, subject to the same strict legal controls. Failure to comply with the legal requirements set down can result in either civil or criminal prosecution. I note the conclusions of the submitted NIS with regard to the potential spread of knotweed from the site, which are considered to be reasonable. The remediation of the site / eradication of such infestation, in line with the recommendations of the Invasive Species Management Plan prepared by Dixon Brosnan, is a mandatory requirement irrespective of proximity to any European Site, and is not therefore regarded as a mitigation measure.

No ex-situ effects are considered likely having regard to the unfavourable nature of habitats on the site and adjoining lands for the qualifying species of the European Sites.

In respect of disturbance, I note the location of the site within the central city area, approx. 2.9 km from the SPA boundary at Blackrock / 1.7 km north of Douglas Estuary. The area is subject to existing levels of background noise and activity given its location on the edge of the urban area. It is noted that Great Island Channel SAC is designated for habitats rather than fauna and no disturbance or displacement impacts are therefore considered relevant.

The Construction and Demolition Resource and Waste Management Plan describes procedures for the handling and disposal of waste materials in accordance with relevant waste management legislation. Compliance with these legislative requirements is not regarded as a measure intended to avoid or reduce the harmful effects of a project on a European site and are not therefore regarded as mitigation measures for the purposes of AA screening. Compliance with such legislation would satisfactorily address concerns regarding such unauthorised development.

The application is accompanied by a site-specific flood risk assessment. The proposed development is not considered to be at risk of flooding and will not create a risk of flooding elsewhere. I do not consider therefore that further consideration of any significant effects is required in the context of this planning application.

I consider that the potential for in-combination wastewater impacts can be excluded having regard to the scale of development proposed in the context of the wider city, the current capacity of the Carrigrennan Wastewater treatment plant, and planned upgrade works thereto. I note proposals for the adjacent development of the Former Ford Distribution Site, Marina Park and the Monaghan's Road Extension. Having regard to the status of works on Marina Park it is likely that they will be substantially complete before works commence on the proposed development. Development of the Monaghan's Road Extension could occur concurrently with the proposed construction works. There is potential for impacts in terms of water quality impacts during construction and from the increased vehicular movements in this area. The redevelopment of the Former Ford Distribution site has already been subject to a development consent process.

In conclusion, potential significant effects on the European Sites Cork Harbour SPA (004030) Great Island Channel SAC (001058) are identified as impacts on Water Quality due to run-off of silt and other contaminants from the site at construction and operational stages. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

12.3.6. Screening Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on Cork Harbour SPA (004030) and Great Island Channel SAC (001058), in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

12.4. Stage II Appropriate Assessment

The application is accompanied by a Natura Impact Statement, as outlined above, which arrives at the following conclusions:

- Elements of the proposed development may result in potential impacts on Cork Harbour SPA and Great Island Channel SAC in the absence of environmental protection measures including potential impacts from construction / operational surface-water run-off.
- Potential waste-water impacts are not considered relevant, and no mitigation measures are required.
- With the implementation of the specified mitigation measures, no indirect habitat loss or deterioration of the Natura 2000 sites in relation to silt-laden or contaminated surface-water run-off arising from the construction or operational phases of the proposed development is likely.
- Mitigation measures will be integrated as part of the proposed development for the protection of water-features.

12.4.1. Appropriate Assessment of implications of the proposed development

The following is a summary of the objective assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

12.4.2. European Sites

The following sites are subject to Appropriate Assessment:

- Cork Harbour SPA 004030
- Great Island Channel SAC 001058

The qualifying interests and conservation objectives for these sites are set out in section 12.3.4 above. The aspects of the proposed development that could adversely affect the conservation objectives of these European sites have been identified as impacts on Water Quality due to run-off of silt and other contaminants from the site at construction and operational stages.

In common with recent SHD applications in the area, I have adapted an assessment methodology to apply the integrity test, and I have considered the following:

- the ecological requirements, conservation objectives and the current conservation status (if known) of the site's designated features that might be affected by the proposal
- each potential effect on the European site, including the risk of combined effects with other proposals, and how they might impact on the site's conservation objectives
- the scale, extent, timing, duration, reversibility and likelihood of the potential effects
- how certain you are of the effects occurring
- mitigation measures that have been proposed or conditions you can attach to avoid or limit the effects

- how confident you can be that mitigation measures will be effective over the whole lifetime of the proposal - for example, the effects of construction, operation and decommissioning

Tables 1 and 2 below summarise the appropriate assessment and integrity test. The conservation objectives, targets and attributes as relevant to the identified potential adverse effects have been examined and assessed in relation to all aspects of the project (alone and in combination with other plans and projects). I have also examined the Natura 2000 data forms as relevant and the conservation objectives supporting documents for these sites available through the NPWS website (www.npws.ie). Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed. In terms of possible in-combination effects, plans, programmes and existing and proposed developments were considered. This allows for clear, precise and definitive conclusions to be reached in terms of adverse effects on the integrity of European sites.

Table 1 Cork Harbour SPA

Qualifying Interest -	Conservation Objective:	Potential adverse effect	Mitigation Measures	In-Combination Effects	Can adverse effects be excluded?
Wintering bird species	Maintain the favourable conservation condition of the qualifying interests, defined by the following list of attributes and targets Attribute & Target: <ul style="list-style-type: none"> • Long term population trend stable or increasing. • Distribution: No significant decrease in the 	Impacts on Water Quality and habitats due to run-off of silt and other contaminants at construction and operational stages.	<ul style="list-style-type: none"> • Separation from Natura Network sites. • Specific measures identified in section 6 of the NIS and Sections 7.7 and 7.8 of the Construction Management plan including: <p>Potential pollutants shall be adequately secured against vandalism and will be provided with proper containment according to the relevant</p>	<ul style="list-style-type: none"> • Adjoining works in Marina Park include measures to improve overall drainage and water quality in the area, including diversion of the adjoining open drain to the south. • This project is well progressed and was subject to AA screening. 	Yes

	<p>range, timing or intensity of use of areas other than from natural patterns of variation.</p>		<p>codes of practice. Any spillages will be immediately contained, and contaminated soil shall be removed from the proposed development and properly disposed of in an appropriately licensed facility.</p> <ul style="list-style-type: none"> • Dust generation shall be kept to a minimum through the wetting down of haul roads as required and other dust suppression measures. • Any stockpiles of earthworks and site clearance material shall be stored on 	<ul style="list-style-type: none"> • Works on proposed Monaghan's Road Extension will involve excavation and construction activity. Subject to similar best practise measures and AA screening, significant in-combination effects are not anticipated. • Works at the adjacent Former Ford Motor Distribution Site will involve excavation and construction activity. Subject to similar best practise 	
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			<p>impermeable surfaces and covered with appropriate materials where necessary.</p> <ul style="list-style-type: none"> • Silt traps shall be placed in gullies to capture any excess silt in the run-off from working areas. • Soil and water pollution will be minimised by the implementation of good housekeeping (daily site clean-ups, use of disposal bins, etc.) and the proper use, storage and disposal of these substances and their containers as 	<p>measures and AA screening, significant in-combination effects are not anticipated.</p>	
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			<p>well as good construction practices as described the CIRIA guidance.</p> <ul style="list-style-type: none"> • A contingency plan for pollution emergencies will also be developed by the appointed contractor prior to the commencement of works and regularly updated. 		
<p>Breeding birds: Common Tern</p>	<p>To maintain the favourable conservation condition of Common Tern in Cork Harbour SPA, defined by the following list of attributes and targets:</p>	<p>Impacts on Water Quality and habitats due to run-off of silt and other contaminants at construction and</p>	<ul style="list-style-type: none"> • Separation from Natura Network sites. • Specific measures identified in section 6 of the NIS and Sections 7.7 and 7.8 of the Construction 		<p>Yes</p>

	<ul style="list-style-type: none"> - Breeding population abundance (occupied nests) - Productivity rate - Distribution: breeding colonies - Prey biomass available - Barriers to connectivity - Disturbance at the breeding site 	operational stages.	<p>Management plan including:</p> <p>Potential pollutants shall be adequately secured against vandalism and will be provided with proper containment according to the relevant codes of practice. Any spillages will be immediately contained, and contaminated soil shall be removed from the proposed development and properly disposed of in an appropriately licensed facility.</p>		
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			<ul style="list-style-type: none">• Dust generation shall be kept to a minimum through the wetting down of haul roads as required and other dust suppression measures.• Any stockpiles of earthworks and site clearance material shall be stored on impermeable surfaces and covered with appropriate materials where necessary.• Silt traps shall be placed in gullies to capture any excess silt in the run-off from working areas.		
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			<ul style="list-style-type: none">• Soil and water pollution will be minimised by the implementation of good housekeeping (daily site clean-ups, use of disposal bins, etc.) and the proper use, storage and disposal of these substances and their containers as well as good construction practices as described the CIRIA guidance.• A contingency plan for pollution emergencies will also be developed by the appointed contractor prior to the commencement of works and		
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			regularly updated.		
Habitat: Wetlands.	To maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. This is defined by Habitat area.	Impacts on Water Quality and habitats due to run-off of silt and other contaminants at construction and operational stages.	<ul style="list-style-type: none"> • Separation from Natura Network sites. • Specific measures identified in section 6 of the NIS and Sections 7.7 and 7.8 of the Construction Management plan including: Potential pollutants shall be adequately secured against vandalism and will be provided with proper containment according to the relevant codes of 		Yes

			<p>practice. Any spillages will be immediately contained, and contaminated soil shall be removed from the proposed development and properly disposed of in an appropriately licensed facility.</p> <ul style="list-style-type: none">• Dust generation shall be kept to a minimum through the wetting down of haul roads as required and other dust suppression measures.• Any stockpiles of earthworks and site		
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			<p>clearance material shall be stored on impermeable surfaces and covered with appropriate materials where necessary.</p> <ul style="list-style-type: none">• Silt traps shall be placed in gullies to capture any excess silt in the run-off from working areas.• Soil and water pollution will be minimised by the implementation of good housekeeping (daily site clean-ups, use of disposal bins, etc.) and the proper use, storage and disposal of these		
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			<p>substances and their containers as well as good construction practices as described the CIRIA guidance.</p> <ul style="list-style-type: none"> • A contingency plan for pollution emergencies will also be developed by the appointed contractor prior to the commencement of works and regularly updated. 		
Conclusion					
<p>Subject to the control of silt and contamination in accordance with identified measures, significant adverse effects can be excluded. There will be longer-term positive impacts on water quality through the removal of contamination sources from the site.</p>					

Following the appropriate assessment and the consideration of mitigation measures, I conclude with confidence that the project would not adversely affect the integrity of Cork Harbour SPA in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Table 2 Great Island Channel SAC

Qualifying Interest -	Conservation Objective:	Potential adverse effect	Mitigation Measures	In-Combination Effects	Can adverse effects be excluded?
Tidal Mudflats and Sandflats (1140)	<p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Great Island Channel SAC, which is defined by:</p> <ul style="list-style-type: none"> - Habitat area - Community distribution 	Impacts on Water Quality and habitats due to run-off of silt and other contaminants at construction and operational stages.	<ul style="list-style-type: none"> • Separation from Natura Network sites. • Specific measures identified in section 6 of the NIS and Sections 7.7 and 7.8 of the Construction Management plan including: <p>Potential pollutants shall be adequately secured against vandalism and will be provided with proper containment according to the relevant codes of</p>	<ul style="list-style-type: none"> • Adjoining works in Marina Park include measures to improve overall drainage and water quality in the area, including diversion of the adjoining open drain to the south. • This project is well progressed and was subject to AA screening. • Works on proposed Monaghan's Road 	Yes

			<p>practice. Any spillages will be immediately contained, and contaminated soil shall be removed from the proposed development and properly disposed of in an appropriately licensed facility.</p> <ul style="list-style-type: none"> • Dust generation shall be kept to a minimum through the wetting down of haul roads as required and other dust suppression measures. • Any stockpiles of earthworks and site 	<p>Extension will involve excavation and construction activity. Subject to similar best practise measures and AA screening, significant in-combination effects are not anticipated.</p> <ul style="list-style-type: none"> • Works at the adjacent Former Ford Motor Distribution Site will involve excavation and construction activity. Subject to similar best practise measures 	
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			<p>clearance material shall be stored on impermeable surfaces and covered with appropriate materials where necessary.</p> <ul style="list-style-type: none">• Silt traps shall be placed in gullies to capture any excess silt in the run-off from working areas.• Soil and water pollution will be minimised by the implementation of good housekeeping (daily site clean-ups, use of disposal bins, etc.) and the proper use, storage and disposal of these	<p>and AA screening, significant in-combination effects are not anticipated.</p>	
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			<p>substances and their containers as well as good construction practices as described the CIRIA guidance.</p> <ul style="list-style-type: none"> • A contingency plan for pollution emergencies will also be developed by the appointed contractor prior to the commencement of works and regularly updated. 		
Atlantic salt meadows	To restore the favourable conservation condition of Atlantic	Impacts on Water Quality and habitats due to run-off of silt and	<ul style="list-style-type: none"> • Separation from Natura Network sites. • Specific measures identified in section 6 of 	<ul style="list-style-type: none"> • Adjoining works in Marina Park include measures to improve overall 	Yes

	<p>salt meadows in Great Island Channel SAC, defined by:</p> <ul style="list-style-type: none"> - Habitat area - Distribution - Physical structure: natural circulation of sediments and organic matter - Physical structure: creeks and pans - Physical structure: flooding regime - Vegetation structure: zonation - Vegetation structure: vegetation height - Vegetation structure: vegetation cover 	<p>other contaminants at construction and operational stages.</p>	<p>the NIS and Sections 7.7 and 7.8 of the Construction Management plan including:</p> <p>Potential pollutants shall be adequately secured against vandalism and will be provided with proper containment according to the relevant codes of practice. Any spillages will be immediately contained, and contaminated soil shall be removed from the proposed development and properly</p>	<p>drainage and water quality in the area, including diversion of the adjoining open drain to the south. This project is well progressed and was subject to AA screening.</p> <ul style="list-style-type: none"> • Works on proposed Monaghan's Road Extension will involve excavation and construction activity. Subject to similar best practise measures and AA screening, significant in-combination 	
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	<ul style="list-style-type: none"> - Vegetation composition: typical species and subcommunities - Vegetation structure: negative indicator species 		<p>disposed of in an appropriately licensed facility.</p> <ul style="list-style-type: none"> • Dust generation shall be kept to a minimum through the wetting down of haul roads as required and other dust suppression measures. • Any stockpiles of earthworks and site clearance material shall be stored on impermeable surfaces and covered with appropriate materials where necessary. • Silt traps shall be placed in gullies to 	<p>effects are not anticipated.</p>	
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			<p>capture any excess silt in the run-off from working areas.</p> <ul style="list-style-type: none">• Soil and water pollution will be minimised by the implementation of good housekeeping (daily site clean-ups, use of disposal bins, etc.) and the proper use, storage and disposal of these substances and their containers as well as good construction practices as described the CIRIA guidance.• A contingency plan for pollution emergencies		
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			will also be developed by the appointed contractor prior to the commencement of works and regularly updated.		
Conclusion					
Subject to the control of silt and contamination in accordance with identified measures, significant adverse effects can be excluded. There will be longer-term positive impacts on water quality through the removal of contamination sources from the site.					

Following the appropriate assessment and the consideration of mitigation measures, I conclude with confidence that the project would not adversely affect the integrity of Great Island Channel SAC in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

12.4.3. **Appropriate Assessment Conclusion**

The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the project, it has been concluded that it may have a significant effect on Cork Harbour SPA and Great Island Channel SAC. An Appropriate Assessment of the implications of the project on the qualifying features of those sites in light of their conservation objectives was therefore undertaken. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Cork Harbour SPA and Great Island Channel SAC, or any other European site, in view of the site's Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and the main considerations set out below, and there is no reasonable doubt as to the absence of adverse effects:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of Cork Harbour SPA and Great Island Channel SAC.
- Detailed assessment of in-combination effects with other plans and projects including current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Cork Harbour SPA and Great Island Channel SAC.

13.0 **Recommendation**

13.1. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

14.0 Reasons and Considerations

Having regard to the following:

- (a) the site's location close to Cork City Centre, close to a bus service and other local facilities and amenities, within an established built up area on lands with a zoning objective ZO 16 Mixed Use Development with the objective to promote the development of mixed uses to ensure the creation of a vibrant urban area, working in tandem with the principles of sustainable development, transportation and self-sufficiency, in the Cork City Development pan 2015-2021,
- (b) the policies and objectives set out in the NPF and SRA/RSES
- (c) the policies and objectives set out in the Cork City Development Plan 2015-2021,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (e) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (f) the Design Manual for Urban Roads and Streets (DMURS), 2013, as amended
- (g) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (h) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020
- (i) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (j) the nature, scale and design of the proposed development,
- (k) the availability in the area of a range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history of the site and within the area,
- (n) the submissions and observations received,

- (o) the report of the Chief Executive of Cork City Council, and
- (p) the report of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

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

15.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2020

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 28th day of March 2022 by Harry Walsh Planning Consultants on behalf of Tiznow Property Company Limited (Comer Group Ireland).

Proposed Development

Permission is sought for 190 residential units, in a single block ranging in height from 1 to 12 storeys:

Parameter	Site Proposal
Application Site	1.06 hectares
Number of Units	190 apartment units

Density	179 units per hectare (gross) 244 units per hectare (net)
Dual Aspect	112 of all units (58.9%)
Other Uses	Crèche – 365 sqm – 43 children Retail – 233 sqm (2 units at 125 and 108 sqm) Café/restaurant – 231 sqm (3 units at 107, 95 and 29 sqm)
Public Open Space	0.1335 ha – 17.5% of the site (net)
Communal Open Space	0.1285 ha
Height	1-12 storeys
Parking	448 car parking spaces
Vehicular Access	Via the Marquee Road.
Part V	19 units

Housing Mix

Unit Type	1 bed	2 bed	3 bed	Total
Apartment	64	106	20	190
% of Total	34%	56%	10%	100%

- Demolition of existing structures on the site including
- 3 café/restaurant units (total area 231 sq m),
- 2 retail units (233 sq m)
- Tenant amenity facilities (766 sq m) at ground floor level.
- Hard and soft landscaping, boundary treatments, public realm works on Marquee Road and Centre Park Road, car parking, bicycle stores and shelters, bin stores, signage,

- Vehicular access to the proposed development will be provided via Marquee Road.

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.

Reasons and Considerations

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

- (a) the site's location close to Cork City Centre, close to a bus service and other local facilities and amenities, within an established built up area on lands with a zoning objective ZO 16 Mixed Use Development with the objective to promote the development of mixed uses to ensure the creation of a vibrant urban area, working in tandem with the principles of sustainable development, transportation and self-sufficiency, in the Cork City Development plan 2015-2021,
- (b) the policies and objectives set out in the NPF and SRA/RSES
- (c) the policies and objectives set out in the Cork City Development Plan 2015-2021,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (e) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (f) the Design Manual for Urban Roads and Streets (DMURS), 2013, as amended
- (g) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009

- (h) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020
- (i) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (j) the nature, scale and design of the proposed development,
- (k) the availability in the area of a range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history of the site and within the area,
- (n) the submissions and observations received,
- (o) the report of the Chief Executive of Cork City Council, and
- (p) the report of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

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

Appropriate Assessment: Stage 1

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Natura Impact Statement Report submitted with the application, the Inspector's Report, and submissions on the file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development 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, other than European Site Cork Harbour SPA (004030) Great Island Channel SAC (001058), which are European sites for which there is a likelihood of significant effects.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on Cork Harbour SPA (004030) Great Island Channel SAC (001058), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- a) the site-specific conservation objectives for the European sites,
- b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts on surface water and ground water quality,
- c) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the sites' conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects. This conclusion is based on the following:

- a) The measures identified to control the quality of surface water discharges which provide for the interception of silt and other contaminants prior to discharge from the

site during construction and operational phases, and for the avoidance of ground water contamination.

Environmental Impact Assessment

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Information Report submitted by the developer which contains the information as set out in Schedule 7A of the Planning and Development Regulations 2001, as amended and the Article 299B Statement submitted by the applicant.

Having regard to:

(a) The nature and scale of the proposed development which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(b) the site's location close to Cork City Centre, close to existing and planned public transport routes within an established built up area on lands with a zoning objective ZO16 Mixed Use Development, in the Cork City Development Plan 2015-2021

(c) the existing use on the site and pattern of development in the surrounding area,

(d) the planning history relating to the surrounding area,

(e) the availability of mains water and wastewater services to serve the proposed development,

(f) the location of the development outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations 2001, as amended,

(g) the provisions of the guidance as set out in the Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development, issued by the Department of the Environment, Heritage and Local Government (2003),

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

(i) the features and measures proposed by the developer envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Construction Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Conclusion on Proper Planning and Sustainable Development

The Board considered that the proposed development is broadly compliant with the provisions of the Cork City Development Plan 2015-2021, apart from the building height parameters, and would therefore be in accordance with the proper planning and sustainable development of the area. The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a land use zoning objective of the Development Plan, it would materially contravene objectives of the Plan with regard to building height. The Board considers that, having regard to the provisions of section 37(2)(b) (i) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the development plan would be justified for the following reasons and considerations:

a) The proposed development is considered to be of strategic or national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended; and its potential to provide a significant number of residential units (190) and deliver on the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016 and the recently published government strategy Housing for All - a New Housing Plan for Ireland (September 2021), and to facilitate

the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.

(b) It is considered that in respect of building height, permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework, in particular objectives 13 and 35, and the Urban Development and Building Height Guidelines for Planning Authorities, in particular SPPR1 and SPPR3.

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b)(i) and (iii) of the 2000 Act were satisfied for the reasons and considerations set out.

Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and mix of unit types and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area or be prejudicial to public health, would be acceptable in terms of urban design and height and in terms of pedestrian and traffic safety. The proposed development 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. The mitigation measures contained in the Natura Impact Statement which was submitted with the application shall be implemented in full.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites.

3. The proposed development shall be amended as follows:

a) The entire block shall be repositioned northwards at least 5 metres from the northern bank of the watercourse that runs along the southern boundary of the site. A suitable landscape strategy shall be devised that will maximise the biodiversity potential of this riparian corridor.

b) A 6-metre-wide wayleave shall be provided for the proposed culvert along the northern boundary of the site, details to be agreed with the planning authority.

c) The on-street parking along Marquee Road shall be omitted and replaced with an appropriate landscape solution.

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

Reason: In the interests of visual amenity, sustainable development, and to improve the quality of public urban spaces.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity

5. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, 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.

6. Proposals for a street, building and public space naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs and dwelling numbers, shall be provided in accordance with the agreed scheme. 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 names.

Reason: In the interest of urban legibility.

7. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services. Details to be agreed in writing prior to the commencement of development on the site shall include:

a) A finalised surface water attenuation / storage solution which shall be suitable for the groundwater conditions at the application site.

b) Revised drainage and / or taking in charge details such that surface water attenuation tanks shall not be located on lands intended to be taken in charge by the local authority.

c) Final details of proposed works to existing drainage channels or culverts as part of the proposed development.

Reason: In the interests of public health

8. Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate that Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management

9. (a) The mitigation measures identified in the Flood Risk Assessment Report (2 February 2022) submitted with the application shall be implemented in full. Any proposed changes to the measures shall be agreed in writing with the planning authority prior to the commencement of development on the site.

(b) Prior to first occupation of any unit on the site, a Flood Emergency Management Plan shall be submitted to and agreed in writing with the planning authority. Such plan shall be subject to regular review by the management company for the development.

Reason: In the interests of public health and safety

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

Reason: In the interest of public health.

11. All mitigation measures identified in the Wind Microclimate Assessment (22 March 2022) shall be implemented in full.

Reason: In the interests of residential amenity and public safety

12. (a) The site shall be landscaped and paving and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

(b) The palette of materials to be used, including street furniture, paving etc to be used in public spaces shall be agreed in writing with the planning authority prior to the commencement of development on the site.

Reason: In the interest of residential and visual amenity

13. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs within and adjoining the site which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This shall include all trees along Marquee Road. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

14. A schedule of landscape management and maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the

development. This schedule shall cover a period of at least three years from completion of the overall development, and shall include details of the arrangements for its implementation.

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

15. Final landscaping and finished ground levels within the proposed linear park shall be agreed in writing with the planning authority prior to the commencement of development, which levels shall ensure that universal access to pedestrian crossings of the Monaghan's Road Extension is achieved.

Reason: In order to provide universal access between the development and Marina Park.

16. The developer shall engage with the operators of Cork Airport and with the Irish Aviation Authority and shall:

a) Undertake a preliminary assessment of the potential impact of the proposed development, including construction cranes, on instrument flight procedures, and communications, navigation or surveillance equipment at Cork Airport.

b) Agree an obstacle lighting scheme for structures on the site.

c) Provide at least 30-days' notice of any proposed crane operations on the site.

Reason: In the interests of public and aircraft safety

17. 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, roads 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.

18. (a) The road network serving the proposed development, including junctions, surfacing, parking / set-down areas, car park access roads layouts, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and the design standards outlined in the Design manual for Urban Roads and Streets (DMURS) 2020 and the National Cycle Manual. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

(b) Prior to the commencement of development, full design details in respect of shared surfaces and raised tables at proposed junctions, including geometry and materials, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of amenity and of traffic and pedestrian safety, and to ensure an appropriate standard of development.

19. (a) All findings of the Quality Audit at initial and detailed design stages shall be finalised and incorporated into the development in a manner to be agreed in writing with the planning authority prior to the commencement of development.

(b) A stage 3 / 4 Road Safety Audit in respect of the proposed development shall be undertaken and the findings of the audit shall be incorporated into the development. Final details in this regard shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of road safety

20. 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.

21. Final design details in respect of surface level visitor / short-term bicycle parking, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development on the site. Details to be agreed shall include the proportion and location of cycle parking spaces to be provided as covered spaces and the design of parking structures.

Reason: To ensure that a satisfactory quality of bicycle parking is available to encourage sustainable travel patterns.

22. Prior to the opening/occupation of the development, 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 and carpooling by residents / occupants / staff employed in the development and to reduce and regulate the extent of parking. 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.

23. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has 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.

24. Details of all security shuttering, external shopfronts, lighting and signage shall be as submitted to An Bord Pleanála with this application unless otherwise

submitted to, and agreed in writing with, the planning authority prior to occupation of the commercial/retail units.

Reason: In the interest of the amenities of the area/visual amenity.

25. The construction of the development shall be managed in accordance with a Construction and Environmental 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:

- a) Location of the site and materials compounds including areas identified for the storage of construction refuse.
- b) Location of areas for construction site offices and staff facilities.
- c) Details of site security fencing and hoardings.
- d) Details of on-site car parking facilities for site workers during construction.
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- f) Measures to obviate queuing of construction traffic on the adjoining road network.
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- i) Details of appropriate mitigation measures for noise, dust and vibration, and the location and frequency of monitoring of such levels.
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.

k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants / contaminants enter local surface water sewers or drains.

l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

m) Measure to fully remediate the site in accordance with a Construction Stage Invasive Plant Species Management plan, in advance of the commencement of construction activities.

Reason: In the interest of amenities, public health and safety.

26. A suitably qualified / experienced Ecologist shall be appointed in the role of Ecological Clerk of Works, who shall be responsible for the implementation, management and monitoring of the identified construction mitigation measures, and the Construction and Environmental Management Plan.

Reason: In the interest of amenities, public health and safety.

27. Construction and demolition waste shall be managed in accordance with a finalised Construction and Demolition Waste 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. The plan shall include details of waste to be generated during site clearance and construction phases, including contaminated materials, and details of the methods and locations to be employed for the prevention, minimisation, handling, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. Full project waste disposal records shall be maintained and be available for inspection by the planning authority.

Reason: In the interest of sustainable waste management.

28. 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. 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.

29. Prior to commencement of development, the applicant 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.

30. Prior to the commencement of any own door apartment unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each own-door unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts such own door units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

31. 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.

32. 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

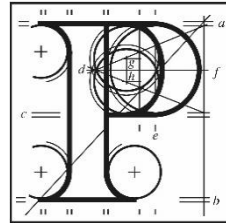
33. The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission

Stephen Rhys Thomas
Senior Planning Inspector

04 July 2022

17.0 Appendix I EIA Screening Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-313142-22
Development Summary		190 apartments, retail/commercial units and a crèche.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	AA Screening Report and Natura Impact Statement

<p>2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</p>	<p>No</p>	<p>No</p>
<p>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>Cork City Development Plan 2015 was subject to SEA and SFRA. And the following are of relevance:</p> <ul style="list-style-type: none"> • Report on Appropriate Assessment Screening and Natura Impact Statement has been undertaken pursuant to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC). • The Flood Risk Assessment addresses the potential for flooding having regard to the OPW CFRAMS study which was undertaken in response to the EU Floods Directive. • The submitted Outline Construction Management Plan sets out standards derived from the EU Ambient Air Quality Directive.

<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>

1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	Not significant in scale in context of the wider area.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	Uses proposed consistent with land uses in the area. Mixed use zoning applies. Residential use permitted in principle. No changes to topography or waterbodies.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials used will be typical of any urban development project. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Materials used will be typical of those used in construction activities. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Demolition Waste Management Plan. No operational impacts in this regard are anticipated.	No

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Demolition Waste Management Plan. No operational impacts in this regard are anticipated.</p> <p>Operational waste will be managed via an operational waste management plan. Foul water will discharge to the public network. No significant operational impacts anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Risks during construction will be mitigated by measures detailed in the submitted Outline Construction and Demolition Waste Management Plan. No operational impacts in this regard are anticipated.</p> <p>In the operational phase the development will connect to public wastewater network and attenuated surface water will discharge to the municipal surface water piped system.</p>	<p>No</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Demolition Waste Management Plan. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions and surface water runoff. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Demolition Waste Management Plan. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. The issue of Flood Risk has been satisfactorily addressed in the submitted FRA. The development is outside the outer zone for the lower tier COMAH establishment, Gouldings Chemicals at Centre Park Road, Cork.</p>	<p>No</p>

1.10 Will the project affect the social environment (population, employment)	Yes	Development of this site as proposed will result in an increase in residential units within the South Docks area of Cork City. The anticipated population of the development is small in the context of the wider urban area. No social environmental impacts anticipated.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	No.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 	No	No. Potential for significant effects on Natura 2000 sites has been screened out.	No

<p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>			
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No habitats of species of conservation significance identified within the site or in the immediate environs.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>There are no features of significance either on the site or in the vicinity.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>Yes</p>	<p>There are open drainage ditches to the north and south of the site. SuDS measures will be installed on site and mechanical measures to ensure no harmful pollutants enter the watercourses concerned.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No.</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>No.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>Residential / community and social land uses. No significant impacts are envisaged.</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No	None.	No

C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	
Real likelihood of significant effects on the environment.	No		

Stephen Rhys Thomas
Senior Planning Inspector
04 July 2022