



An  
Bord  
Pleanála

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

### Inspector's Report ABP-313206-22

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#### Strategic Housing Development

Demolition of existing buildings,  
construction of 140 no. apartments,  
creche and associated site works.

#### Location

Bessborough, Ballinure. Blackrock,  
Co. Cork

#### Planning Authority

Cork City Council

#### Applicant

Estuary View Enterprises 2020  
Limited

#### Prescribed Bodies

(1) Uisce Eireann  
(2) Transport Infrastructure Ireland

#### Observer(s)

(1) Anne Marie Flanagan  
(2) Bessboro Mother and Baby Home  
Support Group

**Date of Site Inspection**

23<sup>rd</sup> May 2025

**Inspector**

Colin McBride

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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.

## **2.0 Site Location and Description**

- 2.1. The subject site, which has a stated area of approximately 5.1 hectares in area is located at Bessborough, Ballinure, Blackrock, Cork. It is located approximately 5km southeast of Cork City Centre and adjacent to the established residential areas of Mahon and Blackrock. The Cork South Ring Road is located to the south of the site as well as lands associated with Bessborough House. The site is within the curtilage of Bessborough House, which is a protected structure (RPS Ref. 004090, Bessboro Convent (Central Block)). There are various existing structures associated with Bessborough House on the site including former farmyard buildings and existing storage structure/play structures and a log cabin. Bessborough House and associated structures adjoining the site are occupied by the Sacred Heart Convent, childcare facilities and mediation services. The site is accessed from the north via an access road constructed in mid-2000's to serve the site and surrounding lands (PL28.203096). The site is occupied by a number of existing structures that were formerly in use as farm building and are now disused. The site also includes an area of parkland located to west of buildings on site. The site also extends to take in part of the access road and strip of land that runs to the east to allow for linkage to the existing greenway (Passage West Greenway) that runs to the east of the site. Adjoining structures include the two-storey Sacred Heart Convent building to the north of the site, Bessborough House and its various associated structures to the south and southeast of the site. There is a day care centre and hostel located (two-storey structures) to the northeast of the site and the nearest existing residential development (two-storey dwellings) is located to the north of the site (Crawford Gate). I would note that the townland is referred to as Bessborough, however the public road is referred to as Bessboro Road

and the Development Plan refers to the protected structure as Bessboro Convent. The applicants Historical Record Document refers to the Bessborough House. I have used Bessborough House to describe the existing protected structure and Bessboro, when referring to the public road or a specific reference in the Development Plan where such is used.

### **3.0 Proposed Strategic Housing Development**

- 3.1 This is an application for a permission consisting of the demolition of 10 no. existing agricultural buildings/sheds and log cabin residential structures and the construction of a residential development of 140 no. residential apartment units over 2 no. retained and repurposed farmyard buildings (A & B) with single storey extension and 3 no. new blocks of 3-5 storeys in height, with supporting resident amenity facilities, crèche, and all ancillary site development works. The proposed development includes 140 no. apartments to be provided as follows: Block C (9 no. 1-bedroom & 25 no. 2-bedroom over 3 storeys), Block D (34 no. 1-bedroom & 24 no. 2-bedroom over 3-4 storeys), Block E (27 no. 1-bedroom, 20 no. 2-bedroom & 1 no. 3-bedroom over 4-5 storeys). It is proposed to use retained Block A and Block B for resident amenities which include home workspace, library, lounge and function space.
- 3.2 The proposal includes a new pedestrian/cycle bridge over the Passage West Greenway to the east, connecting into the existing down ramp from Mahon providing direct access to the greenway and wider areas, as well as new pedestrian access to Bessborough Estate to the north including upgrades to an existing pedestrian crossing on Bessboro Road. The proposed development provides for outdoor amenity areas including publicly accessible parkland, landscaping, surface car parking, bicycle parking, bin stores, substation, public lighting, roof mounted solar panels, wastewater infrastructure including new inlet sewer to the Bessborough Wastewater Pumping Station to the west, surface water attenuation, water utility services and all ancillary site development works. Vehicular access to the proposed

development will be provided via the existing access road off the Bessboro Road. Part of the proposed development is situated within the curtilage of Bessborough House which is a Protected Structure (Reference: RPS 490).

3.3 Key Development Statistics are outlined below:

	<b>Proposed Development</b>
<b>Site Area</b>	5.1 ha gross
<b>No. of Units</b>	140
<b>Density</b>	27 uph gross 33 up net
<b>Height</b>	Block A 1-storey (double height space) Block B 1-storey (part double height space) Block C 3-storeys Block D 3-4-storeys Block E 4-5-storey
<b>Plot Ratio</b>	0.35
<b>Dual Aspect</b>	53%
<b>Open Space</b>	Parkland 24,520sqm Public Open Space 2,626sqm
<b>Communal Amenity Space (internal)</b>	2,563sqm
<b>Car Parking</b>	58 spaces including 4 creche drop off spaces. (ratio of 0.386 per residential unit).
<b>Bicycle Parking</b>	330

3.4 Unit mix is as follows:

Apartment Type	One	Two	Three	Total
No.	70	69	1	140

%	50%	49%	1%	
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3.5 The proposal in this case is part of masterplan for the applicants' overall landholding at this location. Three phases are proposed with the current application Phase 2 and Phase 1 being the Meadows SHD proposal, which is concurrent application, on a site to the southwest (ABP-313216-22) and Phase 3 is for 200 units on a site to the west of the current application site (no application lodged). The phasing plan is shown on page 20 of Architectural Design Statement.

3.6 The application included the following:

- ABP Opinion Response Report
- Architectural Design Statement
- Statement on Material Contravention
- Childcare Needs Assessment
- Planning Statement
- Statement of Consistency
- Landscape Design Strategy
- Parkland Management Strategy
- Natura Impact Statement
- Historic Building Record
- Construction & Environmental Management Plan
- Daylight, Sunlight & Shadow Analysis
  - Daylight reception analysis (proposed development)
  - Effect on daylight reception analysis report (neighbouring buildings)
  - Sunlight reception analysis report
  - Appendix A Sunlight reception analysis report
- Energy analysis report & Part L compliance report

- Services Infrastructure Report
- External lighting report
- Flood Risk Assessment
- Telecommunication signal interference assessment report
- Road Safety Audit
- Mobility Management Plan
- Walking and Cycle Audit
- Traffic and Transport Assessment
- DMURS Compliance Statement of Consistency
- Post Tripartite Alterations Report
- Waste Management Plan
- Environmental Impact Assessment Report

#### 4.0 **Planning History**

Other applications within the curtilage of Bessborough House.

ABP-315820-23: Permission refused for the construction of 92 apartments, crèche, and all associated site works. This site is located at the southeastern corner of the lands within the historic curtilage of Bessbough House. Refused September 2024. Refusal based on two reasons.

1. Having regard to the Boards decision to refuse permission for a previous application (ABP-308790-20), the Board is satisfied that no new material information or evidence has been presented in this application to substantiate a different conclusion following that previous decision. The Board considers that the potential exists for the presence of human remains and/or burials at this proposed development site associated with the former use of the lands as a Mother and Baby Home over the period 1922 to 1998. The Board considers it would therefore be premature to grant permission for this proposed development prior to establishing the extent of human remains and/or burials,



if any, and that such matter extends beyond the scope of normal planning conditions particularly having regard to the impacts this may have on the development as proposed. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the height, scale and design of the proposed apartment blocks, and to their poor relationship to the historic landscape which forms the setting of Bessborough House, a Protected Structure, and its folly and landscaped gardens, it is considered that the proposed development, notwithstanding the revised scheme submitted with the grounds of appeal, would result in isolated residential blocks which would be visually obtrusive within the curtilage and adversely affect the character and setting of the Protected Structure and the associated folly which sits within a Landscape Protection Zone, and would comprise haphazard, piecemeal development which would dominate this historic landscape and detract from the character of the landscape which is designated as an Area of High Landscape Value in the Cork City Development Plan 2022-2028. The proposed development, therefore, seriously injure the visual amenity and heritage assets of this important historic landscape, would be contrary to Objectives 6.12 and 6.13 (Landscape), and 8.19 and 8.20 (Protected Structures) in the development and would, therefore, be contrary to the proper planning and sustainable development of the area.

ABP-313216-22 (SHD): Permission sought for 280 apartments and associated site works (pending decision). This application is on an adjacent site within the curtilage of Bessborough House and is a concurrent application.

ABP-309560-21: Permission refused for 67 apartments and associated site works. This application is on a site adjacent the application site and within the curtilage of Bessborough House. Refused July 2021. Refused for one reason.

1. The majority of the site is located within an area zoned ZO12 Landscape Preservation Zone in the current Cork City Development Plan the objective for which is to preserve and enhance the special landscape and visual character of the area. There is a presumption against development within this zone, with development only open for consideration where it achieves the site-specific objectives as set out in Chapter 10, Table 10.2. The proposed development comprising an eight-storey apartment block (Block D) has been designed as part of a large residential development of 246 apartments and a creche in four blocks. Having regard to the refusal of permission by An Bord Pleanála under register reference ABP 308790-20 on the 25<sup>th</sup> day of May, 2021 for the 3 no. apartment block comprising of 178 no. apartments, crèche and all associated site works which form part of the said larger development, it is considered that a grant of permission for the proposed development on its own by reason of its location, height and scale would result in a haphazard form of development that would result in an isolated apartment block in a protected landscape. The proposed development would, therefore, materially contravene the ZO12 Landscape Preservation zoning objective and the related SE4 site specific objectives for the site as set out in Table 10.2 and would be contrary to the proper planning and sustainable development of the area.

ABP-308790-20: Permission refused for 179 no. apartments, creche and all associated site works. This is an application on a site adjacent the application site within the curtilage of Bessborough House. Refused May 2021. Refused based on one reason.

1. Having regard to the Fifth Interim report (2019) and the Final Report (2020) of the Commission of Investigation into Mother and Baby Homes, and on the basis of the information submitted in the course of the application and oral hearing, the Board is not satisfied that the site was not previously used as, and does not contain, a children's burial ground and considers that there are reasonable concerns in relation to the potential for a children's burial ground

within the site, associated with the former use of the lands as a Mother and Baby Home over the period 1922-1998. In this context, the Board considers that it would be premature to grant permission for the proposed development prior to establishing if there is a children's burial ground located within the site and the extent of any burial ground. It also considered that it would be premature to grant permission given the implications of such for the delivery of the development as proposed. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## **5.0 Section 5 Pre-Application Consultation - ABP-311382-21**

5.1. A Section 5 pre-application consultation took place on the 23<sup>rd</sup> of November 2021 in respect of the construction of 184 no. apartments, crèche and associated site works. The topics discussed at the meeting were...

- Legacy issues relating to the former use of the lands.
- Zoning part of the site as a Landscape Protection Zone.
- Landscape impacts and impacts on trees.
- Building design and quality of private and public open space.
- Requirement for a TTA.
- Part V requirements.

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

5.3. In the Notice of Pre-Application Consultation Opinion dated 01<sup>st</sup> December 2021 (ABP-311382-21). An Bord Pleanála stated that it was of the opinion that the documents submitted with the request to enter consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. An Board Pleanala considered that the following issues need to be addressed.

1. Further consideration of the status of the proposed development as a Strategic Housing Development, as defined in section 3 of the Planning and

Development (Housing) & Residential Tenancies Act 2016, as amended, having regard to the land use objectives set out in the Cork City Development Plan 2015-2021 relating to these lands. A detailed statement of consistency and planning rationale should therefore be submitted, clearly outlining how in the prospective applicant's opinion, the proposed development is in compliance with local planning policies having specific regard to the zoning objective of a significant part of the site as Z012 'Landscape Preservation Zones' - SE4 Bessborough House – to preserve and enhance the special landscape and visual character of landscape preservation zones. Justification for the principle of residential development on lands zoned Z012 should have regard to the specific objective of the Development Plan which states, inter alia, that there will be a presumption against development within these zones, with development only open for consideration where it achieves the specific objectives set out in Table 10.2.

2. Having regard to the history of uses on these lands and the findings of the Commission of Investigation into Mother and Baby Homes (Final Report October 2020), with regard to the potential for unrecorded burial sites with the wider Bessborough estate lands, the application should provide further elaboration and clarity with regard to the recommendations made in the report on the "Cultural Heritage Legacy of the Subject Lands, The Farm, Ballinure, Blackrock, Cork City", (Sept 2021) prepared by John Cronin & Associates. A clear rationale / justification for the recommended approach to these matters should be set out.

The application should clearly establish the planning and legal implications for any development which may be granted planning permission on the site, arising from the identification of any unrecorded burial site during the recommended monitoring exercises. In making recommendations in this regard, the prospective applicants should note the obligations on the Board in attaching conditions to any potential grant of planning permission, including that any such conditions be precise, reasonable and enforceable.

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

1. The application should be accompanied by an appropriately detailed Masterplan / Design Statement which should set out a coherent strategy for the overall development of lands within the prospective applicant's ownership at Bessborough. The Masterplan should describe the overall response to the historic context and landscape setting of the lands, and the relationship between developments within different character areas in terms of their design and layout and the influences thereon.
2. The Architectural Heritage Impact Assessment should be revised and supplemented to identify the full extent of works within the curtilage of the protected structure and address in particular, the following items:
  - i. The potential impact of the development on the relationship and connection between Bessborough House, a protected structure, and its parkland / demesne setting. Regard should be had to the concerns expressed by the PA in their submission to An Bord Pleanála dated 08/10/2021 with regard to the siting of Blocks A, B and C in this regard.
  - ii. Any works proposed to, or impacts on, the entrance avenue and the original entrance gateway to Bessborough House, including the limestone piers and cast-iron railings and gates.
3. Further analysis of the potential landscape and visual impacts of the proposed development should be undertaken, to include additional photomontages and imagery. Such analysis should include consideration of views from the west of the estate and from the entrance avenue toward the proposed development, as well as views from the rear of the protected structure to the south. The analysis should take

account of the varying mitigation of such visual impacts provided by foliage and vegetation at different times of the year.

4. A detailed survey of existing structures to be demolished shall be undertaken and detailed building records, including a drawn and photographic record, should be prepared for submission to the planning authority and to the Irish Architectural Archive.

5. The Arboricultural Impact Assessment should specifically address the viability of proposed tree retention having regard to potential impacts arising from proximity to site development works, including changes in ground levels and the water table. 6.

The application should be accompanied by the following:

(i) A detailed Traffic and Transport Assessment (TTA) in respect of the proposed development. In preparing this TTA, regard should be had to the detailed requirements set out in the submission of the planning authority, dated 08/10/2021, and the report of the Transport and Mobility (Traffic Operations) section. The assessment should consider the cumulative impacts of the development with other existing and proposed development within the Bessborough estate and on adjacent lands, including the developments to the north permitted under PA ref. 17/37565 and 18/37820.

(ii) A Mobility Management Plan and a Parking Management Strategy.

(iii) The application should be accompanied by a Quality Audit in accordance with Annex 4 of DMURS, including a Road Safety Audit.

7. The application should describe how a convenient and quality pedestrian and cycle connection from the proposed development to the Marina and Blackrock - Passage Greenway to the east can be delivered. The ability to achieve such connection independent of other planned development should be clearly demonstrated. The route of such connections should form part of the Quality Audit undertaken in respect of the proposed development.

8. Details of the areas intended to be taken in charge by the Local Authority should be clearly set out.

9. Detail of the relationship of Buildings D and E at The Farm with adjoining lands at the Sacred Heart Convent and the potential for overlooking or impacts on the amenities thereof should be clearly described.

10. The Ecological Impact assessment should include the results of all surveys undertaken in respect of these lands, including in particular Wintering Bird Surveys and Bat Surveys. Documentation should confirm that all surveys were undertaken at the appropriate times of the year. The application should be accompanied by an Invasive Species Management Plan.

11. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.

12. All documents should be in a format which is searchable.

13. 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.

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

- Department of Culture, Heritage and the Gaeltacht (Development Applications Unit)
- The Heritage Council
- An Taisce 4.
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority

- Cork City Childcare Committee
- Minister for Children, Equality, Disability, Integration and Youth

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

5.5.1. A Statement of Response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. The Items that required further consideration are summarised below: -

### Site Zoning

The site is zoned partly ZO 4 Residential, Local Services and Institutional Uses and partly in the Bessboro House Landscape Preservation Zone SE4 (2015-2021 Development Plan). The proposal complies with both zoning objectives.

The proposal will restore the historic landscape context and will not detract from the historical character of the site and reinstate important historic fabric.

A masterplan provides for a dedicated Neighbourhood/Remembrance Park.

The design approach respects and reflects the local historic landscape and cultural heritage context and is supported by a number of reports demonstrating such.

History of the site, uses on these lands and the findings of the Commission of Investigation into Mother and Baby Homes

The applicants have consulted with the Cork Survivors and Supporters Alliance (CSSA) and through these discussions reaffirm the submission of the CSSA to the oral hearing for ref no. ABP-308790 that they consider there is a children's burial located to the north and west of the folly on a site they consider should not be developed.

Based on the planning history of the Bessborough Estate it is noted that Board did not have any concerns regarding the potential for a children's burial ground within the site to the east of the folly and that based on the recent Board decision, Inspectors Report and submission from the CSSA the potential for a children's burial ground within the former Bessborough House Estate can be restricted to the area to the north and west of the folly and within the ABP-308790 SHD site.



## Cultural Heritage Assessment

The potential for unrecorded burial sites on the subject lands has been subject to detailed assessment.

**Cartographic Mapping:** Independent of the previously referenced lands north and west of the folly, there is no evidence of potential burial locations in the estate.

**Aerial/Satellite/LiDAR Imagery:** Nothing of archaeological interest or potential is evident or visible with the proposed development area. Aerial photography from the 2000s confirms the lands were heavily disturbed when a roadway and public sewer were constructed through the development area.

**Archaeological Testing:** A programme of archaeological test trenching was carried out under licence (Excavation Licence 19E0003) within the subject site in early 2019 by John Cronin & Associates. The programme of testing showed the area was heavily disturbed and nothing of an archaeological nature was identified. No remains of human burial were encountered.

**Field Surveys:** The subject lands were inspected in January 2022. No constraints were encountered during the inspection and all areas of the proposed development were accessible. The completed survey work did not identify any specific potential for unrecorded burial sites.

Notwithstanding the above results, it is recommended a precautionary approach is taken and specified forensic archaeological monitoring controls to be secured by way of planning condition.

### Conclusions:

It is concluded that the Statement of Response Report and Architectural Statement of Response address the specific information requested by An Board Pleanála in the pre-application opinion.

## 6.0 Relevant Planning Policy

### 6.1. National Policy

***National Planning Framework*** (First revision April 2025)

6.1.1 Chapter 4 of the National Planning Framework (NPF) is entitled 'Making Stronger Urban Places' and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 12 seeks to 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being'.
- National Planning Objective 20 provides that 'In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth'.
- National Planning Objective 22 provides that 'In urban areas, planning and related standards, including, in particular, 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'.

6.1.2 Chapter 6 of the NPF is entitled 'People, Homes and Communities' and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 37 seeks to 'Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages'.
- National Policy Objective 43 seeks to 'Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location'.

- National Policy Objective 35 seeks to ‘increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development’.

## 6.2 Regional Policy

### ***Regional Spatial and Economic Strategy for the Southern Region 2020 (RSES-SR).***

- 6.2.1 The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten-year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

## 6.3 Guidelines

### ***Section 28 Ministerial Guidelines***

- 6.3.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023.
  - Urban Development and Building Heights Guidelines, 2018.
  - Sustainable Residential Development and Compact Settlement Guidelines 2024.

## 6.4 Other

### ***Climate Action Plan 2025.***

### ***National Biodiversity Action Plan 2023-2030.***

**Circular NRUP 05/2022** – Appropriate measures to ensure the protection of unrecorded burials associated with institutions operated by or on behalf of the State (or in respect of which the State had clear regulatory or supervisory responsibilities) in Development Plans, in circumstances where there is a possibility of the final report of the Commission of Investigation into Mother and Baby Homes. Issued by the Department of Housing, Local Government and Heritage on 17th November 2022.

## 6.5 Local Policy

Cork City Development Plan 2022-2029

6.5.1 The application was lodged on the 04<sup>th</sup> April 2022 and at the time of lodgement the Cork City Development Plan 2015-2022 was in force with the Cork City Development Plan 2022-2028 being in Draft form at the time. The Cork City Development Plan 2022-2028 is now in force having been adopted on the 10<sup>th</sup> June 2022 and coming into force on the 08<sup>th</sup> August 2022.

6.5.2 The site is subject to two zoning objectives:

ZO 17, Landscape Preservation Zone: Zoning Objective 17: To preserve and enhance the special landscape and visual character of Landscape Preservation Zones.

ZO 01, Sustainable Residential Neighbourhoods: Zoning Objective 1: To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

Landscape Preservation Zones

6.19

Landscape Preservation Zones (LPZs) are areas zoned ZO 17 Landscape Preservation Zones (see Chapter 12 Land Use Zoning Objectives) in order to protect their character and amenity value. These areas are considered to be highly sensitive to development and as such have limited or no development potential. Typically, the

landscape character of these areas combines distinctive landscape assets such as topography, slope, tree cover, setting to historic structures, open spaces and other landscape assets – see Table 6.5.

## 6.20

The objective of LPZs is to preserve and enhance the landscape character and assets of the sites. There is a presumption against development within LPZs, with development only open for consideration where it achieves the site-specific objectives set out in Tables 6.6-6.10. In exceptional circumstances, there may be limited scope for development to enable existing occupiers to adapt existing buildings to their evolving requirements, providing that the form or nature of development is compatible with the landscape character of the area. This might include a change of use or minor extensions.

Table 6.9

Reference	Landscape Preservation Zone (General name)	Landscape Assets to be protected	Site Specific Objectives
SE 4	Bessboro House	J, G, C, B, I	<ul style="list-style-type: none"> <li>• To reinstate Historic Landscape;</li> <li>• To seek use of grounds as a Neighbourhood Park in context of local area plan (H);</li> <li>• To allow development within the immediate environs to the north of Bessboro House consistent with the landscape and protected structure significance of the site.</li> </ul>

## Area of High Landscape Value

### 6.23

New development in AHLV must respect the character and the primacy and dominance of the landscape. In particular, development on topographical assets such as steep sided slopes, escarpments and ridges is considered to be inappropriate due to the detrimental impact of site and excavation works on the landscape. There will be a presumption against development where it causes significant harm or injury to the intrinsic character of the Area of High Landscape Value.

### Objective 3.5 Residential Density

Cork City Council will seek to:

- a. Promote compact urban growth by encouraging higher densities throughout Cork City according to the Cork City Density Strategy, Building Height and Tall Building Study and resultant standards set out in Chapter 11: Placemaking and Managing Development and Mapped Objectives; and
- b. Ensure that urban density is achieved by development proposals providing for high quality sustainable residential development, ensure a balance between the protection of the established character of the surrounding area and existing residential amenities;
- c. Ensure that urban density is closely linked to creating successful neighbourhoods and ensuring that neighbourhoods are integrated and permeable to ensure short trips are possible to urban centres, local services and amenities;
- d. Ensuring high-quality architectural, urban and public realm design. Guidance is set out in Chapter 11: Placemaking and Managing Development.

### Objective 3.6 Housing Mix

Cork City Council will seek to:

- a. Implement the provisions of the Joint Housing Strategy and HNDA as far as they

relate to Cork City;

- b. Encourage the development of an appropriate mix of dwelling types to meet target residential densities, utilising a range of dwelling types and density typologies informed by best practice (as illustrated in “Density Done Well” in the Cork City Density Strategy, Building Height and Tall Building Strategy) with combinations of houses, stacked units and apartments;
- c. Within all new residential developments it will be necessary to ensure an appropriate balance of housing tenure and dwelling size to sustain balanced and inclusive communities, including a balance of family sized units and smaller dwellings tailored to suit the location (please refer to Chapter 11: Placemaking and Managing Development for those standards);
- d. Deliver at least 20% below-market priced housing across Cork City and ideally within each new residential neighbourhood;
- e. Encourage the provision of housing for one and two person households in all neighbourhoods to meet the needs of all age groups, including providing for downsizing to release family housing units;
- f. Update Development Plan policy as necessary to reflect emerging national guidance with regard to housing standards.

#### Objective 11.2 Dwelling Size Mix

All planning applications for residential developments or mixed-use developments comprising more than 50 dwellings will be required to comply with the target dwelling size mix specified in Tables 11.3-11.9, apart from in exceptional circumstances.

Applications for 10-50 dwellings will need to provide a dwelling size mix that benefits from the flexibility provided by the dwelling size target ranges provided for the respective sub-area.

Where a clear justification can be provided on the basis of market evidence that demand /need for a specific dwelling size is lower than the target then flexibility will be provided according to the ranges specified.

#### Objective 11.4 Daylight Sunlight and Overshadowing (DSO)

##### Daylight Sunlight and Overshadowing (DSO)

All habitable rooms within new residential units shall have access to appropriate levels of natural/daylight and ventilation. Planning applications should be supported by a daylight and sunlight design strategy that sets out design objectives for the scheme itself and its context that should be included in the Design Statement.

The potential impacts of the proposed development on the amenities enjoyed by adjoining properties will need to be assessed in relation to all major schemes and where separation distances are reduced below those stipulated. Cumulative impacts of committed schemes will also need to be assessed.

Daylight, Sunlight and Overshadowing (DSO) assessment, utilising best practice tools, should be scoped and agreed with the Planning Authority prior to application and should take into account the amenities of the proposed development, its relevant context, planning commitments, and in major development areas the likely impact on adjacent sites.

#### Objective 10.89

##### Mahon

- a. To support the development of Mahon as an area for growth consolidation and enhancement by providing a mix of new neighbourhood uses.
- b. To support the sustainable development of the District Centre as a mixed-use centre in line with retail and other relevant objectives.
- c. To support the regeneration of the Avenue de Rennes Neighbourhood and Local Centre as a mixed-used development.
- d. To support the development of a library and youth facility to serve the Mahon and Blackrock areas to meet the growing needs of these communities. Cork City Council will work with stakeholders to realise these community assets.



## 6.6 ***Applicants Statement of Consistency***

6.6.1 The applicant has submitted a Statement of Consistency (as part of the Planning Report) as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the Cork City County Development Plan 2015-2021, which was the plan in the force at the time of lodgement. This has been examined and noted. The current Development Plan (2022-2028) was in draft form at the time of lodgement.

## 6.7 ***Material Contravention Statement***

6.7.1 The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the policies and objectives of the Cork City Development Plan 2015-2021. The statement is summarised below: -

6.7.2 Social Housing under Part V: Objective 6.3 of the Development Plan (2015-2021) requires that 14% of units on all land zoned for residential development (or a mix of residential and other uses) to be reserved for the purpose of social housing and specialised housing needs. The applicant proposes that Part V obligations are fulfilled through the transfer of 14 no. apartments (10%) to Cork City Council. There is justification under Section 37(2)(b)(iii) and (iv) with new provision under Part V of the Planning Act adopted under the Urban Regeneration and Housing Act, 2015 enacted on 1st of September 2015 superseding the adoption of the Cork City Development Plan 2015-2021. The applicant also refers to Section 3 of the Housing Circular 28/2021 in this regard. The applicant also highlights that an adjacent SHD proposal (ABP-308790-20) proposed a Part V contribution of 10% of the overall scheme and Cork City Council indicated no objection to such.

6.7.3 Density: Section 16.41 of the City Development Plan (2015-2021) states that “within the city minimum residential density in Suburban areas should be 35-50 dwellings per hectare”. The proposal has a density 27.3 uph gross density and 32.7uph net

density and may materially contravene development plan policy. The applicant indicates there is justification for such under section 37(2)(b) of the Planning Act

- 6.7.4 Plot Ratio: Table 16.1 of the Development Plan (2015-2021) provides for an indicative plot ratio standard of 1.0-1.75 for suburban key development areas. The development has a plot ratio of 0.35. There is justification under Section 37(2)(b)(ii), (iii) and (iv). There is precedent set under ABP-309509-20, which has a net plot ratio of 2.89 and a net density of 275uph. The applicant points out objectives seeking increased population and residential development at this location that conflict with the restrictive plot ratio. The applicant points of the National Planning Framework (NPF) Objectives for increased housing also conflict with the restrictive plot ratio objective.
- 6.7.5 Unit Mix and Household Size: Table 16.4 of the Development Plan (2015-2021) outlines dwelling size distribution targets with the site in Zone 3 where requirements are for a maximum of 20% for 1 person household/one bed units, a minimum of 30% for 2 person household/two bed units and a minimum of 50% for 3 person/three bed plus units. The percentage of one and three bed units do not meet the requirements under Table 16.4. There is justification for material contravention under section 37(2)(b)(iii) with reference made to SPPR 1 of the Apartment Guidelines and that the fact that unit mix restrictions in the 2015-2021 Plan are not based on a Housing Needs Demand Assessment. Reference is also made to the Inspector's report associated with ABP-309059-20 (Former Ford Site in the South Docks) regarding lack of clarity in terms whether target is based on bedspaces or bedroom number.
- 6.7.6 Unit Size: Table 16.5 of the Development Plan (2015-2021) specifies minimum overall apartment gross floor area with 55sqm for one bed units, 80sqm for two bedroom/3 person units, 90sqm for two bedroom/4 person units and 100sqm for three-bedroom units. The proposed units have been designed in accordance with the Apartment Guidelines and are below the minimum floor area standards under the 2015-221 Development Plan. There is justification for material contravention under section 37(2)(b)(iii) and (iv) with reference to the fact the development

standards are superseded by the Apartment Guidelines. The applicant also refers to the precedent set by the development permitted under ABP-301991-18, which has apartment sizes in accordance with the Apartment Guidelines standards.

6.7.7 Dual Aspect: Section 16.5.1 of the Development Plan (2015-2021) state that the target for dual aspect apartment is 90% and no north facing single aspect units. The level of dual aspect units proposed is 40.7% of the development and there are single aspect north facing units. There is justification for material contravention 37(2)(b)(iii) and (iv) with reference to Apartment Guidelines standards which supersede the Development Plan standards and 33% minimum being appropriate as the site is an accessible location.

6.7.8 Floor to Ceiling Heights: Section 16.54 states that apartments will have a minimum floor to ceiling height of 2.7m (3m floor to floor) apart from in exceptional circumstances relating to architectural conservation and historic character of townscapes and the significant character of streets and their existing building elevations. The proposal provides for floor to ceiling heights of 2.7m at ground floor level with 2.5m in relation to the upper floors. There is justification for material contravention 37(2)(b)(iii) and with reference to Apartment Guidelines standards which supersede the Development Plan standards and identify floor to ceiling height of 2.7m minimum for ground level apartments and do not preclude the provision of lesser ceiling heights.

6.7.9 Stair Cores: The Development Plan (2015-2021) recommends that a maximum of 4 apartments per floor should be accessed from a lift/stair core. The provision of stair cores in the development is ranges from 6 per stair core upwards but does not exceed 12 per stair core. There is justification for material contravention 37(2)(b)(iii) with reference to the Apartment Guidelines standards which supersede the Development Plan standards and a maximum standard of 12 apartments per stair core provided for under these standards.

6.7.10 Conclusion: The applicants state that the Board can consider granting permission for the proposed development under the provisions Section 37(2)(b)(i), (ii), (iii) and (iv) of the 2000 Planning Act (as amended) in relation to material contraventions of the Cork City Development Plan 2015-2021.

## 7.0 Third Party Submissions

7.1 Third party submission have been received from the following...

Anna Marie Flanagan

Bessboro Mother and Baby Home Support Group

7.2 The issues raised in the submissions can be summarised as follows...

- The history of the buildings and the grounds will be compromised and with lack of proper inspection of grounds.
- The proposed remembrance park is less likely to have burials yet is being preserved.
- Lack of independent investigation into the missing children.
- Lack agreement on interpretation of the map and too much ambiguity as to where the majority of children are buried.
- Lack of consultation by the developers and Government with the advocates for mothers and babies.
- The apartments are not in keeping with the history of the grounds.
- Climate change issues with preservation of as much flora and fauna appropriate Also proximity to Douglas Estuary means the site should be kept as a conservation area. The lands would be more appropriate as a park.

## 8.0 Planning Authority Submission

8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 30<sup>th</sup> day of May 2022. The report includes a summary of the pre-planning history, site location and description,

relevant planning history, third-party submissions and prescribed bodies, the proposed development, internal reports and policy context.

The views of the elected members presented at a meeting held on 09<sup>th</sup> May 2022 are summarised as follows: generally opposed to development, concern regarding historic legacy issues associated with the site and appropriateness of the development, concerns raised regarding density proposed, the appropriateness of the design in the context of character of the location and type and height of development, concern regarding traffic impact.

- 8.2. The key planning considerations of the Chief Executive's report are summarised below.

#### *Principle of Development*

It is considered that the principle of the proposed development is acceptable in the context of zoning, but the proposal must be assessed in the context of design, conservation, heritage and archaeology.

#### *Residential Density*

The net density of 33 units per hectare is below the range specified under section 16.41 of the 2015-2021 City Development Plan (35-50uph), however it is considered that given the zoning of the site as a Landscape Preservation Zone it is considered that the density proposed is acceptable in this regard.

#### *Design, Scale and Height*

Concern is expressed regarding the scale of Blocks D and E with the Conservation Officer raising concerns regarding the impact of such in relation to the setting of Bessborough House and its historic landscape. It is recommended that a reduction in height of Blocks D and E be implemented (a reduction in height of Block D to 2-3 storeys and Block E to 4-storeys). The position of Block C is a concern raised by the Parks Department with such in the Landscape Preservation Zone and requiring felling

of mature trees. Allowing this Block would not be in accordance with the zoning objective to reinstate historic landscape. It is suggested that Block C be omitted in addition to the reduction in building heights for Block D and E.

### *Visual Impact*

The visual impact is considered acceptable subject to the amendments recommended to the proposal including reduced heights of Block D and E and omission of Block C.

### *Impact on Residential Amenity*

No issues raised regarding impact on existing residential properties due to lack of any existing residential in proximity of the proposal. No issues of concern raised in regard to residential amenity issues within the scheme.

### *Residential Development Standards*

All units meet the standards of the Apartment Guidelines in terms of unit size, internal dimensions, storage and private open space. In relation to dual aspect units the proposal is regarded as being in an Intermediate Urban Location in the context of the Apartment Guidelines with a requirement of a minimum 50% dual aspect units. The proposal (41% dual aspect units) does not comply with the Apartment Guidelines. It is noted that the unit mix does comply with SPPR 8 of the Apartment Guidelines, however reference is made to the fact that a HDNA has been completed, and the Draft Development Plan has a requirement for a greater level of 3 and 4 bedroom units in the City Suburbs. Revisions are recommended to provide a greater number of 3 and 4 bed units.

### *Conservation Heritage*

The Conservation Officer raised concerns regarding the scale of development in the context of the protected structure on site and its historic landscape and recommended reduction in height of Blocks D and E. The omission of Block C due to its context within the Landscape Preservation Zone is also noted.

### *Archaeology*

The contents of the Cultural Heritage section of the EIAR is noted and the submitted Archaeological Impact Assessment and Historic Building Record is noted. The City Archaeologist raises no objection and note the possibility of sub-surface archaeological remains is considered low.

### *Mother and Baby Home Legacy*

The CE report notes the An Bord Pleanála opinion under ref no. 311382, the details submitted by applicant including the EIAR with a section on Cultural Heritage and the submitted Archaeological Impact Assessment, Historic Building record and a Method Statement Forensic Control and the third-party submissions. The report refers to the City Archaeologist report which indicates that the issue of archaeological impact is adequately addressed and that the monitoring of ground works by a forensic archaeologist has been methodically researched and is outside the scope of the National Monuments Act Section 26 archaeology. It is noted that this is an issue for An Bord Pleanála as the decision maker.

### *Infrastructure, Traffic and Transportation Issues*

Reference is made to the Roads and Transportation Directorate report. It is noted there are two applications on the lands and a combined approach is taken to assessing traffic impact. It is noted that the additional traffic generated may require mitigation measures such as change to signal timing and/or increase in storage lengths and/or elongation of right turn lanes to maintain network capacity. Increased provision of sustainable transport offset future transport growth., It is noted that both phases are based on a low level of parking and are significantly lower than Development Plan maximum standards and is reflective of future public transport infrastructure. It is crucial that the mobility management plan presented is implemented and managed to prevent parking overspill.

### *Road Safety Audit*

All recommendations of the Road Safety Audit should be implemented.

## Parking

In relation to the parking ratio proposed (0.39) it is considered that the location of the development in relation to accessibility to public transport and sustainable travel options (adjacent Greenway), the proposal is acceptable.

## Bike Parking

Bike parking should be provided as per the requirements of the Apartment Guidelines.

## Pedestrian Crossing

The applicants' pedestrian crossing proposal are inadequate for the proposed development and will limit and impact on pedestrian/cyclist mobility and comfort.

## Shared Space/Share Surfacing

Insufficient detail proposed to demonstrate how the design achieve the objectives of safety & public health and insufficient details in terms of materials, finishes or shared surfaces.

## Bridge/Connection to Greenway

There is need to ensure the proposed bridge integrates safely with the present greenway and does not inhibit the development of the LRT.

Conditions are recommended in the event of grant of permission.

## *Services*

The application has been reviews by the Drainage Section.

## Stormwater

No objection with the provision of attenuation and flow control and intertwining of storm water management with a SuDs approach welcomed.

## Flooding

The site is within Flood Zone C and does not merit further assessment.

## Wastewater

No objection to wastewater proposals.

## Water Services

No objection subject to conditions.



## Waste & Environmental Management

No objection subject to conditions.

### *Childcare Provision*

The overall number of units that would require childcare is 70 units (no demand associated with one-bed units) and would equate to a minimum of 20 places. The provision of a crèche with 25 places is considered sufficient.

### *Part V*

The applicants' proposal for 10% of the units (14) is acceptable in principle.

### *Environmental Screening*

Screening in terms of Environmental Impact Assessment and Appropriate Assessment is a matter for An Bord Pleanála as the competent authority.

### *Conclusion*

It is recommended that permission should be granted subject to conditions set out under Appendix C of CE Report.

Notable conditions recommended include:

2. Omission of Block C.
3. Block D reduced from 3-4 storeys to 2-3 storeys and Block E reduced from 4-5 storeys to 3-4 storeys.
4. Revised plans with ground floor elevation of Block D to be clad in stone finish up to the height of the existing boundary wall.
5. Revised plans providing for a greater proportion of family units.
13. Details of extent of any changes to signalling on affected junctions to be agreed with the Planning Authority.
15. Submission of Construction Traffic Management Plan.

20. Full details of amended pedestrian, vehicular and cyclist access points, and shared surfacing designed in accordance with DMURS.

23. Details specification for bridge proposal over the greenway.

## 9.0 Prescribed Bodies

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

- Uisce Eireann
- Transport Infrastructure Ireland

9.2. The following submission were received:

### **Uisce Eireann**

Water connection feasible without an infrastructure upgrade, wastewater feasible subject to infrastructure upgrade. Recommended that permission be granted subject to conditions.

### **TII**

The proposed development to be undertaken in accordance with the recommendations of the Transport (Traffic Impact) Assessment. The Authority will entertain no future claims in respect of impacts of the proposed development, if approved, due to the presence of the existing national road. Sustainable transport provision such as cycleways, LRT and Bus-Connects 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. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

10.2 In addition, the assessment considers, and addresses issues raised by any observations on file, under relevant headings. I have visited the site and its environs.

The assessment of the submitted development is therefore arranged as follows:

- Zoning/Principle of Development
- Density and Plot Ratio
- Legacy Issues
- Unit Mix
- Design Strategy-Design & Layout, Public Realm/Open Spaces
- Building Height and Visual Impact/Setting of the Protected Structure
- Residential Amenities
- Adjoining Amenities
- Traffic and Transportation
- Built Heritage
- Drainage Infrastructure /Flooding
- Biodiversity/Ecological Impact
- Childcare
- Material Contravention

### 10.3 Zoning/ Principle of Development:

10.3.1 As noted earlier the current Development Plan is the Cork City Development Plan 2022-2028. The application was lodged on the 04<sup>th</sup> April 2022. The 2015-2021 Development Plan was in force with the current Development Plan having been adopted on the 10th of June 2022 and having come into force on the 08th of August 2022.

10.3.2 Under the Core Strategy of the 2022-2028 Development Plan the site is located in the South East suburb, which has target population growth of 7,074 by 2028, a 13.7% population increase over the baseline population (2016).

10.3.3 The proposed development is on lands subject to two zonings under the current 2022-2028 City Development Plan.

ZO 17, Landscape Preservation Zone: Zoning Objective 17: To preserve and enhance the special landscape and visual character of Landscape Preservation Zones.

ZO 01, Sustainable, Residential Neighbourhoods: To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

10.3.4 At the time of lodgement and under the previous Development Plan (2015-2021) the site was subject to similar zonings, 12-Landscape Preservation Zones and 4-Residential, Local Services and Institutional Uses. The majority of the site is zoned ZO 17, Landscape Preservation Zone apart from an area to the east of the site (east of the existing access road) zoned ZO 01, Sustainable, Residential Neighbourhoods. The proposed housing is all located on the portion of the site zoned ZO 17.

It is stated under the current Development Plan that “these areas have been identified due to their sensitive landscape character and are protected due to their

special amenity value, which derives from their distinct topography, tree cover, setting to historic structures or other landscape character”. It is further stated that “many of these sites have limited or no development potential due to their landscape character. There is a presumption against development within this zone, with development only open for consideration where it achieves the specific objectives set out in Chapter 6 Green and Blue Infrastructure, Open Space and Biodiversity”.

10.3.5 The Site-Specific Objectives for the application site and wider lands associated with Bessboro House under Chapter 6 are outlined under Table 6.9 and area as follows.

- To reinstate Historic Landscape.
- To seek use of grounds as a Neighbourhood Park in context of local area plan (H);
- To allow development within the immediate environs to the north of Bessboro House consistent with the landscape and protected structure significance of the site.

In terms of compliance with these objectives, the proposal does entail proposals to retain and reinstate the historic landscape associated with Bessborough House. The proposal entails retention of the existing parklands area to the west of the site and its use as public parkland in addition to lands to the west and south within the curtilage of Bessborough House (see Masterplan). The proposal entails development within the immediate environs to the north of Bessborough House with the proposal incorporating existing structures and proposing structures on the footprint of existing structures to be demolished.

10.3.6 I am satisfied that the proposal does complies with the site-specific objectives outlined under Table 16.9. I would note that a detailed assessment of the overall design and scale of the development in the context of the setting of the existing protected structure and its historic landscape is outlined later in this assessment. Notwithstanding such, I am satisfied that the proposed development would be acceptable in the context of land use zoning policy.

10.3.7 The portion of the site located within the ZO 01, Sustainable, Residential

Neighbourhoods includes the provision of a footpath that runs on an east west axis and provision of a bridge crossing that will link into the greenway to the west and connect with the down ramp serving such. This element of the proposal is compliant with the ZO 01 zoning objective.

10.3.8 CE Report Comment: It is considered that the principle of the proposed development is acceptable in the context of zoning, but the proposal must be assessed in the context of design, conservation, heritage and archaeology.

10.3.9 Conclusion on Zoning/Principle of Development: I am satisfied that the proposal is consistent with the two zoning objectives that govern the site and that the design of the proposal does have regard to the site-specific objectives that relate to the ZO 17, Landscape Preservation Zone zoning. I highlight to the Board that a detailed analysis of whether the design, scale and layout is satisfactory in the context of the existing protected structure and its historic landscape is contained in a later section (10.8) of this assessment. Notwithstanding such the principle of the proposal is acceptable.

#### 10.4 **Legacy Issues:**

10.4.1 The applicants acknowledge that the issues that have been raised regarding the legacy of Besborough House as a former Murther and Baby Home regarding burial grounds within the lands associated with such. The appellants indicate that they have consulted with the Cork Survivors and Supporters Alliance (CSSA) and that such have reaffirmed the submission made by the CSSA during the oral hearing associated with ref no. 308790 that there is a children's burial ground to the north and west of the folly on lands in other ownership. The applicants' state that the CSSA have confirmed they have no objection to the principle of the proposed development.

10.4.2 The applicants have reviewed the An Bord Pleanála report ref no. 308790 and refer to the fact that the difference between the lands to the north and west of the folly and other lands in the former estate is the OS revision trace map produced in 1949/50 that was presented by the CSSA at the oral hearing that indicates the potential of a burial ground at that specific location. A statement and assessment published by the Sisters of the Sacred Heart of Jesus and Mary in February 2022 includes an archaeological assessment that favours the hypothesis that there was only ever one burial ground in Bessborough and this contains children and nuns, as well as a belief that all of the evidence points to the burial ground being in the enclosure attached to the folly.

10.4.3 A Cultural Heritage Legacy of the Subject site report was submitted as part of pre-consultation of the application and Chapter 10 of the EIAR deals with issue regarding cultural heritage. The assessments carried out by John Cronin & Associates include Cartographic Mapping with no evidence of potential burial locations in the estate apart from the areas to the north and west of the folly. Aerial/Satellite/LiDAR Imagery indicated no evidence of anything of archaeological interest or potential visible within the development site area. Archaeological testing with nothing of archaeological significance identified and no human remains encountered. The applicants reaffirm that there is no evidence to suggest the development site contains any burials associated with the former Mother and Baby Home. Notwithstanding such, it is recommended that a precautionary approach is proposed in respect of development and that a programme of archaeological supervision/monitoring of all ground works be undertaken by a suitably qualified forensic archaeologist and subject to condition.

10.4.4 Appendix 10 of the EIAR includes a Method Statement Forresnic Control prepared by Aidan Harte of Munster Archaeology. The method statement includes four stages. This method statement relates to both the Phase 1 (ABP-313216-22) and Phase 2 (ABP-313206-22, current application) application sites.

Stage 1: Initial Research & Study including desktop review, a topographical survey and a geophysical survey.

Stage 2: Forensic Archaeological Monitoring in the case of area of the proposed development where there is ground disturbance.

Stage 3: Forensic Search Strategy in case of specified areas where there is a high potential for unrecorded burials and shall be subject to forensic search prior to development activity.

Stage 4: Oversight & Outcomes with it stated that it is not within the remit of this methodology to countenance the removal/excavation/exhumation of any human remains discovered as a result of development. Preservation *in situ* must always be the primary consideration, however, this decision, should it arise, lies with the Cork City Coroner.

10.4.5 The third-party observations still raise concerns regarding legacy issues including that the history of the buildings and the grounds will be compromised and with lack of proper inspection of grounds. They state that the proposed remembrance park is less likely to have burials yet is being preserved. There is a lack of independent investigation into the missing children and lack of agreement on interpretation of the map and too much ambiguity as to where the majority of children are buried.

10.4.6 The evidence presented at the oral hearing in relation to ref no. ABP-308790-20 was subjected to rigorous and robust testing. The limited agenda hearing was held specifically in order to examine the issues that had led the Inspector in her initial report to conclude that “there is a reasonable concern in relation to the potential for unrecorded burials within the SHD site”. The Inspector’s Addendum Report (13th May 2021) considered all of the evidence presented in considerable detail, including the findings of the Final Report of the Commission of Investigation. It is quite clear that the Inspector, having regard to the considerable body of information before the Board, was not convinced that a definitive conclusion had been reached in relation to the matter of unrecorded burials following examination of this evidence. Whilst substantial concerns remained regarding the possibility of modern era burials in the



western part of the SHD site (i.e. north of the folly), the Inspector considered that the potential for unrecorded burials on other parts of the site could not be excluded, having regard to the findings of the Final Report of the Commission of Investigation. The inspector stated (4.1.2):

“Given the level of uncertainty that pertains in relation to the potential for unrecorded burials within the site and in relation to the nature and extent of any such burials (including the possibility of disturbance), it remains my view that a full investigation of the site would be required prior to any works commencing on site. This is consistent with the view put forward by the Minister for Children, Equality, Disability, Integration and Youth at the oral hearing.”

The Inspector had also considered, in some detail, the question of whether the matter could satisfactorily be addressed by way of a planning condition, similar to that proposed by the applicant in the current application (forensic archaeological monitoring and methodology, as per Method Statement Forensic Control prepared by Aidan Harte of Munster Archaeology). However, having teased the matter out, the Inspector drew attention to the ‘significant uncertainty regarding the potential for the presence of unrecorded burials, the nature and extent of such burials, the risk of previous disturbance and uncertainty in relation to the condition of remains and nature of evidence that might be found.’ Furthermore, the Inspector considered that the need for a forensic standard of oversight of such investigations regarding the possibility of human remains being present and the complex nature of any points of detail arising, went beyond the scope of a normal planning condition under Section 34 of the Planning Act. The Inspector further expressed concern that the risk associated with the outcome of the forensic investigations could mean that any such condition might have the effect of ‘nullifying or suspending the entire permission’.

10.4.7 On this basis, the Inspector considered that permission should be refused on the grounds of prematurity prior to establishing... “if there are unrecorded burials within the site associated with the former use of the land as a Mother and Baby Home, what the nature and extent of any such burials is and what the implications of this would be for the future development of the lands”.

10.4.8. The Board’s decision to refuse permission included this element and was generally in accordance with the Inspectors recommendation. Thus, the Board considered a grant of permission to be premature prior to establishing whether a children’s burial ground was located within the site, the extent of such a burial ground and it also stated that it would be “premature to grant permission given the implications of such for the delivery of the development as proposed”.

10.4.9. In conclusion, no new or significant evidence has been presented since the Board’s decision on ref no. 308790 (decision in 2021), which had been based on a considerable body of evidence that was robustly tested at the oral hearing, which would be sufficient to overcome the Board’s reason for refusal. Furthermore, nothing has changed on the ground in respect of addressing the considerable uncertainty regarding the potential for unrecorded burials within the lands, including the site of the current proposal, that had given rise to this decision, i.e. no excavations have been carried out. Notwithstanding the appellants’ claims that the area of concern was largely confined to the area north and west of the folly and on lands not within the applicants’ ownership, it has been widely accepted by the Board, the Commission of Investigation and by the applicants’ own experts, that the extent of the area to which the uncertainty persists regarding the potential for unrecorded burials is significant.

10.4.10 In relation to dealing with the issue by way of condition requiring forensic research and monitoring, the Board had also considered the question of granting planning

permission subject to a condition requiring forensic excavations to be carried out prior to commencement of construction, as is currently proposed as a solution to the uncertainty, but had rejected this proposal on the basis of the significant degree of uncertainty on this matter, the need for a rigorous standard of oversight which would be beyond the scope of the planning authority, and the potential consequences for the development should human remains be discovered in *situ*.

10.4.11 CE Report Comment: The report refers to the City Archaeologist report which indicates that the issue of archaeological impact is adequately addressed and that the monitoring of ground works by a forensic archaeologist has been methodically researched and is outside the scope of the National Monuments Act Section 26 archaeology. It is noted that this is an issue for An Bord Pleanála as the decision maker.

10.4.12 Conclusion on Legacy: It is acknowledged that the application site is removed from the lands that were subject to both ref no. 308790 and 318520. I would also acknowledge that a significant portion of the site, is dominated by existing structures of considerable age that may pre-date the use as a Mother and Baby Home and the majority of new structures fall within the footprint of such. Notwithstanding such and having regard to the fact that application site is part of the historic curtilage of Bessborough House and does include existing open areas, which has a history of use as a former Mother and Baby Home, it is considered that the issues raised by Board's reason for refusal for development subject to ref no. 308790 and 318520 on lands also within the historic curtilage of Bessborough House are relevant in this case. I do not consider that the proposal addressed this issue satisfactorily with no additional information of any material significance has been presented to the Board in the intervening period. In light of the significant uncertainty regarding the location and extent of unrecorded burials on the lands associated with Bessborough House site, as highlighted in the Fifth Interim Report (2019) and the Final Report (2020) of the Commission of Investigation into Mother and Baby Homes, and to the reasonable concerns raised by the Board in relation to the potential for a children's burial ground

on these lands, it would be premature to grant permission for the proposed development prior to establishing if there is a children's burial ground within the site, the extent of such a burial ground and the implications for the delivery of the development as proposed. For these reasons, the proposed development should, therefore, be refused.

## 10.5 **Density and Plot Ratio:**

10.5.1 The site has a gross site area of 5.1 hectares giving gross density of 27.3up. In the applicants' Planning Statement it is stated that the net density is 32.7uph and is based on a net developable area of 4.28 hectares. The application site is irregular in shape and includes an area of parkland to the west of the site. I would consider that net developable area of the site should exclude this parkland area (this area will be public open space serving the wider masterplan and local area), which equates to 24,520sqm. Based on such the net developable site area is 2.648 hectares and such would give a net density of 52.87uph. In addition, the Z0 17 zoning of the site places site specific limitations on development within this Landscape Preservation Zone (Table 16.5), which would make achieving the density ranges outlining under current development Plan policy and National policy difficult in this case.

10.5.2 Chapter 3 of the current 2022-2028 Development Plan (Delivering Homes and Communities) refers to Residential Density. The density strategy of the plan is structured around four sub-areas with the site being within the 'Primary Urban Corridors and Principal Towns'. Objective 3.5 in relation to Residential Density promotes "compact urban growth by encouraging higher densities throughout Cork City according to the Cork City Density Strategy, Building Height and Tall Building Study and resultant standards set out in Chapter 11: Placemaking and Managing Development and Mapped Objectives". Table 11.2 outlines density and height targets for the different areas including the Fringe/Corridor/Centre and in particular Mahon in which the site is located. In terms of density the lower target is 50uph with an upper target of 120uph.

10.5.3 The relevant current guidelines are the Sustainable Residential Development and Compact Settlement Guidelines (2024) which have superseded the Sustainable Residential Development in Urban Areas Guidelines (2009) and have come into force after the current Development Plan (2022-2028). In the context of the Sustainable Residential Development and Compact Settlements Guidelines the site is in a City - Urban Neighbourhoods in which residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork.

10.5.4 In the context of the Apartment Guidelines (2020) the site is an 'Intermediate Urban Location' with such areas identified as "generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net)".

10.5.5 As stated above, consider that the net density is more realistically 52.87uph and not 32.7uph as identified by the applicants. This density level would be compatible with Development Plan policy (50-120uph) as set out under Table 11.2.

10.5.6 Based on the stated the net developable site area of 4.28 hectares the development has a plot ratio of 0.35. Based on a net developable site area of 2.648 hectares (excluding parkland area) the development has a plot ratio of 0.56. Under Table 11.2 of the Density and Building Height Strategy of the current Development Plan (2022-2028), the target floor area ratio (plot ratio) for the Fringe/Corridor/Centre (Mahon) area is 1-4. The plot ratio proposed is below this target level, however I would reiterate the fact that the site is impacted by significant development restrictions under the ZO 17 Landscape Preservation Zone (Table 16.5) that would render it impossible to meet the target floor area ratio/plot area ratio under Table 11.2 of the Development Plan. I would consider that although plot ratio is below the target range, that such would not constitute a material contravention of Development Plan policy as there is no explicit statement regarding plot ratio in the development

plan apart from indicative plot ratios for Character Areas within the Docklands area and the ranges provided for under Table 11.2 of the current Development Plan (2022-2028).

10.5.7 CE Report Comment: The Planning report identifies that the proposal for 140 units on a 5.125 hectare site represents a net density outside the limits of the 2015-2021 Development Plan (since been superseded) policy (35-50). It is considered that given the context of the site in a Landscape Protection Zone and historic landscape that the density proposal is acceptable, and the CE report recommendations entails a significant reduction in the level of units through revision to scale and omissions.

10.5.8 Conclusion on Density and Plot Ratio: I consider that the net density calculation should exclude the parkland area to the west of the site. The application site includes a significant area that is existing parkland area that is to be retained as such and is classified as public open space that will serve the three phases of the overall development proposed in the curtilage of Bessborough House and will be publicly accessible space. I consider that this should not form part of the net developable site in calculating density. The net developable site would be the site area minus the 24,520sqm of parkland area giving a net developable site of 2.648 hectares and yielding a net density of 52.87 uph, which would be compliant with current development Plan policy (2022-2028) and compliant with the relevant Section 28 guidelines as outlined above. In relation to plot ratio, such would be below the target ranges for the area as set out under Table 11.2 of the current Development Plan (2022-2028). I would consider that the site-specific restrictions placed on the site due to its location within a Landscape Protection Zone would make achieving the plot ratio range specified unrealistic and that the plot ratio in this case is acceptable.

## 10.6 Unit Mix:

10.6.1 The proposal consists of 140 apartments split into 70 no. one bed units, 69 no. two bed units (31 no. three person units and 383 no. four person units, as per submitted

housing schedule) and 1 no. three bed units. This is a ratio of 50% one bed units, 41% two bed units and 1% three bed units. The current Development Plan (2022-2028) contains Objective 3.6 which is to implement the provisions of the Joint Housing Strategy and HNDA as far as they relate to Cork City. Objective 11.2 relating to Dwelling Size Mix states that “all planning applications for residential developments or mixed-use developments comprising more than 50 dwellings will be required to comply with the target dwelling size mix specified in Tables 11.3-11.9, apart from in exceptional circumstances”. It is further stated under this objective that “where a clear justification can be provided on the basis of market evidence that demand/need for a specific dwelling size lower than the target then flexibility will be provided according to the ranges specified”. SPPR 1 of the Apartment Guidelines state that “statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s)”. In this case unit mix specified in Tables 11.3-11.9 are based on a HDNA.

10.6.2 Table 11.8 is the relevant table for City Suburbs within which the site is located.

Table 11.8

	Min	Max	Target
Studio/PBSA	0%	15%	10%
1 Bedroom	15%	25%	20%
2 Bedroom	25%	40%	34%
3 Bedroom	18%	38%	28%
4 Bedroom/Larger	5%	20%	8%

The unit mix proposed exceeds the target level for both one and two bed units in addition to exceeding the range that would be considered in exceptional circumstances. The level of three bed units is well below the target level and well below the range that would be considered in exceptional circumstances. The

proposal features no four bed units with a target level for such specified under Table 11.8. Objective 11.2 requires a clear justification on the basis of market evidence that demand/need for a specific dwelling size lower than the target then flexibility will be provided according to the ranges specified. In this case the target levels are not achieved and in all cases the ranges specified to provide flexibility are not met for any unit type. The proposal as it stands does not meet the requirements under the current Development Plan (2022-2028) for unit mix for the City Suburbs as specified under Table 11.8 and would be contrary to Objective 11.2 of the Development Plan.

10.6.3 The issue of unit mix is included under in the Material Contravention Statement as an issue which has potential to materially contravene Development Plan policy. This was in the context of the City Development Plan in force at the time of lodgement (2015-2021). I would refer to section 10.16 below in which I deal with the issue of material contravention including unit mix. In this case, current Development Plan policy is clear with target unit mixes specified for different areas under Table 11.3-11.9 with Table 11.8 being the relevant table for the City Suburbs area. In this case the target level of one, two, three and four bed units is not met and the level provided does not fall within the ranges that would be permissible (justification on the basis of market evidence that demand/need for a specific dwelling size lower than the target required) I do not consider that the applicant has provided any justification for not meeting the target level of three-bed units, with Objective 11.2 stating that deviation from stated targets will only be in exceptional circumstances. In case no justification has been provided on the basis of market evidence that there is a demand/need for a specific dwelling size lower than the target specified.

10.6.4 I note that the Cork City and County Joint Housing Strategy and Housing Need Demand Assessment (HS & HNDA) was prepared as part of the CCDP 2022-2028. Section 1.3 (Methodology) outlines that while information has been presented on dwelling type mix (apartments/flats) and household composition (number of persons per households), a dwelling size mix has not been presented due to a lack of suitable data (as the Census does not record sufficient data on dwelling sizes or bedrooms to provide an accurate forecast).



10.6.5 Section 5.4.4.3 of the HS & HNDA relates to the South-East Suburbs and states that such includes the areas of Mahon, Douglas, Turner's Cross, Ballinlough, and Rochestown and had a population of 51,605 in 2016 (24.5% of the total City population). The Cork City Development Plan 2022-2028 sets a population target of 58,457 by 2028 for the area, an increase of 6,852 or 13%, and a housing target of 2,752 units. It is further stated the area would also benefit from proposed investment in BusConnects, the road network and a proposed light rail line to Mahon Point and is likely to deliver a mix of greenfield and brownfield or infill sites. Given the scale of land available, the area will be critical for delivering on all forms of housing need for Cork City across housing tenure, type and size. This would include development catering to families and larger household types, according to infrastructure availability. The South-East Suburbs currently have a mixed social profile including in terms of tenure, with owner-occupation predominant in areas like Frankfield and Turner's Cross but higher concentrations of social housing in Mahon. The availability of development land entails that the South-East Suburbs will be important for delivering social and affordable housing for the city across all streams including Part V delivery and direct delivery, ensuring a continued social mix in the area overall.

10.6.6 The HS & HNDA highlights that external market factors can influence the future dynamics in relation to unit mix and dwelling type and concludes that unit type mix over the 2022-2028 period is difficult to forecast with any degree of certainty as the type of new units that will be developed in the coming years will depend heavily on market conditions, development costs, economic conditions, and public policy including national measures to stimulate housing development. Policy Objective PO1 of the HS & HNDA includes an aim for an appropriate mix of housing sizes and states that planning applications for multiple housing units will be required to submit a Statement of Housing Mix detailing the proposed housing mix and why it is considered appropriate in meeting in the needs of an area. A Statement of Housing Mix did not accompany the planning application.

10.6.7 The applicants' Statement of Consistency identifies that the units mix proposed is consistent with Objective 4 of the NPF, which is to ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrate communities that enjoy a high quality of life and well-being. The Statement of Consistency refers to the Joint Housing Strategy produce in accordance with the adopted City and County Development Plans for the respective authorities in 2014-2015 (2015-2021 City Plan has been superseded by the 2022-2028 City Plan) and that the mix of units complies with Principle 1 of the Joint Housing Statement which is "to provide for a diverse range of housing needs to suit varying income levels and social circumstances". The Statement of Consistency refers to Development Plan policy in relation unit mix in place at the time of lodgement (Objective 6.6 under the 2015-2021 City Development Plan) and the fact that unit mix is dealt with in the Material Contravention Statement. It is concluded that unit mix is in accordance with SPPR 1 of the Apartment Guidelines and that such takes precedence over the Development Plan, it is stated that there is justification for material contravention of the unit mix standards of the 2015-2021 Development Plan unit mix standards under Section 37(2)(b) of the Planning Act.

10.6.8 Having regard to the HS & HNDA and indeed the current Development Plan (2022-2028), zoned lands in this area are earmarked to provide for a higher density and an alternative unit offering to cater for an alternative demographic profile and the need to provide housing that is suitable to all age groups and persons at different stages of the life and the unit mix offering would be consistent with SPPR 1 of the Apartment Guidelines 2023 and Objective 3.6 of the CCDP. However, the fact that the HNDA & HS does not present dwelling size mix due to a lack of suitable data SPPR 1 cannot be relied on in this instance to justify a grant of planning permission.

10.6.9 The fact remains that Objective 11.2 *Dwelling Size Mix* and Table 11.9 of the Development Plan sets out clear unit mix requirements (apart from in exceptional circumstances). The proposed unit mix is not in accordance with these requirements and the applicant has not submitted a Statement of Housing Mix justifying any

deviation from the standards set out in the Development Plan. The proposed development would, therefore, be a material contravention of Objective 11.2 *Dwelling Size Mix* and Table 11.8 of the Development Plan. I do not consider this matter can be addressed by way of condition owing to the proposed unit mix breakdown and the minimum, maximum and targets set out in the CCDP. In order to comply with the CCDP, the unit profile would require a complete redesign. This would have implications for the wider scheme including potential material changes to the design, layout and finishes and would ultimately reduce the overall number of units to be provided on site. I would note that given my substantive concerns, I do not consider that this is a matter that could be ventilated through a limited agenda oral hearing should the Board seek further clarification on this matter.

10.6.10 The fundamental issues remains that a Statement of Housing Mix has not been submitted and this issue has not been addressed in the applicant's Material Contravention Statement and the subject application, therefore, does not meet the requirements of section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). The Board, therefore, cannot invoke section 37(2)(b) of the Planning and Development Act 2000 (as amended) and is precluded from granting permission. Permission should be refused for this reason.

10.6.11 CE Report Comment: The CE Report indicates that a HDNA has been prepared with an evidence base for Cork City to apply its own housing mix targets. It is pointed out that dwelling size mix targets are set out in the Draft Cork City Development Plan 2022-2028 and the proposal is not compliant with such. The CE Report recommends that the issue be addressed by way of condition.

10.6.12 Conclusion on Unit Mix: Objective 11.2 relating to Dwelling Size Mix of the Cork City Development Plan 2022-2028 states that "all planning applications for residential developments or mixed-use developments comprising more than 50 dwellings will be required to comply with the target dwelling size mix specified in Tables 11.3-11.9, apart from in exceptional circumstances". In this case the level of

various units does not meet the target for the City Suburbs as set out under Table 11.8 of the City Development Plan or even fall within the allowable ranges where justification is demonstrated. The applicants have not provided sufficient justification for deviation from this target. The proposed development would not comply with Development Plan policy, specifically Objective 11.2 and Table 11.8 of the Cork City Development Plan 2022-2025 and would, therefore, materially contravene the Development Plan.

## **10.7 Design Strategy-Design & Layout, Public Realm/Open Spaces:**

10.7.1 The development consists of 140 apartments, a crèche and communal amenities.

The proposal entails reuse, refurbishment and extension of existing former farm buildings and construction new blocks ranging from 3-storey (Block C), 3-4 storeys (Block D) and 4-5 storeys (Block E). Block E fronts onto the existing access roads. A public plaza area is provided adjacent the access road and to the southwest of Blocks B and A (existing structures). Block D will replace the existing open sided barn structure on the southwest side of the farmyard with a communal open space area provided between Blocks A, B and D. A communal amenity space is provided to the southwest of Block D and north of Block C, which is located to the west of an existing car park and east of the parkland area of the site. The proposal entails linkages to the wider area including a footpath that runs east west from the access road to a new bridge that will provide access to the Passage West Greenway. There is a proposal to provide a gateway in an existing stone wall to the northeast of the site and linkages to Besbororo Road with a pedestrian crossing to be provided.

10.7.2 The overall masterplan for the lands identifies 3 phases, phase 1 (subject to ABP-313216-22) to the east of the site. Phase 2, which is the current application and consists of the former farm buildings and parkland area to the west of such and Phase 3, which has not been subject to an application and includes the area to the west and south of the overall lands.

10.7.3 The proposed development in this case features public open space areas (public plaza adjoining Block A and B and a public footpath running east west to access the greenway) and communal open space areas adjoining the various blocks. The proposal also entails provision of public open space in the form of the parkland area to the west of the existing structures, which will be accessible to the wider area with provision of access from Bessboro Road to the north as well as access from the greenway to the east. The overall masterplan includes a high level of green/amenity space with the parkland area on the application site, a remembrance park proposed for the lands to the south (part of Phase 3), a larger area of green space to west of the parkland area on site (also part of Phase 3). The proposal entails a high degree of accessibility with existing pathways and public open space areas that will be accessible to the public and wider area. The proposal includes a comprehensive landscaping scheme with a mixture of hard and soft landscaping and planting. A play area is identified in phase 3 to the southeast of the overall lands.

10.7.4 The applicants' Architectural Design Statement outlines the characteristics of the development in the context of the 12 criteria set out under the Urban Design Manual (Connections, Inclusivity, Variety, Efficiency, Distinctiveness, Layout, Public Realm, Adaptability, Privacy and Amenity, Parking and Detail Design). The Urban Design Manual has been superseded due to replacement of the Sustainable Residential Development in Uran Area Guidelines (2009) with the Compact Settlement Guidelines (2024).

10.7.5 I am satisfied that overall quantity and quality of open space provide is acceptable and would refer to Section 10.9 regarding Residential Amenities, which elaborates on this matter. Under this section it also outlined how the proposed open space would provide sufficient levels of sunlight on the ground. The proposal provides for a satisfactory degree of permeability both within the site and to the wider area to facilitate future access for the wider public to what is significant level of open green space within the overall landholding associated with Bessborough House.

10.7.6 CE Report Comment: The CE report raises no issues regarding the overall quality of layout and urban design. The CE report does raise concerns regarding scale of buildings and in terms of the setting of an existing protected structure and the removal of trees associated with the existing parkland area to the west of the site.

10.7.7 Conclusion on Design Strategy-Design & Layout, Public Realm/Open Spaces: The proposed development provides a satisfactory design strategy in terms of overall design and layout, public realm and open space. The overall proposal provides high degree of urban spaces that provide connectivity between the surrounding area and the application site and permeability through the site with a high level of spaces that are pedestrian priority spaces. The proposal in conjunction with other phases of development proposed for the overall landholding at this location, provide for a high degree of accessibility to a large area of recreation/amenity space to the benefit of the wider area with the provision of a number of access points to allow access from the north, east and west. I am satisfied that the more architectural spaces located within, and adjacent the proposed and existing structures are well defined, sufficiently enclosed and use good quality materials and landscaping. I am satisfied that overall design strategy, design and layout, and public realm/open spaces are of an acceptable quality. I note the comments of the CE report regarding the scale of Blocks D and E and the positioning of Block C in relation to the existing parkland area and would note that I will address these issues in other sections of this report.

## 10.8 **Building Height and Visual Impact/Setting of the Protected Structure:**

10.8.1 Building Height: The development consists of 5 no. blocks. Block A is an existing two-storey structure and Block B is an existing single-storey double height structure. Block C is 3 storeys, Block D 3-4 storeys and Block E 4-5storeys. The current Cork City Development Plan (2022-2028) provides a number of objectives and policies regarding building height. Table 11.1 outlines Density and Building Heights Strategy with lower and upper height targets outlined for the different areas of the city. The site is in the Fringe/Corridor/Centre (Mahon). In the case of this area the height

targets are 4 storeys for the lower target and 6 storeys for the upper target. In this case the proposed heights do not exceed the higher target levels for the area.

10.8.2 Chapter 3 of the Building Height Guidelines (2018) outlines a presumption in favour of buildings of increased height in urban locations with good public transport accessibility. It outlines broad principles for the consideration of proposals which exceed prevailing building heights, including the extent to which proposals positively assists in securing National Planning Framework objectives of focusing development in key urban centres, and the extent to which the Development Plan/LAP comply with Chapter 2 of the Guidelines and the NPF. In this regard, I would generally concur that the proposal assists in securing the NPF objectives of focusing development on key urban centres and fulfilling targets supporting the National Strategic Objective to deliver compact growth in our urban centres.

10.8.3 As noted above Development Plan policy does identify building heights of between 4-6 storeys as being acceptable within this area. Notwithstanding such the Planning Authority have raised concern regarding building height in the context of the setting of a protected structure. In this regard I would consider it is appropriate to assess the proposal against the criteria set out under section 3.2 of the Urban Development and Building Heights Guidelines.

Table 1

At the scale of the relevant city/town
The site well served by public transport with the site within walking distance of bus service no.s 202, 215, 215A and 219 as well as being accessible to a high level of local employment, services, retail and recreational amenities by pedestrians and cyclists. A Townscape and Landscape Visual Impact Assessment has been carried out as part of the EIAR and such demonstrates that the proposal subject to this application is acceptable in terms of visual impact. Refer to later section regarding

Visual Impact.

The proposal has adequate regard to the location of the site within the historic curtilage of a protected structure and provides an acceptable design and scale of development that would not impact the setting and character of the protected structure and its historic landscape.

The proposal provides for design and layout that contributes positively to placemaking incorporating new urban spaces and linkages to the wider area.

At a scale of district/neighbourhood/street

The proposal responds well to the natural and built environment providing reuse and incorporation of existing structures, a design that has regard to the character of existing structures on site and sufficient modulation in the scale of blocks.

The proposal provides for a good level of urban design quality with provision of public and communal open spaces. The proposal would be satisfactory in the context of flood risk.

The proposal provides variation in the dwelling typology typical of the area with the provision of apartment development that will contribute to achieving a mix of dwelling typology in an area characterised mainly by suburban housing.

At a scale of the site/building

The form and, massing and height has adequate consideration of natural daylight, ventilation and views and a Daylight Reception Analysis Report (proposed development) has been submitted with regard to the relevant guidance standards (BRE 209 or BS 8206-2: 2008).

Specific Assessments

A number of specific assessments have been included.

Daylight reception analysis report (proposed development).



Effect on daylight reception analysis report (neighbouring buildings)

Sunlight reception analysis report.

Telecommunication signal interference assessment report.

Natura Impact Statement.

EIAR.

10.8.4 As noted earlier in this section the building height proposed is within the ranges indicated as being acceptable at this location under Development Plan policy. I would consider that the proposal meets the criteria set out under Section 3.2 of the Urban Development and Buildings Heights Guidelines. I would note that a more detailed assessment of visual impact and setting of the protected structure is outlined in the following sections of this report.

10.8.5 Visual Impact/Setting of Protected Structure: The applicants have prepared a variety of drawings, studies and photomontage images to illustrate the development and its surroundings. I accept that the development will present a new form and height of development for this area and the proposal would change the outlook, from neighbouring properties and areas.

10.8.6 The third-party observations raise concern about nature of the development in the historic setting. The site is within the historic curtilage of Bessborough House, which is a protected structure, Bessboro Covent (Central Block RPS490).

The protected structure is a detached seven-bay three-storey house, built c.1760, having pedimented breakfront to the central bay and two-storey additions to rear c.1860. Originally flanked by single-storey wings with bow-ended room added to west wing c.1860 and first floor added to east wing 1922. Converted to use as

convent, 1922, with hospital added to east, c.1930, chapel dated 1931 to west, and single-storey multiple-bay structure adjoining to the east, c.1960. Range of single-storey structures attached to north. Now in use as a health centre. Hipped slate roofs with rendered corbelled chimneystacks and carved limestone eaves course. Pitched slate roofs to chapel and some additions with later rooflights. Lined-and-ruled rendered walls having cut limestone quoins, platband and plinth course to main building, smooth-rendered walls to remaining buildings. Cut limestone cornice to west wing. Square-headed window openings with limestone keystones and sills, one-over-one timber sash windows to ground floor and some two-over-two sash windows to wings. Replacement windows to remaining openings. Cut limestone surrounds to Diocletian and Venetian windows with replacement windows. Blind elliptical oculus in breakfront pediment with cut limestone surround. Limestone doorcase, c.1870, comprising rusticated pilasters surmounted by console brackets supporting broken bed pediment framing round-headed window opening with fanlight and timber panelled door approached by limestone steps with replacement metal railings of c.1960. Glass and cast-iron conservatory to west wing having Corinthian capitals to pilasters. Quadrant gateway, c.1880, comprising four cylindrical limestone piers with carved finials and cast-iron railings and gates.

10.8.7 There are a variety of associated structures including later additions. The application site includes a former complex of farmyard buildings. The proposal entails demolition of a number of the existing structures on site and retention of two structures, which are to be incorporated into the scheme. The curtilage of Bessborough House is also characterised by a significant level of parkland/open space areas. The application site includes a large area of parkland to the west of the proposed structures with further open space areas located to the west of such and to the south and southeast of the application site.

10.8.8 In terms of overall impact, the proposal is located to the north of the existing protected structure. Blocks A, B and D are located within the footprint of the existing farmyard. Block C, which is 3-storeys is located to the north of Bessborough House and west of an existing structure around a courtyard area and a car park and is

nearest structure to Bessborough House. Block D is further north and runs along the southeastern edge of the former farmyard complex and is part 3 and 4 storeys. Blocks A and B are the existing structures, which are two-storey storeys/double height and Block B is to have a single-storey extension. Block E is the tallest structure and is located furthest from Bessborough house on an open area between the access road to the east and the eastern boundary of the more modern Sacred Heart Convent structure located to the north of Bessborough House and south of the public road.

10.8.9 The CE Report raises concern regard building height of both Block D and E in the context of the setting of the protected structure and its historic landscape and recommend that one-storey is removed from each element of these Blocks (reducing Block D to part two and part three storeys and Block E to part three and part four storeys. Chapter 4 of the EIAR relates to Landscape & Visual Impact and includes a Landscape/Townscape Visual Impact Assessment (LTVIA) that examines visual impact of the cumulative development of Phase 1 (The Meadows) and Phase 2 (the Farm SHD) including photomontages. Having inspected the site and the associated documents, which include drawings and visualisations of the proposal, I would consider that the design of the proposal has adequate regard to the setting of the existing protected structure. The location of the proposed structures is to the north and concentrated in an area where there is significant degree of existing structures, which vary in age and architectural quality. The proposal uses the footprint of existing structures including respecting the historical footprint of the former farmyard structure while retaining some of the existing structures and repurposing them. Block C, which is the nearest to Bessborough House is a flat roofed structure that would not exceed the height of the protected structure and would not impact the main historic vista of the existing protected structure, which is the view from the southern aspect. In the case of Block D it is located further north and is modulated in height stepping from part three to four storeys. The highest block, Block E, which is also modulated in height being part four and five storeys is located further from the protected structure on an infill site between the modern

Sacred Heart Convent and existing access road with a limited impact on the historic parkland that is located predominantly to the west, south and southeast.

10.8.10 The overall form and materiality of the proposal has adequate regard to its location and setting relative to the protected structure. As noted, Block C is a flat roof structure that is subordinate in height to the Bessborough House. Blocks A and B retain the existing character of the farm buildings while Block D and E feature references to the existing farm building with use of corrugated steel cladding at the upper levels and roof profiles (pitched) that echo the farm the structures. I am satisfied the overall scale and layout of the proposal has adequate regard to the setting of the existing protected structure and that the development proposed in this application would not have a detrimental impact on the character and setting of such and provides for a design that would be a positive addition on these lands and entails reuse of existing structures associated with the protected structure.

10.8.11 Block C is located to the north of Bessborough House and west of an existing car park. This block will encroach onto existing parkland within the historic curtilage of the Bessborough House. In doing so the proposal will entail loss of some existing trees (54 to facilitate the proposal and a further 10 removed due to condition issues out of 359 trees surveyed on the application site). I would be of the view that this Block would have a limited impact on the historic parkland setting of the protected structure given it is located to the north of the existing protected structure and adjacent existing structures. The proposal has limited impact in terms of footprint on the parklands area to the west and I consider that an appropriate balance is struck between the providing for an efficient level of development while respecting the architectural heritage value of the Bessbough House and its historical curtilage.

10.8.12 CE Report Comment: The CE report has raised concerns regarding the visual impact of the proposal in terms of the height of Blocks D and E and impact on the setting of the existing protected structure. It is considered that the proposal would be acceptable subject to revision of these structures to reduce them by one storey.

10.8.13 Conclusion on Visual Impact: I would consider that the proposal provides for a development that is acceptable in terms of scale, design and layout with adequate regard had to the impact of such on the setting of the existing protected structure and its overall historic landscape. The proposal would have positive visual impact and is of acceptable quality in terms of architectural character and materiality. The CE Report recommendation for amendment is noted, however I am of the view that the proposal is acceptable in the form it has been submitted.

## 10.9 Residential Amenities

10.9.1 Daylight, Sunlight and Overshadowing: Section 3.2 of the Building Height Guidelines outlines that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that ‘appropriate and reasonable regard’ should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE (BR 209) ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition, 2011) or BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion.

10.9.2 The Sustainable Urban Housing Design Standards for New Apartments Guidelines (2023) also highlight the importance of providing acceptable levels of natural light. Planning authorities are advised to weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision with the location of the site and the need to ensure an appropriate scale of urban residential development. Planning authorities should ensure appropriate expert advice and input where necessary and ‘have regard’ to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings EN17037 or UK National Annex BS EN17037 and the

associated BRE Guide 209 2022 Edition (June 2022), or any relevant future guidance specific to the Irish context. Again, where an applicant cannot fully meet all of the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, which planning authorities should apply their discretion in accepting.

10.9.3 More recently, the Compact Settlement Guidelines also acknowledge the importance of daylight and sunlight, both within the proposed development and in the protection of existing residential amenities. In cases where a technical assessment of daylight performance is considered necessary, 'regard should be had' to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context. In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development.

10.9.4 At local policy level, the current Development Plan (2022-2028) also acknowledges the importance of good levels of sunlight and daylight in relation new and surrounding housing, whilst minimising overshadowing and maximising the usability of outdoor amenity space (Objective 11.3(d) and Objective 11.4). It states that development "to this end assessments should include an assessment of the scheme utilising best practice tools, such as BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' to satisfy minimum standards of daylight provision. In doing this it is very important that all measures of daylight (Vertical Sky Component, Average Daylight Factor and No Skyline) and sunlight (Annual Probable Sunlight Hours) are assessed in order to avoid presenting a partial, or biased, analysis of performance".

10.9.5 The applicant submitted a Daylight Reception Report. This report was undertaken with regard to Cork City Council planning policy and, the advice and recommendations set out in the following guidance documents.

- The Building Research Establishment (BRE) report, site layout planning for daylight and sunlight – a guide to good practice (referred to as the BRE Report).
- British European Standard BS EN17037/EN17037 Day lighting standards and contains guidance on the minimum recommended levels of interior day lighting.
- CIBSE guide 10 Day light and lighting for buildings.

10.9.6 I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011), the BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting and the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK).

10.9.7 Internal Daylight and Sunlight: Internal daylight standards have been assessed using Average Daylight Factor.

BRE (209) Average Daylight Factor (ADF): ADF is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BS8206 – Part 2 sets out recommended targets for Average Daylight Factor (ADF), these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylighted living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied.

10.9.8 A selection of habitable rooms has been used to assess ADF and include bedrooms and combined kitchen/living/dining rooms. The assessment is target at rooms which are perceived to receive less daylight, i.e. ground floor level rooms/rooms facing close -by large objects. It is considered that once these rooms are compliant, rooms at a higher level with similar configuration/parameters are deemed compliant. A combined total of 61 rooms were tested within Blocks C, D and E (ground and first floor) with Blocks A and B having no habitable rooms.

10.9.9 The result for such indicates that all bedrooms and kitchen/living/dining (LKD) rooms tested at ground and first floor of Blocks C, D and E achieve in excess of the target values for ADF (1% for a bedroom and 2% for an LKD). It is noted that all rooms above first floor are deemed compliant as they would have an improved vertical daylight impact angle increasing daylight reception factor typically by 0.3-0.5% per floor level.

10.9.10 The applicant submitted a Sunlight Reception Report. This report was undertaken with regard to Cork City Council planning policy in force at the time (2015-2021 Development Plan) and, the advice and recommendations set out in the following guidance documents.

- The Building Research Establishment (BRE) report, site layout planning for daylight and sunlight – a guide to good practice (referred to as the BRE Report).
- British European Standard BS EN17037/EN17037 Day lighting standards and contains guidance on the minimum recommended levels of interior day lighting.
- CIBSE guide 10 Day light and lighting for buildings.

10.9.11 In relation to sunlight to amenity spaces within the scheme the recommended standard (BRE 209) is for a space to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. The assessment relates to 6 no. areas.



Area	Results
Communal amenity no. 1	3.00 hours at 50% area
Communal amenity no. 2	10.00 hours at 50% area
Communal amenity no. 3	6.00 hours at 50% area
Public open space no. 1 (park)	10.00 hours at 50% area
Public open space no. 2 (streets and squares)	7.00 hours at 50% area
Public open space no. 3 (public link to greenway)	6.00 hours at 50% area

10.9.12 I am satisfied that with the level of compliance with the internal standards for daylight and sunlight is acceptable for this type and scale of development on this urban infill site. I further note that the sun hours on ground analysis found the proposed communal amenity and public open space areas will meet the BRE guidelines by achieving 2 hours of sun on ground to over 50% of the assessed area on 21st March, thereby comfortably meeting the BRE target criteria. In my opinion, this is considered a good level of compliance for a proposed scheme of this size and increasing density, when having regard to planning policy requirements, it is my view that this approach is acceptable.

10.9.13 CE Report Comment: The CE report raises no concerns regarding daylight and sunlight standards within the proposed development.

10.9.14 Conclusion on Daylight, Sunlight and Overshadowing: The proposed development provides for an acceptable standard of internal daylight as well as sunlight levels within external communal amenity spaces to ensure adequate residential amenities for future residents.

10.9.15 Quality of Units – Floor Area/Layout/Amenity: For assessment purposes the units are assessed against the standards set out under Sustainable Urban Design Standards for New Apartments. All units are above the minimum floor area specified and meet the internal dimension standards recommendations of the Apartment Guidelines. 55.7% (78 units) of the apartments exceed the minimum floor area standard by a minimum of 10%. 40.7% (57) of the units are dual aspect units. The apartment guidelines (SPPR 4) indicate that a minimum of 33% dual aspect units will be required in more central and accessible urban locations and in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect. In my view the proposal is in an intermediate location, given its accessibility in terms of public transport and proximity to existing retail uses (Mahon Point Shopping Centre), and employment uses as well as its location within the Fringe/Corridor/Centre area as set out under Table 11.2, Cork City Density and Building Height Standards of the current Development Plan (2022-2028). I would consider the proposal is compliant with SPPR 4 of the Apartment Guidelines. The proposal also complies with recommendations of the Apartment Guidelines in terms of internal storage and units per core.

10.9.16 Current Development Plan (2022-2028) policy does not include a specific standard for separation distance and specifies under section 11.103 that “proposals for apartment developments and those over three-storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects”. There are 5 no. blocks proposed on site. The configuration of Blocks on site is such that there are no instances where the facades of any of the blocks of three-storeys or more are directly opposing each other. Block C does feature a u-shaped block however separation distance between the opposing facades in this case is just shy of 24m. SPPR1 of the Sustainable and Compact Settlement Guidelines state that statutory Development Plan should not contain objectives for minimum separation distance above 16m and that separation distance between opposing windows serving habitable rooms is acceptable with a lesser distance where there are no opposing windows serving habitable rooms of suitable privacy measures.

10.9.17 In this case separation distances between blocks are satisfactory with the configuration of blocks yielding no significant levels of directly opposing facades and over 16m between the opposing facades within the U-shaped Block C proposed. I am satisfied that in general separation distances and relationship between buildings would be acceptable in the context of residential amenities.

10.9.18 CE Report Comment: The CE report indicates that the development is compliant with the Apartment Guidelines in relation overall area, room size/dimensions, storage and private open space. The CE report does raise concerns regarding the level of dual aspect units and considers that the site is an intermediate/suburban location and should provide 50% dual aspect units in compliance with SPPR4 of the Apartment guidelines.

10.9.19 Conclusion on Quality of Units – Floor Area/Layout/Amenity: The proposed development provides for a development that is compliant with the standards and recommendations of the Apartment Guidelines in terms of internal dimensions, internal storage and level of dual aspect units, will provide for sufficient separation between blocks and adequate design mechanisms to prevent overlooking. The proposed development will provide adequate amenity for future residents.

10.9.20 Open Space/Communal Amenities: The scheme includes the provision of public open space and communal open space. The subject site is 5.1 hectares in area. Public open space provision is in the form of a 1,072sqm public realm area to the east of Block B and a public realm area of 1,554sqm (footpath link to greenway). The development also has access to 24,520sqm of parkland area located to the west of the site (within the site boundary) and will benefit from further access to green spaces provided as part of Phase 3 (see masterplan for overall lands). The level of public open space is cited as being 63% of the site area. Communal open

space provision is 2,563sqm and is provided in 3 no. spaces, a 1,063sqm space between Block B and D, a 1,233sqm space between Block B and C and a courtyard space of 277sqm adjacent Block C.

10.9.21 Objective 10.32, Public Realm and Public Open Space of the current Development Plan identifies that development proposals will be expected to provide public open space to a minimum of 15% of the net development site area. In this case the level of public open space provided is 63% of the gross site area and is compliant with Development Plan policy. Communal Open Space standards under Appendix 1 of the Apartment guidelines yield a requirement of 830sqm for communal open space. The provision within the scheme is well in excess of this requirement.

10.9.22 CE Report Comment: The CE report raises no concerns regarding the level of public or communal open space or its design and layout.

10.9.23 Conclusion on Open Space/Communal Amenities: The proposed development provides for a satisfactory level of both communal and public open space and meets the relevant standards for such set down under the current Cork City Development Plan 2022-2028 and the Apartment Guidelines (2020 and all subsequent amended versions).

#### 10.10 **Adjoining Amenity:**

10.10.1 The site is part of Bessborough Estate, which features a range of existing structures and a concurrent proposal for housing development. The application site includes several former farm buildings of which the majority are to be demolished and 2 no. structures retained and incorporated into the scheme (Block A and B). Existing structures in the vicinity includes the Sacred Heart Convent to the north of the site (two-storeys with an internal courtyard). To the south of the site is a range of structures forming a courtyard development with a mix of single-storey and two-storey structures.

Some of these structures are vacant and some occupied by childcare and mediation uses. To the northeast of the site and on the opposite side of the roadway to the east of the site is a two-storey structure occupied by the Alzheimer Society of Ireland. The nearest existing housing development to the application site is Crawford Gate, which is located to the north of the site. There is a concurrent application for 280 apartments units (ABP-313216-22) on a site to the southeast.

10.10.2 Daylight/Sunlight Overshadowing: At present there are no existing residential developments adjoining site. The applicants' submitted an Effect on Daylight Reception Analysis. This report was undertaken with regard to Cork City Council planning policy and, the advice and recommendations set out in the following guidance documents.

- The Building Research Establishment (BRE) report, site layout planning for daylight and sunlight – a guide to good practice (referred to as the BRE Report).
- British European Standard BS EN17037/EN17037 Day lighting standards and contains guidance on the minimum recommended levels of interior day lighting.
- CIBSE guide 10 Day light and lighting for buildings.

10.10.3 Daylight: Daylight levels within the adjoining developments have been assessed under BRE Guidelines/BS 8206-2:2008 using Vertical Sky Component (VSC). The Vertical Sky Component (VSC) is a measure of how much direct daylight a window is likely to receive. The Vertical Sky Component is described as the ratio of the direct sky illuminance falling on the vertical wall at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky. A new development may impact on an existing building, and this is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value.

10.10.4 The assessment on daylight at adjoining properties included a selected number of windows/rooms on properties in the vicinity as follows:

1	Sacred Heart Convent	Residential/Office	GF living space
2	Sacred Heart Convent	Residential/Office	GF living space
3	Crawford Gate (under construction)	Residential	GF living space
4	Hostel, Mahon	Residential	GF living space
5	Bessborough Day Car Centre	Office/classroom	GF room
6	Bessborough Centre	Office/classroom	GF room
7	Bessborough Centre	Office/classroom	GF room

10.10.5 The results of receptors tested show that all windows/rooms tested achieve over the target value of 27% VSC in the pre-development scenario. In a post-development scenario, all receptors will retain VSC values in excess of the 27% target value with the level of change in values ranging from 0.81-0.97 their former value. In this case the existing developments in the vicinity will retain sufficient levels of daylight levels in the post development scenario.

10.10.6 Sunlight: The applicants' Sunlight Reception Report includes an assessment of the sunlight impact of the development on amenity spaces serving developments in the vicinity. The spaces assessed include the following:

A	Sacred Heart Convent	Private amenity-green area	1,200sqm
B	Sacred Heart Convent	Private amenity-courtyard	800sqm
C	Sacred Heart Convent	Private amenity-green area	650sqm

D	Bessborough, Hostel	Private amenity-green area	900sqm
E	Bessborough, day care centre	Private amenity-courtyard	170sqm
F	Bessborough, day care centre	Private amenity-green area	800sqm
G	Bessborough Heritage centre	Private amenity-courtyard	700sqm

10.10.7 In relation to sunlight to amenity spaces within the scheme the recommended standard (BRE 209) is for a space to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. The results of the assessment show that all of the tested spaces achieve this target value in a pre-development scenario and will still retain the target values in a post development scenario.

10.10.8 I am satisfied that the sufficient information is provided to assess the impact of the proposal on adjoining properties in terms of Daylight and Sunlight. The submitted reports provide sufficient information regarding impact on existing development in the vicinity. I would note that the development subject to the concurrent application on the applicant wider landholding within Bessborough Estate is sufficiently removed from the application site and is unlikely to be impacted in terms of daylight and sunlight by this proposal or vice versa.

10.10.9 CE report Comment: The CE Report raises no specific issues concerning impact of the proposal on adjoining uses or the development potential of adjoining sites.

10.10.10 Conclusion on Daylight, Sunlight and Overshadowing: The proposed development has sufficient regard to the amenities of adjoining properties and the proposal will have an acceptable impact in terms of daylight and sunlight levels at existing properties.

## 10.11 Traffic and Transportation:

10.11.1 The application site is to be accessed from the existing road that runs on a north south axis to the east of the main portion of the site and joins the public road network to the north of the site. Vehicular access to the development is from the existing access road between Blocks E and B with proposed surface parking provided in two areas, one to the west of Block E and one to the southwest of Block D. The application site includes for a footpath link and new pedestrian bridge to the existing greenway running to the east. In terms of accessibility the site is within 10 minutes walking distance of Blackrock Business Park, Mahon Industrial Estate, Mahon Point Shopping centre, Mahon Retail Park and Mater Private hospital. There is a significant level of existing employment, retail, services and recreational facilities within 15-, 20- and 30-minutes walking distance of the site. The proposal also include linkage into the Passage West Greenway to the east of the site. Existing bus services within 10 minutes walking distances are Service no. 202, 215, 215A and 219, which provide access to the city centre and cross city. The site is currently an accessible location in terms of pedestrian/cycling access and well served by public transport. There are future upgrades planned to public transport infrastructure including a Luas proposal with the preferred route running along Skehard Road to the north and the Mahon Link Road to the east, which will be accessible to the site. Bus Connects proposals in the area will upgrade existing routes and Route 20 will run along the existing access road and terminate to the southeast of the site.

10.11.2 Traffic Impact: A Traffic and Transport Assessment (TTA) was submitted with the application. The TTA examines the cumulative effect of the proposed Bessborough Development in its entirety, which is subject to three phases.

Phase 1: The Meadows (280 apartment units and subject of concurrent application ref no. ABP-313216-22)

Phase 2: The Farm (current application for 140 units).

Phase 3: the North Fields (proposal for 200 units, no application ever lodged).



To accurately assess the impact of the proposed development in the future, the base traffic flows for the local network established by traffic surveys were expanded to the Year of Opening (2024) and the Design Years (2039) using TII growth factors. A junction capacity analysis of a number of key junctions was carried out and including Junction 1, R852, Skehard Rd, Church Rd (signal controlled), Junction 2, Bessborough Rd, Skehard Rd (signal controlled) , Junction 3, R852, Blackrock Avenue, Skehard Rd (signal controlled), Junction 4, Bessboro Rod and site access road (mini roundabout)and Junction 5, Albert Road/N27 signalised junction (will be upgraded to signalise junction by 2025). The analysis indicates that local road network is approaching capacity particularly after 2026, (Phase 1). A number of mitigation measures are proposed including amended traffic signal timings and phases to cater for change in directional flow at each of the modelled junctions. For the design year (2029) an adjustment to storage provided at right turn lanes would improve capacity. Continued funding in sustainable transport solutions should also mitigate growth in traffic.

10.11.3 I am satisfied that the TTA is of sufficient scope and detail to reach a conclusion regarding traffic impact. I am satisfied that the assessment demonstrates that the proposal would be satisfactory in the context of traffic impact on the local road network. I would consider that an important factor to consider is also the fact this is an accessible location relative to the city centre, the availability of employment and local services within proximity to the site, the availability of existing bus services and the likelihood of significant upgrade of public transport infrastructure in the area in the short to medium term with proposals for Bus Connects (route selection stage) and a Luas line (indicative preferred route identified) that will serve the area.

10.11.4 The application is accompanied by a Mobility Management Plan which emphasises the accessibility of the location in terms of pedestrian/cycling accessibility and existing public transport infrastructure. It is considered that the site is well suited for implementation of the mobility management plan that promotes use of sustainable transport and is not dependent solely on vehicular traffic.

10.11.5 CE Report Comment: It is noted the there are two applications on the lands and a combined approach is taken to assessing traffic impact. It is noted that the additional traffic generated may require mitigation measures such as change to signal timing and/or increase in storage lengths and/or elongation of right turn lanes to maintain network capacity. Increased provision of sustainable transport offset future transport growth. It is noted that both phases are based on low level of parking and are significantly lower than Development Plan maximum standards and is reflective of future public transport infrastructure. It is crucial that the mobility management plan presented is implemented and managed to prevent parking overspill. The CE report recommend a grant of permission subject to a condition requiring implementation of the mitigation measures including agreement of amendment to signal timings and phases at the existing junctions in the vicinity of the site.

10.11.6 Conclusion on Traffic Impact: I am satisfied that the road network at this location would have sufficient capacity to cater for the additional traffic likely to be generated by the proposal, subject to implementation of the mitigation measures proposed.

10.11.7 Car Parking: The proposal provides for 58 parking spaces located in two areas, one to the west of Block E (20 spaces) and one to the southwest of Block D (38 spaces) with 4 of the spaces provide for crèche set down (crèche located in Block D). In terms of current Development Plan policy standards, maximum standards for car parking are contained under Table 11.13. the site is located within Parking Zone 2. Maximum standards in Parking Zone 2 are as follows:

Development Category	Maximum Standard
Residential 1-2 bed units	1.0
Residential 3-3+ units	2.0
Childcare	1 per 6 children

The proposal has a maximum parking requirement of 141 spaces based on the provision of 139 no. 1-2 bed units and 1 no. 3-3+ units and a childcare facility with 25 spaces. The proposal provides 41% of the maximum parking rate. The Phase 1 (ABP-313216-22) proposal that forms part of an overall development of the lands at this location features 280 apartments and a childcare facility (35 spaces). This proposal has a maximum parking requirements of 141 spaces based on Development Plan standards. This proposal provides 58 spaces including 4 set down spaces for the childcare facility and a rate of 41% of the maximum standards. I would refer to SPPR3 of the Sustainable Residential Development and Compact Settlement guidelines where in urban neighbourhoods “car-parking provision should be minimised, substantially reduced or wholly eliminated.

10.11.8 I consider that in this this instance given the location of the proposal and the nature of use that a reduced level of parking is acceptable from the maximum standards and the provision 58 no. spaces would be acceptable. In the case of Development Plan policy, the car parking standards are maximum standards and not minimum standards with scope to consider the development in the context of accessibility and public transport (Section 4.103). It is also essential to point out the fact that a development of this scale and nature cannot be facilitated with car parking for every apartment unit to achieve sustainable development objectives as well as in terms of its setting within the curtilage of a protected structure and historic landscape.

10.11.9 CE Report Comment: It is noted that both phases (1 and 2) are based on low level of parking and are significantly lower than Development Plan maximum standards and is reflective of future public transport infrastructure. It is crucial that the mobility management plan presented is implemented and managed to prevent parking overspill.

10.11.10 Conclusion on Car Parking: I consider in the context of the site location relative to the local employment, services and recreational facilities and the context of existing

public transport connectivity to the wider city, the level of car parking proposed on site is appropriate and is in accordance with Development Plan policy and the recommendations of the Compact Settlement Guidelines.

10.11.11 Cycle Parking/Infrastructure: The proposal provides for cycle parking with 330 cycle parking spaces. 230 residents' spaces, provided in secure internal spaces with Block C and D. 100 short term visitor spaces are provided in the external area distributed throughout the site. Under the current Development Plan (2022-2028) Table 11.14 outlines Bicycle Parking Requirements. Based on such I estimate the proposal has a bicycle parking requirement of 70 spaces. In this regard I would consider that the proposal provides for a high level of bicycle parking that is well in excess of the current Development Plan requirements. Notwithstanding the level of spaces provided, I would consider that there should be some provision of cycle parking for cargo bicycles and that the given the generous provision of bicycle spaces, provision for such could be facilitated while reducing the level of bicycle parking spaces to a degree that would not be insufficient. In the event of a grant of permission I would recommend attaching a condition requiring amendments to the bicycle parking layout to facilitate some degree of cargo bicycle parking and electric bicycles.

10.11.12 In terms of cycle infrastructure, the proposal entails a good level of connectivity to the surround area for pedestrian/cyclists including a proposal to link the development to the Passage West Greenway to the east of the site with a proposal for a pedestrian bridge and ramp access.

10.11.13 CE Report Comment: The CE raises no issues regarding cycling infrastructure, however, does state the pedestrian crossing to the north is inadequate and that the design of the pedestrian footbridge should be agreed. Conditions are recommended regarding both in event of grant of permission. I consider these elements could be dealt with by way of conditions in the event of grant of permission.

10.11.14 Conclusion on Cycle Parking/Infrastructure: The provision of cycle parking on site is significantly in excess of Development Plan standards and provides for both spaces dedicated to the units on site (internal) as well as short-term visitor parking distributed throughout the site in the external areas. I consider that overall provision of cycle parking to be satisfactory, however would recommend a condition requiring provision of level of cargo bicycle parking in the event of a grant of permission. Overall provision of cycle infrastructure, accessibility and permeability is of a good standard with a high degree of space dedicated to pedestrian/cyclist priority spaces and linkages between the site and the intervening area and through the development itself. I would note that the CE report recommends a number of conditions requiring agreement regarding the details of bridge connection to the greenway. I would consider in the event of grant of permission such conditions should be attached.

#### 10.12 **Built Heritage:**

10.12.1 The application site is located within the curtilage of Bessborough House which is a Protected Structure (Reference: RPS 490). The application site is occupied by a number of structures formerly in use as farm buildings (currently disused). 8 farm buildings are identified. In addition, there are a number of other structures on site including 5 no. storage buildings, a play structure, a log cabin and a security hut. It is proposed to demolish three of the farm building while retaining two of the structures and demolish the 4-no. storage structure, the log cabin and play structure. The L-shaped farm building to be retained is to be refurbished, extended and converted into communal amenity spaces serving the residential development and constitute Block B (sun lounge, communal workspace, library). The other former farm building to be retained and refurbished is to be linked to Block D (four-storey block) and provide communal amenity space for the residential development (function room).

10.12.2 The application is accompanied by a Historic Building Record, which outlines the history and description of the existing structure on site. The existing farm buildings are part of the northern yard associated with Bessborough House. Building A, which is a two-storey stone built structure from the late nineteenth century with a pitched metal profile roof. This structure is to be retained and linked to Block D. Building B and C are late nineteenth century double height stone built store buildings with replacement corrugated metal barrel roofs and are to be retained and extended to form Block B. The other structures that form part of the former farmyard include three modern/late structures (D, F and G, single-storey concrete-built structures) and are to be demolished. The proposal does entail demolition of a late nineteenth century three-bay single-storey stone built structure with metal corrugated roof (E) and a late nineteenth century, double height stone-built former barn with an open eastern elevation (H) with a replacement corrugated metal barrelled roof on its western section and damaged corrugated roof on its eastern section.

10.12.3 It is notable that the structures that make up the farmyard area are on the National Inventory of Architectural Heritage and are indicated as being of Regional Importance. As noted above the proposal entails demolition of 3 no. late structures (D, F and G) that are stated as having no architectural heritage value in the Historic Building Record submitted. The proposal entails demolition of two 19th century structures (E and H). The Historic Building Record state that Building E has been altered with PVC windows and no architectural features are retained internally. In the case of Building H there are condition/structural issues with a large section of the roof collapsed.

10.12.4 The proposal entails the demolition of some existing structures on site. In the main the structures to be demolished are late structures and despite the NIAH record, are not of architectural heritage value. The proposal does entail demolition of two 19th century structures. I would consider that demolition is acceptable in the context that

the proposal entails retention of the majority of 19th century structures within the farmyard area with refurbishment and incorporation of such into the final scheme. The structure to be demolished also have structural and condition issues (H) or have been altered significantly with later interventions (E). As noted earlier in this assessment, I consider that the overall design and scale has adequate regard to the setting of the existing protected structure and the overall lands that form the historic curtilage of the Bessborough Estate. I consider that level of impact on built heritage would be acceptable and that the overall design is respectful of the status of the existing structures on site and on adjoining lands.

10.12.5 The historic curtilage of Bessborough House is listed on the NIAH Survey of Historic Gardens and Landscapes (NIAH Garden ID 3423). As noted earlier the proposed structure are mainly concentrated within the footprint of the farmyard structures on site. Block E is located on an infill site between the access road and the modern Sacred Heart Convent Building and will have no significant impact on the historic landscape character. Block C does entail encroachment into the parkland area to the west, however I would consider such to be a small level of encroachment that does not have a significant or detrimental impact on the overall character of the historic grounds. I consider that this intervention is acceptable and that overall masterplan for the site and other lands within the historic curtilage has adequate regard to reinstating the historic character of the grounds/gardens associated with Bessborough House.

10.12.6 There are other structures to be demolished including 4-no. storage structure, the log cabin and play structure. These are later additions and of no architectural or heritage value. The proposal entails a new opening in a stone wall to the north of the site that will facilitate pedestrian access and link to the proposed pedestrian crossing on Bessboro Road. This is a small intervention and will have no impact on the overall landscape character and will improve future access to the historic grounds.

10.12.7 CE Report Comment: The Conservation Officer raised concerns regarding the scale of development in the context of the protected structure on site and its historic landscape and recommended reduction in height of Blocks D and E. The omission of Block C due to its context within the Landscape Preservation Zone is also noted.

10.12.8 Conclusion on Built Heritage: I am satisfied that the proposal has adequate regard to the status of the Bessborough House as a protected structure, the status of the existing structures on site in terms of the NIAH and the status of the historic curtilage of Bessborough House on the NIAH Survey of Historic Gardens and Landscapes (NIAH Garden ID 3423). I consider an appropriate balance is struck between new and existing structures and that the proposal successfully integrates existing structures as well as providing for a development that would not impact the overall historic landscape character of the lands associated with Bessborough House.

### 10.13 **Drainage Infrastructure/Flooding:**

10.13.1 A Services Infrastructure Report has been submitted. A Flood Risk Assessment for the site is provided in Appendix 1 of the EIAR.

#### *Foul Water Drainage*

10.13.2 There is an existing 375/450mmØ foul sewer located to the west of the Phase 3 lands, outside of the boundary of the applicants' lands, which runs north to south and discharges to the Bessborough Wastewater Pumping Station (WWPS). From the WWPS a 350mmØ rising main heads east crossing through the greenfield area in the ownership of the applicant before turning north along the Blackrock to Passage West Greenway. There is also an existing a 150mmØ foul sewer in the road adjacent to the eastern boundary of the Phase 2 site which runs north to south before turning in a westerly direction and connecting to the WWPS. It is proposed that wastewater



collection within the development will be via a network of gravity sewers with wastewater flows to be collected and conveyed in a westerly direction, from the western boundary of the proposed development site and will connect directly to the WWPS. The final connection from the western edge of the lands to the existing WWPS will be undertaken using directional-drilling techniques to ensure that the existing western boundary wall to the lands will remain undisturbed during construction.

10.13.3 Uisce Eireann have raised no objection to the proposed development and future connection will be subject agreement with UE. It is noted that the Bessborough WWPS is at design loading capacity and a project is underway to replace existing pumps to provide sufficient capacity and such is due to be completed Q4 of 2022 and connection could be completed as soon as practicably possible after this date with the development to discharge directly to Bessborough WWPS via a new inlet sewer.

#### *Water*

10.13.4 It is proposed to connect a new 150mmØ watermain to the existing 300mmØ watermain in the roadway to the north. Uisce Eireann have raised no objection to the proposed development with connection feasibility without and upgrade of infrastructure.

#### *Storm/Surface Water Drainage*

10.13.5 The applicants proposes to dispose of all surface water generated from the development by means of connection to the existing storm sewer in the road adjacent the eastern boundary, which connects to an existing 1350mmØ trunk storm sewer located 200m east of Phase 2 (current application) outside the boundary of the applicants' lands, which runs in a north south direction before crossing under the South Ring Road (N40) and discharging to Douglas Estuary.

10.13.6 The site is cited as having a net developable area of 4.28 hectares (excluding roads) with a significant level of open space areas that will remain undeveloped and will not be positively drained to the surface water system and are excluded from surface water calculations. An area of 1.48 hectares is used for calculations with a greenfield runoff estimated for the site. The greenfield runoff rate has been set to have regard to a 100-year storm event having regard to proximity Douglas estuary and a growth factor has been applied when calculating such.

10.13.7 The proposed drainage system comprises SuDS devices measures, which include green roofs on the flat roofs of the development where possible, permeable paving for all parking spaces, tree pits/bioretention planters and an attenuation tank provided at the natural low point at the southwest of the site for final storage of runoff volumes before discharging to the existing surface water network at a controlled rate (greenfield runoff rate). Interception storage is provided by the permeable paving, swales, tree pits and bioretention areas. The attenuation storage will cater for a 100-year storm event with a 10% climate change allowance. I note the Drainage Department are satisfied that the proposed storm water drainage provisions. I am satisfied that the applicant has considered storm and surface water drainage and the impact of the proposed development on groundwater and subject to design criteria outlined the development is acceptable.

#### *Flood Risk*

10.13.8 A Flood Risk Assessment for the proposal has been submitted. The Douglas Estuary is located 250m to the south of the application site. CFRAM mapping shows the site is outside of the 0.1% AEP coastal flood event and is located in Flood Zone C for coastal flood risk. The Cork City Council flood maps show that the site is outside of the 0.1% AEP fluvial flood event and is located in Flood Zone C for fluvial flood risk. For groundwater the site the aquifer vulnerability maps indicate the site as being of high vulnerability with a high-water table and a risk of groundwater flooding. There is no historical evidence of groundwater flooding and no springs or wells on site with groundwater risk considered low. In terms of pluvial flood risk there is no historical

pluvial flood events (OPW report), and the surface water drainage proposals and SuDs measures will prevent pluvial flood risk.

10.13.9 Based on the fact the application site is in an area of low risk for the various sources of flood risk (Flood Zone C) there is no need to carry out a detailed flood risk assessment and no reason to carry out a justification text as per the recommendations of The Planning System and Flood Risk Management-Guidelines for Planning Authorities (November 2009).

10.13.10 CE Report Comment: The CE report raises no issues regarding drainage proposals on site with the Drainage Section indicating satisfaction with the proposal for foul water, surface/storm water drainage and water supply. The CE report raises no issues regarding flood risk.

10.13.11 Conclusion on Drainage Infrastructure/Flooding: The proposal is satisfactory in the context of foul drainage, water supply and surface/storm water drainage with adequate capacity for the proposed development and Uisce Eireann confirming that the proposal can be serviced without major infrastructural upgrade. In relation to flooding the proposed development is at a location where flood risk from all sources is low. The proposed development would be acceptable in the context of water services, drainage and flood risk.

#### 10.14 **Impact on Biodiversity/Ecology:**

10.14.1 This section should be read in conjunction with the Section on Biodiversity under the Section 12, Environmental Impact Assessment of this report. One of the third-party submissions raises issues concern flora and fauna expressing the view that the site should be preserved from any development. The site habitats consist primarily of Scattered Trees and Parkland (WD5), Buildings and Artificial Surfaces (BL3), (mixed) Broadleaved Woodland (WD1), Dry Meadow and Grassy verges

(GS2) and Improved Agricultural Grassland (GA1) with some level of Treelines (WL2), Scrub (WS1) and Recolonising Bare Ground (ED3). The site features habitats of local value (lower importance (BL1, WS1, GS2) with some of local value higher importance (WD5, WL2, WD1, WL2/WD1, WS1/ED2). No flora species of conservation value were recorded on site. Two invasive species were recorded on site (Japanese knotweed and Himalayan knotweed).

10.14.2 The location of the new development on site is concentrated mainly within the footprint of the existing structures on site (Block A, B and D). Block C and E does encroach onto green areas of the site with Block D located on a section of Dry Meadow and Grass Verges (GS2) and Block C located on a part of the Scattered Tress and Parkland (WD5) habitat to the west of the site. In terms of the existing structures on site, the bat surveys confirm that they are of negligible value in terms of roosting potential.

10.14.3 The tree survey for the site indicates there are 359 trees on site (65 category A, 226 category B, 57 category C and 11 category U). The proposal entails the removal of 54 trees (9 category A, 32 category B and 13 category C) to facilitate the development and the removal of a further 10 trees due to condition issues (category U). Bat tree surveys were carried out including climbing surveys of trees considered of moderate potential value for bats or to inspect particular structural elements within low value trees such as cracks and crevices. It is noted that some mature trees will be removed, but the vast majority of trees in the study area will be retained. The trees to be removed lack significant potential roost features. Four bat species were recorded during activity surveys, common pipistrelle, soprano pipistrelle, leisler's bat and brown long-eared bat. Bat activity surveys indicate that within the Phase 1 lands the primary foraging location is the treeline along the eastern side of the site. For the Phase 2 site (current application) the primary foraging habitat is the formal walled garden with most activity along the treeline bordering the entrance road along the

western boundary. No bat activity/emergence was recorded for the existing structures on site. The large woodland area within Phase 3 (not yet subject to application) is of high potential value of bats with only minor tree removal proposed during phase 3.

10.14.4 I am of the view that the proposal would have a limited impacts given the information provided by the surveys carried out and the fact that the proposal has a limited footprint and impact on existing habitats with the vast of the majority of the site and associated vegetation being retained.

10.14.5 In relation to bird species the site is not an ex-situ habitat for any bird species that is a qualifying interest of any SPA. It is noted that it is stated that agricultural fields to the west of the development site were historically use by Curlew (a QI of the Cork Harbour SPA) based on staff testimonials, however such have not been recorded onsite for several years. Small numbers of Herring Gull, Lesser Black-Headed Gull were recorded overflying the site. Breeding bird surveys were carried out with 14 species were recorded within the Phase 2 lands with no red list species and two amber list (Goldcrest and Swallow).

10.14.6 As in the case of bats, I am satisfied that the overall impact of the proposal on bird species will not be significant as the location of new structures on site is confined to a relatively small area with the majority of the site to be retained as parkland and most of the existing vegetation to be retained. I would reach the same conclusion in terms of other mammals (hedgehog, pygmy shrew). In relation to amphibians and otters the site does not have any watercourses and is sufficiently removed from the Douglas Estuary. In term of flora, no species of conservation interest are identified, and the majority of the site is being retained as parkland. The proposal also includes measures remove/prevent the spread of invasive species. In addition, a number of mitigation measures to prevent impact/enhance biodiversity are proposed and are

outlined under the EIAR (refer to Section 12). I am satisfied that these measures would be sufficient to prevent a significant adverse impact in terms of biodiversity and would also serve to enhance such during the operational phase.

10.14.7 CE Report Comment: The CE Report recommend omission of Block C on the basis of impact on the historic landscape associated with Bessborough House and due to the level of existing trees that would be removed as result of its location.

10.14.8 Conclusion on Biodiversity/Ecology: I am satisfied that it has been demonstrated that the site does contain habitats of local importance (higher value). I am, however, satisfied that the impact of the proposal in terms biodiversity and ecology will be acceptable in the context of the confined footprint of new development on site, the level of existing parkland/vegetation to be retained on site and subject to implementation of mitigation measures designed to prevent adverse impact during the construction phase and enhance biodiversity during the operational phase.

#### 10.15 **Childcare:**

10.15.1 The proposal entails provision of a crèche facility, which is part of Block D and includes provision for 25 child spaces (236sqm), an outdoor play area (237sqm) and 4 parking spaces for drop off. The application is accompanied by a Childcare Needs Assessment, which identifies existing childcare facilities in the area with 7 existing facilities with a capacity of 462 spaces identified at the time of the survey (April 2022). The childcare provision for the proposal has been determined by providing sufficient spaces for 100% of the three bed units (1) and 75% of the two bed units (52) with it considered that the one bed units will not generate a demand for childcare places. It is considered that based on 53 units the proposal is below the threshold that would trigger a demand for a childcare facility (75 units) and the

provision of 25 child spaces exceeds the threshold set under the Childcare guidelines for a minimum of 20 childcare space per 75 dwellings.

10.15.2 I am satisfied that the demand for childcare spaces from the one bed units and a likely portion of the two bed units will not be high and that the provision of a 25-space childcare facility is likely to be sufficient for the demand generated by the proposed development. In addition, the area is currently well served by childcare facilities in addition to proposal for childcare within the concurrent application on the applicants' lands at this location (Phase 2 The Meadows subject to ABP-313216-22).

10.15.3 CE report Comment: The overall number of units that would require childcare is 70 units (no demand associated with one-bed units) and would equate to a minimum of 20 places. The provision of crèche with 25 place is considered sufficient.

10.15.4 Conclusion on Childcare: I am satisfied that the childcare proposals are adequate to cater for the nature and scale of the proposed development.

#### 10.16 **Material Contravention:**

10.16.1 The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of Cork City Development Plan 2015-2021 (in force at time of lodgement), the Cork City Development Plan 2022-2028 was a draft document at time and was subsequently adopted on the 10th of June 2022 and came into force on the 08th of August 2022. The 2015-2021 City Development Plan has since been superseded by the 2022-2028 City Development Plan. The statement is summarised above (Section 6.7).

10.16.2 Social Housing: Objective 6.3 of the Development Plan (2015-2021) requires that 14% of units on all land zoned for residential development (or a mix of residential and other uses) to be reserved for the purpose of social housing and specialised

housing needs. The applicant proposes that Part V obligations are fulfilled through provision of 14 units (10%). Under the current Development Plan (2022-2028) there are objectives to comply with Part V of the Planning and Development Act, 2000 (as amended), in particular Objective 10.28, however there is no specified minimum standard as was the case under the previous Development Plan (2015-2021) leaving the possibility for agreement. In this case the applicant has provided details regarding how they intend to comply with Part V. I would consider that in the event of a grant of permission a condition be applied requiring the applicants to agree the details of Part V prior to the commencement of development. In this regard I do not consider that the applicants' proposals would constitute material contravention of Development Plan policy.

10.16.3 Density: The proposal has a density 27.3 uph gross density (5.1hectares) and is stated by the applicant as having a net density of 32.7uph net density by the applicant based on a net developable area of 4.28 hectares. I would refer to Section 10.4 regarding density. As noted under this section development plan policy identifies a density range in this area between 50-120uph. The nature of this site is somewhat unique with the site zoned mainly a Landscape Protection Zone and features a high degree of existing parkland, which must be factored in when considering density. As outlined above I would consider that in calculating density the 24,520sqm of parkland should not considered and that excluding such yields a density of 52.86 hectares per unit, which would be compliant with Development Plan policy. In this regard I do not consider that the density proposed would be a material contravention of Development Plan policy.

10.16.4 Plot Ratio: The development has a net plot ratio of 0.35. Under Table 11.2 which is the Density and Building Height Strategy the Floor Area Ratio target for the Fringe/Corridor/Centre (Mahon) area is 1-4. As with density, I would consider that the plot ratio/floor area ratio measurement should not include the 24,520sqm of parkland. Based on such the proposal would have plot ratio/floor area ratio of 0.56 (based on gross floor area of 14,937.8sqm), which is still not within the ranges specified under table 11.2. The plot ratio proposed is below this target level,



however I would reiterate the fact that the site is impacted by significant development restrictions under the ZO 17 Landscape Preservation Zone (Table 16.5) that would render it impossible to meet the target floor area ratio/plot area ratio under Table 11.2 of the Development Plan. I would consider that although plot ratio is below the target range, that such would not constitute a material contravention of Development Plan policy as there is no explicit statement regarding plot ratio in the development plan apart from indicative plot ratios for Character Areas within the Docklands area and the ranges provided for under Table 11.2 of the Development Plan. I would note that in the event the Board considered the proposed plot ratio to be a material contravention of current Development Plan policy, there would be justification under section 37(2)(b)(ii) to grant permission, on the basis “there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned”. In this case the site-specific objectives for the site in terms of it being in a Landscape Protection Zone would curtail the level of development possible.

10.16.5 Unit Mix and Household Size: The unit mix proposed is for 70 no. one-bedroom units, 69 no. two-bedroom unit and 1 no. three-bedroom units. Under the current Development Plan (2022-2028) Objective 11.2 relating to Dwelling Size Mix states that “all planning applications for residential developments or mixed-use developments comprising more than 50 dwellings will be required to comply with the target dwelling size mix specified in Tables 11.3-11.9, apart from in exceptional circumstances”. Table 11.8 is the relevant table for City Suburbs within which the site is located. The units mix proposed exceeds the target levels for one and two bed units (20 and 34% respectively) but does not meet the target levels for either three or four bed units (28 and 8% respectively) under Table 11.8. Objective 11.2 does state that “where a clear justification can be provided on the basis of market evidence that demand/need for a specific dwelling size lower than the target then flexibility will be provided according to the ranges specified”. SPPR 1 of the Apartment Guidelines state that “statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area,

county, city or metropolitan area basis and incorporated into the relevant development plan(s)". In this case unit mix specified in Tables 11.3-11.9 are based on a HDNA.

10.16.6 As outlined earlier under Section 10.6 the applicant has not provided any justification based on market evidence for less than the target value with their justification being that the unit mix is in compliance with the Apartment Guidelines and in particular SPPR 1. As stated, the unit mix targets for the area are based on a HDNA meaning the specified unit mix targets are in compliance with SPPR 1 of the Apartment Guidelines. I would consider that the proposed unit mix is contrary to Objective 11.2 and Table 11.8 of the development plan. I would also note that when considering the unit mix in the context of cumulative proposed development in the form of the Phase 1 proposal (The Meadows, ABP-313216-22) on the applicants' lands to the southeast, the proposal would still not meet the target levels for unit mix under Table 11.8. In this regard I would consider that the proposal is a material contravention of current Development Plan (2022-2028), and I would refer to Section 10.6 above.

10.16.7 Unit Size: Current Development Plan (2022-2028) policy under Section 11.92, Qualitative Considerations in the Design of Apartment Schemes states that "Government Guidance in the form of Sustainable Urban Housing: Design Standards for New Apartments provides the current qualitative guidance for designing apartments". All apartments meet the minimum size and dimensions standards set down under the Apartment Guidelines with 55.7% (78 units) of the apartments exceeding the minimum floor area standard by a minimum of 10% with no material contravention issues in relation unit size.

10.16.8 Floor to Ceiling Heights: Current Development Plan (2022-2028) policy under Section 11.92, Qualitative Considerations in the Design of Apartment Schemes states that "Government Guidance in the form of Sustainable Urban Housing: Design Standards for New Apartments provides the current qualitative guidance for designing apartments". The proposal provides for floor to ceiling heights of 2.7m at

ground floor level with 2.5m in relation to the upper floors, which is compliant with the Apartment Guidelines (SPPR5) and subsequently is compliant with current Development Plan (2022-2028) policy. There is no material contravention issue in this regard.

10.16.9 Stair Cores: Current Development Plan (2022-2028) policy under Section 11.92, Qualitative Considerations in the Design of Apartment Schemes states that “Government Guidance in the form of Sustainable Urban Housing: Design Standards for New Apartments provides the current qualitative guidance for designing apartments”. In this case the number units per stair core is compliant with the Apartment Guidelines (2020 and all subsequent updated versions) and subsequently is compliant with current Development Plan (2022-2028) policy. There is no material contravention issue in this regard.

10.16.10 CE Report Comment: The CE Report does not raise any explicit scenarios in which the proposed development materially contravenes the Development Plan in effect at the time of lodgement (2015-2021). It is notable that it is recommended that permission be granted subject to a number of amendments that would reduce the number of units significantly.

10.16.11 Conclusion on Material Contravention: The issues raised as potential material contraventions of the Cork City Development Plan 2015-2021, which was in force at the time of lodgement, and outlined within the applicants’ Material Contravention Statement would not materially contravene (apart from Unit Mix) the current Cork City Development Plan 2022-2028, which has since come into effect. This is due to the current Development Plan having regard to Section 28 Guidelines that have come into effect since the previous Development Plan including the Urban Development and Building Height Guidelines (2018) and the Sustainable Urban Housing: Design Standards for New Apartments (2020 and all subsequent versions).

## 11.0 Appropriate Assessment

### 11.1 Introduction

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed are.

- Compliance with Article 6(3) of the EU Habitats Directive.
- Screening the need for appropriate assessment.
- The Natura Impact Statement and associated documents.
- Appropriate assessment of implications of the proposed development on the integrity of each European site.

### 11.2 Compliance with Article 6(3) of the EU Habitats Directive

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

### 11.3 Screening the need for Appropriate Assessment

An AA Screening exercise has been completed (see Appendix 1 of this report for further details). In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, it

has been determined that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of Cork Harbour SPA (site code 001058) cannot be excluded. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'. This determination is based on:

- Objective information presented in the applicant's reports;
- The zone of influence of potential impacts having regard to hydrological pathways to Natura 2000 Sites;
- The potential for construction-related impacts on surface water;
- The potential for operational stage impacts associated with surface water disposal;
- The potential for spread of invasive species on;
- The application of the precautionary approach; and
- The nature and extent of predicted impacts, which could affect the conservation objectives of European Sites. The possibility of significant effects on other European sites has been excluded on the basis of objective information. No other European sites were determined to be within the zone of influence of the project.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

#### 11.4 The Natura Impact Statement (NIS)

As outlined in Appendix 2 of this report, a Natura Impact Statement (NIS) has been submitted with the application. It considers the potential effects of the project on Cork Harbour SPA (001058). The NIS concludes that no significant effects are likely on Natura 2000 sites, their features of interest or conservation objectives, and that the proposed project will not will adversely affect the integrity of European Sites.

#### 11.5 Stage 2 Appropriate Assessment of Implications of the proposed development

Appendix 2 of this report outlines the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. The European Sites considered are:

- Cork Harbour SPA (001058).

Following an Appropriate Assessment, it has been ascertained beyond reasonable scientific doubt that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Cork Harbour SPA (001058), or any other European site, in view of the sites' Conservation Objectives.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of Cork Harbour SPA.
- Detailed assessment of cumulative and in-combination effects with other plans and projects.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Cork Harbour SPA (001058).

## **12.0 Environmental Impact Assessment**

### **12.1 Statutory Provisions**

12.1.1 The proposed development mainly involves demolition of existing structures and the construction of residential development of 140 no. residential apartment units over 2 no. retained and repurposed farmyard buildings (A & B) with single storey extension and 3 no. new blocks of 3-5 storeys in height. Provision of creche and communal amenity spaces. The proposal includes a new pedestrian/cycle bridge over the adjoining Passage West Greenway to the east, connecting into the existing down ramp from Mahon providing direct access to the greenway and wider areas, as well as new pedestrian access to Bessborough Estate to the north including upgrades to an existing pedestrian crossing on Bessboro Road.

12.1.2 Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended, provides that an Environmental Impact Assessment (EIA) is required for projects that involve:

*(i) Construction of more than 500 dwelling units*

*(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*

12.1.3 At a combined 420 no. residential units and a site area of 6.82 hectares (excluding duplicate areas), the proposed Phase 1 'The Meadows' and Phase 2 'The Farm' do not meet or exceed the unit or area-based thresholds prescribed under 10(b) of Part 2 of Schedule 5. However, when Phase 3 'North Fields' is considered as per the prepared masterplan, both of these thresholds are exceeded at a combined 620 no. residential units and site area of circa 16.61 hectares, respectively. Accordingly, the proposed development in its entirety exceeds the thresholds set out in paragraph 10(b)(i) and (iv) of Part 2 of Schedule 5, and an Environmental Impact Assessment Report (EIAR) has been submitted with the application.

## **12.2 EIA Structure**

12.2.1 This section of the report comprises the EIA of the proposed development in accordance with the Planning and Development Act 2000 (as amended) and the associated regulations, which incorporate the European directives on EIA (Directive 2011/92/EU as amended by 2014/52/EU). It firstly assesses compliance with the requirements of Article 94 and Schedule 6 of the Planning and Development Regulations, 2001. It then provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on defined environmental parameters, having regard to the EIAR and relevant supplementary information. The assessment also provides a reasoned conclusion

and allows for integration of the reasoned conclusions into the Boards decision, should they agree with the recommendation made.

**12.3 Issues in Respect of EIA**

12.3.1 Any issues raised in third-party submissions, planning authority reports, and prescribed body submissions are considered later in this report under each relevant environmental parameter.

**12.4 Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001**

12.4.1 The following table outlines my assessment of compliance with the requirements of Article 94 and Schedule 6 of the Regulations.

**Table 9 - Requirements of Article 94 and Schedule 6 of the Regulations**

<b>Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)</b>	
<b>Requirement</b>	<b>Assessment</b>
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including) the additional information referred to under section 94(b)).	Chapter 2 of the EIAR describes the development, including a detailed description of the existing site and surrounding context; the characteristics of the project; and an outline of the construction phase including methodology and materials etc. The description is adequate to enable a decision on EIA.
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b)).	Chapters 4-15 of the EIAR describe the likely significant direct, indirect, and cumulative effects on the environment, including the factors to be considered under Article 3 of Directive 2014/52/EU. I am generally satisfied that the assessment of significant effects relating to the



	<p>proposed development itself is comprehensive and robust and enables decision making.</p>
<p>A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b)).</p>	<p>Each of the individual sections in the EIAR outlines the proposed mitigation and monitoring measures. They include 'designed in' measures and measures to address potential adverse effects at construction and operational stages, including a Construction and Environmental Management Plan. The mitigation measures include standard good practices as well as site-specific measures and in most cases are capable of offsetting any significant adverse effects identified in the EIAR.</p>
<p>A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b)).</p>	<p>Chapter 3 of the EIAR outlines the alternatives examined. Alternative locations are not considered given that the development of this site for the uses proposed is supported in relevant planning policy. Given the residential nature of the project, alternative processes were limited to construction methods. Alternative layouts/designs were considered, mainly with regard to, height strategy, access and linkages, daylight/sunlight analysis, and communal amenity space. The environmental effects of the main alternative scenarios have been dismissed in favour of the proposed development. I am satisfied, therefore, that the applicant has studied reasonable alternatives and</p>

	has outlined the main reasons for opting for the current proposal before the Board and in doing so the applicant has taken into account the potential impacts on the environment.
<b>Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).</b>	
A description of the baseline environment and likely evolution in the absence of the development.	Each of the EIAR sections includes a detailed description of the receiving environment, which enables a comparison with the predicted impacts of the proposed development.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.	Each section of the EIAR outlines the Assessment Methodology employed, including consultations carried out, desk/field studies carried out, and any difficulties encountered. I am satisfied that the forecasting methods are generally adequate, as will be discussed throughout this assessment.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.	Chapter 1 of the EIAR acknowledges the need to consider the risk of major accidents and/or disasters, and outlines those relevant risks (construction accidents, fire/road traffic risk, and flood risk) are identified and mitigated throughout the EIAR. Having regard to the nature, scale, and location of the project, I consider the approach to be reasonable.
Article 94 (c) A summary of the information in non-technical language.	The EIAR includes a Non-Technical Summary. I have read this part of the EIAR, and I am satisfied that it is concise and

	comprehensive and is written in a language that is easily understood by a lay member of the public.
Article 94 (d) Sources used for the description and the assessments used in the report.	Section 1.6 of the EIAR outlines the Project Team / Contributors and each chapter outlines the qualifications, experience, and expertise of the contributors.

Consultations

12.4.2 The EIAR outlines details of consultations carried out as part of its preparation. The application has been submitted in accordance with legislative requirements in respect of public notices. Submissions received from statutory bodies and third parties are considered in this report, in advance of decision making. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

Compliance

12.4.3 Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. However, I have concerns about the adequacy of the information submitted in respect of the assessment of cumulative effects, traffic, and flood risk. These matters are considered in my assessment of likely significant effects, below.

**12.5 Assessment of the likely significant direct and indirect effects**

12.5.1 This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out Section 171A of the Planning and Development Act 2000, as amended:

- Population and human health.

- Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC and Directive 2009/147/EC respectively).
- Land, soil, water, air and climate.
- Material assets, cultural heritage and the landscape.
- The interaction between these factors.

12.5.2 In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in the appeal/application.
- Examination of the EIAR.
- Analysis, Evaluation and Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects.

## 12.6 **Population and Human Health**

### 12.6.1 **Issues Raised**

No issues raised.

### 12.6.2 **Examination, analysis and evaluation of the EIAR**

Chapter 14 of the EIAR deals with Population and Human Health and outlines a detailed description of the existing environment and context, including population, demographics, human health, and land use receptors.

#### Construction Effects & Mitigation / Monitoring

Section 14.3.2.1 outlines the main likely significant effects, which can be summarised as:

Construction traffic will have to potential to impact on local transport network and disrupt existing vehicle, cycling and pedestrian movements for the construction period. Impacts in respect of traffic during the construction phase will be negative, of slight significance and temporary duration.

Potential adverse impacts on existing local infrastructure and services such as water, wastewater, communications and electrical infrastructure may occur during the construction phase. Such will be short-term duration and range from imperceptible to slight.

The construction phase will result in increased employment for the construction period. This effect would be positive and short term. Construction impact would have potential impacts on existing economic activity in the area due to increase traffic, noise, dust and vibration. With mitigation measures such as the CEMP effect will be imperceptible on existing economic activity.

Construction will have a short-term slight negative effect on surrounding land use related to traffic, noise, vibration or dust.

Potential effects are acknowledged relating to impacts on human health from construction due to traffic noise, dust, odour and contaminated materials. Mitigation will be through implementation of a Construction Environmental Management Plan. The effects will be not significant and short term.

*Cumulative impacts* – The EIAR states includes consideration of combined Phase 1 and 2.

Construction mitigation measures are proposed in the form of a Construction Environmental Management Plan (CEMP), and controlled working hours. Implementation of a Construction Traffic Management Plan. Monitoring measures are also identified in Chapters 7 (Land and Soils), 8 (Water), 11 (Noise and Vibration) and 12 (Air Quality).

### Operational Effects

Section 14.3.2.2 outlines the main likely significant effects, which can be summarised as:

The proposal will bring into use an underutilised site and address housing demand. Generation of increased traffic within the local road network. Predicted impact is insignificant on national roads and minor impact on local roads. Potential effects will not be significant.

The proposal will result in increased employment and economic activity and contribute to attracting new businesses and services to the area. The indirect effect of the operational phase will be moderate, long-term and positive.

The proposal will result in a change of land use and use of an underutilised site.

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

No mitigation measures are proposed.

### Other Effects

*Residual* - Following the implementation of mitigation measures, no significant negative effects are identified.

*'Do-nothing'* - The site would remain in an underutilised state and an opportunity would be missed to consolidate and rejuvenate this location.

*'Worst Case'* – The development would commence but not be completed.

*Interactions* – Interaction with Air Quality & Climate, Noise & Vibration, Transportation, and Landscape are considered in the relevant chapters.

### 12.6.3 **Assessment, Direct, Indirect, and Cumulative Effects**

I have acknowledged the identified impacts and the associated mitigation measures, as well as the potential for interactive impacts with other factors discussed in the EIAR, which will be addressed in later sections of this report. I have already considered a range of impacts on population and human health in section 10 of this report, which can be summarised as follows:

- Section 10.9 outlines how the proposal provides for a sufficient level of residential amenity for future residents.
- Section 10.10 outlines how the proposal is acceptable in the context of adjoining amenities in terms of form and scale.

- Sections 10.11 consider that the traffic impact of the proposal will be acceptable in terms of the local road network.

#### **12.6.4 Conclusion: Direct, Indirect, and Cumulative Impacts**

I consider that the main significant direct, indirect, and cumulative effects on Population and Human Health are as follows:

- Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan.
- Acceptable operational impacts on the existing and future residential population as a result of an acceptable standard, scale and form of development in the context of existing and permitted development in the vicinity.
- Positive socioeconomic effects at construction stage through increased employment and at operational stage through the availability of additional housing, together with increased spending in the local economy at both stages.

### **12.7 Biodiversity**

#### **12.7.1 Issues Raised**

One of the third-party observations raise concerns regarding impact on flora and fauna. The CE report raises concerns regarding impact of Block C in term of removal of mature trees.

#### **12.7.2 Examination, analysis and evaluation of the EIAR**

Chapter 9 of the EIAR deals with Biodiversity. It highlights that impacts on Natura 2000 Sites are addressed in the separate Appropriate Assessment Screening Report & Natura Impact Statement, which I have already discussed in Section 11 of this report. A pre-survey biodiversity search was carried out using data from the NPWS, NBDC, and EPA, in addition to mapping and aerial imagery. The potential Zone of Influence (ZOI) of the development was established having regard to hydrological pathways. Field surveys were also carried out as follows:

- Habitat survey (3<sup>rd</sup>, 21<sup>st</sup>, 22<sup>nd</sup> Jun 2021, 3<sup>rd</sup>, 4<sup>th</sup>, 7<sup>th</sup> 16<sup>th</sup> Feb, 5<sup>th</sup> Mar 2022).
- Bird survey (28<sup>th</sup> Apr, 22<sup>nd</sup> Jun 2021, Winter Bird surveys 20<sup>th</sup> Nov, 9<sup>th</sup> Dec, 20220, 8<sup>th</sup> Jan, 15<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup> Feb 2021)
- Bat survey (13<sup>th</sup>, 18<sup>th</sup> May, 3<sup>rd</sup> June, 21<sup>st</sup>, June, 22<sup>nd</sup> June, 9<sup>th</sup>, 13<sup>th</sup> July and 9<sup>th</sup> September 2021).
- Other Mammal Survey (3<sup>rd</sup>, 21<sup>st</sup>, 22<sup>nd</sup> Jun 2021, 3<sup>rd</sup> Feb 2022)

The EIAR acknowledges Natura 2000 sites, National designated sites, and Ramsar sites within 15km and outside 15km with potential for a pathway. The nearest Natura 2000 site is the Cork Harbour SPA (001058) c. 300m south of the site and the nearest Natural Heritage Area, Douglas River estuary pNHA (001046) is c.70m south of the site.

No species of conservation importance were noted on site based on NPWS and NBDC records. The site habitats consist primarily of Scattered Trees and Parkland (WD1), Buildings and Artificial Surfaces (BL3), (mixed) Broadleaved Woodland (WD1), Dry Meadow and Grassy verges (GS2) and Improved Agricultural Grassland (GA1) with some level of Treelines (WL2), Scrub (WS1) and Recolonising Bare Ground (ED3). The site features habitats of local value (lower importance (BL1, WS1, GS2) with some of local value higher importance (WD5, WL2, WD1, WL2/WD1, WS1/ED2). No flora species of conservation value were recorded on site. Two invasive species were recorded on site (Japanese knotweed and Himalayan knotweed).

Bats: The buildings on site were surveyed for suitability for bat roosts and determined to be of negligible value for such purpose with no sign of bat emergence during the surveys. Bat tree surveys were carried out including climbing surveys of trees considered of moderate potential value for bats or to inspect particular structural elements within low value trees such as cracks and crevices. It is noted that some mature trees will be removed, but the vast majority of trees in the study area will be retained. The trees to be removed lack significant potential roost features. Four bat species were recorded during activity surveys, common



pipistrelle, soprano pipistrelle, leisler's bat and brown long-eared bat. Bat activity surveys indicate that within the Phase 1 lands (313216) bats were recorded commuting/foraging along the treeline/woodland on the western boundary of the site with the remainder of the site having mixed habitats of limited value for foraging bats. For the Phase 2 site (current application) the primary foraging habitat is the formal walled garden with most activity along the treeline bordering the entrance road along the western boundary. No bat activity/emergence was recorded for the existing structures on site. The large woodland area within Phase 3 (not yet subject to application) is of high potential value of bats with only minor tree removal proposed during phase 3.

In relation to otters there are no watercourses within the site with the nearest habitat for Otter being the Douglas Estuary 70m to the south of the study area (220m south of the site).

#### Other Terrestrial Mammals

Badger: No signs of badger within study area, which is of local importance (lower value) for such.

Fallow Deer: No evidence of fallow deer within the study area.

Irish Stoat: No evidence of Irish Stoat which is of local importance (lower value) for such.

Red Squirrel: No suitable habitat with study area for Red Squirrel.

Irish Hare: No evidence of Irish Stoat which is negligible value for such species.

Pygmy Shrew: No evidence of pygmy however habitats on site are of local importance (higher value) for such.

Sika Deer: No evidence of Irish Stoat which is negligible value for such species.

Reptiles and Amphibian: No evidence of common frog within the study area.

There is pond in the Phase 3 part of the study area with no wetland habitats in the Phase 1 or 2 portions. The study area is negligible value for amphibians. Common lizard not recorded within the study area.

#### Birds:

Winter bird surveys of the study are determined that the Phase 3 lands are the only suitable winter bird foraging/roosting habitat. The Phase 1 lands are dominated by scrub and the Phase 2 lands do not provide suitable habitat for foraging/roosting waterfowl/waders. Small number of Herring Gull, Lesser Black-Headed Gull were recorded overflying the site. Staff testimonials identify that the study area (agricultural fields to the west of the site) was historically use by Curlew however such have not been recorded on site.

Breeding bird surveys were carried out with 16 bird species recorded within the Phase 1 lands, no red list and two amber list (Willow Warbler and Goldcrest) species. 14 species were recorded within the Phase 2 (current application) lands with no red list species and two amber list (Goldcrest and Swallow). The Phase 3 lands are the highest value habitat and supports passerine species and is likely to attract predatory species.

#### Construction Impacts

The EIAR identifies the following potential Impacts:

*Habitats* – The proposal entails the removal of some degree of habitats including habitats of local importance (higher value), which includes some removal of mature trees (WD5), a small section of woodland on the western periphery (ED1), some tree removal (WL2) removal of 3 no. trees and trimming retained trees to facilitate the footbridge. The majority of the existing habitat of higher value are to be retained. This is negative, slight and long-term effect.

*Invasive Species* – A number of invasive species are present on site and in absence of mitigation there is potential for spread of invasive species with negative, slight and short-term effect.

*Bats* – The existing buildings and trees on site do not provide roosting habitat for bat species with their removal not significant. The site features a higher degree of woodlands and treelines with loss of some trees and increased disturbance due to construction and lighting associated with such impacting on foraging bats with a negative, slight and long-term effects at a local geographic level.

*Otter* – Potential impact on water quality through silt and hydrocarbon discharges to surface water during construction phase. In absence of mitigation there potential for negative, slight and short-term effects.

*Other Mammals* – The loss of some scattered tree and parkland habitats has potential to impact on mammal species such as Hedgehog and Pygmy Shrew, habitat loss with a negative, slight and long-term impact effect.

*Birds* - Construction will result in loss of nesting and foraging habitat for common bird species. Construction stage will cause disturbance. Given the mobile nature of birds, the impact of disturbance will be moderate during construction. No significant impact from disturbance is predicted to occur with any displacement to be to similar habitats within the study area. Overall, the effect of habitat loss and disturbance of birds during construction is predicted to be negative, slight and long-term.

Cumulative impacts – The EIAR states includes consideration of combined Phase 1 and 2, and other projects listed in section 14.5 of the EIAR have been considered.

Construction mitigation measures are proposed to include implementation of a Construction Environmental Management Plan (CEMP) including construction management measures to protect surface water, soil and groundwater, noise abatement measures, construction lighting to avoid light spillage, invasive species management programme. Building demolition outside summer season. Bat emergence surveys of existing structures prior to demolition. Removal of vegetation outside bird breeding season.

### Operational Impacts

The EIAR identifies the following potential Impacts:

*Habitats* – No impact on habitats during the operational phase.

*Invasive Species* – No risk from invasive species during operation.

*Water Quality and Aquatic Ecology* – The proposal entails surface water drainage system including SuDs measures. No negative effects predicted.

*Foul Water* – Discharge will be to Cork City (Carrigrenan) Wastewater Treatment Plant with treated effluent discharge to Lough Mahon. Negligible impact due to operating conditions at the WWTP.

*Bats* – Increased human activity, noise and artificial lighting may disturb or displace bat species. In absence of mitigation impact would be negative, moderate and long-term at local level.

*Otter* – Low value of existing habitats and proposed landscaping impacts on Otter will be negative, not significant and long-term.

*Other mammals* - Increased human activity, noise and artificial lighting may disturb mammals such as hedgehog and pygmy shrew. Given the existing urban location impacts are predicted to be negative, not significant and long-term at a local level.

*Birds* – Increased human activity, noise and artificial lighting may disturb or displace. Impact on bird species is predicted to be negative, slight and long-term at a local level due to disturbance.

*Cumulative* – The EIAR states includes consideration of combined Phase 1 and 2, and other projects listed in section 14.5 of the EIAR have been considered.

Operational mitigation measures will include lighting design to minimise light spillage onto sensitive habitats outside the site, invasive species management programme a comprehensive landscape plan including varied types of landscaping that will enhance biodiversity, provision of bat boxes and bird boxes, as well as a range of other measures outlined in chapter 16 relating to waste, water and other emissions.

#### Other Effects

*Residual* – Following the proposed mitigation measures, no significant adverse residual effects are predicted.

*Do-nothing* - Biodiversity would increase due to scrub encroachment.

*Worst-Case* - Fire or building collapse would be seen as the main potential risk, but the negative impacts are considered unlikely, slight, localised, and temporary.

*Interactions* – Impacts are identified in association with Lands and Soils, Water, Air and Climate, Noise and Vibration, Built Services, and Transportation. These impacts are addressed in other chapters of the EIAR, and post-mitigation impacts are not deemed to be significant.

### 12.7.3 **Assessment, Direct, Indirect, and Cumulative Effects**

I am satisfied that there would be no unacceptable impacts on any other Natura 2000 sites as outlined in section 11 of this report. I would concur with the EIAR classifications regarding the limited/local importance of the site and surrounding lands in terms of habitats and species, and that the hydrological connectivity with the Douglas Estuary is the most sensitive element of the development. I note that Chapter 8 (Water) of the EIAR includes a range of measures to protect water quality at construction and operational stage. I am satisfied that the water regime and quality will be adequately protected. I acknowledge that the construction stage has the potential for other disturbance impacts with regard to dust, waste material, habitat loss/damage, noise, and lighting. However, I am satisfied that the proposed mitigation and monitoring measures will satisfactorily address any potential for significant environmental effects, including measures outlined in the CEMP, ecological supervision, pre-construction surveys, lighting design, proposed planting, and the timing of works and vegetation removal. At operational stage, I am satisfied that there would be no significant impact on bird/bat flight lines; appropriate lighting designs can be installed; and that landscaping/planting installation of bat and bird boxes would improve the biodiversity value of the site.

### 12.7.4 **Conclusion: Direct, Indirect, and Cumulative Effects**

I consider that the main significant direct, indirect, and cumulative effects on Biodiversity are as follows:

- Potential significant construction and operational impacts on the water regime and water quality, which would not be significant having regard to the mitigation measures proposed.
- Disturbance and displacement of fauna at construction and operational stage, which will be mitigated by a Construction and Environmental Management Plan, ecological supervision, pre-construction surveys, lighting design, proposed landscaping, and the appropriate timing of works.

## 12.8 Land & Soil

### 12.8.1 Issues raised

None.

### 12.8.2 Examination, analysis and evaluation of the EIAR

Chapter 13 of the EIAR deals with Land and Soils. Ground investigations (January 2022). Geotechnical investigation indicates that the site generally consists of a topsoil layer (0.2-0.35m bgl) above a layer of Made Ground (0.45-0.9m bgl) and then cohesive glacial till (0.9-6.1m bgl) and then a layer of granular glacial till (1.1-m bgl).

#### Construction Impacts

The main potential impacts identified in the EIAR can be summarised as follows:

Removal/stripping of topsoil with a maximum of 2,950m<sup>3</sup> excavated and 1,500m<sup>3</sup> reused on site. Permanent impact will be neutral in quality due to abundance of soil type. Imperceptible effect.

Excavation of subsoil however not at depths that will impact underlying bedrock. Aquifer with temporary slight/moderate effect. Imperceptible effect.

Noise and vibration will be generated through the construction phase and area considered under Chapter 10 of the EIAR.

Storage and stockpiling of material on site, a portion of the material is to be reused. Negative quality, temporary duration and slight significance of effect.

Removal of soil from site or potential re-use. Removal of contaminated soil and remediation will be a major beneficial effect.

Exportation of material off-site. Where material cannot be reused on site it will be sent for recovery or disposal to an appropriate authorised facility.

Construction traffic and movement of machinery has potential to impact existing subsoil layer. This would be negative effect of imperceptible significance and temporary duration.

Soil pollution through risk of leakage/accidental spillages. The impact would be negligible in magnitude and imperceptible in significance.

Construction mitigation measure includes a range of mitigation/monitoring measures to address the above carried out under a Construction and Environmental Management Plan (CEMP). In summary, these include the separation of hazardous materials and proper waste management / recording; proper storage of potential pollutants; water management system within the site; and air and water quality monitoring.

### Operational Impacts

No further impact is identified at operational stage on lands and soil and no operational mitigation measures were identified.

### Other Impacts

*Cumulative* –The EIAR states includes consideration of combined Phase 1 and 2, with similar impact and level of effect identified due to the similar nature of development and habitats.

*Residual* – None.

*Do-nothing* – The baseline conditions will remain in their current state.

*Worst Case* – In the absence of mitigation, there may be soil contamination.

*Interactions* – These are identified in relation to water, air & climate, noise & vibration, built services, and population & human health.

### 12.8.3 **Assessment: Direct, Indirect, and Cumulative Effects**

In relation to land as a resource, I have considered the principle and density of the proposed development in section 10 of this report, and I am satisfied that the proposal would, in principle, make efficient use of the site. I would also accept that the loss of land, soil and geology is an inevitable aspect of such planned urban development, and I am satisfied that appropriate mitigation measures have been incorporated to prevent unacceptable impacts in respect of health & safety; structural protection of adjoining property; and management of waste, noise and vibration, and flood risk.

### 12.8.4 **Conclusions: Direct, Indirect, and Cumulative Impacts**

I consider that the main significant direct, indirect, and cumulative effects on Land, and Soils are as follows:

- Potential significant construction stage impacts, which would have potential in-combination effects on the water regime and water quality and will be mitigated by standard good practice measures and measures outlined in the Construction Environmental Management Plan (CEMP).

## 12.9 **Water**

### 12.9.1 **Issues Raised**

None.

### 12.9.2 **Examination, analysis and evaluation of the EIAR**

Chapter 8 of the EIAR assesses the impact on water, surface water, and flooding aspects having regard to relevant guidance and legislation, including the Water Framework Directive, the River Basin Management Plan, and the Flood Directive. A topographical survey was carried out, a Flood Risk Assessment (FRA) was



completed and site investigations carried out. In summary, the receiving environment is described in the EIAR as follows:

*Hydrology* - The site is located in close proximity to the Douglas Estuary (nearest watercourse at 220m from the site) however there are no watercourses on the site. The site is within the Glasheen [Cork City] sub catchment (Glasheen [Cork City] SC 010). The site within the River Lee, Cork Harbour and Youghal Bay catchment under Water Framework Directive (WFD). Togher and Douglas are included in this hydrometric area. This Hydrometric Area falls within the South Western River Basin District which is the Water Framework Directive (WFD) designated catchment for the local area that also includes Togher and Douglas. The Lough Mahon water body in the vicinity of the site is categorised on the EPA Water Quality Map as a transitional waterbody. EPA sampling of watercourses dating from 2013 – 2018 WFD assessment indicates that it had a ‘moderate’ status. The Lough Mahon transitional water body and Douglas River estuaries are identified as being ‘at risk’ of not meeting the WFD objectives.

*Surface Water Drainage* - The existing system drains to local surface water network, which discharges to the Douglas Estuary.

*Flooding* – As previously outlined in section 10.13 of this report, the EIAR acknowledges that the site lies within Flood Zone C.

*Groundwater* - The site is underlain by the Ballincollig groundwater body (IE\_SW\_G\_002). EPA sampling from the 2013 – 2018 WFD assessment indicates that it had a ‘good’ status (refer Table 8. 4). The risk of not meeting the WFD objectives is presently under review. The development site is underlain by ‘Regionally Important Aquifer’ which is Karstified bedrock dominated by diffuse flow (Rkd).

*Foul Drainage* – There an existing 375/450mmØ foul sewer located to the west of the Phase 3 lands, which runs north to south and discharges to the Bessborough Wastewater Pumping Station (WWPS).

### Construction Impacts

The main likely significant effects identified can be summarised as follows:

Surface water and/or groundwater pollution through excavation activities with risk of silt-lade run-off/pollutants. Excavation of topsoil increase vulnerability of underlying groundwater. Negligible impact in relation to groundwater in bedrock aquifer with impact on regional groundwater negligible in magnitude, imperceptible in significance and temporary in duration. The risk to the River Douglas is considered imperceptible given the intervening distance from the site.

Potential for accidental spillages polluting groundwater and/or surface water. Negligible on the groundwater contained within the bedrock aquifer. Significance is imperceptible. The risk to the River Douglas is considered imperceptible given the intervening distance from the site.

Inappropriate disposal or uncontrolled water runoff of concrete or other cement-based products from construction materials which are highly alkaline, and corrosive have the potential to impact the quality of the underlying aquifer. The magnitude of impact is assessed to be temporary, negligible and imperceptible in significance.

Potential for solid (municipal) waste being disposed or blown into watercourses or drainage system arising from poor on-site facilities. The magnitude of impact is assessed to be temporary, negligible and imperceptible in significance.

A range of mitigation/monitoring measures are proposed to protect water including a CEMP to avoid discharge of silt contaminated runoff or hydrocarbons; a Water Management System; CEMP measures to address spillages and dedicated fuel storage areas.

### Operational Impacts

The main likely significant effects identified can be summarised as follows:

Reduction of recharge area due to the introduction of impermeable surfaces such as roofs, roads, and hardstanding areas (having low permeability) which severely restrict recharge. Reduction in recharge area is insignificant when compared to the overall total recharge area of the aquifer. Since the aquifer underlying the site is considered to be regionally important aquifer (karstified diffuse), the overall impact on the groundwater resource due to reduction in recharge area will be permanent and imperceptible.

Surface water run-off discharge rates from the development sites may be increased due to the increase in the area of impermeable surfaces, shorter flow paths through pipes and reduced roughness co-efficient, however the implementation of SuDs features will maintain runoff rates at, or below, existing greenfield runoff rates. Greater run-off volumes generated by the impermeable surfaces will require stormwater storage within the site to provide protection against pluvial flooding events. Surface water attenuation storage has been incorporated into the design to safeguard against storms and associated flooding throughout the lifetime of the development. To prevent any increased flooding at the proposed development, it is proposed to implement SuDS in order to limit the discharge from the site to the current greenfield discharge rates. The implementation of these SuDS measures will mitigate the risk of flooding outside of the development site. Therefore, any potential impacts arising from this activity may be characterised as permanent, imperceptible and neutral.

Mitigation measures include provision of hydrocarbon interceptors and other measure to prevent hydrocarbons entering the surrounding drainage network. Provision of SuDs features and a comprehensive surface water drainage system that will restrict runoff to greenfield rates.

#### Other Effects

*Cumulative Effects* – The EIAR states includes consideration of combined Phase 1 and 2, and other projects listed in section 14.5 of the EIAR have been considered.

*Residual* – The above measures are predicted to avoid any significant adverse effects. Improvements to surface water management will have long-term positive impacts on the drainage channels.

*Do-nothing* – The existing water services, surface water arrangements, and flood risk would remain consistent with the baseline scenario.

*Worst-case* – At construction stage this would include potential loss of services to the existing community or flooding events. At operational phase, impacts on

surface/ground water would be minimal due to the proposed improvements and flood risks would be managed by the proposed mitigation measures.

*Interactions* – Impacts are identified with Land and Soils, Biodiversity and Material Assets (Built Services).

### 12.9.3 **Assessment: Direct, Indirect, and Cumulative Effects**

In section 10.13 of this report, I have considered the potential impacts of the development on water services, drainage, and flooding. I am satisfied that the proposed development should not be constrained by any capacity concerns relating to water supply or wastewater. With regard to surface water drainage and flood risk, I have considered the proposed design, the applicant's FRA, and the proposed mitigation/monitoring measures in the EIAR. I acknowledge that the proposed development includes a range of SuDS measures which would, in principle, assist in limiting surface water flow from the site and flood risk within and around the application site. Accordingly, I am satisfied that it has been demonstrated that new and existing developments will not be exposed to increased risk of flooding. I am satisfied that appropriate mitigation measures have been incorporated to prevent unacceptable impacts in relation to water quality.

### 12.9.4 **Conclusion: Direct, Indirect, and Cumulative Effects**

I consider that the main significant direct, indirect, and cumulative effects on Water are as follows:

- Potential significant construction and operational impacts on the water regime and water quality and will be mitigated by standard good practice measures, measures outlined in the Construction Environmental Management Plan (CEMP) and operational surface and foul water drainage system.

## 12.10 **Air & Climate**

### 12.10.1 **Issues Raised**

None.

#### 12.10.2 Examination, analysis and evaluation of the EIAR

Chapter 12 of the EIAR considers the potential air quality and climate impacts. In terms of air quality, the site is characterised as a Zone B area within the Cork Conurbation as defined by the EPA and the thresholds outlined in the Air Quality Standards Regulations 2011 are considered. Climate, micro impacts were considered with regard to the wind analysis and macro impacts were considered in terms of the change in CO<sub>2</sub> emissions associated with traffic flow. Construction air quality impacts were considered with reference to the National Ambient Air Quality Network. The baseline air quality assessment for the site concludes that it may be characterised 'good' with no exceedances of the National Air Quality Standards Regulations 2011. The baseline climate is also considered with regard to European/National objectives and meteorological data.

##### Construction Impacts

It is acknowledged that construction activities have the potential to impact local air quality, as well as human health and ecology. Sensitive receptors identified in the vicinity include the Sacred Heart Convent north of the proposed phase 2, is located 20m from block D (closest point of receptor). The Bessborough Day Care Centre and Hostel, east of the proposed phase 2, is located 35m from block E. The Bessborough Heritage centre south-east of the proposed phase 2, is located 15m from Block D. The Bessborough Day Care Centre north of the proposed phase 2, is located 20m from block C (closest point of receptor). Construction impacts are identified as:

Dust impact due to site earthworks, handling of construction materials, stockpiling on site, construction traffic movements and landscaping. Where dust impacts are likely, avoidance and mitigation measures will be put in place to reduce the impact levels such as wind breaks, barriers and frequent cleaning and watering of the construction site roads. Provided the dust minimisation measures outlined in the

plan are adhered to, the air quality impacts during the construction phase will not be significant.

Potential for impact caused by vehicles emissions during the construction stage.

The proposed development during construction will not have an adverse impact in concentrations over the limit of regulation values.

A range of mitigation/monitoring measures are proposed to include dust suppression measures, avoidance of unnecessary vehicular movements, cleaning and maintenance of site roads, wheel washes, material handling/stockpile management, dust/dirt suppression and monitoring, screening of works, and control of engines.

### Operational Impacts

Potential impacts include operational traffic emissions.

Mitigation measures are proposed to include compliance with energy efficiency requirements and building regulations; Solar Photovoltaic Panels shall be installed at roof level, where possible; landscaping; accommodation of EVs; and use of heat pumps.

### Other Effects

*Cumulative* – The EIAR states includes consideration of combined Phase 1 and 2, with no significant cumulative effects anticipated due to implementation of standard practice measures and a CEMP.

*Residual* - It is predicted that the construction and operational phases will not generate emissions that would have an adverse impact on air quality or climate.

*Do-nothing* – None of the likely significant construction or operational effects identified would occur.

*Interactions* – Compliance with ambient air quality limit values will ensure the protection of human health and the natural environment.

## 12.10.3 Assessment: Direct, Indirect, and Cumulative Effects

I would accept that the main air/climate impacts at construction stage will be restricted to dust and other emissions and that this is unlikely to be significant when the proposed mitigation measures are implemented.

At operational stage, I would accept that the proposed design will have to comply with building regulations and building emissions associated with heat and energy will be suitably controlled.

As outlined in section 10.11 of this report, I am satisfied that traffic levels have been adequately quantified for the baseline situation or future years. I am satisfied that the air emissions associated with traffic have been adequately considered in the EIAR.

#### **12.10.4 Conclusion: Direct, Indirect, and Cumulative Effects**

I consider that the main significant direct, indirect, and cumulative effects on Air and Climate are as follows:

- Construction stage dust and plant/vehicle emissions, which will be mitigated by dust suppression mitigation measures and standard good practice measures outlined in the Construction Environmental Management Plan.

#### **12.11 Material Assets**

##### **12.11.1 Issues Raised**

As previously outlined, the Uisce Eireann submission does not raise objection to the principle of water/wastewater connections. The TII submission does not raise any significant transport-related objections.

##### **12.11.2 Examination, analysis and evaluation of the EIAR**

Chapter 5 considers impacts on material assets, 'Services, Infrastructure and Utilities'. There will be potential impact on infrastructure such electricity, water supply infrastructure, foul and surface water drainage, gas and telecommunications. It acknowledges that there will be additional loading and alterations to these services during construction, but no significant adverse impacts are predicted based

on mitigation measures provided for within the CEMP. The main operational impacts relate to increased wastewater loading, water supply demands, telecommunications demands and electricity demand. There is capacity for the proposed development within the foul water network and water supply and the proposal is not anticipated to have significant effects in relation to electricity supply and telecommunications. Mitigation measures during construction and operational are measures to ensure no interruption to existing services (CEMP) with consultation with utility providers. Loading on water supply and other utilities is not predicted to be significant and no residual effects are predicted.

Chapter 5 deals with 'Traffic and Transportation'. The operational impacts are based on the Traffic and Transportation Assessment (TTA) as previously discussed in section 10.11 of this report, and impacts are not deemed to be significant. In terms of construction impacts, it predicts that the maximum potential construction-related vehicles are 15 HGV movements per day (30 trips) and 110 movements in relation to vehicles relating to construction staff and miscellaneous movements per day. This is deemed to be significantly less than operational volumes and, accordingly, junction assessment have not been conducted. Construction mitigation measures are largely based on implementation of a Construction Traffic Management Plan. Measures include 'flag men' at the entrance to manage deliveries, construction hours that will ensure avoidance of peak hours for traffic movements. Overall impacts are deemed to be only slight adverse with residual impact after application of mitigation measures not significant on the road network.

Chapter 12 considers 'Resource and Waste Management'. For the construction stage it predicts the estimated nature and quantities of demolition and construction waste, which will mainly be mitigated through a Construction and Demolition Resource Waste Management Plan and compliance with standard procedures for the management and disposal of waste. For the operational stage it predicts the estimated nature and quantities of waste generated by the proposed development. It outlines that these impacts will be mitigated through the submitted Operational Waste Management Plan, which includes for dedicated waste storage areas,



facilities to segregate waste and facilities management to oversee provision of dedicated waste storage/collection facilities, and implementation of the Operational Waste Management Plan. No significant residual effects are predicted at construction or operational stages.

### **12.11.3 Assessment: Direct, Indirect, and Cumulative Effects**

I consider that an increased demand for 'built services' such as water services and other utilities is an inevitable effect of new residential/mixed-use development. As previously outlined in section 10.13 of this report, I am satisfied that there would be no unacceptable impacts on water/drainage infrastructure. Similarly, I consider that the increased demand on other services such as energy, heat, and waste could be satisfactorily addressed in conjunction with the relevant operators. As previously outlined in section 10.11 of this report, I am satisfied that traffic levels have been adequately quantified for the baseline situation or future years. Cumulative impact would be with Phase 1 of the development, which generates similar level of impact and effects. Accordingly, I am satisfied that traffic impacts on the existing road network have been adequately considered in the EIAR.

### **12.11.4 Conclusion: Direct, Indirect, and Cumulative Effects**

I consider that the main significant direct, indirect, and cumulative effects on Material Assets are as follows:

- Operational cumulative (Phase 1 and 2) traffic impacts on the capacity of the local road network, which have been adequately quantified and will not be significant.

## **12.12 Cultural Heritage**

### **12.12.1 Issues Raised**

Third parties raise concerns regarding the proposal in the context of the historic landscape of Bessborough House and legacy issues connected with its use as a Mother and Baby Home. The CE Report raises concerns regarding scale and design of proposal in the context of Bessborough House (protected structure).

### 12.12.2 Examination, analysis and evaluation of the EIAR

Chapter 10 of the EIAR assesses the impact on archaeological, architectural and cultural heritage. It is acknowledged that the site is part of the curtilage of Bessborough House, which is protected structure. In relation to archaeology, there are a number of recorded monuments within the grounds associated with Bessborough House. These included Bessborough House itself (south of the site), an Icehouse (west of the site) and a folly (southeast of the site) within the grounds. There are also recorded monuments identified outside of the grounds associated with Bessborough House and these include an excavated site (east of the application site), a railway bridge (north of the application site) and a midden (southwest of the application site). In terms of Architectural Heritage, the EIAR acknowledges the fact Bessborough House is a protected structure and in addition identifies a number of structures on the National Inventory of Architectural Heritage on site and in the vicinity. Bessborough Farm consisting of a farmyard complex comprising of two ranges of single and two-storey outbuildings arranged around central yards are rated of 'Regional' importance on the NIAH. The application site is the northern portion of this farmyard complex. Outside the site, Bessborough House is rated as of regional importance on NIAH, the folly to the southeast is also rated of regional importance on the NIAH. The house grounds are also listed in the NIAH Survey of Historic Gardens and Landscapes (NIAH Garden ID 3423). The EIAR identifies the legacy of Bessborough House as a Morther and Baby Home from 1922 to the 1990's. I would refer to Section 10.4 of the assessment in relation to this issue.

#### Construction Impacts

There are no recorded archaeological sites located within the boundary of the subject lands and the ground levels within sections of the area have been disturbed by 19th century construction works. No potential unrecorded archaeological sites were identified within the subject lands during the desktop research and field surveys carried out as part of this assessment. The construction phase within the subject lands will, therefore, not result in any predicted direct impacts on the known archaeological resource. The potential for direct negative impacts on any

unrecorded, sub-surface archaeological features that may exist within the subject lands cannot be discounted and will require mitigation.

The existing structures on site were assessed and the removal of later buildings of poor quality or structures that have been altered significantly that are part of Bessborough Farm (NIAH 20872006) would not result in any significant loss of cultural heritage value.

The demolition of Buildings D, E, F, G and H during the construction phase of the Farm development will result in a direct, negative, permanent, high magnitude impact on the architectural heritage resource. The buildings to be removed have been assessed as being of low quality and do not form part of the central core of the Bessborough Farm complex to the south which will be retained. The significance of this direct negative impact is, therefore, assessed as being moderate.

The proposed retention, conservation and adaption into new uses of the better quality historic buildings within the subject area (Buildings A, B and C) is assessed as resulting in a direct, positive, permanent, low magnitude impact which is slight in significance.

It is proposed to create a pedestrian entrance in the original estate wall (a short distance to the east) of the main historic gateway. The intervention is assessed as resulting in a direct, positive, permanent, low magnitude impact which is slight in significance.

The proposal entails provision of new bridge at the Passage West Greenway with no alteration to any existing structure or features of heritage value. This proposal will give rise to a direct, negative, low magnitude construction phase impact on this undesignated cultural heritage asset which is assessed as being of medium value. This direct negative impact is assessed as being slight in significance.

Mitigation measures proposed include a programme of archaeological supervision/monitoring of all ground works be undertaken by a suitably qualified archaeologist. To ensure that, in the unlikely event of previously unrecorded burials being encountered during site development works, such works will be monitored in

accordance with the methodology outlined in Appendix 10.5 by Aidan Harte, Forensic Archaeologist.

### Operational Impacts

The proposal will not impinge on the primary visual setting of Bessborough House (view for the south) or the historic entrance avenue and traditional approach to the protected structure (from north-north-west). The proposal will have a slight, negative, indirect impact on the historic estate and some of its attendant or associated features (including the former farm complex). A detailed landscape masterplan has been prepared by Ilsa Rutgers Landscape Architecture which has been fully informed by the historical evolution of the parkland area.

The creation of a new pedestrian/cycle bridge over the railway line to the east will result in a slight negative indirect impact on this undesignated cultural heritage feature.

No mitigation measures are proposed during the operational phase.

*Residual* – No significant residual effects.

*Do-nothing* – Continued preservation of the recorded and potential unrecorded cultural assets such as potential sub-surface archaeological remains.

*Worst-case* – Monitoring measures will avoid any such damage.

*Interactions* – None identified.

### **12.12.3 Assessment: Direct; Indirect, and Cumulative Effects**

I would accept that there is no evidence of archaeological features on or immediately adjoining the site. Accordingly, I am satisfied that the proposed archaeological monitoring measures would be acceptable as mitigation. I am not satisfied that the legacy issues regarding use of Bessborough House as a Mother and Baby Home and the potential for unrecorded burial sites being encountered has been adequately resolved (refer to Section 10.4 of the assessment).

I accept the proposal does not entail the removal of any structures of architectural heritage value and any 19<sup>th</sup> century structures to be removed have been significantly altered or are in poor condition. The proposal would have no effect on any structures of architectural heritage value in the vicinity of the site.

#### **12.12.4 Conclusion: Direct, Indirect, and Cumulative Effects**

I consider that the legacy issues regarding use of Bessborough House as a Mother and Baby Home and the potential for unrecorded burial sites being encountered has not been adequately resolved.

### **12.13 Landscape**

#### **12.13.1 Issues Raised**

The CE report raises concerns regarding visual impact relation to the setting of the protected structure.

#### **12.13.2 Examination, analysis and evaluation of EIAR**

Chapter 4 of the EIAR considers townscape character and visual amenity in the receiving environment. It includes a Landscape/townscape Impact Assessment including Visually Verified Views from 19 viewpoints with an evaluation of viewpoint sensitivity, magnitude of change and significance of effect for the construction and operational phase as well as residual effects. The EIAR considers the receiving environment, including evolving townscape, the site context, and notable features in the wider study area such as recent/permitted developments including the cumulative visual impact of Phase 1 and 2. It also considers the Development Plan policy context and protected views and prospects (based on those identified under the Cork City development 2015-2021 which has expired). It is acknowledged that the majority of the study lands is zoned a Landscape Preservation Zone and the remainder of the study area is designated as an Area of High Landscape Value under the 2015-2021 Development Plan. In relation to verified views and prospects (2015-2021 Development Plan), there is a Primary Approach Road View and

Landscape and Townscape View from the N28 to the south of the site on the opposite side of the Douglas Estuary.

### Construction Impacts

The EIAR acknowledges that the construction stage will involve alterations to the visual appearance of the site. The removal of existing structures on site and the felling of existing trees. The magnitude of construction stage landscape/townscape impact is deemed to be medium when combined with medium sensitivity of the receiving landscape. Overall significant of construction stage impacts is considered to be moderate and negative.

### Operational Impacts

The EIAR considers townscape sensitivity in terms of several defined precincts/features surrounding the site. Sensitivity varies and is generally classified as considered be medium-low (VP's 1, 5, 6, 9, 10, 11, 12, 13, 14 and 18) and medium (VP's 2, 3, 4, 7, 8, 15, 16, 17 and 19). The significance of visual impact is considered slight/imperceptible-neutral from 11 of the viewpoints (VP's 1, 3, 4, 7, 8, 9, 10, 12, 13, 14, 17 and 19). The significance of visual impact is considered moderate/slight-negative from a number of viewpoints (VP's 2, 5, 6, 11, 15, 16 and 19), which include from the crossing of the greenway at the N40, from residential areas such as Charlemont Heights and Rowan Hill (south of Douglas Estuary) and some views within the Bessborough Estate study area.

The magnitude of operational stage landscape/townscape impacts is considered to be Medium-Low. On balance of the extent of new development against the quality of the architectural and landscape design, the operational landscape/townscape quality of effect is deemed to be marginally negative i.e., Neutral. In accordance with the Landscape/Visual significance matrix contained in Section 4.1.2., the combination of a 'Medium' townscape sensitivity judgement and a 'Medium-low' townscape impact magnitude judgment results in a Moderate-slight overall operational stage significance of townscape impact, with a Neutral quality of effect.

Cumulative – Cumulative visual effects will occur with addition of other developments in the vicinity. The most applicable is proposed Phase 1 development under ref no. ABP-313216-22. It is concluded that the cumulative effects with the permitted development are acceptable.

Mitigation measures at operational stage include use of external finishes and materials selected for durability and ease of maintenance. Provision of a comprehensive landscaping scheme and provision of a high degree of public and communal open space. Provision of parkland and active landscape maintenance and management.

#### Other Effects

*Residual* – The above measures are predicted to avoid any significant adverse effects.

*Do-nothing* – The site would remain in its existing form; existing structures would remain unused and would deteriorate in terms of condition.

*Worst-case* – If the site was left unfinished there would be short-term, negative construction effects.

*Interactions* – Impacts are identified in relation to Cultural Heritage

#### **12.13.3 Assessment: Direct, Indirect, and Cumulative Effects**

I have considered the EIAR (including the Visually Verified Views), the Architectural Design Statement, and all relevant drawings and design documentation on file. I have also carried out a site inspection and had regard to the nature of the site and the surrounding context. As outlined in section 10.8 and 10.12 of this report, I have considered the design, layout, and visual impact of the development and I consider that it would constitute an acceptable design and scale of development with adequate regard to its setting within the historic curtilage of a protected structure.

#### 12.13.4 **Conclusion: Direct, Indirect, and Cumulative Effects**

I consider that the main significant direct, indirect, and cumulative effects on Landscape are as follows:

- Significant changes to landscape and townscape character as a result of the new structures up to five-storeys in height, however, such design and scale would be acceptable in regard to landscape and visual amenity.

#### 12.14 **Reasoned Conclusion**

12.14.1 Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, as well as the submissions received from the planning authority and prescribed bodies in the course of the application, I consider that the main significant direct, indirect, and cumulative effects of the proposed development on the environment are as follows:

- Population and Human Health: Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan and Construction Traffic Management Plan.
- Population and Human Health: Operational pressures on local services and facilities as a result of a significant increase in population without commensurate supporting uses.
- Population and Human Health: Positive socioeconomic effects at construction stage through increased employment and at operational stage through the availability of additional housing, together with increased spending in the local economy at both stages.
- Biodiversity: Potential significant construction and operational impacts on the water regime and water quality, which have been adequately mitigated by a Construction and Environmental Management Plan and operational surface water and foul drainage system.



- Biodiversity: Disturbance and displacement of fauna at construction and operational stage, which will be mitigated by a Construction and Environmental Management Plan, ecological supervision, pre-construction surveys, lighting design, landscaping, and the appropriate timing of works.
- Land and Soils: Potential significant construction stage impacts, which could have in-combination effects on the water regime and water quality and will be adequately mitigated by standard good practice measures and measure outlined in the Construction Environmental Management Plan (CEMP)
- Water: Potential significant construction and operational impacts on the water regime and water quality and will be mitigated by standard good practice measures, measures outlined in the Construction Environmental Management Plan (CEMP) and operational surface and foul water drainage system.
- Air and Climate: Construction stage dust and plant/vehicle emissions, which will be mitigated by dust suppression measures and standard good practice measures outlined in the Construction Environmental Management Plan.
- Air and Climate: Operational traffic emissions which have been adequately quantified and will not be significant having regard to the accessible location and opportunities for modal shift to public transport and walking/cycling to reduce car dependency.
- Cultural Heritage: The legacy issues regarding use of Bessborough House as a Mother and Baby Home and the potential for unrecorded burial sites being encountered has not been adequately resolved.
- Landscape: Significant changes to landscape and townscape character as a result of new structures up to five-storeys. The design and scale has adequate regard to landscape character and the setting of the protected structure within the study area.
- Cumulative Effects: Significant potential for cumulative effects with other permitted/proposed projects that may act in combination and/or cumulation with the proposed development has been adequately identified or assessed.

12.14.2 Having regard to the foregoing, I consider that the proposed development would have acceptable effects on the environment.

12.14.3. I am satisfied that the substantive issues identified above have been addressed in the planning assessment section of this report (i.e. section 10) and will be incorporated into the recommended reasons and considerations (i.e. section 13 below).

## **13.0 Water Framework Directive**

13.1 The subject site is located 220m from the transitional water body of Lough Mahon, which is located to the south of the site.

13.2 The proposed development comprises the demolition of existing structures and construction of 140 apartment units, a crèche and associated site works.

13.3 I have assessed the proposal and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment (refer to Appendix 3) because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Provision of construction management measures outlined the Construction and Environmental Management Plan to prevent discharge of sediments and pollutants to surface water drainage network during construction.
- Provision of SuDs measures during the operational phase of the development.

13.4 Conclusion - I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 14.0 Recommendation

Having regard to the foregoing assessments, I recommend that permission be REFUSED for the proposed development based on the reasons and considerations set out in the following Draft Order.

## 15.0 Recommended Draft Board Order

### **Planning and Development Acts 2000 to 2022**

### **Planning Authority: Cork City Council**

**Application** for permission under section 4 of the Planning and Development (Housing and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 04<sup>th</sup> of April 2022 by Estuary View Enterprises 2020 Limited, Glandore, 3<sup>rd</sup> Floor, City Quarter, Lapp's Quay Cork, T12 Y3ET.

### **Proposed development comprises of the following:**

This proposed development comprising of demolition of 10 no. existing agricultural buildings /sheds and log cabin residential structures and the construction of a residential development of 140 no. residential apartment units over 2 no. retained and repurposed farmyard buildings (A & B) with single storey extension and 3 no. new blocks of 3-5 storeys in height, with supporting resident amenity facilities, crèche, and all ancillary site development works. The proposed development includes 140 no. apartments to be provided as follows: Block C (9 no. 1-bedroom & 25 no. 2-bedroom

over 3 storeys), Block D (34 no. 1-bedroom & 24 no. 2-bedroom over 3-4 storeys), Block E (27 no. 1-bedroom, 20 no. 2-bedroom & 1 no. 3-bedroom over 4-5 storeys). It is proposed to use retained Block A and Block B for resident amenities which include home workspace, library, lounge and function space.

The proposal includes a new pedestrian/cycle bridge over the adjoining Passage West Greenway to the east, connecting into the existing down ramp from Mahon providing direct access to the greenway and wider areas, as well as new pedestrian access to Bessborough Estate to the north including upgrades to an existing pedestrian crossing on Bessboro Road. The proposed development provides for outdoor amenity areas including publicly accessible parkland, landscaping, surface car parking, bicycle parking, bin stores, substation, public lighting, roof mounted solar panels, wastewater infrastructure including new inlet sewer to the Bessborough Wastewater Pumping Station to the west, surface water attenuation, water utility services and all ancillary site development works. Vehicular access to the proposed development will be provided via the existing access road off the Bessboro Road. The proposed development is situated within the curtilage of Bessborough House which is a Protected Structure (Reference: RPS 490).

## **Decision**

REFUSE permission for the above proposed development based on the reason and considerations set out below.

1. Having regard to the Board's decision to refuse permission for a previous SHD application (ABP-308790-20) and a housing proposal (ABP-318520-23) on sites within the historic curtilage of Bessborough House on the basis of the findings of the Fifth Interim Report (2019) and the Final Report (2020) of the Commission of Investigation into Mother and Baby Homes, together with the information submitted in the course of the previous application and oral hearing (ABP-308790-20), the Board is not satisfied that the site was not previously used as, and does not contain, a children's burial ground and

considers that there are reasonable concerns in relation to the potential for a children's burial ground within the site, associated with the former use of the lands as a Mother and Baby Home over the period 1922 to 1998. No new material information or evidence has been presented to the Board following that decision. In this context, the Board considers that it would be premature to grant permission for the proposed development prior to establishing if there is a children's burial ground located within the site and the extent of any such burial ground. It also considers that it would be premature to grant permission given the implications of such for the delivery of the development as proposed. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Objective 11.2 Dwelling Size Mix and Table 11.8 of the Cork City Development Plan 2022-2028 set out clear unit mix requirements to be adhered to except in exceptional circumstances where justification is provided. The unit mix proposed does not meet the target levels set out under Table 11.8 for any of the proposed unit types and does not conform to the unit mix ranges that would be acceptable subject to adequate justification on the basis of market based evidence. No Statement of Housing Mix in accordance with Objective PO1 of the Housing Strategy and Housing Need Demand Assessment of the Supporting Studies accompanying of the Cork City Development Plan 2022-2028 has been submitted and therefore no justification has been provided in relation to the unit mix proposed. The Board is therefore not satisfied that the proposed development meets the requirements of these objectives. The development is therefore considered to materially contravene the Development Plan in relation to the provision of unit mix requirements. This issue has not been addressed in the applicant's Material Contravention Statement and the subject application, therefore, does not meet the requirements of section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). The Board, therefore, cannot invoke section 37(2)(b) of the Planning and

Development Act 2000 (as amended) and is precluded from granting permission.

In coming to its decision, the Board considered new policy introduced since the application was lodged, including the coming into effect of the Cork City Development Plan 2022-2028. Furthermore, the Board considered that irrespective of the introduction of new plans and the policies and objectives therein, this would have no bearing on the recommendation to refuse permission having regard to the substantive concerns regarding the legacy issues relating to Bessborough House and its historic curtilage on the basis of the findings of the Fifth Interim Report (2019) and the Final Report (2020) of the Commission of Investigation into Mother and Baby Homes.

The Board considered new Ministerial guidelines issued under Section 28 of the Planning and Development Act 2000, as amended, including the updated 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (2023) and the introduction of the 'Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities' (2024). Again however, the Board considered that the Specific Planning Policy Requirements, policies and objectives, and other guidance contained therein is generally consistent with the Cork City Development Plan 2022-2028 and would have no bearing on the recommendation to refuse permission having regard to the substantive concerns regarding the nature, scale, and design of the scheme.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Colin McBride  
Senior Planning Inspector

16<sup>th</sup> June 2025

## 16.0 Appendices

### Appendix 1 AA Screening Determination

#### Screening for Appropriate Assessment Screening Determination

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

##### **1. Description of the project**

The site comprises an area of 5.1ha gross, it is located approximately 5km southeast of Cork City Centre and adjacent to the established residential areas of Mahon and BlackRock. The site is within the curtilage of Bessborough House. The site consists of a former farmyard associated with Bessborough House with a number of existing structures formerly in use for farming as well as a large area of existing parkland. The nearest Natura 2000 sites (Cork Harbour SPA and Great Channel Islands SAC) are located c. 300m south and c. 4.7km east respectively of the site. The proposal entails demolition of 10 no. existing agricultural buildings /sheds and log cabin residential structures and the construction of a residential development of 140 no. residential apartment units over 2 no. retained and repurposed farmyard buildings (A & B) with single storey extension and 3 no. new blocks of 3-5 storeys in height (Block C, D and E), with supporting resident amenity facilities, crèche, and all ancillary site development works. The proposal also includes a new pedestrian/cycle bridge over the adjoining Passageway West Greenway to the east, connecting into the existing down ramp from Mahon providing direct access to the



greenway. Surface water will pass through a SuDS management train and will be attenuated prior to discharge to existing surface water network that discharges to the Douglas Estuary. The foul sewerage will discharge to an existing foul sewer which connects to the Bessborough Wastewater Pumping Station and ultimately discharges to the Cork City (Carrigrenan) Wastewater Treatment Plant with treated effluent discharge to Lough Mahon.

The Planning Authority acknowledged the applicant's NIS (including AA Screening Report) and highlights that An Bord Pleanála is the competent authority for screening and assessment purposes.

## **2. Potential Impact mechanisms from the project**

### Habitats

The site is not within or directly adjoining any Natura 2000 sites. There is a separation distance to the nearest Natura 2000 sites, i.e., at least 300m to the Cork Harbour SPA. Accordingly, I do not consider that there is potential for any direct impacts such as habitat loss / modification, direct emissions, or species mortality/disturbance. The majority of the site (>50%) consists of Scattered Trees and Parkland WD5 with the location of the proposed structures on a part of the site, which is mainly Building and Artificial Surfaces BL3, a section of Scattered Trees and Parkland WD5, a section of Horticultural Land BC2 and a section of Dry meadows and Grassy verges GS2. Bird surveys were carried out for the site. The surveys revealed that small numbers of Herring Gull and Lesser Black-bearded Gull were recorded overflying the site and the agricultural field to the west of the proposed development site were historically used by Curlew, however, have not been recorded on site in recent times. No species that are QI species of the Cork Harbour SPA would appear to pass over the site or nearby with any regularity. Having regard to the

nature of the site and its surroundings, together with the surveys and searches detailed by the applicant, I am satisfied that the site is not a significant ex-situ foraging or roosting site for QI species associated with any of the surrounding Natura 2000 sites.

### 3. European Sites at Risk

Having regard to the potential impact mechanisms from the proposal, the European site(s) and qualifying features potentially at risk are considered in the following table.

Table 1 European Sites at risk from Impacts of the proposed project			
European Site(s)	Effect mechanism	Impact pathway/Zone of Influence	Qualifying Interest features at risk
Cork Harbour SPA (001058)	Surface water runoff construction and operation	Discharge to surface water drainage network and subsequent discharge to Douglas estuary	Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Pintail , Shoveler , Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Common Gull, Lesser Black-backed Gull, Common Tern, Wetland and Waterbirds
	Habitat loss/deterioration	Not within/adjoining any protected habitats and not suitable ex-situ.	None.

		Spread of invasive species beyond the site boundaries during construction to adjacent habitats.	
	Wastewater	Indirect pathway not considered significant.	None.
	Species disturbance	Increased noise and disturbance associated with site works, increase traffic and human activity during operation.  Collision risk for overflying bird species that are QI's.	None.
Great Channel Islands SAC	Surface water runoff construction and operation	Discharge to surface water drainage network and subsequent discharge to Douglas	None

(004030)		Estuary. Not significant due to distance and dilution factor.	
	Habitat loss/deterioration	Not within/adjoining any protected habitats.	None.
	Wastewater	Indirect pathway not considered significant.	None.
	Species disturbance	Not significant given the significant separation distance.	None.

Having regard to the above table, the only Natura 2000 sites that are considered to be at risk from the proposed development are: Cork Harbour SPA. The other Natura 2000 sites in the area are distanced further from the proposed development and, having regard to the lack of connectivity based on the source-pathway-receptor model, I do not consider that they are within the Zone of Influence. The following is a brief overview of the sites at risk:

Cork Harbour SPA is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. The SPA site comprises most of the main intertidal areas of Cork Harbour, including all of the North Channel, the Douglas River Estuary, inner Lough Mahon, Monkstown Creek, Lough Beg, the Owenboy River Estuary, Whitegate Bay, Ringabella Creek and the Rostellan and Poul nabibe inlets.

#### **4. Likely significant effects on the European site(s) 'alone'**

Taking account of baseline conditions and the effects of ongoing operational plans and projects, this section considers whether there is a likely significant effect 'alone' as a result of the surface/groundwater mechanism.

##### Construction Stage

Given the proposed demolition, excavation works and the scale of the proposed development, and the fact that the proposal; the applicant's AA Screening considers that there is an indirect hydrological connection to the Natura 2000 sites: Cork Harbour SPA. The application concludes that mitigation measures are required to ensure that silt, dust, contamination, and petrochemicals do not enter the surface water bodies or groundwater. I acknowledge that many of the measures could be considered standard good practice which may not necessarily have been included for the purpose of reducing or avoiding impact on European Sites (i.e. not mitigation measures). However, the applicant's approach is based on 'an abundance of caution' and I consider this to be reasonable in accordance with the 'precautionary principle'.

In relation to invasive species Japanese Knotweed and Himalayan Knotweed were recorded within the proposed development site with potential for spread of such during the construction phase potentially impact adjoining habitats. Although there is a lack of watercourses on the application site and the habitats in the Cork Harbour SPA are estuarine habitats, the applicant's approach is based on 'an abundance of caution' and I consider this to be reasonable in accordance with the 'precautionary principle'.

### Operational Stage

Surface waters will discharge to the existing surface drainage network which ultimately outfalls to Douglas Estuary. This includes potential for contamination from hydrocarbons associated with the proposed new traffic routes and car-parking areas etc., which could impact on water quality associated with the Natura 2000 site (as discussed above). It is noted that the proposed surface water drainage design is based on the the Greater Dublin Regional Code of Practice for Drainage Works, the CIRIA SUDS Manual C753 2015, and the CDP. It involves a 2-stage treatment approach including green/roofs; hard landscaping with sub-base storage; infiltration planters and tree pits; a dry swale; attenuation storage; petrol interceptors; and outlet flow control to the surface water network and outfall to the Douglas Estuary in the form of Hydrobrakes. I acknowledge that these operational surface water measures form an integral part of the scheme and may not necessarily have been included for the purpose of reducing or avoiding impact on European Sites (i.e. not mitigation measures). However, the applicant's approach is based on 'an abundance of caution' and I consider this to be reasonable in accordance with the 'precautionary principle'.

### Conclusion

I conclude that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of Cork Harbour SPA cannot be excluded. The potential effects relate to construction stage impacts associated with surface water quality and ground water quality, and the operational stage effects associated with surface water disposal. In accordance with the precautionary principle, an Appropriate Assessment is required on the basis of the effects of the project 'alone'. Further assessment of in-combination effects with other plans and projects is not required at this time.

## **5. Conclusion-Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of Cork Harbour SPA cannot be excluded. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'. This conclusion is based on:

- Objective information presented in the applicant's reports;
- The zone of influence of potential impacts having regard to hydrological pathways to Natura 2000 Sites;
- The potential for construction-related impacts on surface water and groundwater quality;
- The potential for operational stage impacts associated with surface water disposal;
- The potential for spread of invasive species during construction stage to adjoining habitats;
- The application of the precautionary approach; and
- The nature and extent of predicted impacts, which could affect the conservation objectives of the European Sites.

## **Appendix 2**

### **Appropriate Assessment**

#### **16.1 The Natura Impact Statement (NIS)**

A Natura Impact Statement (NIS) has been submitted with the application. It considers the potential effects of the project on Cork Harbour SPA, due to proximity and indirect pathway from the proposed works and the potential hydrological effects and spread of invasive species.

The NIS evaluates the potential for direct, indirect effects, alone or in combination with other plans and projects having taken into account the use of mitigation measures. The NIS is informed by the accompanying Environmental Impact Assessment Report (EIAR), including the proposed mitigation measures that are outlined to reduce the potential effects of the proposed project on species/habitats of conservation importance and the surrounding environment. The NIS takes full account of the legislative context and outlines how it has been prepared in accordance with relevant national and European guidance. It has been carried out by Dixon Brosnan Environmental Consultants and the experience and qualifications of the author are included. I am satisfied that it has been prepared by competent experts. NPWS site synopses and Conservation objectives of sites within the determined zone of influence were examined. The most recent SAC and SPA boundary shapefiles were downloaded and overlaid on ESRI terrain maps and satellite imagery. Several site surveys were carried out to determine if the site contained possible threats to a Natura 2000 site or any Natura 2000 species or habitats. The NIS includes references to a range of information sources including habitat and flora and fauna surveys carried out on site. The applicant's NIS was prepared in line with current best practice and includes an assessment of the direct and indirect effects on habitats and species, as well as an assessment of the cumulative impact of other plans and projects. It concludes that no significant effects are likely on Natura 2000 sites, their features of interest or conservation objectives, and that the proposed project will not will adversely affect the integrity of European sites. Having reviewed the documents, submissions and consultations included within the application file, I



am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

- Cork Harbour SPA (001058).

## **2.0 Stage 2 Appropriate Assessment of implications of the proposed development**

The following is a summary of the objective scientific 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. In carrying out this assessment, I have adhered to relevant guidance including:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.

## **1.0 European Sites**

A description of the European Sites, their Conservation Objectives and Qualifying Interests/Special Conservation Interests has been set out in the NIS and is summarised in Appendix 1 of this report. 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. The 'Attributes', 'Measures' and 'Targets' for the QIs as set out in the Conservation Objectives (CO) for each European Site are detailed in the following table:

<b>Cork Harbour SPA (001058)</b>		
<b>Qi's - Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Pintail, Shoveler, Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Common Gull, Lesser Black-backed Gull</b>		
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 pattern of variation
<b>Qi – Common Term</b>		
Breeding population abundance	Number	No significant decline
Productivity Rate	Mean Number	No significant decline
Distribution	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 Level of impact breeding site	Level of impact	Human activities should occur at levels that do not adversely affect the breeding common tern population
<b>Qi – Wetlands</b>		
Habitat Area	Hectares	The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 2,587 hectares, other than that occurring from natural patterns of variation
Vegetation structure: negative indicator species - <i>Spartina anglica</i>	Hectares	No significant expansion of common cordgrass ( <i>Spartina anglica</i> ), with an annual spread of less than 1% where it is known to occur

Having considered the above Attributes, Measures, and Targets for each site, the NIS acknowledges that the construction and operational stages have the potential for significant impacts on each site. It acknowledges that the surface water network serving the site, which discharges to the Douglas Estuary provides an indirect hydrological pathway to the Natura 2000 site with the potential for effects on aquatic biodiversity and habitats of conservation importance, including:

- Demolition, site reprofiling, storage of topsoil or construction works leading to the river could lead to dust, soil, pollution, or silt-laden run-off entering the Douglas Estuary through the surface water drainage network.
- Contaminated surface water run-off during construction/operation may lead to silt, cement or contaminated materials entering the Douglas Estuary.
- On-site concrete production or cement works may contaminate the Douglas Estuary.
- The use of plant/machinery and the temporary storage of construction materials, oils, fuels and chemicals could lead to pollution on site or in the Douglas Estuary.
- Spread of invasive species on site to adjoining habitats.

The NIS concludes that, in the absence of mitigation measures, the proposed development has the potential to impact on the distribution, number and range of all Qualifying Interests in the Cork Harbour SPA.

#### **4.0 Mitigation Measures**

The NIS states that the accompanying Construction % Environmental Management Plan (CEMP) outline the required mitigation measures for the construction phase. These measures, together with ecological supervision and monitoring, are intended to

ensure compliance with Water Pollution Acts to prevent impacts on the Douglas Estuary which would be seen as a vector for potential impacts on Natura 2000 sites. The measures are also listed under Section 6, Mitigation of the NIS

Water protection measures which can be summarised as follows:

#### Construction Phase

- Measures to capture and treat sediment laden water runoff (silt traps, siltbuster).
- Minimise exposed ground and retain as much vegetation as possible.
- Delay clearing and topsoil stripping of each area until work is ready to proceed.
- Close and backfill trenches as soon as practicably possible.
- Temporary stockpiles surrounded by silt fencing.
- On-site settlement areas to include geotextile liner and rippapped inlets and outlets.
- Surface water runoff from areas stripped of topsoil and surface water collected in excavations will be directed to on-site settlement areas, at the lower, southwest end of the site, where measures will be implemented to capture and treat sediment laden runoff prior to discharge of surface water at a controlled rate.
- Surface water discharge points during the construction phase are to be agreed Cork City Council's Environment Section prior to commencing works on site.
- All oils, fuels, paints and other chemicals will be stored in a secure bunded hardstand (impervious) area.
- Refuelling and servicing of construction machinery will take place in a designated hard stand area which is also remote from any surface water inlets.

- A response procedure will be put in place to deal with any accidental pollution events and spillage kits will be available and construction staff will be familiar with the emergency procedures and use of equipment.
- Concrete batching will take place on-site and offsite. Wash down and wash out of concrete trucks will take place off site and any excess concrete will not be disposed of on-site.
- Pumped concrete will be monitored to ensure there is no accidental discharge.
- Mixer washings are not to be discharged into surface water drains and will be directed to settlement areas.
- Discharge from any vehicle wheel wash areas is to be directed to onsite settlement areas, debris and sediment captured by vehicle wheel washes are to be disposed offsite at a licensed facility.

#### Operational Phase

- Surface water including attenuation storage and SuDs features incorporated such as permeable paving, under-drained planters/tree pits.
- Restricted discharge from the site to the surface water network.

#### Invasive Species

- Areas identified as requiring specific invasive species treatment will be demarcated and the designated control measures implemented at the earliest possible stage to reduce the risk of spread along the proposed development or beyond the land take
- All invasive species to be removed via mechanical movement and herbicide treatment prior to the commencement of construction.

The Construction Environmental Management Plan (CEMP) includes pollution control measures which can be summarised as follows:

General

- Demolition and construction methods tailored to reduce dust and noise pollution.
- Management of hazardous materials, including storage.
- Agreement of details for refuelling machinery, servicing machinery, and concrete mixing etc. Surface Water Drainage & Ground Water Control
- A comprehensive range of runoff control measures will be implemented.

The NIS concludes that no significant adverse effects on the conservation objectives of Natura 2000 sites are likely following the implementation of the outlined mitigation measures. I have considered the proposed mitigation and monitoring measures. I consider that they are robust and comprehensive, and I am satisfied that they are adequate to ensure that there will be no significant water quality impacts associated with the proposed development.

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of Cork Harbour SPA and Great Channel Islands SAC. Further AA screening in-combination with other plans and projects is required

### 5.0 In-combination impacts

The NIS considers the potential impacts of notable planning applications located within or in close proximity to the application site, which can be summarised as follows:

Ref no.	Location	Proposal
ABP-313216-22	Bessboro, Ballinure. Phase 1 of the wider development of the applicants' lands at this location. Located to the south east of the site.	Proposed 280 apartments, creche and associated site works

It highlights that surface water disposal will comply with the Water Pollution Acts and that wastewater treatment will take place at Cork City (Carrigrenan) WWTP which will have adequate capacity. It states that the drainage and water attenuation design will have a net beneficial impact, particularly during heavy rainfall events where attenuation will take place prior to discharge to the surface water network. It concludes that no significant cumulative or in-combination effects from other proposals in the area are likely. I acknowledge that the report was completed in March 2022. Accordingly, I have considered the planning register and other permitted developments in the area since the making of the application. However, consistent with the applicant's



assessment, I am satisfied that these projects have incorporated suitable measures for the management of groundwater, surface water, and wastewater, and that any permissions have satisfactorily considered the potential for significant effects on Natura 2000 sites through AA Screening and/or Appropriate Assessment. I also acknowledge that the site is governed by the Cork City Development Plan 2022-2028. This plan has undergone AA and where potential for likely significant effects have been identified, appropriate mitigation has been included. As such, it is considered that these plans and policies will not result in in-combination effects. The plans have directly addressed the protection of European sites and biodiversity through specific objectives, including those relating to the protection of the water regime and water quality.

Accordingly, I am satisfied that the potential for in-combination effects with other plans and projects has been adequately considered and that the proposed development would not result in any residual cumulative effects with regard to any European Site.

## **6.0 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 was concluded that the likelihood of significant effects on Cork Harbour SPA could not be excluded. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives. I am satisfied that an examination of the potential impacts has been analysed and evaluated using the best scientific knowledge. Where potential significant effects on Natura 2000 sites have been identified, key design features and mitigation measures have been prescribed to remove risks to the integrity of the European sites. I am satisfied based on the

information available, which I consider to be adequate in order to carry out a Stage 2 Appropriate Assessment, that if the key design features and mitigation measures are undertaken, maintained and monitored as detailed in the NIS, adverse effects on the integrity of Natura 2000 sites will be avoided. Therefore, following an Appropriate Assessment, it has been ascertained beyond reasonable scientific doubt that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Cork Harbour SPA, or any other European site, in view of the sites' Conservation Objectives. This conclusion is based on:

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

## Appendix 3

### Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Bord Pleanála ref. no.</b>	313206	<b>Townland, address</b>	Bessborough, Ballinure. Blackrock, Co. Cork
<b>Description of project</b>		140 unit residential development with connections to Uisce Eireann Wastewater and Drinking water infrastructure.	
<b>Brief site description, relevant to WFD Screening,</b>		The site is located on a flat site within an urban area that drains to the west for the purposes of surface water drainage with the surface water drainage system in the area discharging to Douglas Estuary. The site is located 220m from Douglas Estuary.	
<b>Proposed surface water details</b>		SUDs system proposed with hydrocarbon interceptor	
<b>Proposed water supply source &amp; available capacity</b>		Uisce Eireann mains water connection	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		Uisce Eireann Wastewater connection. The wastewater treatment plant has adequate available capacity and complies with License authorisation conditions. The surface waters receiving the treated wastewaters are at good status.	

<b>Others?</b>	
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<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Transitional Waterbody	220m	Lough Mahon IE_SW_060_0 750	Moderate	At risk	No pressures	Yes – surface water drainage system serving the site hydrologically connected to watercourse.
Groundwater Waterbody	Underlying site	Ballincollig IE_SW_G_002	Good	Not at risk	No pressures	No – poorly draining soils offer protection to groundwaters

<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>							
<b>CONSTRUCTION PHASE</b>							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Surface	Lough Mahon IE_SW_06 0_0750	Existing surface water drainage system in the area	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	Yes – proximity to monitoring location warrants additional	Screened in

2.	Ground	Ballincollig IE_SW_G_ 002	Pathway exists but poor drainage characteristics	Spillages	As above	No	Screened out
<b>OPERATIONAL PHASE</b>							
3.	Surface	0010	Existing surface water drainage system in the area	Hydrocarbon spillage	SUDs features	No	Screened out
4.	Ground	0020	Pathway exists but poor drainage characteristics	Spillages	SUDs features	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
5.	NA						
<b>STAGE 2: ASSESSMENT</b>							
<b>Details of Mitigation Required to Comply with WFD Objectives – Template</b>							
<b>Surface Water</b>							
<b>Development/Activity</b> e.g. culvert, bridge, other crossing, diversion, outfall, etc	<b><u>Objective 1:Surface</u></b> <b><u>Water</u></b>	<b><u>Objective 2:Surface</u></b> <b><u>Water</u></b> Protect, enhance and restore all bodies of	<b><u>Objective 3:Surface</u></b> <b><u>Water</u></b> Protect and enhance all artificial and heavily	<b><u>Objective 4: Surface</u></b> <b><u>Water</u></b> Progressively reduce pollution from	<b>Does this component comply with WFD Objectives 1, 2, 3 &amp;</b>		

	<b>Prevent deterioration of the status of all bodies of surface water</b>	<b>surface water with aim of achieving good status</b>	<b>modified bodies of water with aim of achieving good ecological potential and good surface water chemical status</b>	<b>priority substances and cease or phase out emission, discharges and losses of priority substances</b>	<b>4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)</b>
	<b>Describe mitigation required to meet objective 1:</b>	<b>Describe mitigation required to meet objective 2:</b>	<b>Describe mitigation required to meet objective 3:</b>	<b>Describe mitigation required to meet objective 4:</b>	
<b>Construction works</b>	Site specific construction mitigation methods described in the CEMP e.g. silt fences, site-specific design of settlement ponds, etc	Site specific construction mitigation methods described in the CEMP e.g. silt fences, site-specific design of settlement ponds, etc	NA	NA	YES
<b>Stormwater drainage</b>	Adequately designed SUDs features, permeable paving etc	Adequately designed SUDs features, permeable paving etc	NA	NA	YES
Development/Activity 3 e.g. Creation of a					

transport crossing of watercourse.					
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