



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-313216-22**

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#### **Strategic Housing Development**

Construction of 280 apartments,  
creche and associated site works.

[The Meadows SHD](#)

#### **Location**

Bessborough, Ballinure. Blackrock,  
Co. Cork

#### **Planning Authority**

Cork City Council

#### **Applicant**

Estuary View Enterprises 2020  
Limited

#### **Prescribed Bodies**

- (1) Uisce Eireann
- (2) National Transport Authority
- (3) Transport Infrastructure Ireland

#### **Observer(s)**

- (1) Anna Maria Flannagn

(2) Bessboro Mother and Baby Home  
Support Group

(3) Peter Horgan

(4) Donnchadh O'Laoghaire TD

**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 Coimisiun 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 2.29 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 and lands associated with Bessborough House. The site is within the curtilage of Bessborough House, which is a protected structure (RPS Ref. 004090). There are various existing structures associated with Bessborough House and existing uses which include 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 a greenfield site that has become overgrown located to the east of the existing access road. The Passage West Greenway runs along the eastern boundary at a lower level. There are no structures immediately adjoining the site with a vacant site to the north (boundary defined by a palisade fence) and beyond such is an Alzheimer Day Care centre. To the west of the site is Bessborough House and its associated structures, which include childcare and mediation uses. To the south is a greenfield site that has been subject to housing proposals (see planning history). 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. 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 construction of 280 no. apartments over 4 no. blocks ranging in height from 1 to 10-storeys comprising.

280 apartments over 4 blocks ranging in height from 1 to 10 storeys comprising.

Block A (6 no. studio apartments, 14 no. 1-bedroom, 34 no. 2-bedroom & 1 no. 3-bedroom over 1-6 storeys);

Block B (37 no. 1-bedroom & 49 no. 2-bedroom over 6-10 storeys);

Block C (31 no. 1-bedroom, 36 no. 2-bedroom & 6 no. 3-bedroom over 5-9 storeys);

Block D (30 no. 1-bedroom, 31 no. 2-bedroom & 5 no. 3-bedroom over 6-7 storeys).

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.

Supporting resident amenity facilities.

Ancillary site works to include the provision of 2 no. substations, under-podium and street car parking, single storey car park access building, communal open space areas, landscaping, bin stores, 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 associated site development works.

- 3.2. Key Development Statistics are outlined below:

	<b>Proposed Development</b>
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<b>Site Area</b>	2.3ha
<b>No. of Units</b>	280
<b>Density</b>	128uph gross and 183uph net
<b>Height</b>	Block A 1-6 storeys Block B 6-10 storeys Block C 5-9 storeys Block D 6-7 storeys
<b>Plot Ratio</b>	2.14
<b>Dual Aspect</b>	53%
<b>Open Space</b>	3,958sqm (25.8% of site area)
<b>Communal Amenity Space</b>	2,119sqm
<b>Car Parking</b>	102 spaces, including 4 creche drop off spaces (ratio of 0.35 per residential unit).
<b>Bicycle Parking</b>	604

3.3. Unit mix is as follows:

Apartment Type	Studio	One	Two	Three	Total
No.	6	112	150	12	280
%	2.14%	50%	53.57%	4.3%	

3.4. 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
- 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 Bessborough 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-313206-22 (SHD): Permission sought for demolition of existing buildings, construction of 140 no. apartments, crèche 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.

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 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-306993-21**

5.1. A Section 5 pre-application consultation took place on the 09<sup>th</sup> of June 2020 in respect of the construction of 258 no. apartments, crèche and associated site works. The topics discussed at the meeting were...

- Principle of Development
  - Land use objectives.
  - Landscape and conservation objectives.
  - Planning history and legacy issues
- Development strategy, design and layout.
- Residential amenity – daylight and sunlight, aspect, development plan standards
- Transportation, access and parking

- Drainage
- AOB

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> July 2020 (ABP-306993-20). An Bord Pleanála stated that it was of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. An Bord Pleanála considered that the following issues need to be addressed.

1. **Development of ZO12 Lands:** Having regard to the land use zoning objective pertaining to the southern part of the application site (land use zoning objective ZO12) and also having regard to the restrictions placed on An Bord Pleanála under s.9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the prospective applicant should satisfy themselves that it is open to An Bord Pleanála to consider a grant of permission should an application be submitted. Should the prospective applicant proceed with an application for a residential use on this part of the site, the application should be accompanied by a justification/rationale as to why, in the prospective applicant's opinion, it is open to An Bord Pleanála to consider a grant of permission. The justification/rationale should include a response to the concerns raised in the PA report of Cork City Council at section 4.3 concerning the residential use proposed on this part of the application site.
2. **Legacy of Mother and Baby Home:** Further consideration/justification of the documents as they relate to the use of Bessborough House as a Mother and Baby Home between the 1920s and 1990s and the possibility of unrecorded burials within the development site, as raised in the 'Fifth Interim Report' of The Mother and Baby Homes Commission of Investigation (April 2019). The applicant is advised to consider this important and sensitive cultural heritage

issue and to address this matter in the subject application in terms of (i) providing some means to interpret and communicate this history and (ii) proposals to address the potential discovery of previously undocumented burials during construction or site works. It is suggested that key stakeholders including the Planning Authority should be involved in this process. The further consideration of these issues may require an amendment to the documents and/or design rationale submitted

3. **Building Height, Landscape and Visual Impacts:** The prospective applicant should satisfy themselves that the proposed building heights provide the optimal urban design and architectural solution for this site and that it is of sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term. In this regard, the submitted documents should allow for further consideration of the following matters:

- 1) The reports of Cork City Architect (8th May 2020) and Conservation Officer (12th May 2020).
- 2) Potential impacts on the setting of Bessborough House (RPS 004090) and on the adjacent Folly and views towards same from within and outside the development.
- 3) The location of the development site within the historic demesne of Bessborough House and in an Area of High Landscape Value.
- 4) Potential impacts on Views and Prospects and Scenic Routes designated under the Cork City Development Plan 2015-2021 and the Cork County Development Plan 2014-2020;
- 5) Detailed Landscape and Visual Impact Assessment, to include photomontages and 3D modelling. The LVIA should include views of the development with both winter and summer vegetation and to include any plant or other structures on the roof of the proposed development, in order to give as accurate a representation as possible.

6) Rationale for proposed building height with regard to the Urban Developments and Building Height Guidelines for Planning Authorities 2018.

**4. Design and Layout of Public Realm and Provision of Car and Cycle**

**Parking:** Further consideration/justification of the documents as they relate to the design and layout of the public realm and car and cycle parking provision. In this regard, the submitted documents should allow for further consideration of the following matters:

- 1) Rationale for the proposed quantum of car and cycle parking with regard to development plan standards and the performance related approach set out in the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to include provision for accessible car parking and electric vehicle charging points. This matter is also to be addressed in the context of Traffic and Transport Impact Assessment and a Mobility Management Plan, including details of ongoing car parking management within the development;
- 2) The location of proposed car parking with parking at surface / podium level to be minimised in favour of provision at undercroft level;
- 3) The comments of Cork City Council Roads Design Engineer (30th April 2020) and Traffic and Transport Mobility Section.
- 4) Roads layout to be consistent with DMURS;
- 5) Pedestrian connectivity / desire lines through the development, including the provision of satisfactory connections to the Greenway to the immediate east of the site. All works to be delivered by the prospective applicant should be included in the red line site boundary;
- 6) The provision of a safe set down area for the creche;
- 7) A detailed landscaping plan for the site, to be designed with consideration for the location of the site within a historic demesne landscape associated with Bessborough House and in an Area of High Landscape Value, which clearly sets out proposals for hard and soft landscaping including street furniture, SUDS measures and play area / play equipment, also details of any existing trees / other vegetation / walls or other features to be retained within the

proposed development and details of boundary treatments and connections to the adjacent Greenway. Additional cross sections, CGIs and visualisations should be included in this regard;

8) Tree Survey, Arboricultural Report and Impact Assessment, to provide a detailed tree survey of the development site and assessment of the quality and quantity of the specimens to be removed, along with measures to protect trees to be retained during construction;

9) Proposals to ensure the achievement of a high quality public realm for residents of the proposed development.

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. Housing Quality Assessment with regard to the standards set out in the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities. In this regard, the applicant is also advised to submit a Building Lifecycle Report.
2. Cross sections to indicate levels of adjacent public roads and Greenway, access roads, podium levels and open spaces within the proposed development and the undercroft car park.
3. Architectural Heritage Impact Assessment to include consideration of potential impacts on the setting of Bessborough House (RPS 004090) and associated Folly adjacent to the development site.
4. Archaeological Impact Assessment which responds to the comments outlined in the report of Cork City Archaeologist (7th May 2020)
5. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the

standards achieved within the proposed residential units and in private and shared open spaces.

6. A noise report, which addresses the potential noise impact from the adjoining N40 South Ring Road and clearly outlines proposed noise mitigation measures, if so required.

7. Rationale for proposed childcare provision (or lack of same) with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme.

8. AA screening report.

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)
- Department of Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Relevant Childcare Committee

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

5.5.1. A Statement of Response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. 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. 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 respect 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 oarl 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, Inspector's 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 west of the folly and within the ABP-308790 SHD site.

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## 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 Bord 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.***

## 6.5 Local Policy

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 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.

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

The area zoned ZO 01 is also designated an Area of High Landscape Value.

#### 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.

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#### 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.

Table 11.1: Cork City Building Height Standards

Fringe/Corridor/Centre: Mahon			
Prevailing		Target	
Lower	Upper	Lower	Upper
2	5	4	6

Table 11.2: Cor City Density and Building Heights Standards

Fringe/Corrido/Centre: Mahon				
FAR (Floor Area Ratio)		Dwelling Per Hectare		
Prevailing	Target	Prevailing	Target*	
0.5-3.5	1-4	10-40	50	120

Cityscape and Building Height

City Fringe, Primary Corridors and Major Urban Centres

## Section 11.37

Existing building heights typically range from 2 – 6 storeys in the city fringe and principal urban corridors, 2 – 5 in Mahon and Blackpool and 2 – 4 in Wilton. To seek to ensure the best use of land is achieved, whilst responding to local context, new development should respect this context.

## Residential Density

### Section 11.72

#### 11.72

Residential densities are set out in Table 11.2. Densities are expressed in terms of minimums and maximums for the constituent areas of the City. Density targets and prevailing character will be the key measures in determining site-specific density.

In accordance with relevant s28 Guidelines (e.g. Sustainable Residential Development in Urban Areas) minimum density targets will be applied in the development of all sites, apart from in exceptional circumstances. Area-specific guidance will be prepared by Cork City Council to amplify the standards relevant to major development areas.

## City Suburbs Objectives

### 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 28 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 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 2.27 based on developable area of 1.53ha. 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.
- 6.7.4 Building Height: Under the Cork City Development Plan 2015-2021 building height strategy for suburban areas is under section 16.27 and 16.28. As the site is in the Mahon area and over 0.5 hectares, building heights of 3-5 storeys and in exceptional circumstances heights up to 23m (approx. 6-7 storeys) are permissible. Block B has a maximum height of 34.85m and is classed as tall building under section 16.25 of the Development Plan and is considered to materially contravene Objective 16.7 of the Development Plan. There is justification under Section 37(2)(b)(iii) and (iv) on the basis of the objectives of the National Planning Framework, Urban Development and Building Heights guidelines.
- 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 Inspectors 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 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 proposal exceeds this standard in terms of units per stair core (max 12 per stair core). There is justification for material contravention 37(2)(b)(iii) and (iv) 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.
- 6.7.9 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.

6.7.10 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

Peter Horgan

Donnchadh O'Laoghaire TD

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.
- 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
- In the event of a grant permission, a condition is required for a full geophysical survey of the site.

- Concern regarding traffic access to the proposal with it noted there is only one access point into the proposed development.
- The apartment 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. The location of the site within a designated Area of High Landscape Value is also noted.

### *Residential Density*

The net density of 183 units per hectare is considered excessive having regard to its location within the City Suburbs. It is recommended that Blocks A, B, C and D are reduced in height entailing an omission of 59 units and reducing net density to 144 uph.

### *Design, Scale and Height*

Concern is expressed regarding the scale of the overall development with particular concern regarding Blocks B with the Conservation Officer raising concerns regarding the impact of such in relation to the setting of Bessborough House and its historic landscape, and the designated as an Area of High Landscape Value. It is recommended that a reduction in height of all Blocks by one and two-storeys in some cases.

Block	Proposed height	Amended height
Block A	6/5 storeys	5/4 storeys
Block B	10/8/6 storeys	8/6/5 storeys
Block C	9/7/5 storeys	7/5 storeys
Block D	7/6 storeys	6/5 storeys

### *Visual Impact*

The visual impact is considered acceptable subject to the amendments recommended to the proposal including reduced heights of Blocks A, B, C and D.

### *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 no. 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 recommend reduction in height of Blocks A, B, C and D.

### *Public Open Space/Landscaping*

The level of public open space provided is considered acceptable being 25.8% of the site area. Open space/communal open space areas are considered to be overlooked to a satisfactory degree. The provision of the link to the existing greenway is considered a positive element.

### *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 part 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 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 (0.35) 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 162 units (no demand associated with studio and one-bed units) and would equate to a minimum of 43 places. The provision of crèche with 35 place is not considered sufficient.

#### *Part V*

The applicants' proposal for 10% of the units (28) 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 condition recommended included:

2. Block A reduced to 5 and 4 storeys, Block B reduced to 8, 6 and 5 storeys, Block C reduced to 7 and 5 storeys, and Block D reduced to 6 and 5 storeys.
3. Revised plans providing for a greater proportion of family units.
18. Details specification for bridge proposal over the greenway.
19. Submit and agree details of a turning space for buses with location to be agreed with Planning Authority and the NTA.

## 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: -

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

9.2. The following submission were received:

### **Uisce Eireann**

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

### **NTA**

Bus Connects Route 20 will directly serve the proposed development and other phases of development proposed within the Masterplan Area. The most effective way of directly serving all phases of the development within the Masterplan area is dependent on completion of a linking road from the Primary Existing Road network in the vicinity and a route which connects back to the Bessborough Road via the western side of the Masterplan area. The nearest connecting road is the existing

Historic Avenue as indicated on page 28 of the Architectural Design Statement. It is recommended that any grant of permission should be contingent on the necessary amendments being made to the internal road network within the masterplan area to ensure a linking route is provided. Further consultation is recommended with the Cork City Council and the Bus Connects Network Redesign team.

## **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 Coimisiun 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

- Legacy Issues
- Density and Plot Ratio
- Unit Mix
- Building Height and Visual Impact
- Design Strategy-Design & Layout, Public Realm/Open Spaces
- Residential Amenities
- Adjoining Amenities
- Traffic and Transportation
- 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 04th 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 zoned ZO 01, Sustainable, Residential Neighbourhoods with a stated objective 'to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'. Part of the site is ZO 17, Landscape Preservation Zone (west of the existing access road to facilitate drainage connections).

10.3.4 At the time of lodgement and under the previous Development Plan (2015-2021) the site was impacted by the similar zonings, 4-Residential, Local Services and Institutional Uses and 12-Landscape Preservation Zones. In the case of the current ZO 01 zoning the Development Plan states that “development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted”. It is further stated that the “primary uses in this zone include residential uses, crèches, schools, home-based economic activity, open space and places of public worship”. In this case the proposed uses are residential, a crèche facility and ancillary residential amenity spaces, which are all uses indicated as being compatible within this zoning objective. The issue of whether the design and scale will respect the character and scale of the neighbourhood will be addressed in the following sections of the assessment. In the case of the part of the site zoned ZO 17, Landscape Preservation Zone, there are no proposals for any new structures within such to facilitate future drainage connections and no issues with non-compliance with zoning policy.

10.3.5 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. The location of the site within a designated Area of High Landscape Value is also noted.

10.3.6 Conclusion on the Zoning/Principle of Development: The proposed uses are compatible with the land use zoning objective of the site under the Cork City Development Plan 2022-2028. In this regard the principle of the proposed development is acceptable at this location. I would note 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, the designation of most of the site as

an Area of High Landscape Value is contained in later sections 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 Bessborough House as a former Mother 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 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 An 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 issues 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 with 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 from 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 Forensic 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, current application) and Phase 2 (ABP-313206-22) 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 the history of the buildings and the grounds will be compromised and with lack of proper inspection of grounds. That 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.

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 ref no. on 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 remote from the lands that were subject to both ref no. 308790 and 318520. Notwithstanding such and having regard to the fact that application site is part of the historic curtilage of

Bessborough House, 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 2.3 hectares and a net development area of 1.53 hectares giving gross density of 122uph and net density of 183uph. 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.

10.5.2 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 (have superseded the Sustainable Residential in Urban Areas Guidelines) the site is in a City-Urban Neighbourhood area in which densities in the range of 50dph to 250dph (net) shall generally be applied.

10.5.3 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)".

10.5.4 As stated above the net density of the proposal is 183uph, which is a density range that is above the density range specified under Table 11.2 with Development Plan policy subject to complying with the provision of Chapter 11 of the Development Plan relating to Placemaking and Managing Development and Mapped Objectives. These are issues that are dealt with in other section of this assessment. The applicant's Material Contravention Statement did not consider the proposal was a material contravention on density of the Development Plan policy (2015-2021 Plan) and referred to permissions granted under ref no. ABP301991-18 and ABP-309509. Notwithstanding such I would accept that the proposed net density of 183 uph would materially contravene current development plan policy, which provides for a density range for the area with an upper target of 120uph.

10.5.5 Table 3.1 of the Guidelines outlines the areas and density ranges for Dublin and Cork City and Suburbs. The 'City – Urban Neighbourhoods' category includes '(iv)

*lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8)', and it should be noted this does not exclude suburban areas as it includes all relevant areas 'within the city and suburbs area'. Table 3.8 defines a High Capacity Public Transport Node or Interchange as 'Lands within 1,000 metres (1km) walking distance of an existing or planned high capacity urban public transport node or interchange, namely an interchange or node that includes DART, high frequency Commuter Rail, light rail or MetroLink services; or locations within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop'. It also defines 'Planned public transport' as 'infrastructure and services identified in a Metropolitan Area Transport Strategy for the five cities and where a public authority (e.g. National Transport Authority, Transport Infrastructure Ireland or Irish Rail) has published the preferred route option and stop locations for the planned public transport'.*

10.5.6 I note that the Cork Light Rail system is proposed to run between Ballincollig and Mahon Point. However, only an indicative 'Light Rail Route Alignment' has been published at this stage and further feasibility work is required to examine alternatives. Accordingly, I do not consider that this project meets the criteria for 'Planned Public Transport' as previously defined.

10.5.7 BusConnects is included in the Cork Metropolitan Area Transport Strategy 2040 and the project has completed its third round of public consultation on the eleven proposed Sustainable Transport Corridors (STCs). The Preferred Routes have been published and this includes the 'Mahon to City' Sustainable Transport Corridor (STC J), which approaches the city from two different starting points. While one tail starts at Mahon Point Shopping Centre, the other tail starts on Jacob's Island. The application site is within walking distance of the existing bus stops along Skehard Road and the existing stops to be retained (as per BusConnects) along the R852. Accordingly, based on the foregoing definitions, the site is on '*lands around existing or planned high-capacity public transport nodes or interchanges*' which come within the 'City – Urban Neighbourhoods' category as per Table 3.1 of the Guidelines. It is

a policy and objective of the Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in such areas.

10.5.8 Section 3.4 of the Guidelines recommends that the density ranges should be further considered and refined. Step 1 in the refining process is the 'consideration of proximity and accessibility to services and public transport', which encourages densities at or above the mid-density range at the most central and accessible locations, densities closer to the mid-range at intermediate locations, and densities below the mid-density range at peripheral locations. In terms of existing public transport the site is within walking distance of a number of bus routes including the 202, 215, 215A and 219 that are provide frequent services. In this regard the density proposed would be acceptable in the context of Compact Settlement Guidelines.

10.5.9 Step 2 in the refining process is the 'consideration of character, amenity and the natural environment'. I have considered these matters throughout my report, and as outlined in Section 10.8, there are serious concern regarding the overall height, bulk and scale of the development in the context of its location within the curtilage of a protected structure, in a designated Area of High landscape Value and overall visual impact.

10.5.10 In terms of plot ratio, the proposal has a plot ratio of 2.14, based on a gross floor area of 32,698.7sqm and a net site area of 1.53 hectares. The proposed development provides for a plot ratio that is within the ranges specified (1-4) for the Fringe/Corridor/Centre, Mahon area under Table 11.2 (Cork City Density and Building Height Standards) of the current Development Plan (2022-2028)

10.5.11 CE Report Comment: The net density of 183 units per hectare is considered excessive having regard to its location within the City Suburbs. It is recommended

that Blocks A, B, C and D are reduced in height entailing an omission of 59 units and reducing net density to 144 uph.

10.5.12 Conclusion on Density: Having regard to the foregoing, I acknowledge that the proposed development would materially contravene CCDP policy on density. It would also materially contravene height policy as outlined under Objective 3.5 and Table 11.1 (refer to section 10.8). However, the Coimisuin must also have regard to national policy and guidance, including the implementation of applicable SPPRs. In this regard, I have already outlined my satisfaction that the proposed density is acceptable in principle, however the overall design and scale of the proposed development would represent an excessive density within the context of the site location relative to Bessborough House. The proposal provides for a plot ratio that is compliant with Development Plan policy. I would note that the issue of density in terms of material contravention is a new issue and was not included in the material contravention statement as an issue relative to the Development Plan in force at the time (2015-2021). I do not consider there is justification to materially contravene the development plan on the basis of density and I do not consider that a limited agenda oral hearing is merited to ventilate this issue given the substantive issues concerning this proposal.

## **10.6 Unit Mix:**

10.6.1 The proposal consists of 280 apartments split into 6 no. studio units, 112 no. one bed units, 150 no. two bed units (31 no. three person units and 383 no. four person units) and 12 no. three bed units. This is ratio of 2.14% studios, 50% one bed units, 53.57% two bed units and 12% 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 level of studios is below the target level but in 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 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 studio, one, two, three and four bed units is not met and the level provided (one, two and three bed units) does not fall within the ranges that would be permissible if flexibility was allowed on foot of justification being demonstrated. Development Plan policy is clear under Objective 11.2, there is requirement to meet the target percentages for unit mix under tables 11.3-11.9 (11.8 in this case). Deviation from these targets is only allowed in exceptional circumstances. The objective is clear that 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. I do not consider that the applicant has provided any justification for not meeting the target level for any unit type. In addition, the percentage of different unit types does not fall within the ranges where flexibility would be allowed if justification on the basis of market evidence was provided. On this basis the proposal is a clear material contravention of Objective 11.2.

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 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 do not consider that this is a matter that could be ventilated through a limited agenda oral hearing should the Coimisiun 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 Coimisiun, 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 unit types do not meet the targets for the City Suburbs as set out under Table 11.8 of the City Development Plan or even fall within the allowable ranges in the case where justification for deviation from target levels had been demonstrated. In any event the applicants have not provided any justification for deviation from these targets anyway. 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 280 apartments, a crèche and communal amenities.**

The proposal entails the construction 4 no. blocks, Block A (1-6 storeys), Block B (6-10 storeys), Block C (5-9 storeys) and Block D (6-7 storeys). The blocks are located at each corner of the site. The existing access road runs along the western boundary of the site with vehicular access at the southwestern corner to the under-podium car parking within Blocks D and C. An access road runs along the northern boundary of the site and along the western boundary and features a turning area at the southeastern corner and at the northern boundary with 4 no. set down spaces located on the northern side of Block A adjacent the crèche.

##### **10.7.2 Public open space is in the form of two areas, a central space running east west between blocks A/B and C/D and a landscaped area along the southern edge of Blocks C and D with a pedestrian path providing access from the existing main access road to the western boundary. The development provides permeability through the central public open space, the roadway to the north and the pedestrian path to the south to the western boundary of the site and the proposed pedestrian bridge onto the greenway. Communal open space is provided in two areas, one area between Blocks A and B, and the other between Blocks C and D. These areas are to be accessible only to residents of the scheme and are controlled by boundary treatment and gated access.**

- 10.7.3 The overall masterplan for the lands identifies 3 phases, Phase 2 (subject to ABP-313206-22) to the northwest of the site. Phase 1, which is the current application and consists of a greenfield site to the southeast of the overall lands associated with Bessborough House and Phase 3, which has not been subject to an application and includes the area to the west and south of the overall lands.
- 10.7.4 The overall masterplan includes a high level of green/amenity space with the proposal having access to other areas including the parkland area within Phase 2 (ABP-313206-22), 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.
- 10.7.5 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 Urban Area Guidelines (2009) with the Compact Settlement Guidelines (2024).
- 10.7.6 I am satisfied that overall quantity and quality of open space provided 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.

10.7.7 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.

10.7.8 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 the Blocks and the recommendation that the height of the overall scheme be reduced by omitting levels. I will address these issues in other sections of this report.

## **10.8 Building height and Visual Impact:**

10.8.1 Building Height: The development consists of 4 no. blocks. Block A is 1-6 storeys, Block B is 6-10 storeys, Block C is 5-9 storeys and Block D is 6-7 storeys. 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 exceed the higher target levels for the area. The Development Plan (section 11.4.5) defines a tall building as “a building that is equal to or more than twice the height of the prevailing building height in a specific locality, the height of which will vary between and within different parts of Cork City”. It is further stated that within Cork City only buildings above 18m/6 residential storeys are considered ‘tall buildings’ and only when they are significantly higher than those around them.

10.8.2 Under Table 11.1 (Cork City Building Height Standards) and Table 11.2 (Cork City density and Building height Standards) the target ranges for various area are outlined with the lower target of 4 and upper target of 6 specified for this area. In the case exceptionally tall buildings, only two areas are identified with potential for such and are the City Centre and South Docks. The proposal in this case features 4 no. Blocks, Block A is 1-6 storeys (max ridge height 34.35m), Block B is 6-10 storeys (max ridge height 48.35m), Block C is 5-9 storeys (max ridge height 42.35m) and Block D is 6-7 storeys (max ridge height of 36.05m). In the context of Development plan policy all of the blocks fall under the definition of tall buildings.

10.8.3 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 assist 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.

10.8.4 As noted above Development Plan policy does identify building heights of between 4-6 storeys as being acceptable within this area, with the proposal exceeding such in

the case of three out of the 4 no. blocks. The Planning Authority have raised concern regarding building height in the context of the setting of a protected structure and the location of the site within an Area of High Landscape Value, with recommendation to omit levels of all blocks (up to two-storeys in the case of Blocks and one storey in the case Blocks). 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 does not demonstrate that the proposal subject to this application is acceptable in terms of visual impact. Refer to later section regarding Visual Impact.
The proposal is excessive in bulk and height and would have significant impact in the wider area in particular from the view south on the opposite side of the Douglas Estuary.
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 is excessive in scale and bulk and would have a significant and adverse impact on the setting of the existing protected structure and on the historic landscaped grounds associated with such.
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. I would however note that the level of variation of the apartment types/unit mix within the scheme does not meet the requirements of Development Plan policy under Objective 11.2.

#### 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.

10.8.5 As noted earlier in this section the building height proposed is not within the ranges indicated as being acceptable at this location under Development Plan policy and the proposal provides for building of significant height that would be classified as tall buildings under Development Plan policy. I would consider based on excessive bulk

and height, that the proposal does not meet 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.

10.8.6 CE Report Comment: The CE report raises concerns regarding building height in the context of overall visual impact and setting of the protected structure. It is recommended that all blocks be reduced in height with one-storey removed from Blocks A and D, and two-storeys from Blocks B and C.

10.8.7 Conclusion on Building Height: I am not satisfied that the level of building height proposed is acceptable in the context of the setting of the site within the curtilage of a protected structure and its associated historic landscape. I would acknowledge that the site is an accessible location where increased building height would be acceptable in the context of National guidelines, however the unique context of the site and its location within the curtilage of a protected structure and designated Area of High landscape Value means the proposal would be excessive in height, bulk and scale and would also constitute a material contravention of Development Plan policy as set out under Objective 3.5 and Tables 11.1 and 11.2. I do not consider that there is sufficient justification to materially contravene such policy. I note the CE Report recommendation to omit levels, and I would consider that such would not be sufficient to address all the issues of concern that would necessitate a redesign of the proposal and further consideration of legacy issues. Addressing these issues (height, unit mix) would constitute material alterations and may be more appropriately addressed in a new application.

10.8.8 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.

10.8.9 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.

10.8.10 The curtilage of Bessborough House is also characterised by a significant level of parkland/open space areas. The application site is located to the southeast of the

existing structures on site and is an open area that is characterised by scrub and vegetation.

10.8.11 In terms of overall impact, the proposal is of significant scale relative to existing structures within the grounds as well as the fact the overall grounds are characterised by an open nature. The proposal in this case features 4 no. Blocks, Block A is 1-6 storeys (max ridge height 34.35m), Block B is 6-10 storeys (max ridge height 48.35m), Block C is 5-9 storeys (max ridge height 42.35m) and Block D is 6-7 storeys (max ridge height of 36.05m). The proposal is located to the northeast/east of the Bessborough House and its associated structures. The proposal is also a short distance to the north of the folly.

10.8.12 The CE Report raises concern regarding building height of all four Blocks in the context of the setting of the protected structure and its historic landscape and recommend that all are reduced in height through the omission of levels, which would reduce Block A to a max of 5 storeys (one floor removed), Block B to a max of 8 storeys (two floors removed), Block C to a max of 7 storeys (two floor removed) and Block D to a max of 7 storeys (one floor removed). 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 is excessive in height, scale and bulk, and will have significant impact on the setting of the protected structure, in particular when viewed from the south within the historic curtilage and from the wider area including to the south of the Douglas Estuary (refer to VP5, VP6, 9 and 17). This view is significant and the main vista of the protected structure. In addition, the existing folly structure, which is on the NIAH as of regional importance is significant in terms of architectural heritage and legacy issues. The overall scale of the proposed structures would also impact on the setting of such. I would acknowledge that overall external finishes proposed are of acceptable quality

and include a variety of materials. I would consider such would not override the overall concerns about the height, bulk and scale of development in this regard.

10.8.13 As noted earlier, the majority of the site is designated as an Area of High Landscape Value with Development Plan policy requiring that new development in AHLV must respect the character and the primacy and dominance of the landscape (Section 6.23). In this case the proposal is excessive in height, bulk and scale, and fails to respect the character of the area designated as an AHLV.

10.8.14 CE Report Comment: As noted earlier under building height the CE report considers that the proposal is excessive in height and scale with it is recommended that all blocks be reduced in height by way of condition.

10.8.15 Conclusion on Visual Impact: I would consider that the design and scale of the proposed development is inappropriate at this location would have a disproportionate and obtrusive visual impact that would be injurious to the character and setting of the existing protected structure and its historic landscape. I do not consider that the proposed design is of sufficient quality to counter this visual impact and although I would consider there is scope for development at this location, the scale and design proposed is excessive in this case and would be injurious to the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

## 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 have 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 85 rooms were tested within Blocks A, B, C and D (ground and first floor).

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 A, B C and D 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 0.3-05% 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 3 no. areas.

Area	Results
Communal amenity no. 1	3.00 hours at 50% area
Communal amenity no. 2	4.00 hours at 50% area
Public Open Space	4.00 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. At the time of lodgement, the 2020 Apartment Guidelines were in place, which indicated that minimum floor areas did not apply to BTR development. Notwithstanding such all units are above the minimum floor area specified and meet the internal dimension standards recommendations of the Apartment Guidelines. 57.8% (162 units) of the apartments exceed the minimum floor area standard by a minimum of 10%. 43.2% (121) 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 4 no. blocks proposed on site, with all blocks features a L-shaped footprint. The configuration of Blocks on site is such that there are instances where the facades of some of the blocks are directly opposing each other. I would note that separation distances between opposing facades ranges from approximately 24m upwards. 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 well over 16m between the opposing facades within the development. 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 to apartment size, 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 2.29 hectares in area with a net developable area of 1.53 hectares. Public open space provision is in the form of a 3,958sqm public realm area consisting of a central area adjacent the western boundary and running east to west through the site and an open space area along the southern boundary of the site that includes a landscaped area and pedestrian path. This area will be accessible and allow access through the site to the bridge connection to the greenway. The level of public open space is cited as being 25.8% of the site area. Communal open space provision is 2,119sqm and is in the form of 2 no. spaces located between Blocks A and B and D and C and will be accessible to the residents of the scheme with gated access from the public open space areas.

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 1,742sqm 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 is a greenfield site located adjacent the eastern boundary of the estate lands and east of the existing access road. The Passage West Greenway runs along the eastern boundary at a lower level. There are no structures immediately adjoining the site with a vacant site to the north (boundary defied by a palisade fence) and beyond such is an Alzheimer Day Care centre. To the west of the site is Bessborough House and its associated structure, which include childcare and mediation uses. To the south is a greenfield site that has been subject to housing proposals (see planning history). The nearest existing residential development (two-storey dwellings) is located to the north of the site (Crawford Gate). There is a concurrent application for 140 apartments units (ABP-313206-22) on a site to the northwest.

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 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	Bessborough Day Car Centre	Office/classroom	GF room
2	Bessborough, Mahon	Residential (unoccupied)	GF room
3	Bessborough, Mahon	Residential (unoccupied)	GF room
4	Bessborough Centre, Mahon	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 0.90-0.97 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	Bessborough, Day Care Centre	Private amenity-courtyard	170sqm
B	Bessborough, Day Care Centre	Private amenity-green area	800sqm
C	Mahon Greenway (section of)	Public Amenity	1,000sqm
D	Bessborough Centre, Mahon	Private amenity-green area	1,200sqm
E	Bessborough Heritage Centre,	Private amenity-green area	400sqm
F	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 applicants' 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 at the southwestern corner of Block D to an under-podium parking space that is ground floor levels of Block C and D (98 spaces). There is also provision of vehicular access at the northwestern corner of the site and provision of an access road that runs along the northern and western sides of the development with turning areas provided to the north and southeast of the development. 4 no. set down car parking spaces are provided on the northern side of Block A (adjoining the crèche). 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 Besborough 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, Bessboro 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 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 mitigation measures proposed.

10.11.7 Car Parking: The proposal provides for 102 parking spaces located in two areas, an under podium space within Blocks C and D (98 spaces) and 4 no. setdown spaces adjoining to the north of Block A. 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

10.11.8 The proposal has a maximum parking requirement of 448 spaces based on the provision of 118 no. 1-2 bed units and 162 no. 3-3+ units and a childcare facility with 35 spaces. This represents 22% of the maximum parking rate and includes the provision of 102 spaces including 4 set down spaces for the childcare facility. The Phase 2 (ABP-313206-22) proposal that forms part of an overall development of the lands at this location features 140 apartments and a childcare facility (25 spaces) and provides 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.

10.11.9 Given the location of the proposal and the nature of use, I consider that a reduced level of parking from the maximum standards is acceptable, and in this case the provision 102 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 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.

10.11.10 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.

10.11.11 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.

10.11.12 Cycle Parking/Infrastructure: The proposal provides for cycle parking with 596 cycle parking spaces. 456 residents' spaces, provided in secure internal spaces within Blocks A, C and D. 140 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 192 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.

10.11.13 In terms of cycle infrastructure, the proposal entails a good level of connectivity to the surrounding 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. There is also a high degree of permeability through the site with access option through the site and along the northern and southern boundaries.

10.11.14 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.

10.11.15 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 of details regarding the bridge connection to the greenway. I would consider in the event of grant of permission such conditions should be attached.

10.11.16 Bus Connects: Bus Connects: The NTA have raised concerns regarding the lack of a linking road from the Primary Existing Road network in the vicinity and a route which connects back to the Bessborough Road via the western side of the Masterplan area. I have examined the Bus Connects website and the Network Map-Cork South East does not show any routes within the Bessborough Estate lands (I have attached this network map) This network map is the most up to date map and

is dated the 03<sup>rd</sup> of June 2025. The public consultation booklet from the same website, however, includes a Network Map-Cork South East, which shows that route 20 will run along Bessboro Road along the existing access road to the west of the site and link back to the historical avenue and entrance off Bessboro Road to the Bessborough Estate. It would appear the proposal for Bus Connects have been updated and the link road mentioned in the NTA submission is no longer proposed. The overall masterplan for the site does not provide for this link. Notwithstanding such, I would note that the design and layout of the proposal would not prejudice the delivery of such as the design and layout of the proposal does not impinge on the route. I would note that there are legacy issues that would impact delivery of such a link road. Notwithstanding such, I would note that are fundamental issues that render the proposal unacceptable regardless of the BusConnects issue and will necessitate further consideration and redesign of the proposal

10.11.17 CE Repot Comment: No issues raised in this regard.

10.11.18 Conclusion on Bus Connects: Having examined the Bus Connects proposals, I am satisfied that the proposed development would not impinge on delivery of such. I would also question how a linking road would be facilitated in the context of both the architectural/landscape heritage issues as well as the legacy issues highlight earlier in this assessment. Notwithstanding such, I would note that are fundamental issues that render the proposal unacceptable regardless of the BusConnects issue and will necessitate further consideration and redesign of the proposal.

## **10.12 Built/Landscape 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 not occupied by any structures existing structures and has no physical impact on any structures of architectural heritage valued. I have outlined earlier in this assessment how I consider that the proposal would have a significant and adverse impact on the

setting of the existing protected structure and its historic curtilage on the basis of excessive bulk, height and scale.

10.12.2 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 located on an area that to east of the overall lands on a site that does not feature any existing formal landscaping features that are associated with historic curtilage. The site has lain idle for a significant period of time is characterised by scrub and vegetation that is not maintained or managed is lesser character value than the parklands area located to the west of the site. Notwithstanding such, it is within the historic curtilage. I would consider that the principle of development on the application site is acceptable, however as noted above the overall design and scale proposed would not be acceptable in the context of its location within the curtilage of the existing protected structure.

10.12.3 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 all four Blocks with the removal of up to two levels in the case of the highest Blocks (B and C). The omission of Block C due to its context within the curtilage of the protected structure and its location in an area designed as an Area of Landscape Value.

10.12.4 Conclusion on Built/Landscape Heritage: I am satisfied that a development proposal on this site could be facilitated without having a significant impact on 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 however consider that an inappropriate scale of development is proposed in this case, and such fails to successfully integrate with

existing structures or provide for a development that would not impact the overall historic landscape character of the lands associated with Bessborough House. As outlined earlier, I consider that there are fundamental issues that require redesign and the omission of floor levels by way of condition would not overcome such.

#### **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 western boundary of the Phase 1 site which runs north to south before turning in a westerly direction and connecting to the WWPS. It is proposed wastewater collection within the development will be via a network of gravity sewers with wastewater flows to be collected and conveyed in in a westerly direction, from the southwestern 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 40mmØ watermain to the existing 150mmØ watermain in the roadway adjacent the western boundary of the site. 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 western boundary, which connects to an existing 1350mmØ trunk storm sewer located 200m to the 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 1.53 hectares (excluding roads). An area of 1.41 hectares is indicated as the total drained area and 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 provide 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 well 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 proposal on site with the Drainage Section indicating satisfaction with the proposal for foul water, surface/storm water drainage and water supply. The CE report raise 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 as well as impact on the Douglas Estuary. The site habitats consist primarily of Scrub (WS1)/Dry meadows & Grassy Verges (GS2). Other habitats include Treelines (WL2)/Broadleaved Woodland (WD1) along the eastern boundary, a small area of Scattered Tress and Parkland (WD5)/Recolonising bare ground (ED3) located in the centre of the site, an area of Improved agricultural grassland (GA1) that runs west from the main body of the site and Scrub (WS1) located along the western boundary, a small area of Broadleaved woodland (WD1) on the western edge of Phase 1 and Buildings and artificial surfaces (BL3) in the case of the road area to the west of the site. The site features habitats of local value (lower importance (BL3, WS1 and GA1) with some of local value higher importance (WL2/WD1, WS1/GS2/ED3, WD5/ED3 and WD1). 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 new development on site is occupied the majority of the site and will result in loss of existing habitats on site. The proposal will result in the removal of habitats of local value (lower importance) such as Buildings and artificial surfaces (BL3), Scrub (WS1)/Dry Meadow and grassy verge (GS2)/Recolonising bare ground (ED3) and Improved agricultural grassland (GA1). In relation to habitats of local

value (higher importance), there will be some impact. In the case of Treelines (WL2)/Broadleaved woodland (WD1) along the eastern boundary, most are to be retained with some trees removed to facilitate the footbridge. In the case of Broadleaved woodland (WD1) a small section of woodland on the western periphery is affected (removal of 3-4 trees). Scattered trees and parkland (WD5)/Recolonising bare ground (ED3) will be removed with loss of 10 trees.

10.14.3 The tree survey for the site indicates there are 50 trees on site (13 category A, 28 category B, 7 category C and 2 category U). The proposal entails the removal of 13 trees (1 category A, 7 category B and 5 category C) to facilitate the development and the removal of 1 tree due to condition/health and safety 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 (current application) the primary foraging location is the treeline along the eastern side of the site. For the Phase 2 site the primary foraging habitat is the formal walled garden with most activity along the treeline bordering the entrance road along the western boundary. 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 in the context of the overall lands associated with Bessborough

House with the vast of the majority of these lands 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 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 recorded within the Phase 1 lands with no red list species and two amber list (Willow Warbler and Goldcrest).

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 lands associated with Bessborough House to be retained as parkland/greenspace 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. 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 raises no concerns regarding impact on Biodiversity with issues of concern relating to design and scale.

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 relative to the level of lands associated with Bessborough House and the level of existing parkland/vegetation to be retained on these lands within the applicants' ownership. I am satisfied that subject to implementation of mitigation measures designed to prevent adverse impact during the construction phase and enhance biodiversity during the operational phase, the proposal is acceptable.

#### **10.15 Childcare:**

10.15.1 The proposal entails provision of a crèche facility, which is part of Block A and includes provision for 35 child spaces (306.7sqm), an outdoor play area (315sqm) 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 (12) and 75% of the two bed units (113) with it considered that the one bed units will not generate a demand for childcare places. It is considered that based on 125 units the proposal is below the threshold that would trigger a demand for a 50 space childcare facility (150 units) and the provision of 35 child spaces is sufficient for the level of units provided and based on the number of two and three bed units.

10.15.2 I am satisfied that the demand for childcare spaces from the studio and one bed units, and a likely portion of the two bed units will not be high and that the provision of a 35-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 a proposal for childcare within the concurrent application on the applicants' lands at this location (Phase 2 The Meadows subject to ABP-313206-22).

10.15.3 CE report Comment: The overall number of units that would require childcare is 162 units (no demand associated with studio and one-bed units) and would equate to a minimum of 43 places. The provision of crèche with 35 place is not considered sufficient.

10.15.4 Conclusion on Childcare: I am satisfied that the studio and one bed units, will not generate a childcare demand and that not all the two bed units will generate a childcare demand. 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 28 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 Plot Ratio: The development has a net plot ratio of 2.14. 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. The plot ratio proposed is within the target ranges specified for the area under the current City Development Plan (2022-2028) below this target level. There is no material contravention issue in this regard.

10.16.4 Building Height and Tall Buildings: The proposal is located in an area where the height ranges specified under Tables 11.1 and 11.2 are 4-6 storeys for the Mahon area. The proposal exceeds these height ranges significantly. As outlined above under the assessment I consider the height and scale of the proposal is excessive in the context of its location within the curtilage of a protected structure and a designated Area of High Landscape Value. In this regard I would consider that the proposal would materially contravene current Development Plan (2022-2028) policy in relation to Building Height with no justification for such in the context of National Guidelines.

10.16.5 Unit Mix and Household Size: The unit mix proposed is for 6 no. studio units, 112 no. one-bedroom units, 150 no. two-bedroom unit and 12 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 2 proposal (The Farm, ABP-313206-22) on the applicants’ lands to the northwest, 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 57.8% (162 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 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.

10.6.9 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.

10.6.10 The issue of density was not identified as a potential material contravention issue in the applicants Material Contravention Statement. Notwithstanding such I would refer to Section 10.5 of this assessment in which the density proposed is identified as being in excess of the ranges specified for the area under Table 11.2. Notwithstanding national policy, the site-specific characteristics and proposed design are such that the density proposed is excessive and would constitute a material contravention of Development Plan policy as set out under Objective 3.5 and Table 11.2.

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 and Building Height) 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 construction of residential development of 280 no. residential apartment units in 4 no. blocks, Block A (1-6 storeys), Block B (6-10 storeys), Block C (5-9 storeys) and Block D (6-7 storeys). 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.

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 Coimisiun's 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**

**Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)**

<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 proposed development itself is comprehensive and robust and enables decision making.
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	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,

<p>(including the additional information referred to under section 94(b).</p>	<p>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 has outlined the main reasons for opting for the current proposal before the Coimisiun and in doing so the applicant</p>

	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, and on the Douglas Estuary.

#### 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 Scrub (WS1)/Dry meadows & Grassy Verges (GS2). Other habitats include Treelines (WL2)/Broadleaved Woodland (WD1) along the eastern boundary, a small area of Scattered Tress and Parkland (WD5)/Recolonising bare ground (ED3) located in the centre of the site, an area of Improved agricultural grassland (GA1) that runs west from the main body of the site and Scrub (WS1) located along the western boundary, a small area of

Broadleaved woodland (WD1) on the western edge of Phase 1 and Buildings and artificial surfaces (BL3) in the case of the road area to the west of the site. The site features habitats of local value (lower importance (BL3, WS1 and GA1) with some of local value higher importance (WL2/WD1, WS1/GS2/ED3, WD5/ED3 and WD1). No flora species of conservation value were recorded on site. Two invasive species were recorded on site (Japanese knotweed and Himalayan knotweed).

Bats: 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 2 lands (313206) the primary foraging habitat is the formal walled garden with most activity along the treeline bordering the entrance road along the western boundary. For the Phase 1 site (current application) the 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. There are no 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 (200m 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 (current application) lands, no red list and two amber list (Willow Warbler and Goldcrest) species. 14 species were recorded within the Phase 2 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),

Buildings and artificial surfaces (BL3) to be removed, negative, not significant, long-term.

Treelines (WL2)/Broadleaved woodland (WD1), most to be retained with some trees removed to facilitate footbridge, negative, slight, long-term.

Scrub (WS1)/Dry Meadow and grassy verge (GS2)/Recolonising bare ground (ED3) to be removed, negative, slight, long-term.

Scattered trees and parkland (WD5)/Recolonising bare ground (ED3), 10 trees will be removed, negative, slight, long-term.

Improved agricultural grassland (GA1) to be removed, negative, not significant, long-term.

Broadleaved woodland (WD1), small section of woodland on western periphery affected (removal of t3-4 trees) negative, slight, long-term.

*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 woodlands and treelines along the western boundary with loss of some trees and increased disturbance due to construction and lighting associated with such impacting on commuting/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 (0.15-0.3m bgl) above a layer of Made Ground (0.4-1.35m bgl) and then cohesive glacial till (1.40-3.80 bgl) and then a layer of granular glacial till (0.8-2.0m bgl).

### Construction Impacts

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

Removal/stripping of topsoil with a maximum of 4,800m<sup>3</sup> excavated and 1,000m<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 200m from the site) however there are no watercourses on the site. The site is within the Glasheen [Cork City] sub catchment (Glasheen [Cork City] SC010). 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 Bessborough Day Care Centre, north of the proposed phase 1, is located 70m from block A. The Bessborough Heritage centre west of the proposed phase 1, is located 50m from Block D. Construction impacts are identified as:

Dust impact due to site earthworks, handling of construction materials, stockpiling on site, constriction 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 Mother 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 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 to 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 (the folly). 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. 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, and 14) and medium (VP's 2, 3, 4, 7, 8, 15, 16 and 17). The significance of visual impact is considered slight/negative from 6 of the viewpoints (VP's 2, 3, 5, 6, 15 and 17) which include from the crossing of the greenway at the N40, the estuary path, the residential areas of Charlemont Heights, Rowan Hill and viewpoints within the study area. The significance of visual impact is considered moderate/slight-negative from a number of viewpoints (VP's 1, 9, 10, 11 and 12), which include the Mahon Retail Park and some views within the Bessborough Estate study area. From the remainder of the viewpoints 6, the significance of impact is classified as imperceptible/neutral or slight-imperceptible/neutral. 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 2 development under ref no.

ABP-313206-22. 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.

*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 unacceptable 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 ten-storeys in height, and such design and scale would be unacceptable in regard to landscape and visual amenity being visually obtrusive in the area and having an adverse impact on the setting of the protected structure and its historic landscape.

## 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 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 ten-storeys. The design and scale fails to have adequate regard to landscape character and the setting of the protected structure within the study area due to its excessive bulk and scale.
- 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 not 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 200m from the transitional water body of Lough Mahon, which is located to the south of the site.

13.2 The proposed development comprises the construction of 280 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 Coimisiun 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 the following:**

This proposed development consists of the construction of 280 no. apartments over 4 no. blocks ranging in height from 1 to 10-storeys with supporting resident amenity facilities, crèche, and all ancillary site development works. The proposed development includes 280 no. apartments to be provided as follows: Block A (6 no. studio apartments, 14 no. 1-bedroom, 34 no. 2-bedroom & 1 no. 3- bedroom over 1-6 storeys), Block B (37 no. 1-bedroom & 49 no. 2-bedroom over 6-10 storeys), Block C

(31 no. 1-bedroom, 36 no. 2-bedroom & 6 no. 3-bedroom over 5-9 storeys), Block D (30 no. 1-bedroom, 31 no. 2-bedroom & 5 no. 3-bedroom over 6-7 storeys).

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. The proposed development provides for outdoor amenity areas including public open space and communal open space, under-podium car parking and 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 Coimisiun 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 Coimisiun in this application following that decision. In this context, the Coimisiun 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. It is considered that the proposed development by reason of its excessive density, scale, bulk and mass would be visually obtrusive when viewed from various viewpoints in the immediate vicinity as well as from views city wide (south of the site on the opposite side of the Douglas Estuary). The proposed development would seriously detract from the character and setting of the existing protected structure, Bessborough House (RPS Ref. 004090) and its associated structures including the folly as well as the designated Area of High Landscape Value due its excessive height and scale. The proposed development would be contrary Development plan policy under section 6.23 in relation to Areas of High Landscape Value and would constitute a material contravention of Development Plan policy in regard to building height and density as set out under Objective 3.5, Section 11.37, and Tables 11.1 and 11.2 of the Cork City Development Plan 2022-2028.
3. 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 Coimisiun 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 Coimisiun, 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 Coimisiun considered new policy introduced since the application was lodged, including the coming into effect of the Cork City Development Plan 2022-2028. Furthermore, the Coimisiun 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 Coimisiun 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 Coimisiun 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.

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Colin McBride

Senior Planning Inspector

20<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 2.29ha 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 vacant plot that is characterised by scrub and vegetation to the east of the access road that runs north south. The nearest Natura 2000 sites (Cork Harbour SPA and Great Channel Islands SAC) are located c. 320m south and c. 4.7km east respectively of the site. The proposal entails construction of residential development of 280 no. residential apartment units in 4 no. blocks, Block A (1-6 storeys), Block B (6-10 storeys), Block C (5-9 storeys) and Block D (6-7 storeys). 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.

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 250m 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 Scrub (WS1)/Dry meadows & Grassy Verges (GS2) with other habitats on site including Treelines (WL2)/Broadleaved Woodland (WD1) along the western boundary, a small area of Scattered Tress and Parkland (WD5)/Recolonising bare ground (ED3) located in the centre of the site, an area of Improved agricultural grassland (GA1) that runs west from the main body of the site and Scrub (WS1) located along the western boundary, a small area of Broadleaved woodland (WD1) on the western

edge of Phase 1 and Buildings and artificial surfaces (BL3) in the case of the road area to the west of the site. Bird surveys were carried out for the site. The surveys revealed that small numbers of Herring Gull and Lesser Black-headed 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
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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.  Spread of invasive species beyond the site boundaries during construction to adjacent habitats.	None.
	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 (004030)	Surface water runoff construction and operation	Discharge to surface water drainage network and subsequent discharge to Douglas Estuary. Not significant due to distance and dilution factor.	None
	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**

## **1.0 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.

## **3.0 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 riprapped 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-313206-22	Bessboro, Ballinure. Phase 2 of the wider development of the applicants' lands at this location. Located to the north west of the site.	Proposed 140 apartments, crèche 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			
An Bord Pleanála ref. no.	313216	Townland, address	Bessborough, Ballinure. Blackrock, Co. Cork

<b>Description of project</b>	280 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 200m 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>	

<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g. at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>

Transitional Waterbody	200m	Lough Mahon IE_SW_060_075 0	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	
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.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential impact/ what is possible the impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if ‘screened’ in or ‘uncertain’ proceed to Stage 2.

1.	Surface	Lough Mahon IE_SW_060_0750	Existing surface water drainage system in the area	Siltation, (Concrete), hydrocarbon spillages	pH 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,	<b><u>Objective 1:Surface Water</u></b>	<b><u>Objective 2:Surface Water</u></b>	<b><u>Objective 3:Surface Water</u></b>	<b><u>Objective 4: Surface Water</u></b>	<b>Does this component comply with WFD</b>		

other crossing, diversion, outfall, etc	<b>Prevent deterioration of the status of all bodies of surface water</b>	<b>Protect, enhance and restore all bodies of surface water with aim of achieving good status</b>	<b>Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status</b>	<b>Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances</b>	<b>Objectives 1, 2, 3 &amp; 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.					