



An
Bord
Pleanála

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

Inspector's Report ABP-313277-22

Strategic Housing Development

Demolition of existing structures,
construction of 823 no. apartments,
creche and associated site works.

Location

Former Tedcastles Yard, Centre Park
Road and the Marina, Cork
(www.cityparkshd.com).

Planning Authority

Cork City Council

Applicant

Tiznow Property Company Limited

Prescribed Bodies

- (1) Department of Education
- (2) Department of Housing, Local
Government and Heritage
- (3) Uisce Eireann
- (4) TII

(5) IAA

Observer(s)

None

Date of Site Inspection

02nd April 2025

Inspector

Colin McBride

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1 The site comprises an area of 4.86ha, located at the eastern end of Centre Park Road, approx. 2km east of the city centre. This brownfield site is irregular in shape and was formerly in use as a fuel storage and distribution site. The site is relatively level and is generally free of structures and buildings apart from one existing former industrial structure adjacent the existing entrance to the site off Centre Park Road. This structure that is part of a grouping of structures with the other two structures located outside of the site and on lands to the southwest of the site in the applicants' ownership. The site is bounded to the southeast by Centre Park Road which runs east from Victoria Road / Albert Road to the Marina. There is an open drainage channel running along the inside of the frontage to Centre Park Road and a large tidal storage area along the northern boundary of the site, which are features reflective of the historic reclaimed nature of lands in this area. North of the site is the Marina amenity area/promenade and associated surface car park. To the northwest of the site is the boathouse of Shandon Boat Club / Naomhoga Chorcaí. A large pylon on the southern bank of the River Lee carries a 110kv line across the western corner of the site to the former ESB power plant to the west. To the southeast of the site, across Centre Park Road is the former Ford Distribution Site. Permission was granted in 2020 for a large residential scheme on that site under ref. ABP-309059-19.

3.0 Proposed Strategic Housing Development

- 3.1 This is an application for a permission consisting of the construction of a housing development comprising 823 no. apartment units in 6 no. buildings ranging in height from part-1 to part-35 no. storeys over lower ground floor level. The development will contain 282 no. 1 bedroom apartments, 414 no. 2 bedroom apartments and 127 no. 3 bedroom apartments. There is provision of ancillary commercial uses including 3 no. café/restaurants and 2 no. public houses (1,089sqm), 7 no. retail units, a convenience

retail store which includes sale of alcohol for consumption off premises, a library, medical centre, pharmacy, post office and dentist (2,484sqm); and 2 no. childcare facilities (662sqm). The development will also contain supporting internal resident amenity spaces (2,760sqm) and external communal amenity spaces at podium and roof terrace levels.

Vehicular Access is to be provided off Centre Park Road a short distance to the northeast of the existing vehicular access point.

Provision of a 4 no. pedestrian bridges from the former Tedcastles Yard to the Marina including removal of 13 no. existing car parking spaces on the Marina to facilitate pedestrian connection to existing pedestrian infrastructure. A letter of consent from the City Council is included as the site includes land under the Council's ownership to facilitate the provision of the bridge linkages to area to the north.

The car parking is provided in 2 no. under podium spaces with a large parking area under Blocks A, B, C, D and F which is accessible at ground level within the site but is at lower ground floor along the northern elevations of Blocks A, B, D and F. There is smaller parking area at ground level of Block E. The central access road is at a similar level as Centre Park Road with the other open spaces between buildings such as the Village Plaza, Play Gardens and Passive Recreation at podium level as are the pedestrian bridges connecting to the Marina Promenade to the north. The changes in levels are facilitated by a network of ramps and steps on site.

3.2 Key Development Statistics are outlined below:

	Proposed Development
Site Area	4.86ha Gross 2.8ha net developable area
No. of Units	823

Density	169uph (gross) and 294uph (net)
Height	<p>Block A - Part 3 to part 35 storeys over lower ground floor.</p> <p>Block B Part -8 to part 10 storeys over lower ground floor.</p> <p>Block C Part -1 to part 6 storeys over lower ground floor.</p> <p>Block D Part -1 to part 10 over lower ground floor.</p> <p>Block E Part -1 to part 6 over lower ground floor.</p> <p>Block F Part -1 to part 10 storey over lower ground floor.</p>
Gross floorspace	48,591sqm
Commercial floorspace	4,235sqm
Plot Ratio	<p>1.88 (gross)</p> <p>3.26 (net)</p>
Dual Aspect	46.5%
Open Space	<p>4,695sqm public open space (17%)</p> <p>5,452sqm communal open space</p>
Communal Amenity Space (Internal)	2,760sqm
Car Parking	<p>278 spaces</p> <p>268 no. resident car parking spaces (0.33 per unit)</p> <p>10 no. visitor car spaces</p>
Bicycle Parking	<p>1,718 no. residents bicycle spaces and</p> <p>412 no. visitor bicycle parking spaces</p>

Unit Mix is as follows:

Apartment Type	One	Two	Three	Total
No.	282	414	127	823
%	34.26%	50.3%	15.43%	100%

3.3 In addition to the standard drawings and documentation requirements, the application was accompanied by a range of reports and documentation including the following:

- Environmental Impact Assessment Report
- Architectural Design Statement
- Statement of Consistency
- Planning Statement and Response to An Bord Pleanála
- Material Contravention Statement
- Schedule of Accommodation and Housing Quality Assessment
- Site Specific Flood Risk Assessment
- Car Parking Management Plan
- Landscape Design Strategy
- Landscape Maintenance and Management Plan
- Tall Building Statement
- Visually Verified Views Methodology Report
- Tree Survey
- Invasive Species Management Plan
- Outline Mobility Management Plan
- Traffic and Transport Assessment
- Quality Audit
- Construction Environmental Management Plan
- Construction and Demolition Resource Waste Management Plan
- Contaminated Land Remediation Strategy
- Servicing and Operations Management Plan

- Site Infrastructure Report
- Operational Waste Management Plan
- Universal Access Statement
- Building Lifecycle Report
- Provisional Building Energy Rating
- Childcare Needs Assessment
- Daylight and Sunlight Report
- Wind Microclimate Assessment
- Aeronautical Assessment Report-
- Report in Support of Appropriate Assessment Screening-
- Natura Impact Statement-

4.0 Planning History

4.1 No planning history on the application site.

On sites in the vicinity:

2443472: Permission granted for Large Scale Residential development comprising the construction of 176 no. apartment units (2 no. blocks ranging from 7 to 10-storeys), crèche, gym, retail/café unit and all associated site works at the Former Ford Distribution Site fronting centre Park Road. This site is located to the southeast of the site and to the northeast of the site subject to ref no. ABP-309059-20. Granted January 2025.

ABP-313142-22: Permission granted for demolition of existing structures on site and construction of 190 no. apartments, creche and associated site works to the south at the subject site and on the southern side of Centre Park Road and west of Marquee Road and to south of the site. Granted July 2022.

ABP-309059-20: Permission granted for an SHD application in respect of the demolition of existing structures and construction of 1,002 no. apartments, childcare facilities and associated site works on lands at the Former Ford Distribution Site, to the

southeast of the subject site, on the opposite side of Centre Park Road. Building heights range from four to fourteen storeys. Granted April 2021.

5.0 Section 5 Pre-Application Consultation

- 5.1. A Section 5 pre-application consultation took place on the 20th of December 2021 in respect of the construction provision of 1,030 no. apartments in 6 no. blocks ranging in height from 9 to 32 storeys. The proposal included café/bar/restaurant and retail uses as well as 2 no. childcare facilities. The topics discussed at the meeting were as follows.

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

Density of development.

Urban design rationale and building heights.

Ground floor uses and integration across the scheme.

Treatment of adjoining roads and required building setbacks.

Incorporation of the green strategy and landscape corridor from the Drainage Strategy.

Interface with Maria Walk.

Car parking strategy and public realm.

Ground floor uses and sectional detail of relationship with adjoining roads.

SUDS and finished floor levels.

Part V

Landscape and visual impact.

- 5.2. In the Notice of Pre-Application Consultation Opinion dated 16th October 2020 (ABP-307439-20) 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. Further consideration of, and possible amendment to the documents and/or design proposals in respect of the relationship of the proposed development with the

adjoining lands which are zoned in the Cork City Development Plan Objective ZO18 To provide for new primary and post-primary schools. The application documentation should clearly demonstrate how the development will comply with the lands use zoning objectives of the plan and set out how the development would integrate with, or impact on the future development of school(s) on those lands.

2. Further consideration of the documents and justification for the design, scale, height, and layout of the development proposed. The application should describe and demonstrate a strategic design process for these lands which has had regard to the relationship with adjoining lands, and which recognises the role of this site, and the significance of the proposed development, in the wider city. Regard should be had in particular to the criteria set out in Section 3.2 of the Urban Development and Building Height, Guidelines for Planning Authorities' 2018, particularly at the scale of the city and the district, the provisions of the City Development Plan in relation to building height, and as well as the submission of the planning authority to An Bord Pleanála, dated 16/11/2021.
3. Further consideration of, and possible amendment to the documents and/or design proposals, having regard to the Neighbourhood Centre zoning objective for lands fronting Centre Park Road. Consideration should provide a detailed / robust planning rationale for the location and layout of commercial uses on the site and should demonstrate how the development will support the land use objectives of the development plan for this area. Regard should be had to the relationship with adjacent development on Centre Park Road permitted under ref. ABP-309059-20 and how these developments will contribute to the objectives of the development plan in this regard. The application should provide a rationale for the omission of lands zoned for neighbourhood centre uses, which are within the prospective applicant's ownership.

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. Detail with regard to existing and proposed levels across the entire development site and the relationship of the development with adjoining lands and public roads should be described in detail, in plan and in section drawings.
2. Further analysis of the relationship with Centre Park Road should be undertaken and described in detail in the application, to include detailed section drawings and other imagery demonstrating the context of the site with adjoining permitted development.
3. Detailed rationale for the proposed residential density and housing mix having regard to the provisions of the City Development Plan and relevant National and Regional planning guidelines.
4. Detailed design proposals for proposed pedestrian bridges from the application site to the Marina.
5. An analysis of the impact on views identified in the Landscape and Visual Summary Statement should be provided and further consideration should be given, inter alia, to the scale and mass of development in longer views east from the city.
6. An Invasive Species Management Plan.
7. Identify all / any wayleaves or rights of way across the application site, existing overhead powerlines traversing the site, and associated adjacent pylon structures, should be clearly identified in the application drawings.
8. A revised strategy should be submitted for the collection, management, storage, and discharge of surface waters, including SUDS measures, which shall take account of the provisions of the Cork South Docks Levels Strategy.
9. An analysis of wind microclimate and pedestrian comfort should be submitted.
10. A comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight

and sunlight to adjoining properties, including permitted development to the east and the adjoining zoned school site.

11. A housing quality assessment should be submitted which provides the specific information regarding the proposed apartments required by the Guidelines on Design Standards for New Apartments (2020).
12. The application should be accompanied by the following:
 - a) A Traffic and Transport Impact Assessment (TTIA), the scope of which should be discussed in advance with Cork City Council, and a Mobility Management Plan.
 - b) A report demonstrating compliance with the principles and specifications set out in DMURS and the National Cycle Manual.
 - c) A Parking Management Strategy including detail on the breakdown of parking by type and land use.
 - d) Details of the design of bicycle parking / storage, which should accord with the provisions of the Guidelines on Sustainable Urban Housing: Design Standards for New Apartments.
 - e) A Quality Audit that includes:
 - (i) Road Safety Audit, Access Audit, Walking Audit and Cycle Audit. The Road Safety Audit should include the design and layout of the proposed basement / undercroft car park.
 - f) A Servicing and Operations Management Plan.
13. A building lifecycle report.
14. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, landscaping and paving, pathways, entrances and boundary treatments.
15. Detail of areas intended to be taken in charge by the local authority, including any surface water management features within such areas.
16. An Aeronautical Assessment should be undertaken in respect of the proposed development which should include consideration of potential construction and operational impacts on instrument flight procedures and equipment at Cork Airport.

17. The application should respond to the objective of the City Development Plan for the continuation of the riverfront Marina Walk amenity route in a westerly direction toward the city centre.
18. The application should give consideration to incorporating publicly accessible viewing areas in prominent tall buildings which would afford wider views across the city.
19. The application should identify and address any requirements arising from the presence of COMAH sites in the surrounding area.
20. The application should consider the presence of the underlying aquitard and describe the construction methodology proposed to ensure that this layer is not compromised as a result of the proposed development.
21. A Construction and Demolition Waste Management Plan and a Construction and Environmental Management Plan should be submitted.
22. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area.
23. All documents should be in a format which is searchable.
24. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

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

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

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

5.4 Applicant's Statement

5.4.1 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: -

- (1) The proposal will not impact negatively on the adjoining lands zoned ZO18. The applicant has engaged with the Department of Education (DOE) and revised the masterplan to include for provision of school campus that would meet future needs of the DOE. The proposal has been designed to have regard to future adjacent land uses in terms of impact including a Daylight and Sunlight assessment in relation to the context of the future school use adjoining the site.
- (2) The design evolution of the proposal is outlined in a submitted Architectural Design Statement, a Tall Building Statement and the submitted EIAR Alternatives Chapter. A Landscape and Visual Impact Assessment has also been prepared.
- (3) In relation to a portion of the site being included zoned Neighbourhood, ZO9, the development comprises a mix of commercial uses at lower ground and ground floor that are compatible with this zoning and will be accessible from Centre Park Road.
- (4) Drawings submitted show how the proposal integrates with existing future infrastructure along Centre Park Road Area based on the Area Transport Assessment (ABTA) provisions.
- (5) Contextual drawings submitted illustrate response to level changes across the site.
- (6) Landscape design and cross-sections submitted demonstrating movement through the site.

- (7) Planning Statement and Statement of Consistency demonstrate that the density is in accordance with NPF objectives and the Apartment guidelines with the site a Central/Accessible Urban location. Unit mix also complies with SPPR 1 of the Apartment Guidelines.
- (8) Delivery of 4 no. pedestrian bridges to link the scheme to the Marina Promenade to the north with a letter of consent from the Council to include lands in their ownership within the site.
- (9) Landscape and Visual Impact Assessment (LVIA) submitted as part of the EIAR and demonstrating that visual impact will be acceptable at this location.
- (10) An Invasive Species Management Plan (ISMP) has been submitted.
- (11) A drawing has been submitted illustrating all wayleaves on the site.
- (12) A Site Infrastructure Report has been submitted that outlines the proposal for surface water drainage and includes incorporation of SuDs measures into the proposed development.
- (13) A Wind Microclimate Assessment has been submitted and demonstrate the proposal provides a suitable environment for pedestrians and occupants.
- (14) A Daylight and Sunlight Analysis was submitted.
- (15) A Housing Quality Assessment has been submitted.
- (16) A Traffic and Transport Assessment (TTA), A Design Manual for Urban Roads and Streets and National Cycle Manual Compliance Statement, A Car Parking Management Strategy and A Quality Audit have been submitted.
- (17) A Building Lifecycle Report has been submitted.
- (18) Details of materials and finishes, and landscaping details have been provided in the submitted Architectural Design Statement and Landscape Design Strategy.
- (19) No areas within the applicants' ownership are to be taken in charge.
- (20) An Aeronautical Assessment Report has been submitted and confirms that the proposed development complies with all aviation and aeronautical requirements affecting the site.
- (21) The proposed scheme does not prejudice the future delivery of a continuation of the Marina Walk to the west beyond Shandon Boat Club. As detailed in the accompanying documents, lands to the south of ownership are either excluded from

this application or zoned Public Open Space. The proposed landscape masterplan allows for the continuous movement of pedestrians east and west long Marina Walk by proposing 4 no. pedestrian bridges across the existing watercourse.

- (22) The feasibility of a publicly accessible viewing area was considered within Block A but discounted on the basis of the residential nature of the building and the necessary health and safety requirements to deliver such.
- (23) The submitted Construction Environmental Management Plan (CEMP) details that the proposed building will be founded on Continuous Flight Auger (CFA) and installed using a method that does not compromise the integrity of the low permeability silt layer between the made ground and the gravel.
- (24) A Land Contamination Remedial Strategy of the subject lands was carried out by ARUP in response to the CEMP. The report identifies the contaminants of concern and details how these soils will be dealt with at construction stage.
- (25) A Statement of Consistency has been submitted and demonstrates that the proposed development is consistent with the relevant objectives of the Development Plan for the subject lands. The Cork City Development Plan 2015 - 2021 is noted as the relevant plan with the Draft Cork City Development Plan 2022 - 2028 due to come into effect in August 2022. The South Dock Local Area Plan, 2008 expired in 2018 and is largely outdated was included as part of the Statement of Consistency.
- (26) An Environmental Impact Assessment Report (EIAR) has been prepared for the proposal.

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.

National Biodiversity Action Plan.

6.5 Local Policy

Cork City Development Plan 2022-2028

- 6.5.1 The application was lodged on the 07th June 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 10th June 2022 and coming into force on the 08th August 2022.

6.5.2 The site is subject to four separate zonings:

ZO 02, New Residential Neighbourhoods: Zoning Objective 2: To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.

ZO 08, Neighbourhood and Local Centres: Zoning Objective 8: To protect, provide for or improve local facilities.

ZO 12, Education: Zoning Objective 12: To provide for schools and educational facilities and related development.

ZO 15, Public Open Space: Zoning Objective 15: To protect, retain and provide for passive and active recreational uses, open space, green networks, natural areas and amenity facilities.

Objective 3.5 Residential Density

Cork City Council will seek to:

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

Objective 3.6 Housing Mix

Cork City Council will seek to:

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

Objective 11.2 Dwelling Size Mix

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

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

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

Objective 11.4 Daylight Sunlight and Overshadowing (DSO)

Daylight Sunlight and Overshadowing (DSO)

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

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

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

Objective 10.17 Master planning

Cork City Council will seek to prepare masterplans during the lifetime of this Plan for the following:

- a. A Framework Masterplan to reconcile strategic design issues and provide an urban design framework for the City Docks;
- b. A North Docks Masterplan to provide a framework for development, public realm, and transport;
- c. Masterplans for the South Docks Character Areas to provide more detailed development and public realm guidance.

Objective 10.25 Marina Park

To support the provision of Marina Park

Objective 10.27 Dwelling Size Mix

- a. To ensure that the City Docks is developed to accommodate a variety of dwelling sizes to support the development of a balanced neighbourhood;
- b. Purpose-Built Student Accommodation should support the creation of a balanced community and sustainable neighbourhood and the student population should not exceed 10% of the overall target population for City Docks.

Objective 10.31 Cork City Docks Transport Strategy

To implement the City Docks Transport Strategy and its key recommendations, including:

- a. Achieving a 75:25 modal split in favour of sustainable transport modes;
- b. The delivery of the City Docks Transport Network and a clear street hierarchy that confines vehicular access to the City Docks within traffic cells in order to optimise the placemaking and public realm potential of the City Docks;
- c. High quality walking / cycling streets and strategic routes along the quays, including improvements to the pedestrian / cycle realm at Albert Quay / Eamon de Valera Bridge;
- d. Transit orientated development, including the phased delivery of improvements to public transport from bus services, high quality bus services and the LRT;
- e. The delivery of three City Docks Bridges: Kent Station Bridge, Water Street Bridge and the Eastern Gateway Bridge;
- f. The provision of new pedestrian / cycle streets between Monahan's Road and Blackrock Road;
- g. Demand Management measures including maximum car parking standards;
- h. Preparation of a Mobility Hub Feasibility Study during the lifetime of this Plan.

Table 10.4

The site is in the Marina Quarter Character Area (Marina Walk)

Target Residential Density: 250 uph

Building Height: General 7 General Range 6-10

Table 10.10

Marina Walk

Indicative Plot Ratio 2.5

Finish Floor Level: +1.9m highly vulnerable, +1.3m less vulnerable development (Fig 10.10).

Table 11.1 Cork Building Heights Standards

South Docks

Target

Lower 5

Upper 10**

** Potentially suitable for exceptional tall building(s)

Table 11.2 Cork City Density and Building Height Strategy

Density

Target

Lower 100uph

Upper N/A

Table 11.6 City Docks Dwelling Size Mix for Housing Developments

	Min	Max	Target
Studios/PSBA	5%	15%	10%
1 Bedroom	25%	35%	30%
2 Bedroom	35%	55%	45%
3 Bedroom	15%	25%	20%
4 Bedroom/Larger	None	None	0%

Section 11.36 in relation the South Docks states that “the majority of new buildings should range generally in height from 6 to 10 storeys with exceptional opportunities for

tall buildings at appropriate locations within the area. As with North Docks and the City Centre, riverside development should step down, generally to 6 storeys”.

- 6.5.3 Variation no. 2 of the Cork City development Plan is currently on display for public submission. The main changes are alterations to the number of Character Areas within the docklands. The site is currently defined as Marina Quarter and under the variation is classified as Polder Quarter along with land to the south and west.

Table 10.3 City Docks Development Capacity is being omitted under the variation.

Table 10.4 City Dock Residential density and Building height is being omitted under the variation.

Figure 10.8 of the variation provides an Illustrative Framework Plan including public realm strategy.

There are change to the text in Section 10.112-10.116 in relation to Minimum Ground Levels and Finished Floor Levels but no changes to the levels recommended.

Tables 10.6-10.

Objective 10.31 Cork City Doc Transport Strategy has been amended in wording.

6.6 Material Contravention Statement

- 6.6.1 The applicant submitted a Material Contravention Statement. The statement outlines elements that materially contravene the policies and objectives of Cork City Development Plan 2015-2021 and justification for such under the provisions of Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016. The statement notes it is confined to matters concerning the Cork City Development Plan 2015-2021 as it is anticipated that the application will be determined prior to the adoption of the Cork City Development Plan 2022-2028, which was at draft stage at the time of lodgement. The statement is summarised below: -
- 6.6.2 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 granting a 30-year lease for 10% of the housing units (83). 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 SHD development comprising 1,002 units was permitted under ABP-309509-20 on a nearby site provision for 10% of the permitted units to fulfil Part V obligations.

- 6.6.3 Plot Ratio: Table 16.1 of the Development Plan (2015-2021) provides for an indicative plot ratio standard of 1.5-2.5 for the Docklands (north and south docklands) under the 2015-2021 Development Plan with the development having a net plot ratio of 3.26 (gross 1.88). 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 out the National Planning Framework (NPF) Objectives for increased housing also conflict with the restrictive plot ratio objective.
- 6.6.4 Building Height and Tall Buildings: Table 16.3 of the Development plan (2015-2021) relates to City Centre River Corridor Building Heights with a building height guide of 13-15m and 4 storeys applicable to the north-facing (south-side) and south channel. Objective 16.7-Tall Buildings Locations of the Development Plan, "The City Council will aim to protect the special character of Cork City which have been identified as having potential for tall buildings. These are South Docklands and South Mahon. (Locations are indicated on Zoning and Objectives Map in Volume 2". Section 16.25 of the Development Plan defines Tall Buildings as 32m or higher, the approximate equivalent of 10-storey with a commercial ground floor and residential in the remaining floors). The proposal is part-1 to part-35 no. storeys with a maximum height of 116.15m at Block A. The proposal is considered to materially contravene the provisions of Table 16.3 and Objective 16.7 of the Development Plan. There is

justification for material contravention under section 37(2)(b)(iii) and (iv) with reference to the NPF Objective NPO 13 and SPPR of the Building Heights Guidelines discouraging numerical limitations in terms of height. Reference is also made to SPPR3 of the Building Heights Guidelines. In addition, the applicant points out that precedent has been set in relation to ABP-309059-20, which provides up to 14 storeys.

- 6.6.5 Unit Mix and Household Size: Table 16.4 of the Development Plan (2015-2021) outlines dwelling size distribution targets with the site in Zone 2 where requirements are for a maximum of 15% for 1 person household/one bed units, a maximum of 50% for 2 person household/two bed units and a minimum of 35% for 3 person/three bed plus units. There is justification for material contravention under section 37(2)(b)(iii) and (iv) with reference to the permitted development under ABP-309059-20 and its unit mix. Reference is also 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.
- 6.6.6 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-309059-20, which has apartment sizes in accordance with the Apartment Guidelines standards.
- 6.6.7 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 46.5% of the development. 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. The applicant also refers to the precedent set by the development

permitted under ABP-309059-20, which has dual aspect apartments to a level in accordance with the Apartment Guidelines standards.

6.6.8 Stair Cores: The Development Plan (2015-2021) recommends that a maximum of 4 apartments per floor should be accessed from a lift/stair core. 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. The applicant also refers to the precedent set by the development permitted under ABP-309059-20, which has apartment numbers per stair core to a level in accordance with the Apartment Guidelines standards.

6.6.9 Private Open Space: Table 16.7 of the Development Plan (2015-2021) outline open space standards for dwelling units with 6, 8 and 12sqm required for one, two and three bed apartment units respectively. The proposal is designed in accordance with the Apartment Guidelines, which have a lower open space standards for 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. The applicant also refers to the precedent set by the development permitted under ABP-309059-20, which has dual aspect apartments to a level in accordance with Apartment Guidelines standards.

7.0 Third Party Submissions

7.1 No third-party submissions.

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 07^h day of June 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 CE Report refers to Development

Plan policy under the County Development Plan 2015-2021, which was in force at the time the report was authored.

The views of the elected members were presented a meeting held on 16th May 2022 are summarised as follows: 35 storeys considered out of character, concerns regarding lack of infrastructure, questions regarding whether a sufficient level of parking is proposed, whether build to rent units are proposed and whether there is a market for the development. It was queried whether the Department of Education was consulted and when such is planning on building schools in the area.

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

Site Zoning/Principle of Development

The CE report notes the site is impacted by three zonings, ZO 9 Neighbourhood centre, ZO 16 Mixed Use Development and ZO 14 Public Open Space (based on 2015-2021 Development Plan). For the ZO9, the block configuration does not reflect the area zoned ZO 9 but the proposal is broadly compliant with the principle and spirit of the objective. For the ZO16 objective the proposed mix of uses is broadly compliant with this objective. In relation to the ZO 14 objective there is no provision for active recreational infrastructure to meet recreational needs of the c. 2000 residents apart from a child's play area. Such provision could be provided for in the western open space. The adjacent ZO8 objective will require access to multi use green areas (MUGA)/ball courts adjacent the site to meet the needs of the schools. The indicative masterplan submitted only includes three on-site external congregation areas which is deficient given the level of pupils to be catered for. A redesign of public open space is required to facilitate off-school MUGA's and should be a planning condition.

Site Masterplan

The site master plan has a number of strategic design issues that require further consideration including site density and building strategy, the nature of ground floor uses in the context of the Cork South Docks Drainage and Levels Strategy (CSDDLs), the absence of ground floor residential and extent of negative frontage onto the public realm.

Residential Density

The density level is not compliant with the City Development Plan 2015-2021 in reference to Tale 16.1 regarding indicative plot ratios with the proposal having a plot ratio of 3.26 compared to an indicative plot ratio for this location of 2.5:1.

Building Height and Urban Design

The proposal for 10-storeys along the riverside is contrary to the approach under the Draft Development Plan (2022-2028) which has an objective for a general building height stepping down to 6-storeys along the waterfront. The scale of development along the waterfront edge is excessive and detrimental in terms of visual impact. It is considered that an alternative approach where scale is lessened towards the waterfront and potentially higher along Centre Park Road would be more acceptable. It is considered that there is potential for reduced floor levels for residential development to provide residential streets despite the issue regarding flood risk. The external finishes and architectural expression are not of adequate quality.

Tall Building Proposal

Concerns expressed regarding scale and massing Block A, B, D and E fronting the river, the 35-storey element is not considered to be of acceptable architectural quality and the proposal does not meet the highest urban design requirements envisaged under the Urban Development and Building Height Guidelines. The proposal would be visually obtrusive and detract from visual amenities of the area.

Conservation

There are two protected views associated with the site and the development overlooks The Shadon Boat Club, which is a protected structure. The proposal would have a negative impact on the setting of the existing protected structure and a negative impact on the harbour entrance and alter views to or from a considerable number of protected structures which create a historic setting on the opposite side of the river.

Residential Standards and Mix

The proposal is not compliant with dwelling size mix targets of the Draft 2022-2028 Cork City Development Plan that are based on a Housing Demand Need Assessment (HNDA). The proposed units meet the standards set down under the Apartment Guidelines (2020) in terms of size, dimensions, storage and private open space. 46.5% of the units are dual aspect with it considered there is scope to provide an increased quantum of dual aspect units.

Public Open Space

It is suggested that the wide pedestrian links provided from the Village Plaza to the Marina Promenade be implemented for the two other links from the play gardens and passive recreation plaza. Some boundary treatments are not satisfactory and should be subject to a condition requiring approval by the Planning Authority. The indicative masterplan submitted includes three on-site external congregation areas attached to the school site and is deficient for the 2000+ pupils on site. Off-school MUGAs will need to provide exclusive school access during the school day with a redesign of public open space required and a planning condition to secure use of ball courts during the school day.

Connectivity, Access and Traffic and Transportation

The proposal is compliant with Indicative Transport Network set out in Draft ABTA report. Car parking is in accordance with the South Docks ABTA requirements however is reliant on public transport and active travel projects being implemented to support and a low car parking environment and modal shift. It is important to implement the mobility management plan to avoid impact on the road network and parking overspill in the area. The recommendations of the Road Safety Audit should be implemented. Bike parking should be in accordance with the Sustainable Urban Housing Guidelines for Apartments. A Quality Audit should be carried out in accordance with DMURS and TII standards.

Infrastructure

The site relies on existing polder defence and that FFL's could be reduced 1.9mOD subject to raising such polder defence height. It is considered that highly vulnerable development should be at least 3.8m OD until such time as polder defences are upgraded. It is noted that the highly vulnerable uses are above this level. The CE report specifies finished floor heights for various types of development. Clarification is required

in relation to adequacy of proposed defence levels in the event the intended polder upgrade works set out within the CSDDLs are not completed in advance of the proposed development. A condition is required that the conveyance capacity of the southern channel shall be maintained. Conditions required in relation to SuDs strategy and management. It is noted for less vulnerable development the same approach is not taken with such uses at 1.3m OD with demountable defences to 1.9m and such are based on the CSDDLs levels that are subject to polder defence upgrades. The capacity of the southern channel shall be maintained with a condition required in this regard. No objection is raised in relation to surface water drainage, SuDs or wastewater subject to conditions.

Construction and Environmental Management

Concern regarding lack of knowledge in relation levels of contamination present within drainage channel sediments with potential impact on Natura 2000 sites. Consideration of the Natura Impact Statement required regarding release of contaminants in the southern and northern drainage channels, lack of knowledge regarding levels of contamination in the northern and southern drainage channels, water quality monitoring results contradict findings of Construction & Environmental Management Plan (CEMP) and Contaminated Land Reclamation Strategy. Conditions required in the event of grant of permission regarding piling design to protect aquitard, control of water pollution.

Natura Impact Statement

It is considered there are a number of issues that need to be addressed, in particular the existing drainage channels and mitigation to manage the risks presented by contaminated sediments.

Waste

No objection raised.

Water

No objection raised subject to condition.

Archaeology

No objection raised.

Childcare Facility

It is considered that at a minimum of childcare places should be provided for all the 2 and 3 bed units as per Childcare Facilities Guidelines meaning a requirement of 142 places. The level of places provided is less than the proportion provided in an adjacent concurrent SHD proposal (ABP-313142).

Part V

The applicants Part V proposal is noted. A build and transfer option is the preferred mechanism and a condition should be attached in the event of a grant of permission requiring agreement.

Timescale/Phasing

Given the scale of the proposal, it should be subject to a 10-year timescale. A condition is required agreeing a detailed phasing programme.

It is recommended that permission be refused based on one reason.

1. Having regard to the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing Planning and Local Government in December 2018, it is considered that the proposed development by reason of its design, scale, bulk and mass would be visually obtrusive when viewed from various viewpoints and would seriously detract from the visual amenities and character of the area and in combination with poor design in terms of façade treatment, architectural expression and the unresolved levels and consequent lack of adaptability in uses, would not constitute an adequate design response to the context and opportunity of the prime Waterfront Docklands site and would not, therefore, be in accordance with the criteria set out under section 3.2 of the Urban Development and Buildings Heights Guidelines for Planning Authorities 2018 and would not be in accordance with the proper planning and sustainable development of the area.

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: -

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

9.2 The following submissions were received:

Department of Education

The site is in the South Docks Area which has three school site areas identified under the current and Draft Development plan. The application site is immediately contiguous to the northern and eastern boundary of Site 1. The DOE note that there are multiple parallel statutory processes underway that could prejudice future delivery of the necessary schools and school places in the City Docks. Concern is expressed about the ability to provide sufficient school places based on anticipated population and demographic demand (City Docks 25,000 population). The applicants indicative school proposal is an overdevelopment in school terms (4 schools in the applicant proposal and 3 in the case of the DOE).

Future approval must not prejudice future school sites with appropriate building lines, buffering and building height adjoining the proposed school site and appropriate conditions to this effect.

Department of Housing, Local Government and Heritage

Site is 2km upstream of Lough Mahon part of the Cork Harbour SPA with concern regarding impact of increased need for future flood relief works affecting natural tidal dynamics of the mudflats in the SPA, pollution due to release of contaminants during site preparation and construction, increased recreational disturbance due to increased population and need to account for the disposal of construction and demolition waste. It is considered that NIS does not fully address these issues.

Uisce Eireann

Water connection is subject to a project upgrading water infrastructure to supply the wider South Docks area, which is currently in design and engineering stage and is estimated be completed by Q2 of 2023 (subject to change). Wastewater connection feasible without an infrastructure upgrade by Uisce Eireann. Recommended that permission be granted subject to conditions.

TII

The TII has no observations to make.

IAA

The applicant should be directed to engage with DAA Cork Airport and IAA's Navigation Service Provider to assess the impact of the proposal on Cork Airports flight procedures and flight checking. A completed Aeronautical Assessment should be submitted to the aforementioned for their review and comment prior to the finalisation of the application. In the event of permission being granted a condition should be attached requiring the applicant to consult the IAA to agree appropriate aeronautical obstacle warning lighting for the development and notification of the aforementioned of the intention to commence crane operations with at least 30 days notice.

10.0 **Assessment**

- 10.1 The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority and all 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:

Zoning/Principle of Development

Density

Design Strategy-Design & Layout, Public Realm/Open Spaces

Building Height and Visual Impact

Unit Mix

Residential Amenities

Adjoining Amenities

Traffic and Transportation

Education/Provision for Schools

Water Services Drainage and Flooding

Childcare

Material Contravention

10.2 **Zoning/Principle of Development**

- 10.2.1 As noted earlier the current Development Plan is the Cork City Development Plan 2022-2028. The application was lodged on the 07th June 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.

10.2.2 Under the Core Strategy of the 2022-2028 Development Plan the site is located in the City Docks, which has target population growth of 5,572 by 2028, which is a population growth of 7,239 from the 2016 baseline population.

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

ZO2, New Residential Neighbourhoods: Zoning Objective 2: To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.

ZO8, Neighbourhood and Local Centres: Zoning Objective 8: To protect, provide for or improve local facilities.

ZO12, Education: Zoning Objective 12: To provide for schools and educational facilities and related development.

ZO15, Public Open Space Zoning Objective 15: To protect, retain and provide for passive and active recreational uses, open space, green networks, natural areas and amenity facilities.

10.2.4 At the time of lodgement and under the previous Development Plan (2015-2021) the site was subject to three zonings, ZO16: Mixed Use Development, ZO9 Neighbourhood Centre and ZO14: Public Open Space. At the time of lodgement, the site was adjacent an area (southwest of the site) zoned ZO18 Schools that was located outside the site boundary but within the applicants' landholding. It is notable that the areas of the site zoned ZO14 Public Open Space and ZO9 Neighbourhood Centre under the 2015-2021 Plan have remained the same in nature of use and are now labelled as ZO15 Public Open Space and ZO8 Neighbourhood Centre respectively under the current Development Plan (2022-2028). The ZO16: Mixed Use zoning under the 2015-2021 Development Plan has changed to a ZO2: New Residential Neighbourhoods objective under the current Development Plan (2022-2028). It is also notable that under the current Development Plan the configuration of land zoned for the purposes of education/schools has changed from the previous Development Plan being adjacent the site (ZO18: Schools under the 2015-2021 Development Plan) to now encroaching

onto part of the site (ZO12: Education) under the current 2022-2028 Development Plan.

10.2.5 In terms of compliance with the zoning objectives, the area zoned ZO15: Public open space is laid out as public open space in the proposed layout. The area zoned ZO8 neighbourhood centre is located along the southeastern boundary of the site along Centre Park Road. Part of Block C and E are located within this zoning and include a mix of uses at ground and first floor, including 2 no. retail units, library, medical centre, post office, pharmacy and dentist with residential on the upper floors. These uses would be compatible with the ZO8 objective as outlined under Chapter 12 relating to Land Use Zoning Objectives. In relation to ZO2: New Residential Neighbourhoods objective, which is largest zoning on site, parts of Block C, E and F are located on this zoning with the entirety of Blocks A and B within this zoning. These blocks have a mix of residential and commercial uses including retail, childcare, medical and community uses, which would be uses that are compatible with the ZO2 zoning objective.

10.2.6 As noted above under the current development plan (2022-2028), part of the site is now zoned ZO12: Education and part of block F, which consists of residential units, a creche and ancillary residential amenity areas is located within this zoning. Zoning Objective 12 is 'to provide for schools and educational facilities and related development'. The main purpose of this zone is identified to provide for a wide range of educational facilities and ancillary accommodation and facilities serving such. Under this zoning objective the only other uses that consideration may be given to are uses set out under the ZO8 Neighbourhood and Local Centres objective in the event that such lands are not required for educational purposes.

10.2.7 It is clear based on the submission of Department of the Education, that the lands zoned for Education purposes at this location are required to facilitate provision of educational facilities for what is envisaged to be a significant population increase within the south docklands area. The proposal and nature of uses is compliant with three of the four zoning objectives and provides compatible uses on the parts of the site zoned ZO2, ZO15 and ZO18. The proposed residential use on the portion of the site zoned

ZO12 Education would not be compatible use within this zoning objective and would constitute a material contravention of the zoning objective.

10.2.8 CE Report: The CE Report considers that the nature of uses proposed is generally in accordance with the zoning objectives, however this view relates to the previous Development Plan (2015-2021) zoning. In relation to zoning for public open space it was pointed out that there is no provision for active recreational infrastructure to meet recreational needs of the c. 2000 residents apart from a child's play area. Such provision could be provided for in the western open space. It was also pointed out that the adjacent ZO8 Education objective (previous Development Plan) will require access to multi use green areas (MUGA)/ball courts adjacent the site to meet the needs of the schools. The indicative masterplan submitted only includes three on-site external congregation areas which is deficient given the level of pupils to be cater for. A redesign of public open space is required to facilitate off-school MUGA's and should be a planning condition.

10.2.9 Conclusion: The nature of uses proposed and layout of the development is compatible with three out of the four zoning objectives that make up the site under the current Cork City Development Plan 2022-2028. A portion of the site is zoned ZO12 Education, and the proposed development entails the provision of residential development on such. This is a use that would not be a permissible use within the ZO12 zoning objective as outlined under Chapter 12 of the current Development Plan and would constitute a material contravention of development plan policy as well as impacting the future reserve of land earmarked for educational purposes in an area where significant population increase is envisaged. In relation to the DOE's submission, I would note that the issue of compatibility with zoning objectives overrides the issue as it would necessitate significant revision of the overall design/layout and a significant amendment of the masterplan for the application site that has regard to the configuration of the zoning objectives under the current Development Plan. I would recommend that permission be refused in this regard.

10.3 Density:

10.3.1 The site has a gross site area of 4.86 hectares and a net development area of 2.8 hectares. The proposed development will have a net density of 294 uph. 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 'City Centre and Docklands ("City and Central Areas")'. 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". The Cork City Urban Density, Building Height and Tall Building Study (2021) contains a Density Strategy outlining both a lower and upper density target for each of the density sub-areas including the City & Central Areas, South Docks (Table 11.2). The lower density target for the South Docks is 100 dwellings per hectare with no upper limit specified. The application site is part of the City & Central Area where the higher densities are envisaged under Development Plan policy and the supporting Urban Density, Building Height and Tall Building Study.

10.3.2 Chapter 10 Section 2 relates to the City Docks. Under the section entitled Density, Development Capacity, Building Height and Tall Buildings Table 10.4: City Docks Residential Density and Building Height identifies a Target Residential density (net) of 225 uph for the City Docks. Under Chapter 11, Placemaking and Managing Development Table 11.2: Cork City Density and Building Height Standards for the South Docks specifies a lower target density of 100 uph with the upper target indicated as being not applicable. There appears to be a contradiction between Table 10.4 and Table 11.2 in regard to density. In this case I would defer to table 11.2 with the site located in an area (South Docks) that is classified as 'City' along with the City Centre and North Docks from the point of view of Density and Building Height (it is notable that current variation no. 2 of the Development Plan currently on display proposes omitting Table 10.4). In my view the density ranges specified are a lower target of 100 and no applicable upper target for density. The residential density level proposed would be acceptable in the context of Development Plan policy. I outline the context of the site in terms of National policy and guidance below

10.3.3 The relevant current guidelines are the Sustainable Residential Development and Compact Settlement Guidelines (2024) which have superseded the Sustainable Residential Development in Urban Areas Guidelines (2009) and have come into force after the current Development Plan (2022-2028). In the context of the Sustainable Residential Development and Compact Settlements Guidelines the site is in a City – Centre area (North and South Docks are grouped with the city centre under Development Plan Density and Building Heights Strategy) in which densities in the range of 100dph to 300dph (net) shall generally be applied. The guidelines under Section 3.3.6 (Exceptions) outlines that there is a presumption in these Guidelines against very high densities that exceed 300 dph (net) on a piecemeal basis. Densities that exceed 300 dph (net) are open for consideration on a plan-led basis only and where the opportunity for densities and building heights that are greater than prevailing densities and building height is identified in a relevant statutory plan.

10.3.4 In the context of the Apartment Guidelines (2020) the site is a ‘Central and /or Accessible Urban Location with such areas identified as “generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:

- Sites within within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services”.

I would reiterate that the site is located within an area identified under the current development Plan (2022-2028) as a City – Centre area (North and South Docks are grouped with the city centre under Development Plan Density and Building Heights Strategy).

10.3.5 The net density of the proposal is 294 uph, which is a density range that is compatible with Development Plan policy (lower target 100uph, upper target not applicable)

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 sections of this assessment (10.4, 10.7 and 10.8).

Notwithstanding the classification of the site in terms of density, the application site is an accessible location with such located within walking/cycling distance of the city centre as well as employment uses. In addition, the site is in an area served by a number of bus routes that provide a frequent service that allows access to the city centre and cross city routes.

10.3.6 Table 10.3 identifies the City Docks Development Capacity with an Indicative Floorspace capacity in total of 1,110,000sqm (65% residential and 35% non-residential). The site is within the Character Area Marina Quarter/Walk. The proposed development has a plot ratio of 3.26 (net). Under the current development Plan (2022-20288) Table 10.3 identifies an Indicative Plot Ratio-Floor Area Ratio of 2.5 for the Marina Quarter/Walk Character Area. An Indicative Floorspace Capacity of 95,000sqm (90% residential and 10% non-residential). The Cork City Urban Density, Building Height and Tall Building Study (2021) contains a Density Strategy outlining both a lower and upper density targets for each of the density sub-areas including the City & Central Areas, South Docks (Table 11.2). In relation to Floor Area Ratio (Plot Ratio) the prevailing FAR for South Docks is identified as being 0.5-1.5 with a target of 4+. As in case of density there is contradiction between Table 10.3 and Table 11.2 in regard to Plot Ratio/Floor Area Ratio. In this case I would defer to Table 11.2 with the site located in an area (South Docks) that is classified as 'City' along with the City Centre and North Docks from the point of view of Density and Building Height (it is notable that current variation no. 2 of the Development Plan currently on display proposes omitting Table 10.3). The plot ratio/floor area ratio proposed would be acceptable in the context of Development Plan policy

10.3.7 CE Report Comment: The density level is not compliant with the Cork City Development Plan 2015-2021 and the indicative plot ratio of 2:5:1 or maximum plot ratio identified under the South Docks LAP 2008.

10.3.8 Conclusion: The site is located on a site within a City Docks area, which is identified as location suitable for increased urban density and tall buildings. Table 11.2, Density and Building Heights Strategy provides details regarding the appropriate targets/ranges in terms of density and plot ratio/floor area ratio for different areas in Cork City including the South Dock. I am satisfied that the site is a City – Centre location in the context of the National Guidelines, the Residential and Compact Settlement Guidelines. I am also satisfied that the density level proposed is acceptable in the context of current Development Plan (2022-2028) policy in particular, the Density and Building Heights Strategy, which identifies no upper limit on density and has a target level Floor Area Ratio of 4+, as well as being compliant with the relevant guidelines as outlined above. In this regard I would consider that the increased densities proposed on this site would be acceptable and compliant with current Development Plan (2022-2028) policy and National policy/guidelines.

10.4 Design Strategy-Design & Layout, Public Realm/Open Spaces:

10.4.1 The development consists of 823 apartments and some ground floor commercial uses in 6 no. buildings. The site is irregular in shape and is defined by Centre Park Road, which runs along the southeastern boundary and a drainage channel that runs along the northern boundary. Blocks B, D and F run on an east west axis and are orientated north and are located just south of the open channel running along the northern boundary of the site. These blocks are up to 10-storeys in height and when viewed from the north have a consistent height of 10-storeys with the bulk of their height concentrated to the north. Blocks C and E are located along Centre Park Road running on southwest to northeast axis and are up to 6-storeys in height with the bulk of their height located on the public roadside. Block A, which features a 35-storey tower is located to the east of Block B and northeast of Block C with the tower element running on a similar access to Blocks C and E.

10.4.2 In term of layout the site is defined by a central street that runs from the vehicular entrance off Centre Park Road opposite the entrance to the permitted development under ABP-309059-20. This street runs between Blocks C and E and turns onto an east west axis between Blocks E and D and runs along the northern boundary of the lands earmarked for Educational use under the masterplan submitted. There are a

number of public realm/open spaces with Blocks E, C and A set back from Centre Park Road to provide for a dedicated cycle lane, footpath and a grass verge that will facilitate any future upgrades of Centre Park Road. The neighbourhood centre uses front onto this area, which as noted above is compliant with land use zoning policy. There is what is described as a Village Plaza area with a mix of hard and soft landscaping located between Blocks A, B and C. This Village Plaza provides access from Centre Park Road through the site and links into the proposed pedestrian bridge that spans the northern drainage channel to link to the Marina Promenade area to the north. There are open space areas located between Block B and D (play gardens) and D and F (passive recreation) that provide north south access with each linking to further pedestrian bridges that span the northern drainage channel (4 provided in total). There is pedestrian walkway along the southern edge of the northern drainage channel and on the northern side of Blocks A, B, D and F. To the northwest of the site is a public open space area and an additional pedestrian bridge spanning the northern drainage channel (4 provided in total).

10.4.3 There are a number of change of levels on site with a significant level of the open space areas between the blocks at podium level. The Village Plaza (between Blocks A, B and C), Play Gardens (between Blocks B and D) and Passive Recreation (between Blocks D and F) spaces are all at podium level with the transition from Centre Park Road and the internal street handled by way of graded areas, slopes and steps. The changes in level account for universal access with ramp access and slopes. A Universal Access Statement has been submitted with the application.

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

- 10.4.5 I am satisfied that overall quantity and quality of open space provide is acceptable and would refer to Section 10.9 regarding Residential Amenities, which elaborates on this matter. Under this section it is 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 with good connections from Centre Park Road into the site, through the site and to area to the north with the provision of 4 no. pedestrian bridges. The proposal provides for a significant level of areas with pedestrian priority and the level of space provided for vehicular traffic is limited in the context of the overall size of the site and such includes shared surfaces in its design and layout. The overall design provides for a high degree of active frontage at ground floor level for each of the blocks and a good level of active frontages relative to open space areas within the site and the public road frontage along Centre Park Road with a concentration of the neighbourhood centre uses along this road frontage.
- 10.4.6 CE Report Comment: It is suggested that the wide pedestrian links provided from the Village Plaza to the Marina Promenade be implemented for the two other links from the play gardens and passive recreation plaza. Some boundary treatments are not satisfactory and should be subject to a condition requiring approval by the Planning Authority. The indicative masterplan submitted includes three on-site external congregation areas attached to the school site and is deficient for the 2000+ pupils on site. Off-school MUGAs will need to provide exclusive school access during the school day with a redesign of public open space required and a planning condition to secure use of ball courts during the school day. The CE Report is also critical of the lack of residential uses at ground floor level/the ability to provide for a change to such at ground floor level due to the finished floor level of less vulnerable development in the context of flood risk.
- 10.4.7 Conclusion on Design Strategy-Design & Layout, Public Realm/Open Spaces: The proposed development provides a satisfactory design strategy in terms of overall design and layout, public realm and open space. The overall proposal provides high degree of urban spaces that provide connectivity between the surrounding area and the application site and permeability through the site with a high level of spaces that are pedestrian priority spaces. The proposal provides for varied landscaped strategy

including hard and soft landscaping, play spaces, passive recreation spaces and structured architectural spaces. The provision of 4 no. pedestrian bridges connecting the site to the Marina Promenade area to the north is a positive element. I would disagree with the CE report comment that the bridge links between the two other links from the play gardens and passive recreation plaza need be widened, however this could be facilitated subject to condition if considered necessary. There is provision of one wide pedestrian bridge (connecting Village Plaza to the promenade) and three others that are of sufficient width to allow for pedestrian movement. Providing for the widening of such would reduce the level of landscaped area that would be provided along the northern bank of the drainage channel, which is labelled as an Ecology Park on the site layout. I also consider that boundary treatment on site is generally satisfactory in quality and design, however if necessary alternative boundary treatment could also be subject to condition if considered unsatisfactory.

10.4.8 I note the CE report comment regarding external congregation areas/MUGAS associated with the school use adjoining the site and would point to the fact that the overall consideration of Educational uses in the context of the site needs further consideration given the change in the configuration of zonings that has occurred since the current Development Plan (2022-2028) superseded the Development Plan (2015-2021) in force at the time of the lodgement of the application. The change in configuration of zoning would necessitate significant reconsideration of the overall layout of development. Notwithstanding such, I consider the proposal as presented to be of acceptable quality in terms of the design strategy and urban design approach.

10.4.9 In relation to ground floor uses, the layout provides for non-residential uses at ground and lower ground floor for the proposed blocks with no residential uses at either of these levels. This is based on provision of vulnerable uses (residential) at a finished floor level having regard to flood risk. The provision of finished floor levels is based on the Cork South Docklands Drainage Levels Strategy (CSDDLs). The CE Report is critical that the levels of less vulnerable development does not allow flexibility in the future to allow for change of use to residential in the event flood defences are not raised. In response I would note that the proposed development provides a high degree of active frontages at both the Lower Ground and Ground floor levels of the

blocks, which is appropriate in terms of providing animation at these levels. The levels of the various types of development complies with the CSDDLs and the levels specified within the Docklands area under the current Development Plan (2022-2028), which are based on the drainage strategy. I do not consider that this is an issue would merit preclusion of the proposal.

10.5 Building Height and Visual Impact:

10.5.1 Building Height: The development consists of six blocks. Blocks B, D and F run on an east west axis and are orientated north and are located just south of the open channel running along the northern boundary of the site. These blocks are up to 10-storeys in height and when viewed from the north and have a consistent height of 10-storeys with the bulk of their height concentrated to the north. Blocks C and E are located along Centre Park Road running on southwest to northeast axis and are up to 6-storeys in height with the bulk of their height located on the public roadside. Block A, which features a 35-storey tower is located to the east of Block B and northeast of Block C with the tower element running on a similar axis to Blocks C and E.

10.5.2 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 South Docks and is grouped with City Centre and North Docks under the classification 'City' and where the tallest heights are envisaged. In the case of the South Docks targets are 4-storeys for the lower target and 10-storeys for the upper target with it indicated that the South Docks is potentially suitable for exceptional tall buildings. Development Plan policy for Tall Buildings is based the Cork City Urban Density, Building Height and Tall Building Study 2021. 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.

10.5.3 Under section 11.50 specific sites have been identified for tall buildings with four City Docks zones identified. The application site is within the Eastern Gateway/Marina Walk/Polder Quarter Tall Building Zone/City Docks Character Area (see Figure 10.3b). In terms of building height on site, five (B, C, D, E and F) of the six blocks range in maximum height from 6-storeys to 10-storeys (27.150m to 40.05m). Block A features a 35-storey tower with a ridge height above ground level of 116.15m. In regards to current Development Plan (2022-2028) policy, the general benchmark height across the site of 10-storeys is in accordance with Table 11.1 of the Development Plan, which outlines Density and Building Heights Strategy. Block A is an exceptionally tall element and Development Plan policy does indicate that the South Docks is potentially suitable for exceptional tall buildings. Figure 10.4 identifies City Docks Zones Appropriate for Tall Buildings, and such includes the application site.

10.5.4 Section 11.36 in relation the South Docks states that “the majority of new buildings should range generally in height from 6 to 10 storeys with exceptional opportunities for tall buildings at appropriate locations within the area. As with North Docks and the City Centre, riverside development should step down, generally to 6 storeys”.

Table 11.1 Cork Building Heights Standards

South Docks

Target

Lower 5

Upper 10**

** Potentially suitable for exceptional tall building(s)

10.5.5 The applicant has submitted a Tall Building Statement that outlines the Development Policy Context including the Draft Development Plan (20220-2028), the design evolution of the project, notable proposed and permitted tall buildings in the context of the riverside profile, photomontages and an assessment of the development in the context of the criteria for assessing building height set down under Section 3.2 of the Urban Development and Building Heights: Guidelines for Planning Authorities, 2018. It

is concluded that the proposal is an appropriate scale and design response for the site and will be acceptable in the context of both Local and National planning policy and guidance and have a positive visual impact.

10.5.6 There have been a number of permissions granted in the vicinity of the site. The largest of these schemes on the Former Ford Distribution site (ABP-309059-20) features 12 no. blocks ranging from 4-14 storeys with up to 11-storeys along Centre Park Road and a 14-storey elements to the southeast of the site at the junction Marquee Road and Monaghan's Road. There are two other smaller schemes permitted including a scheme on the former Cork Warehouse site (ABP-313142-22) for a building ranging in height for 1-12 storeys and the most recent permission granted (2443472) for a Large Scale Residential development comprising the construction of 176 no. apartment units in 2 no. blocks ranging from 7 to 10-storeys.

10.5.7 Development Plan policy specifies that height along the riverfront should step down to 6-storeys. In this case the proposal is a consistent 10-storeys on the riverfront stepping up to a 35-storey element at the northeastern corner. The way Development Plan policy is stated does not explicitly rule out over 6-storey along the riverfront and I would refer to Section 11.36 of the Development Plan in relation to building height in the South Docks as quoted earlier under paragraph 10.5.4 of this assessment. In addition, it is identified that there are exceptional opportunities for tall buildings within the South Docks Area and such is supported under current Development Plan policy (2022-2028). I am of the view that based on Development Plan policy that the proposed buildings heights would not constitute a material contravention of Development Plan policy. This is on the basis of an upper level of 10-storeys being identified as being acceptable within the South Docks area and I would refer to Table 11.1 in this regard. In addition, it is identified that the South Docks area is potentially suitable for exceptionally tall buildings and the site is one of the locations within the South Docks identified (Fig 10.4, City Docks Zones Appropriate for Tall Buildings) for such. In relation to Section 11.36 and riverfront development, this policy does not preclude the provision of more than 6-storeys on the riverfront and in the context of Development Plan policy specifically relating to the South Docks, I would consider that the provision of more than 6-storeys on the riverside would not constitute a material contravention of

current Development Plan (2022-2028) policy. The design and scale of the proposal in terms of visual impact is assessed on its merits below.

10.5.8 An assessment of the proposal in the context of the criteria under section 3.2 of the Urban development and Building Heights Guidelines (2018) is carried out in Table 1 below.

Table 1

At County Level	
Criterion	Assessment
NPF Objectives	The principle of a high-density proposal in a on lands zoned for development and earmarked for significant population growth would assist in securing objectives regarding key urban centres, brownfield / infill development, and compact growth.
Public Transport	As outlined in section 10.9 of this report, I am satisfied that the site is currently an accessible location served by existing public transport and accessible to the city centre/wider area in its current form and is suitable for increased density and building height. The accessibility of the site is only going to improve with the area in line to gain a significant level of planned public transport infrastructure in the short to mid-term.
Character and Public Realm	I would refer to the later section of this assessment regarding visual impact under which I consider that the overall visual impact of the proposal would be detrimental to visual character and amenity of the area and fail to successfully integrate into the landscape at this location by reason of excessive scale of certain elements. This criterion includes a requirement for a Landscape and

	<p>Visual Impact Assessment, a Townscape and Landscape Visual Impact Assessment which has been included in the current application as part of the EIAR. Having reviewed the TLVIA, I would highlight concerns in relation to the following views:</p> <p>VP, 1, 2, 3, 4, 5, 6, 7, 8,9, 11, 13, 14, 15 and 20. Based on the excessive scale of the proposal in particular the 35-storey tower element and the scale and monolithic character of the consistent 10-storey blocks proposed along the riverfront.</p> <p>.</p>
Views and Prospects	<p>The Development Plan 2022-2028 lists views and prospects of special amenity with such mapped in Volume 2: Mapped Objectives. The proposal would have a significant visual impact on the Strategic Linear View from the Port of Cork to the west of the site towards the chimney of the former ESB Power Station that is to the west of the site.</p>
Infrastructural Capacity	<p>I consider that the principle of high-density development is supported on these lands zoned for development and earmarked for significant population growth with an appropriate mix of use and provision of communal and public open space. However, I have outlined concerns regarding the relationship of the proposal in relation to the landbank zoned for Educational use (ZO12) in a previous section of this report as follows:</p> <p>Section 10.2 – Incompatible uses within the lands zoned ZO12 on site.</p>
At District/Neighbourhood/Street Level	

<p>Response to natural and built environment and contribution to neighbourhood / streetscape</p>	<p>The proposal provides for some positive elements in terms of providing for an active streetscape along Centre Park Road and active frontages at ground floor level and lower ground level throughout the site. I would however have concerns regarding some aspects of the proposal in terms of form and scale including the scale of the riverside development in the context of Development Plan policy and the overall scale of the tower elements and riverside development in the context of visual impact in the surrounding area.</p> <p>Sustainable and Efficient Movement – The proposed development benefits from a central and accessible location with good public transport services, I consider that the walking/cycling links have been appropriately designed to integrate with the surrounding area in accordance with DMURS principles. Having regard to the central and accessible nature of the site, the proposed development would provide an appropriate range of uses to serve the existing and proposed residents.</p> <p>Green & Blue Infrastructure – The design of public open space and walking/cycling network would create an integrated network of spaces.</p> <p>Public Open Space – The quantity of space is an acceptable level, and its location and design positively contributes to the area.</p> <p>Responsive Built Form – As previously outlined, I do not consider that the proposed design responds positively to its sensitive context.</p>
<p>Building Form</p>	<p>The excessive scale and form of the proposed development would result in a monolithic appearance of continuous development with inadequate separation and modulation.</p>

Materials	The Design Statement outlines that a range of materials, finishes, textures and colours are proposed. However, I do not consider that this is adequate to address the over-riding concerns about excessive height, scale and massing.
Public spaces, thoroughfares, and water frontage.	The proposed design would enhance the urban design context providing for streetscape at this location and enhanced public realm/publicly accessible areas along Centre Park Road, permeability through the site and linkages to the Marina Promenade and linkage to future pedestrian linkages to be provided along the riverfront to the west. I am satisfied that flood risk has been adequately addressed in accordance with the requirements of the Flood Risk Guidelines.
Legibility	The scale and massing of the development is excessive and results in a monolithic appearance and a lack of legibility in the wider landscape / townscape. Within the development, there would be adequate activity at ground/street level and good quality design of public open space and walking/cycle routes providing adequate legibility.
Mix of Uses/Buildings	As previously outlined, there would be an acceptable mix of uses and building/dwelling typologies.
Enclosure	The proposal provides an acceptable degree of enclosure relative to the thoroughfares and open spaces provided at ground level/podium level with high degree of active frontages along these spaces. The public open space and main walking/cycle routes within the development would benefit from adequate levels of activity and overlooking to feel appropriately enclosed.

Urban Grain	The acceptable mix of uses and active uses at ground level/podium level does allow for meaningful human contact between all levels of buildings and the street or spaces.
Character and Identity	As previously outlined, the proposal would make a positive contribution to the character and identity of the neighbourhood.
Neighbouring Properties	I consider that the height and scale would have an acceptable impact for existing properties and land uses as well as being acceptable in the context of the amenities of permitted residential development on adjoining sites should such be progressed.
At Site/Building Scale	
Daylight, ventilation, views, and sunlight	Section 10.7 of this report outlines how the proposal is satisfactory in the context of future residential amenity with an acceptable layout. Level of daylight and sunlight available to the proposed development are acceptable.
BRE Guidance on Daylight and Sunlight	As above and section 10.7 of this report
Overlook, overbearing, overshadowing	As outlined in section 10.8 of this report, I consider that the proposal would have an acceptable impact on adjoining properties including developments permitted in the vicinity should they be progressed.
Built heritage	The proposal does not entail loss of any structure of architectural value. I consider that the proposed development would not impact on the setting of any structure of conservation value including the Shandon Boat Club, which is the nearest protected structure.

Carbon Emissions	The application includes a Provisional Building Energy Rating; buildings will achieve a BER “A” rated energy certificate.
County Specific Criteria	
Microclimatic Impacts	In addition to the sunlight/daylight assessment (section 10.7 and 10.8 of this report), a Wind Microclimate Assessment has been completed. As outlined in sections 10.7, I am satisfied that wind conditions in ground level public spaces within the development will be at comfortable level for future residents and users of these spaces.
Bird and Bat Flight Lines	Chapter 5 of the EIAR addresses this matter and includes appropriate surveys to assess impact. It concludes that no issues arise in relation to any ecological receptors via the disruption of flight lines for birds or disruption to commuting or foraging bats.
Telecommunication Channels	The application includes an EIAR that addresses impact on telecommunications under the Material Assets section in relation to utilities. The proposal would not impact existing telecommunications services.
Safe air navigation	The application includes an Aeronautical Assessment Report outlines that the proposed development does not impact on the standardised approaches/departures to Cork airport and lies beyond the future Approach Surface to the permitted new helipad at Cork University Hospital. I note that the Irish Aviation Authority submission outlines that there would be no objections subject to provision of obstacle warning lighting and notice regarding crane operations on site.
Environmental Assessments	As addressed in sections 11 and 12 of this report, the application includes an AA Screening Report, a Natura

	Impact Statement, and an Environmental Impact Assessment Report.
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10.5.9 CE Report Comment: Concerns are expressed regarding building height and monolithic visual impact with particular concern regarding the proposed the consistent 10-storey height on the riverside aspect with draft Development plan policy identifying 6-storeys being the appropriate maximum on the riverside side, the overall visual impact of the 35-storey tower element and the fact it is not considered to be of sufficient design quality in terms of architectural character and external finishes.

10.5.10 Conclusion on Building Height: I am satisfied that the building height proposed is acceptable in principle based on National and Local planning policy. The provision of 10-storeys along the riverfront and the provision of exceptionally tall buildings at this location are not ruled out under Development Plan policy, with this site in particular identified as an appropriate location for exceptionally tall buildings. I am satisfied that the proposed building height would be compliant with Development Plan policy. Notwithstanding such, I consider that the proposal must be assessed based on its overall visual impact/visual amenities of the area and this issue is dealt with in the following sections of this assessment.

10.5.11 Visual Impact: The application is accompanied by a number of documents that assess and illustrate the visual impact of the proposed development and include the Architectural Design Statement, Tall Buildings Statement, Visually Verified Views and as part of the Chapter 12 Townscape and Visual of the EIAR a Townscape and Landscape Visual Impact Assessment is carried out (TLVIA). The site is a low-lying flat site on the southern banks of the River Lee the area itself is predominantly low-lying and flat and dominated by former industrial/commercial brownfield sites with some amenity and recreational spaces/uses in the vicinity including Pairc Ui Caoimh, the Marina Promenade and a number of rowing clubs. The opposite side of the river to the site is characterised by more elevation with a ridge line (Montenotte/Tivoli Ridge) and landscape sloping upwards from the riverside/N8/Lower Glanmire Road and with

mainly residential uses. The photomontages are taken at various viewpoints to the north, south, east and west including the City Centre to the west (Custom House Quay and Clontarf Bridge), Middle Glanmire Road to the north, Lower Glanmire Road/the N8 and Ballintemple to the southeast as well as viewpoints in the immediate vicinity. The site is a prominent location and is highly visible due to its location along the River Lee with the development on site visible from the City Centre to the west, from opposite side of the river to the north and from routes along the river to the east.

10.5.12 20 viewpoints and accompanying photomontages have been submitted illustrating the pre-development scenario, the post development scenario as well as post development scenario that includes a rendering illustrating the block profile of the permitted development under ABP-309059-20 on the Former Ford Distribution site. As noted above the permitted scheme ranges in height from 4-14-storeys with the main benchmark height on site 11-storeys. There are other permitted developments in the area (granted since lodgement of the current application) and include smaller schemes providing for max 10-12-storeys on the site adjacent the Former Ford Distribution site (refer to Planning History section). I consider that the photomontages are adequate to assess the main views available towards the site and are a useful tool in assisting and informing an assessment of the potential effects of the proposal.

10.5.13 A number of the viewpoints were selected due to their location relative to designated views and prospects (based on those identified in the now expired 2015-2021 Development Plan and South Docks LAP 2008). These are including Landscape/Townscape Views from the Port of Cork Garden, Woodside (Tivoli), Beaumont Drive, Church Yard Lane (Ballintemple) (VP 2, 4, 16 and 17), a River prospect view from Custom House Quay (VP8) and an Approach Road View from the N8 (VP 19). The Cork City Development Plan 2022-2028 has superseded the previous Development Plan and identifies different view and prospects under Volume 2. The most relevant in relation to the application site is a Strategic Linear View from the Port of Cork to the west of the site towards the chimney of the former ESB Power Station that is to the west of the site. VP 8 of the verified views does illustrate visual impact from this location. Other views and prospects include Blackrock Castle on the southern bank of the River Lee to the east of the site, which is a Strategic Linear View The

nearest verified viewpoint to this is located to the north on the opposite side of the River on the N8, VP19. St. Lukes Cross (toll booth kiosk) located to the northwest is a Viewing Location of Liner View of Special Amenity Value. There are no viewpoints provided for such.

10.5.14 The proposed development, in particular the Block A tower element will have a substantial impact due to introducing an entirely new scale to the existing townscape character. It will introduce a dominant landmark building which will present as a key visual marker and point of emphasis being the tallest building at the centre of an area undergoing major change. This structure will also be one of the tallest structures in Cork City with only the permitted development at Custom House Quay (Granted under ABP-308596-20) taller (34 storeys with a higher ridge height than the proposal) and has yet to be constructed. There is no question that it will be a significant visual intrusion on the cityscape and be a major new element visible in views from all directions. In addition to the tower element the proposal entails the provision three other blocks with a consistent height of 10-storey on the riverside elevation that also represents a significant scale of structures that will be visible in the surrounding area and will have a significant impact visual impact.

10.5.15 I would consider that the 35-storey tower element is excessive in height and has a disproportionate visual impact when viewed in the surrounding area. I would consider that the visual impact is illustrated in the majority of visually verified views, and I would refer to VP 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15 and 20 in which this element is an overly dominant feature. I would acknowledge that the Development Plan does identify the area as one which can accommodate development of significantly increased scale, however the proposal as submitted provides for an element that is excessive in height and scale resulting in an overly obtrusive and detrimental visual impact in the surrounding area. This element would have a significant adverse impact on the visual amenities of the area, which has a distinctive character due to its location relative to the River Lee and the extensive views along the river as well from elevated lands such as the Montenotte/Tivoli Ridge to the north.

10.5.16 In addition to concerns regarding the overall visual impact of the 35-storey element, I would raise some concerns regarding the visual impact of the proposal in the context of the consistent 10-storey height of the development as it presents to riverside. Blocks B, D and F have a consistent height of 10-storey and when viewed from the surrounding area is somewhat monolithic in character and scale. The block does feature some gaps, setbacks at upper levels and variations in external materials. Notwithstanding such, I would consider that the proposal would have a disproportionate and visually obtrusive impact when viewed from a number of viewpoints in the surrounding area. I would consider that this impact is illustrated in a significant number of the visually verified views, and I would refer to VP 1, 2, 3, 4, 5, 6, 7 and 8. As noted earlier Development Plan policy does identify that scale along the riverside should generally step down to 6-storeys. Although this policy does not explicitly rule out higher than 6-storeys and there are recently constructed structures of 7-storeys at Penrose Quay and Albert Quay. I would be of the view that a 10-storey height on the riverside is a significant uplift over the 6-storeys generally permitted under Development Plan policy. Notwithstanding such, I would consider that the proposal as submitted would have a significant adverse impact on the visual amenities of the area, which has a distinctive character due to its location relative to the River Lee and the extensive views along the river as well from elevated lands such as the Montenotte/Tivoli Ridge to the north.

10.5.17 The details of the external finishes are contained within the Architectural Design Statement. The majority of the blocks on site (B, C D, E and F) feature a mainly brick finish (brown and dark grey), metal cladding on the upper floors/setback levels. The balconies feature glazed balustrades and bronze cladding details. The tower element (Block A) features similar materials to the other blocks, however such does feature a distinctive external frame consisting of a white natural stone finish that is designed to distinguish the tower element from the other blocks on site. The tower also features several pop-out windows that are framed with bronze cladding. I would be of the view that the external finishes are of an acceptable quality in terms of visual character, durability and provide a degree of variation. I would however consider that such do not counteract the concerns regarding the overall physical scale and visual impact of the proposal in the surrounding area. In relation to architectural character, I consider that

the design is contemporary and not out of keeping with the architectural character permitted in the area or recently constructed/permitted structures within the city centre of along the quays. As outlined above the issue of the physical scale of the proposal and overall visual impact is the main issue.

10.5.18 CE Report Comment: As noted earlier under building height the CE report consider that the proposal is excessive in scale and of insufficient quality in terms of design, architectural character and external finishes and would be detrimental to the visual amenities of the area.

10.5.19 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 visual amenities and unique character of the riverside setting of the proposal. 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 tall buildings 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.

10.6 Unit Mix:

10.6.1 The proposal consists of 823 apartments split into 282 no. one bed units, 414 no. two bed units (31 no. three person units and 383 no. four person units) and 127 no. three bed units. This is ratio of 34.3% one bed units, 50.3% two bed units and 15.4% 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 10.27 is to ensure that the City Docks is developed to accommodate a variety of dwelling sizes to support the development of a balanced neighbourhood. 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 11.6 is the relevant table for City Docks within which the site is located.

Table 11.6

	Min	Max	Target
Studio/PBSA	5%	15%	10%
1 Bedroom	25%	35%	30%
2 Bedroom	35%	55%	45%
3 Bedroom	15%	25%	20%
4 Bedroom/Larger	None	None	0%

The unit mix proposed meets the target levels for one (30%) and two-bed units (45%) however does not meet the target level of three-bed units with provision of 15.4% one bed units and the target level under Table 11.6 being 20%. The level of provision does fall within the minimum and maximum ranges (15-25%) for three-bed units under Table 11.6, however there needs to be clear justification for a lower level than the target value based on Development Plan policy. The proposal as it stands does not meet the requirements under the current Development Plan (2022-2028) for unit mix for the City Docks as specified under Table 11.6 and would be contrary to Objective 11.2 of the Development Plan.

10.6.3 The issue of unit mix is included under in the Material Contravention Statement as an issue which has potential to materially contravene Development Plan policy. This was in the context of the City Development plan in force at the time of lodgement (2015-2021). I would refer to section 10.13 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 11.6 being the relevant table for the City Docks area. In this case the target level of three-bed units specified under Table 11.6 is not met. I do not consider that the applicant has provided any justification for not meeting the target level of three-bed units, with Objective 11.2 stating that deviation from stated targets will only be in exceptional circumstances. In case no justification has been provided on the basis of market evidence that there is a demand/need for a specific dwelling size lower than the target specified.

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

10.6.5 Section 5.4.3.1 of the HS & HNDA relates to the City Docks (North and South) and states that it is a nationally significant regeneration project, with large amounts of developable lands adjacent to the city centre. The existing population of the City Docks according to Census 2016 is 1,169. The Cork City Development Plan 2022-2028 sets a population target of approximately 9,169 by 2028 for the City Dock, an increase of 7,502 or 450%. This equates to a housing target of approximately 3,013 units. As a result, the area will largely be defined by new development by the end of the strategy period. Cork City Council consider that approximately 85% of the new homes delivered in the City Docks will be apartments (approximately 426 per annum over the period 2022-2028).

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

10.6.7 The applicants' Planning Statement and Response to An Bord Pleanála Opinion identifies that the Cork City Development Plan 2015 (in force at the time of lodgement) does not provide an evidence based HNDA for the South Docklands to dictate the mix of units needed to accommodate future population growth in this area. It identifies that the 2016 CSO, the predominate tenure in the South Docks (Electoral Division Knockree B) is House/Bungalow which represents 88% and states that the redevelopment of the South Docklands is envisaged to provide a major mixed-use quarter. The applicants note that the proposed development aims to provide a choice of suitably sized tenure in this area that responds to changing demographics including family formations and household sizes in line with one of the NPF's core principles to 'tailor the scale and nature of future housing provision to the size and type of settlement where it planned to be located'. It is stated that the provision of smaller units will complement the existing stock of traditional low density family dwelling houses in the South Docks by providing an efficient mix of units that meet the needs of modern households. The applicants point out that 51.3% of households contain 3 + no. resident persons according to the 2016 CSO in comparison the 34 no. flat/apartment units recorded in the 2016 CSO had an average of 1.6 no. residents. In relation to unit mix in the context of the 2015-2021 Plan the applicants point to unit mix provided for under SPPR 1 of the Apartment Guidelines and the fact that permission was granted for a unit mix as per such guidelines in relation to ref no. ABP-309059 (Former Ford Distribution site).

10.6.8 Having regard to the HS & HNDA and indeed the current Development Plan (2022-2028), the site is earmarked to provide for a high 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 11.6 of the Development Plan set 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. Therefore, the proposed development would be a material contravention of Objective 11.2 *Dwelling Size Mix* and Table 11.9 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.

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

10.6.11 CE Report Comment: The CE Report indicates that a HDNA has been prepared with an evidence base for Cork City to apply its own housing mix targets. It is pointed out that dwelling size mix targets are set out in Table 11.6 of the Draft Cork City Development Plan 2022-2028 and the proposal is not compliant with such.

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 three-bed units does not meet the target for the City Docks as set out under Table 11.6 of the City Development Plan. The applicants have not provided sufficient justification for deviation from this target. The proposed development would not comply with Development Plan policy, specifically Objective 11.2 and Table 11.6 of the Cork City Development Plan 2022-2025 and would, therefore, materially contravene the Development Plan.

10.7 Residential Amenities:

10.7.1 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.

10.7.2 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.

10.7.3 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.

10.7.4 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”.

10.7.5 The applicant submitted a Daylight and Sunlight 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.

BR 209 (2011) – Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (Second Edition) and;

BS 8206-2:2008- Lighting for Buildings: Part 2: Code of Practice for Daylighting.

10.7.6 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).

10.7.7 Internal Daylight and Sunlight: Internal daylight standards has been assessed using 2 no. methods.

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 daylit living room. This guidance does not give any advice on the targets to be achieved within a combined living/kitchen/dining (LKD) layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied. In

this case the applicant has provided results which use the 1.5% living room target value for shared LKD spaces as well as the higher 2% target for kitchens.

No Sky Line is a measure of the distribution of diffuse daylight within a space. In setting a target, BR 209 outlined that “if a significant area of the working plane (normally more than 20%) lies beyond the no sky line (i.e. it receives no direct skylight) then the distribution of daylight in the room will look poor and supplementary electrical lighting will be required”.

10.7.8 The result for each block is as follows (Bedrooms 1 % target, LKD 2% and 1.5% target):

Table 2

	ADF (BR209) (2.0 LKD Target) (1.0 Bedroom Target)	ADF (BR209) (1.5LKD Target)	No Sky Line
Block A			
Bedroom (379)	95.77% Pass (363)		100% Pass (379)
LKD (172)	92.44% Pass (159)	93.02% Pass (160)	100% Pass (172)
Block B			
Bedroom (176)	90.34% Pass (159)		97.7% Pass (172)
LKD (95)	69.47% Pass (66)	75.79% Pass (72)	92.63% Pass (88)
Block C			
Bedroom (124)	100% Pass (124)		98.4% Pass (122)
LKD (75)	70.66% Pass (53)	88% Pass (66)	98.6% Pass (74)

Block D			
Bedroom (285)	87.36% Pass (249)		85.61%% Pass (244)
LKD (171)	50.29% Pass (86)	71.9% Pass (123)	90.6% Pass (155)
Block E			
Bedroom (182)	98.9% Pass (180)		92.3% Pass (168)
LKD (94)	94.7% Pass (89)	96.8% Pass (91)	92.55% Pass (87)
Block F			
Bedroom (342)	89.18% Pass (305)		79.82% Pass (273)
LKD (213)	50.7% Pass (108)	64.78% Pass (138)	77.46% Pass (165)

Table 3

Totals	ADF (BR209) (2.0 LKD Target)	ADF (BR209) (1.5 LKD Target)	ADF (BR209) (1.0 Bedroom Target)	No Sky Line
	84% Pass	89% Pass	92% Pass	91% Pass

10.7.9 Sunlight assessment of interior rooms was based on the following methodology:

Probable Annual Sunlight Hours (PASH) and Probable Winter Sunlight Hours (PWSH). A target of 25% PASH and 5% of PWSH apply under BR 209. This measure of sunlight is applied only to windows that face within 90 degrees of due south.

Table 4

Tests	100% (1262 windows)
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PASH (25%)	92% Pass (1,161 windows)
PWSH (5%)	97% Pass (1,224 windows)

10.7.10 A decision was made to provide compensatory design solutions to address the requirements of the Building Height Guidelines. A range of solutions are outlined for both individual units and the scheme as a whole. The applicant's report outlines that several of these measures apply to each individual unit which has not met the ADF and No Sky Line targets. The measures can be summarised as follows:

Floor to ceiling glazing.

Oversized units (above minimum floor areas standards).

Increased balcony size over minimum standards and repositioning to facilitate access from both living space and bedrooms.

Internal open plan design to maximise daylight penetration.

Dual aspect units and additional glazing.

Taller floor to ceiling heights at lower levels.

10.7.11 I acknowledge that the report submitted includes an assessment of ADF for combined living kitchen dining areas (LKD) at both the higher target of 2% ADF and 1.5% target for living spaces. The 2% target is more appropriate in a traditional house layout. In apartment developments, it is a significant challenge for large open plan kitchen/living/dining rooms to achieve 2% ADF, and even more so when higher density and balconies are included. Therefore, there are often challenges in urban schemes in meeting the 2% target in all instances. To do so may unduly compromise the design/streetscape quality and an alternate 1.5% target is commonly considered to be more appropriate. When the 1.5% target is applied, I note that c. 89% of all LKD spaces would comply with the targets as opposed to 84% with the higher target.

10.7.12. Accordingly, some LKD spaces would still not meet the 1.5% ADF target. However, this comprises a minor portion (c.11%) of the total spaces. Compensatory solutions have been included for all LKD spaces which do not meet the higher 2% ADF target

and I am satisfied that these measures satisfactorily address the requirements of the Apartments Guidelines and the Building Heights Guidelines. Furthermore, as previously outlined, the Apartments Guidelines, the Building Heights Guidelines, and Compact Settlement Guidelines allow for discretion in balancing daylight results against wider planning objectives. The BRE Guide itself is also intended to be interpreted flexibly and the principle of the BRE Guide are supported in the CDP.

10.7.13 Having regard to the foregoing results as outlined in the applicant's assessment; the compensatory measures within the proposed scheme; and the need to achieve wider planning objectives on this site such as regeneration and streetscape solutions; I am satisfied that the proposed daylight standards are acceptable in accordance with BRE guidance, section 28 guidance, and current City Development Plan (2022-2028) policy.

10.7.14 In relation to sunlight to amenity spaces 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 9 no. areas.

Area	% receiving 2+ hours (21 st March)
Grid 1 (North of Block A)	93%
Grid 2 (Between Blocks A, B and C)	77%
Grid 3 (Podium level Block C)	0%
Grid 4 (Between Block B and D)	98%
Grid 5 (Podium level Block D)	92%
Grid 6 (Podium level Block E)	53%
Grid 7 (Between Block D and F)	65%
Grid 8 (Podium level Block F)	95%
Grid 9 (Public open space area to west of the site)	100%

10.7.15 Having regard to the range of compensatory design measures proposed, 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 areas will meet the BRE guidelines by achieving 2 hours of sun on the ground to over 50% of the assessed area on the 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 the range of compensatory design measures and the planning policy requirements, it is my view that this approach is acceptable and provides for a development with adequate residential amenity standards in regard to daylight and sunlight.

10.7.16 CE Report Comment: The CE report considers that the internal and external daylight and sunlight standards for the proposed development to be satisfactory in the context of urban development and based on compensatory measures implemented.

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

10.7.18 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. 2020. 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”. Approximately 51% of the apartments exceed the minimum floor area standard by a minimum of 10%. 46.5% of the units are dual aspect units. SSPR 4 of the Apartment Guidelines recommend a minimum of 33% dual aspects units at central and accessible locations and 50% in the case of suburban or intermediate locations.

In this case I am satisfied the site is a central or accessible location given its context under current Development Plan (2022-2028) policy. The site is in a City – Centre (North and South Docks are grouped with City centre) under the Development Plan Density and Building Heights Strategy. The level of provision of dual aspect units is above the minimum standard of 33% recommended under the Apartment Guidelines (2020 and all subsequent updated versions). The proposal also complies with recommendations of the Apartment Guidelines (2020 and all subsequent updated versions) in terms of internal storage and units per core.

10.7.19 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 6 no. blocks with separation distances between blocks ranging from 20.95m up to 22.2m. Some of the blocks are U-shaped blocks (C, D and F) with open spaces areas at podium level and in these cases separation distances between opposing facades with such blocks ranges from 21m up to 34m. 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.

10.7.20 In this case separation distance of over 16m between all blocks as well between opposing facades within the U-shaped blocks is proposed. I am satisfied that in general separation distances and relationship between buildings would be acceptable in the context of residential amenities.

10.7.21 CE Report Comment: The CE report indicates that the development is compliant with the Apartment Guidelines in relation overall area, room size/dimensions, storage and private open space. The CE report does raise concerns regarding the level of dual aspect units and considers that on the basis of the proposal being a brownfield site an increased quantum of dual space units is merited.

10.7.22 Conclusion on Quality of Units – Floor Area/Layout/Amenity: 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.

10.7.23 Open Space/Communal Amenities: The scheme includes the provision of public open space and communal open space. The subject site is 48,591sqm in area with a net developable area of 28,055sqm. Public open space provision is 4,695sqm and consists of four areas including the largest of the four areas to the west of the site, a village plaza area located between Blocks A, B and C and two smaller area located between blocks B and D (play gardens) and D and F (passive recreation). The level of public open space is cited as being 17% of the developable site area. Communal open space provision is 5,542sqm and is dispersed throughout the 6 no. blocks. The communal open space is a mixture of podium level spaces (Blocks C, D, E and F) and roof terraces (Blocks A, C, E, D and F). Communal open space is cited as being 19% of the developable site area.

10.7.24 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 17% of the site area and is compliant with Development Plan policy. Communal Open Space standards under Appendix 1 of the Apartment guidelines yield a requirement of 5,183sqm for communal open space. The provision within the scheme is in excess of this requirement.

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

lack of provision Multi Use Green Space Areas (MUGA's) in the context of educational lands adjoining the site.

10.7.26 **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. The CE report comments on MUGA's in the context of educational lands adjoining the site is noted. In this regard I would refer to the fact that the configuration of land use zoning has changed from the previous Development Plan (2015-2021) to the current Development Plan (2022-2028) and in particular how the lands zoned for educational use interact with the site. As pointed out earlier, the land zoned for ZO12, Education, now encroaches onto the site and the proposal would materially contravene such. In this case the proposal would need to be redesigned having regard to the changes in zoning and the issue regarding open space in the context of the lands zoned for Education would need to be addressed during this fresh design approach. This is not an issue that could be dealt with by way of a condition.

10.7.27 **Wind Impacts:** The application is accompanied by a Wind Microclimate Assessment, which assesses Pedestrian Wind Comfort utilising the "Lawson Criteria" scale, which has been developed as a means of assessing the long-term suitability of urban areas for walking or sitting, accounting for both microclimatic wind effects and microclimatic air movement associated with wind forces influenced by the localised built environment forms and landscaping effects.

10.7.28 At ground level within the development, the thoroughfares and public spaces were generally deemed to be suitable for a range of activities such as dining, sitting and standing. Accelerated wind conditions are predicted in some spaces due to wind funnelling between buildings, however such is to be mitigated through provision of street furniture and landscaping features. Most of the public seating areas experience wind conditions that are comfortable for standing and short-term sitting. More robust landscaping, screens and balustrades are provided in areas such as the seating at the northeastern corner of the café at ground level of Block A, as well as taller balustrades

for the second-floor terrace on Block A and roof terraces throughout the scheme to mitigate wind conditions. The progression of future development on adjoining site with a number of permitted schemes within the vicinity including plans for future schools adjoining site will be beneficial in improving wind conditions along thoroughfares.

10.7.29 CE Report Comment: No comments were raised regarding microclimatic conditions/pedestrian comfort within the proposed development.

10.7.30 Conclusion on Wind Impacts: The application has included an analysis in accordance with the widely accepted Lawson criteria. This analysis has demonstrated results indicating that the majority of spaces within the development would be suitable for their intended uses.

10.8. **Adjoining Amenity:**

10.8.1 The site is a brownfield site is irregular in shape and was formerly in use as a fuel storage and distribution site. The site is relatively level and is generally free of structures and buildings apart from three existing industrial structures adjoining the southeast boundary of the site. In terms of adjoining uses the site is bounded to the southeast by Centre Park Road which runs east from Victoria Road / Albert Road to the Marina. There is an open drainage channel running along the inside of the frontage to Centre Park Road and a large tidal storage area along the northern boundary of the site, which features are reflective of the historic reclaimed nature of lands in this area. North of the site is the marina amenity area and associated surface car park. To the northwest of the site is the boathouse of Shandon Boat Club / Naomhoga Chorcaí. A large pylon on the southern bank of the River Lee carries a 110kv line across the western corner of the site to the former ESB power plant to the west. To the southeast of the site, across Centre Park Road is the former Ford Distribution site. Permission was granted in 2020 for a large residential scheme on that site under ref. ABP-309059-19 and work has appears to have commenced on this site. Permission was also granted for a development of 190 apartment units to the south of the site at the junction of Centre Park Road and Marquee Road under ref no. ABP-313142-22. As recent as January of this year permission was granted for a Large

Scale Residential Development (LRD) scheme on a site to the east (northeast of ABP-309059) permission has been granted for 176 apartment units under ref no. 2443472.

10.8.2 Daylight/Sunlight Overshadowing: At present there are no existing residential developments adjoining site. The submitted Daylight and Sunlight Analysis does include an assessment of the impact of the proposed scheme on both the permitted development to the southeast and the proposed development of the future school site to the southwest of the site (an indicative layout as part of the masterplan submitted with the application). This report was undertaken with regard to the Cork City County Council Planning policy and, the advice and recommendations set out in the following.

BR 209 (2011) – Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (Second Edition) and;

BS 8206-2:2008- Lighting for Buildings: Part 2: Code of Practice for Daylighting.

10.8.3 Daylight: Daylight levels within the permitted development (ABP-309059-19) has 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. The applicant's assessment includes the VSC values for permitted development to the southeast in the existing pre-development scenario and the post development scenario.

10.8.4 In the case of the permitted development the VSC results indicate that 98.5% of the windows assessed would be impacted by less than 0.8 (20%) their VSC in a scenario without the development. In the case of windows assessed where VSC levels would be more than 0.8 (20%) their former value with the proposal, 1.4% would be reduced

between 0.6-0.8 their former value and 0.1% would be reduced below 0.6 their former value.

10.8.5 Sunlight levels within the permitted development has been assessed under BRE Guidelines/BS 8206-2:2008 using Annual Probable Sunlight Hours (APSH). Section 3.2 of the BRE Guide outlines that if a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected.

This will be the case if the centre of the window:

- receives less than 25% of annual probable sunlight hours (APSH), or less than 5% of annual probable sunlight hours between 21 September and 21 March and
- receives less than 0.8 times its former sunlight hours during either period and
- has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

10.8.6 In the case of the permitted development the results for Annual Probable Sunlight Hours (APSH) are that all windows tested will experience in excess of 0.8 of their baseline value in a post development scenario. For Winter Probable Sunlight Hours (WPSH) all windows tested will experience in excess of 0.8 of their baseline value in a post development scenario.

10.8.7 The submitted report also considered potential impact on the lands zoned for Educational use adjacent the site (zoning configuration under the previous Development Plan 2015-2021). To assess impact on the future school use earmarked for the land to the southwest, the assessment uses the framework plan drawn up by the applicant which shows 4 indicative school blocks, which is illustrated in the Architectural Design Statement. Based on the indicative masterplan submitted all facades of future buildings will be unobstructed.

10.8.8 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 report provides sufficient information regarding potential impact on the permitted development to the southeast and on the opposite side of Centre Park Road, which is now under construction, to determine that the proposal would have no significant impact in terms of daylight and sunlight. In relation to future Educational uses adjoining the site, the scale of proposal does step down where it adjoins the lands earmarked Educational uses in the masterplan submitted in addition to a degree of buffering provided by the central spine road running through the site and along the northern side of the lands earmarked for Educational purposes. I am satisfied that the development as proposed is unlikely to be detrimental to daylight and sunlight levels in any future school complex provided to the southwest of the site. In relation to other adjoining lands future development on lands to the west is unlikely to be impacted due to the provision of a large area of open space to the west of the site that provides a significant buffer. There are no other adjoining sites that are likely to be subject to future development given the location of public open space to the north and northeast of the site. I am satisfied that the proposal is sufficiently removed from Shandon Boat Club and the existing public open space area to north so as to have no significant or adverse impact on the existing operation and continued enjoyment of amenities. I would also note that the proposal would have no impact on future provision of an extended walkway west along the River Lee from the existing Marina Promenade.

10.8.9 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.

10.8.10 Conclusion on Adjoining Amenity: The proposed development has sufficient regard to the amenities of adjoining properties including the permitted development to the southeast, lands earmarked for Educational purposes to the southwest (would refer to earlier section regarding zoning), future development potential of lands to the west and existing uses such as Shandon Boat Club and Marina Park.

10.9 Traffic and Transportation:

10.9.1 The application site is to be accessed by a single vehicular access off Centre Park Road and opposite the junction of the entrance to the permitted development on the site to the southeast. The vehicular access will be along an internal street (Street A) that runs between the blocks proposed. This street runs to the eastern and western side of Blocks C and E respectively and along the northern and southern facades of Blocks D and E respectively and terminates to the south of Block F and to the north of the lands (shared surface/traffic calming area) earmarked for educational uses to the southwest. Car parking is provided in 2 under podium spaces, one large car parking area under Blocks A, B, D, C and F) and 1 no. ground floor under podium parking area within Block E with 3 no. access points off Street A at Blocks C, E and F. There is provision of 10 no. external surface car parking spaces within the layout.

10.9.2 Traffic Impact: A Traffic and Transport Assessment (TTA) was submitted with the application. 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 (2025) and the Design Years (2030) using TII growth factors. Consideration is also taken of the permitted developments in the area including Marina Park, Monahan Road Extension, development on the Former Ford Distribution site (ABP-309059-20) and Former Cork Warehouse Company site (ABP-313142-22). A junction capacity analysis of a number of key junctions was carried out and include Junction 1, Centre Park Road/Marquee Road, Junction 2, Monahan Road, Junction 3, Maryville/Blackrock Road, Junction 4, Victoria Road Roundabout/signalised junction and Junction 5, Albert Road/N27 signalised junction (will be upgraded to signalise junction by 2025). The analysis indicates that the junctions currently operate within an acceptable capacity and that the proposed development will have a negligible impact on the operation of these junctions in opening year and the design year. The junction assessment shows that for the years assessed the traffic increase Junctions 1, 2 and 3 will have spare capacity during the AM and PM peaks for the open year and design year. In the case of Junctions 4 and 5 the proposal will have a minor impact on during the AM and PM of both the opening and design year with an increase in ratio of flow capacity (RFC).

10.9.3 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 in terms of being a short distance from the city centre, 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 and a Luas line that will serve the area.

10.9.4 CE Report Comment: The Traffic Regulation and Safety Engineer has noted that the results of the TTA indicate no negative traffic impact in the local area however are based on low levels of car parking as set out in the requirements of the South Docks ABTA. The development is reliant on various public transport infrastructure and active travel projects to be implemented serve the South Docklands as planned to support a low car parking provision and modal shift. It is important to that the mobility management plan presented is implemented and managed to prevent occurrence of parking overspill in the area due to the development.

10.9.5 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. I am satisfied that the entrance layout would be acceptable in the context of traffic safety providing for sufficient sightlines. The CE report comment appears to relate to car parking provisions and not road network capacity issues. I address the issue of car parking in the following sections of this assessment.

10.9.6 Car Parking: The proposal provides for 278 car parking spaces throughout the development. This includes 268 spaces provided in basement/under podium car parking areas and 10 no. surface level car parking spaces. In terms of current Development Plan policy standards, maximum standards for car parking are contained under Table 11.13. Separate standards are prescribed for the Docklands and Tivoli areas and are set down under Table 10.5. Development Plan policy (Strategic Objective 3 Transport and Mobility) states that “in locations where the highest intensity of development occurs, Cork City Council may consider an approach that caps car

parking on an area wide basis by means of Area Based Transport Assessments (ABTAs)” The City Dock Transport Strategy (section 10.76) refers to the City Docks Transport Strategy (ABTA) (2020), which is described as final draft document that acts as a development plan input study. In the context of Table 10.5 the site is within the South Docks East Parking Zone where the maximum parking standards are 1 space per 6 employees (destination parking), 0.025 per 1 bed unit and 0-0.5 per two plus bed unit. In regard to residential use the maximum standard for the proposed development is 341 spaces. Calculating the destination parking demand is not straightforward considering it is based on employee numbers.

10.9.7 Significant transport infrastructure upgrades are planned for the area. The applicant refers to the South Docklands Area Based Transport Assessment (ABTA) due to be finalised and published in 2022. It is stated that the ABTA is aligned with the provisions of Cork Metropolitan Area Transport Study (CMATS) and will inform a new LAP for the area. In addition, specific transport infrastructure projects are either at the design stage or moving towards construction, such as Monahan Road Extension, Centre Park Road Upgrade, Eastern Gateway Bridge, greenways, Bus Connects and an LRT corridor. At present the site is serviced by an hourly bus service (route 212 Horgan’s Quay to Mahon Point) with a bus stop 300 from the subject site along Centre Park Road. There is a more frequent (every 20 minutes) bus route (Route 202 and 202A Holyhill to Mahon) with the nearest bus stop 800m to the southwest.

10.9.8 SPPR 3 of the Compact Settlement Guidelines relates to car parking and states that “in city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling”. In this case the site is an area classified as City & Central Area for the purposes of density strategy as outlined above under the section relating to density. The site is in a location that is earmarked for significant development and future public transport improvements. The accessibility of the site will improve significantly. I would consider that the site is reasonably

accessible location at present with existing public transport serving the site and the site being within walking/cycling distance of the city centre.

10.9.9 I consider that it is reasonable on the basis of the location of the site, the likely timescale of building out of the scheme (10-year permission sought and phasing proposals) and the planned transport infrastructure improvements that the provision of less than the maximum standards of car parking is acceptable. It is notable that the recently permitted development under ref no. 2443472 granted within the same parking zone under Table 11.5 (South Docks East) provides 56 car parking spaces to serve 176 apartment units. Based on purely residential standards the proposed development provides for 79% (268 spaces and excluding the 10 surface level spaces) of the maximum parking standards. The recently permitted development provides 77% of the maximum parking standards under Development Plan policy in terms of residential component of the site. In addition, I would note that the proposed development provides a high level of non-residential uses that include retail, childcare neighbourhood centre uses. These uses provided as part of the development would reduce dependency on vehicular traffic. In addition, there are lands earmarked for future educational facilities in the area (notwithstanding issues regarding the configuration of zoning), which will further reduce dependency on vehicular traffic for future residents of the area. In this regard I would consider that the provision of car parking is sufficient in terms of the future residential demand on site.

10.9.10 The submitted Car Parking Management Plan indicate that all spaces within the sub-podium areas (268 no. spaces) are to be assigned to residential units. As stated earlier assessing demand in terms of commercial development is not straightforward with the standard under the Development Plan being related to number of employees. The proposal does include 10 no surface spaces (located to the east and north of Block E. These spaces are indicated in the Car Parking Strategy as being to facilitate set-down/drop off and commercial uses.

10.9.11 The level of provision for EV spaces is indicated as being on a demand basis as part of the commissioning of the sub-podium car park areas. It is indicated that the electrical design strategy will allow for up to 63 electric charging points (23% of overall provision)

with all other spaces provided with the necessary ducting to enable future conversion to EV spaces when required.

10.9.12 CE Report Comment: I would refer to CE report comment in relation to traffic impact above under section 10.7.4, which raises concerns regarding the level of parking in the context of the South Docks ABTA and that such levels are based on future provision of transport infrastructure with concerns regarding parking overspill.

10.9.13 Conclusion on Car Parking: I consider in the context of the site location relative to the city centre and future transport infrastructural upgrades that 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.

10.9.14 Integration with future Transport Infrastructure Upgrade: There are a number of planned public transport infrastructure upgrades within Cork City that will serve the area the application is located in. These include Bus Connects and Luas proposals. In terms of Bus Connects the proposed route through the Dockland from the City centre runs along Centre Park Road turns off down Marquee Road onto Monahan Road. This route does not run along the road frontage of the site as it turns off Centre Park Road but does run along the area within the applicants' ownership (area within the masterplan submitted providing for future schools). The emerging preferred route for the Luas also runs along the same route as the Bus Connect proposal. I am satisfied that the proposal as submitted would not prejudice the delivery of this infrastructure based on the proposed/preferred routes identified for such.

10.9.15 CE Report Comment: No issues are raised regarding the proposal and future public transport upgrades in the area.

10.9.16 Conclusion on integration with future Transport Infrastructure Upgrades: The proposed development will not prejudice the future delivery of planning public transport upgrades with the proposed/preferred routes of such sufficiently removed from the physical extent of the application site.

10.9.17 Cycle Parking/Infrastructure: The proposal provides for cycle parking with 1,718 cycle parking spaces at sub-podium level and a further 412 visitor cycle parking spaces at surface level. 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 850 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 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.

10.9.18 In terms of cycle infrastructure, Centre Park Road is currently laid out in a manner which provides for a two-way traffic carriageway, footpaths on each side with grass verges and existing trees and a one-way cycle path on the northern side of Centre Park Road facilitating movement in north easterly direction. The proposal entails provision of an amended layout along Centre Park Road with an increased setback of the boundary defined by the southeastern elevations of Blocks C and E with landscaped area incorporating a footpath that is setback further into the site than at present and a cycle path the links into the existing cycle path along Centre Park Road.

10.9.19 CE Report: The CE report raises no issues regarding cycle parking or infrastructure.

10.9.20 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 with the sub-podium areas 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.

10.10 Education Zoning/Provision for Schools:

10.10.1 The application site is located within the Docklands area of the city under, which it is envisaged that such lands will facilitate significant population increase as evidenced under the core strategy of the current Development Plan (2022-2028). In addition to zoning that facilitates residential and mixed-use development, there are lands zoned for Educational uses to facilitate provision of schools to serve the increased population. The application site is part of a larger landholding that includes lands zoned for Educational purposes. At the time of lodgement and under the previous Development Plan (2015-2021) the site was subject to three zonings under the 2015-2021 Development Plan, ZO16: Mixed Use Development, ZO9 Neighbourhood Centre and ZO14: Public Open Space. At the time of lodgement, the site was adjacent an area (southwest of the site) zoned ZO18 Schools that was located outside the site boundary but within the applicants' landholding. It is notable that the areas of the site zoned ZO14 Public Open Space and ZO9 Neighbourhood Centre under the 2015-2021 Plan have remained the same in nature of use, ZO15 Public Open Space and ZO8 Neighbourhood Centre under the current Development Plan (2022-2028). The ZO16: Mixed Use zoning under the 2015-2021 Development Plan has changed to a ZO2: New Residential Neighbourhoods objective under the current Development Plan (2022-2028). It is also notable that under the current Development Plan the configuration of land zoned for the purposes of education/schools has changed from previous Development Plan being adjacent the site (ZO18: Schools under the 2015-2021 Development Plan) to now encroaching on part of the site (ZO12: Education) under the current 2022-2028 Development Plan.

10.10.2 The application documents include a masterplan that includes the application in addition to the lands zoned ZO18 under the 2015-2021 Development Plan, which provides for an indicative layout facilitating 2 no. primary schools and 2 no. post-

primary schools on the lands adjoining the site. The provision is based on assessment of existing school provision to estimate future needs and in consultation with the Department of Education.

10.10.3 As outlined above the Department of Education submission has raised a number of concerns regarding the proposal. Concern is expressed about the ability to provide sufficient school places based on anticipated population and demographic demand (City Docks 25,000 population). The applicants' indicative school proposal is described in the submission as an overdevelopment in school terms (4 schools in the applicants' proposal and 3 in the case of the DOE). Future approval must not prejudice future school sites with appropriate building lines, buffering and building height adjoining the proposed school site and appropriate conditions to this effect. The submission also raises concerns that there is lack of multi-use green areas (MUGA's) within the proposed development site that would be required for school use.

10.10.4 The lands zoned for educational purposes adjoining the site under the previous Development Plan (2015-2021) now encroach onto the application site under the current Development Plan (2022-2028) and is one of three sites in the docklands area designated for future educational facilities. The actual design and provision of school facilities on these lands is a matter for the Department of Education with the masterplan submitted by the applicant an indicative layout. The issues of scale and density relative to the adjoining site and in the context of local, regional and national policy is dealt with in other sections of this report. Notwithstanding the DOE's criticism of the proposed development, the proposal has a fundamental issue concerning the updated zoning for the site under the current Development Plan (2022-2028). As outlined above the zonings that govern the site have changed and in the case of education uses, the previous ZO18 Schools zoning was outside the site boundary under the previous Development Plan. The current ZO12 Education zoning at this location encroaches onto the application site and Block F is located within the portion of land on site zoned for such. In this regard, the proposal for residential, restaurant and childcare use on this zoning do not comply with the zoning objective for the site as outlined earlier and would constitute a material contravention of the zoning objective under the Cork City Development Plan 2022-2028.

10.10.5 CE Report Comment: The CE report makes no comment regarding the educational facilities or the zoning provided for purposes at such. At the time of lodgement and the time the report was authored, the lands zoned for educational facilities were outside the boundary of the site. The issue of provision of open space/recreational areas in relation to education use on the application site was also raised and has been referred to in other sections of this assessment.

10.10.6 Conclusion: The comments of the Department of Education are noted. In terms of overall design, scale and level of provision of schools, such is a matter for the Department of Education. The onus is to ensure that the proposed development does not impinge on the future provision of educational facilities to serve what is to be an increased population at this location. As outlined above, the configuration of the zonings under the current 2022-2028 Development Plan has changed and the current Education ZO12 zoning now encroaches into the site boundary and the proposal entails provision of a residential block within such. As noted earlier this would be a material contravention of Development Plan policy and would impact on the future provision of educational facilities at this location and erode the reserve of lands earmarked for educational purposes. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

10.11 **Water Services, Drainage and Flooding:**

10.11.1 Existing surface water drainage is to the two open channels running along the northern and southeastern boundaries with an outfall to the River Lee. It is proposed to collect surface water within a new surface water drainage network. The northern channel will be reprofiled and the southern channel culverted with upgrade of the outfall. SuDs measures are to be incorporated including permeable paving, under drainage planters/tree pits, blue roofs (where feasible) and an attenuation pond.

10.11.2 Water supply is to be from existing watermain located along Centre Park Road. In relation to foul drainage existing infrastructure includes a sewer running along Centre Park Road that connects to the Atlantic Road Pumping Station to the east of the site. It

is proposed to collect foul water through a dedicated foul sewer network that will connect into the existing sewer running along Centre Park Road. Uisce Eireann have issued a Statement of Design Acceptance. The Uisce Eireann submission indicates that water connection is subject to a project upgrading water infrastructure to supply the wider South Docks area, which is currently in design and engineering stage and is estimated be completed by Q2 of 2023 (subject to change). Wastewater connection is feasible without an infrastructure upgrade by Uisce Eireann. It was recommended that permission be granted subject to conditions.

10.11.3 Flood Risk: The application is accompanied by a Site-Specific Flood Risk Assessment (SSFRA). The site is located on the southern bank of the River Lee with existing drainage channels located along the northern and southeastern boundaries that outfall to the River Lee to the northeast of the site. Historical flood events in the area identify flooding of Centre Park Road in 1999 as a result of high-water levels in the River Lee that was likely caused by backing up of drains causing surface water flooding. It is identified that there is an issue of pluvial flooding on the low-lying roads of the South Docks during heavy rainfall, coinciding with extreme tides.

10.11.4 In the case of fluvial flood risk the CFRAM flood extent maps show that a large proportion of the site is located within Flood Zone A (1–100-year undefended fluvial flood extent). The CFRAM maps indicate the site is located in a defended area due to the presence of existing polder flood defences at the Marina north of the site. The flood defences are sufficient to defend a 1 in 100-year and 1 in 1000-year flood event. Existing fluvial flood risk is considered to be low with residual risk relating to risk of failure of flood defences, which is considered to be low given the standard of defence provided. The two drainage channels at the northern and southeastern boundaries collect stormwater from the site with outfall to the River Lee. The proposal entails retention of the northern channel with upsizing of the outfall and the south channel within the site boundary will be culverted. Topographical data indicates that if the outfall became blocked and water overtopped the drainage ditch such will flow east onto Centre Park Road with flood risk from these ditches considered to be low.

10.11.5 In terms of future fluvial flood risk (mid-range scenario (MRFS)) based on potential effects of climate change, increased river flow and sea level change, the subject site is at risk of flooding with such originating west of the site as a result of overtopping of the quayside defences. The eastern part of the site is a defended area being at a higher level. In the MRFS fluvial flood risk is considered to be high. Overtopping of the polder defences to the north of the site does not occur. It is noted risk of breach or exceedance of existing polder defence increases over time in a scenario where they are not maintained.

10.11.6 In the case of tidal flood risk the CFRAM flood extent maps show that the site is within Flood Zone A (1–200 year flood extent). The CFRAM maps indicate the site is located in a defended area due to the presence of existing polder flood defences at the Marina north of the site. The site is within a defended area with flooding not likely to inundate the site. Existing tidal flood risk is considered low. In terms of future tidal flood risk (mid-range scenario (MRFS)) based on potential effects of climate change, increased river flow and sea level change, the subject site is at risk of flooding with such originating west of the site as a result of overtopping of the quayside defences. The eastern part of the site is a defended area being at a higher level. In the MRFS fluvial flood risk is considered to be high. Overtopping of the polder defences to the north of the site does not occur. It is noted risk of breach or exceedance of existing polder defence increases over time in a scenario where they are not maintained. It is also noted that future raising of perimeter polder defences should advance ahead of the pace of sea level rise.

10.11.7 In terms of groundwater flooding/seepage risk the South Docks area is historically reclaimed land. The assessment uses the Preliminary Flood Risk Assessment (PFRA) groundwater mapping, GSI mapping, the Cork South Docks Drainage and Levels Strategy (CSDDL) and review of site investigation to determine existing flood risk from groundwater. The site is made ground underlain by a gravel aquifer. It is noted that the water levels in the made ground is unaffected by the tide and is likely to be surface infiltration and water seeping up from the silt aquitard and small amount seeping through the polder. Water levels in the gravel aquifer are affected by the tide. It is stated that the level of connectivity in groundwater levels between the gravel and

made ground suggests that hydraulic continuity between the two units is limited. The layer of silt between the two units is considered to act as an aquitard, limiting movement from one body of water to the other. It is considered that providing the recommendations from the CSDDLs are implemented, groundwater flood risk to the site is considered to be low.

10.11.8 In terms of pluvial flood risk there is historic pluvial flooding of the Centre Park Road during extreme rainfall events. The site is unaffected due to being at a higher level. It is proposed under the CSDDLs to raise the level of Centre Park Road. The proposed development's surface water drainage network was designed so there is no surface flooding in a 100-year rainfall event (including an allowance for Climate Change). Future pluvial flood risk to the proposed development will be mitigated through the installation of an appropriately designed surface water drainage system (outlined in the Site Infrastructure Report) in conjunction with the adoption of finished floor levels raised above the surrounding roads will mitigate pluvial flood risk to the site to an acceptable standard. The risk of pluvial flooding to the site is considered low due to its higher elevation above the lower adjoining road network which will convey flood waters away from the site.

10.11.9 The site is defended by existing polder defences that are in generally good condition and provide a high standard of protection. Given the level of development earmarked for the Docklands and the CSDDLs, the polder defences will need to be raised to continue to provide a high level of protection as sea level rises. The applicant recognises the role of the polder defences as the primary flood risk management measure for the site however adopts a precautionary approach to the proposed development with a number of flood risk management measures, which include the following.

- Minimum floor levels based on the design water level for the River Lee on the CFRAM maps.
- Allowance for Climate Change
- Freeboard allowance of 0.3m above predicted floor levels.

- All highly vulnerable development to have a minimum finished floor level of 3.8m OD, which provides protection from 1-200 year current tidal flood event plus an allowance of 0.5, for sea level rise to the MRFS and 0.3 for freeboard.
- Where possible highly vulnerable development is to be raised even further with all highly vulnerable aspects of the development located above 5.4m OD, approx. 1 m above the long-term polder defence providing for protection for a 1-100 year tidal flood level plus an allowance of 2m (min) of sea level rise.
- Less vulnerable development (car park, commercial and retail units) to be provided at minimum finished floor level of 1.3m OD complying with the Council's advised minimum floor level for less vulnerable development. The proposed development will be protected from pluvial flooding by being elevated above existing transport corridors and above on-site storage level of the surface water drainage system.

The primary flood protection for the site is the polder defences with secondary site wide measures incorporated to further mitigate the low residual risk of overtopping or breach.

Appropriate finished floor levels taking into account the CSDDLs. Less vulnerable at 1.3m OD and Highly vulnerable at 5.4m OD.

Flood resilience strategy: For less vulnerable development including levels of utilities and electrical systems, flood resilient materials.

Flood resilience strategy: On-site flood defences Secondary line of flood defence to 1.9m OD in accordance with CSDDLs. Provision of demountable flood defences and parts of the development at 1.3m OD being surrounded by ground levels greater than 1.9m OD.

Mitigation of groundwater risk through foundation design and omitting basement structures. Piling methodology that does not create preferential flow paths of groundwater and development will not compromise aquitard layer.

Mitigation of pluvial/surface water flood risk through proposed finished floor level and surface water drainage system. Residual risk minimised by making ground levels slope away from building entrance points or elevating entrances above ground level.

Surface water drainage design.

All sewers entering the site to be sealed to prevent ingress of flooding. All air vents above secondary flood defence level of 1.9m OD.

Residual Risks

Residual risk of breach or overtopping of polder defences. This will be mitigated by adoption of a flood resilient approach or use of secondary defences along building perimeters. It will be further mitigated through implementation of an Emergency Response Plan, which is set out under section 11 of the SSFRA.

Residual risk of rainfall exceedance event. The surface water drainage system is designed to a very high standard however in event of failure such is mitigated by raising buildings above external ground levels and having ground levels which fall away from the buildings to lower levels with residual risk of surface water/pluvial flooding will be low.

10.11.10 A justification test has been carried out based on the location of the development in an area at flood risk. The justification test sets out how the site is zoned for development (Mixed-use Development, Public Open Space and Neighbourhood Centres at the time of lodgement)) satisfying Part 1 of the Justification test. The proposed development will not increase flood risk elsewhere with it noted the site is a defended area and not currently of significance in terms providing flood storage. Taken into account with the proposed surface water drainage system the proposal will not increase flood risk elsewhere (satisfying Part 2(i) of the Justification test). The proposal includes appropriate measures to minimise flood risk (satisfying Part 2(ii) of the Justification test). Site-specific mitigation measures to ensure that there is no increase in residual flood risk considering climate change (satisfying Part 2(iii) of the Justification test). The proposal addresses flood risk in a manner that is compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscape (satisfying Part 2(iv) of the Justification test). The proposal meets the criteria of the justification test in a manner that provides a mixed-use development meeting the typical standards for such. It is determined that the proposal meets the criteria of the justification test under the Planning System and Flood Risk Management.

10.11.11 The South Docks Drainage and Levels Strategy is set out under Section 10.108 of the current Development Plan (2022-2028) and is based on the Cork South Docks Drainage and Levels Strategy (CSDDL 2022). Fig 10.110 of the current Development

plan shows the South Docks Drainage Catchment with Finished Floor Levels. The site is in Area E where finished floor levels for High Vulnerable Development is 1.9m OD and Less Vulnerable Development 1.3m OD (+ Defences to 1.9m OD). The proposed development has been designed in accordance with the levels outlined within the CSDDLs, which has subsequently informed Development Plan policy. I would acknowledge that the applicant has taken a precautionary approach to the highly vulnerable development and has provided such at a much higher finished floor level than specified under the CSDDLs and Development Plan. In relation to less vulnerable development (non-residential), the applicant has included mitigation measures.

10.11.12 CE Report Comment: The CE report refers to the Infrastructure Development Directorate Report and notes no objection to the proposed development in relation to drainage infrastructure subject to conditions. In relation to flooding the Drainage Section note that the finished floor levels for highly vulnerable development on site should be 5.4m OD and above the Drainage Sections recommended level of 3.8m OD under the CSDDLs with such levels provided in the event polder defences are not raised in the future. It is noted that the same approach is not taken to less vulnerable development with a minimum floor level 1.3m OD for less vulnerable lands use with demountable flood defences and /or flood resilience being provided to a level of 1.9m OD in line with the CSDDLs. It is recommended that flood defences be provided to a level of 3.1m OD and a condition should be added to address this discrepancy and clarify the basis upon which the finished floor levels and flood defence levels for less vulnerable development have been set.

10.11.13 Conclusion on Water Services, Drainage and Flooding: The proposal is satisfactory in the context of foul drainage, water supply and surface water drainage with adequate capacity for the proposed development and the Uisce Eireann confirming that the proposal can be serviced with major infrastructural upgrade. In relation to flooding the proposed development is located in Flood Zone A in a defended area. The finished floor levels of development have been set with regard to both the provisions of the Cork South Docks Drainage and Levels Strategy (CSDDLs 2022) and the current Development Plan policy, which is informed by such. In addition to compliance with Development plan policy and the CSDDLs a number of mitigation measures are

provided in relation to flood risk. The development would be acceptable in the context of water services, drainage and flood risk.

10.12 Childcare:

10.12.1 The proposal provides for 2 no. childcare facilities on site, one each at ground floor levels of Block D and E. The application is accompanied by a Childcare Needs Assessment. These facilities provide capacity for c. 130 childcare spaces. The assessment outlines the demographic profile in the south docklands and existing distribution of childcare facilities with 3 no. facilities identified in the surrounding area. Based on the Childcare Guidelines a minimum of 20 childcare spaces based on 75 units is considered a reasonable provision. The applicant's assessment refers to the Apartment Guidelines that one-bed and studio units should not generally be considered to contribute to a requirement for childcare. It is considered that the provision of c.130 childcare spaces is adequate to meet demand based on the current demographic pattern of 5.9% of population being pre-school age a maximum of 34 no. childcare space would be required based on the quantum of three-bed units provided and a maximum of 144 when two-bed units are included. It is considered that the level provided is sufficient and taken in conjunction with existing facilities (combined capacity of 84 places) 2 no. permitted crèche facilities (capacity of 120) on the Former Ford Distribution Centre site (ABP-309059-20) and a planned facility (capacity of 45) on the Former Cork Warehouse site (ABP-313142, since granted).

10.12.2 Based on the Childcare Guidelines provisions and only two and three bed-units (541), the development has requirements of 144 spaces based on the standard of 20 spaces per 75 dwelling units. The provision of 130 is not significantly below this level and I would consider that some regard should be given to the fact the two bed apartment and three bed units are unlikely to generate a maximum childcare demand for all units. Having regard to the proposal for on-site childcare facilities taken in conjunction with existing facilities in the area and the fact that permitted/future development will provide for childcare facilities, I consider that a sufficient level of childcare has been provided on site. If the Board considers that an increased level of is merited on site, I would consider that an increased number of up to the 144 spaces could be facilitated by way of condition in the event of a grant of permission.

10.12.3 CE Report Comment: The CE report considers that at a minimum, childcare places should be provided for all the 2 and 3-bed units as per the Childcare Facilities Guidelines and would result in a requirement for a facility for 142 childcare places. It is also noted that if the scheme provided a similar level to the Centre Park SHD proposal (ABP-309059), the level of provision would be 184 spaces.

10.12.4 Conclusion on Childcare: The proposal provides for 2 no. childcare facilities and the number of places is based on an assessment of demographics and only considers the two and three-bed units within the scheme. The proposal does make consideration of existing childcare facilities in the area as well identifying that permitted developments in the area will include childcare facilities if progressed. Accordingly, I am satisfied that the childcare proposals are adequate to cater for the nature and scale of the proposed development

10.13 **Material Contravention:**

10.13.1 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 June 2022 and came into force on the 08th 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 6.6).

10.13.2 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 granting a 30-year lease for 10% of the housing units (83). The applicant proposes that Part V obligations are fulfilled through granting a 30-year lease for 10% of the housing units (83). Under the current Development Plan (2022-2028) there are objectives to comply with Part V of the Planning and Development Act, 2000 (as

mended), 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.

10.13.3 Plot Ratio: The development has a net plot ratio of 3.26 (gross 1.88). Table 10.10 of the current City Development Plan (2022-2028) indicates an Indicative Plot ratio of 2.5 for the Marina Walk/Quarter Character Area. Under Table 11.2 which is the Density and Building Height Strategy the Floor Area Ratio target for the South Docks is stated as being 4+. I would note that both Plot Ratio and Floor Area Ratio are effectively the same measurement and are calculated in a similar manner. I would consider that development plan policy allows for a plot ratio of the standard proposed and I would refer to Table 11.2 as being particularly relevant. In this regard the proposed plot ratio would not constitute a material contravention of Development Plan policy under the Cork City Development Plan 2022-2028.

10.13.4 Building Height and Tall Buildings: The proposal entails the provision of part 1 to part 35-storey structures on site. The proposal consists of 6 no. blocks, Block A is 35-storeys, Blocks B, D and F are 10-storeys and Block C and E are 6-storeys in height. Current Development Plan (2022-2028) policy includes several policies regarding Building Height and Tall Buildings. Table 11.1 outlines Density and Building Heights Strategy. In the case of the South Docks height targets are 4-storeys for the lower target and 10 for the upper target with it indicated that the South Docks is potentially suitable for exceptional tall buildings. Under section 11.50 specific sites have been identified for tall buildings with four City Docks zones identified. The application site is within the Eastern Gateway/Marina Walk/Polder Quarter Tall Building Zone/City Docks Character Area (see Figure 10.3b). In regard to Development Plan policy the general benchmark height across the site of 10-storeys is in accordance with Table 11.1 of the Development Plan, which outlines Density and Building Heights Strategy. Block A is an

exceptionally tall element and Development Plan policy does indicate that the South Docks is potentially suitable for exceptional tall buildings. Section 11.36 in relation the South Docks states that “the majority of new buildings should range generally in height from 6 to 10 storeys with exceptional opportunities for tall buildings at appropriate locations within the area. As with North Docks and the City Centre, riverside development should step down, generally to 6-storeys”.

10.13.5 In terms of Development Plan policy the proposal for a benchmark height of 10-storeys (Blocks B, D and F) across the site is in keeping with development plan policy. The provision of an exceptionally tall building of 35-storeys in the case of Block A is not ruled out with Development Plan policy indicating such would be open for consideration within the South Docks and the site is one of those locations identified as being suitable for exceptionally tall buildings. It is stated riverside development should step down, generally to 6-storeys. In this case there is no explicit preclusion under Development Plan policy on structures of the height proposed on site and I would refer to the section relation Building Height and Visual impact earlier for consideration of such. The previous Development Plan (2015-2021) did include defined Building Height restrictions, whereas the current plan does not include blanket limitations as per the policy under Urban Development and Building Height Guidelines and SPPR 1. In terms of Building Height, the proposal as submitted would not constitute a material contravention of Development Plan policy on building height.

10.13.6 Unit Mix and Household Size: The unit mix proposed is for 282 no. one-bedroom units, 414 no. two-bedroom unit and 127 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 11.6 is the relevant table for City Docks within which the site is located. The units mix proposed meet the target level for one and two bedroom apartments (30 and 45% respectively) but does not meet the target level for three bedroom units (20%) under Table 11.6. 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.

10.13.7 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 11.6 of the development plan, however I would not classify such as being a material contravention of current Development Plan (2022-2028) policy as the policy does allow for deviation from the targets within certain ranges. I would further note that the Cork City Council have recently granted permission for a Large Scale Residential development (LRD) on a site within the same area to the east of the site under ref no. 2443472 for 176 apartments with a unit mix of one, two and three bedroom units with the level of three-bed units not meeting the target level (20%) for such under Table 11.6 with a level of 18.18% of the scheme provided as three bedroom units. The Planning Report associated with this file state that "considering the location of the site in the City Docks location, and noting the existing receiving environment and permitted development, the proposed housing mix is considered acceptable". 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.

10.13.8 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 approximately 51% of the apartments exceeding the minimum floor area standard by a minimum of 10%. The proposal complies with recommendations of the Apartment Guidelines (2020 and all subsequent updated versions) in terms of dual aspect units and subsequently is compliant with current Development Plan policy with no material contravention issues in relation unit size.

10.13.9 Dual Aspect: 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”. 46.5% of the units are dual aspect units, which is above the minimum standard of 33% recommended under the Apartment Guidelines (2020 and all subsequent updated versions). The proposal also complies with recommendations of the Apartment Guidelines (2020 and all subsequent updated versions) in terms of dual aspect units and subsequently is compliant with current Development Plan (2022-2028) policy. There is no material contravention issue in this regard.

10.13.10 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.

10.13.11 Private Open Space: 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 all apartments are provided with private open space levels that are fully compliant with the standards set down under Appendix 1 of the Apartment

Guidelines. The proposal 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.

10.13.12 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), however does raise concerns regarding exceedance of 6-storey heights along the waterfront, dwelling size mix in the context of the Draft Development Plan (2022-2028) and Objective LUZO18 Public Open Space in the context of provision recreational spaces usable by future/proposed schools. It is notable that it was recommend that permission be refused based one reason and such does state that the proposal would be a material contravention of Development Plan policy.

10.13.13 Conclusion on Material Contravention: The issues raised as potential material contraventions of the Cork City Development Plan 2015-2021, which was in force at the time of lodgement, and outlined within the applicants' Material Contravention Statement would not materially contravene (apart from Unit Mix) the current Cork City Development Plan 2022-2028, which has since come into effect. This is due to the current Development Plan having regard to Section 28 Guidelines that have come into effect since the previous Development Plan including the Urban Development and Building Height Guidelines (2018) and the Sustainable Urban Housing: Design Standards for New Apartments (2020 and all subsequent versions). Notwithstanding this fact, the proposed development does represent a material contravention of zoning policy with the configurations of zonings impacting the site having changed from the previous Development Plan (2015-2021) to the current Development Plan (2022-2028) with a zoning (ZO12) in relation to Educational uses encroaching significantly onto the site and the proposal providing for non-compatible uses within this zoning (residential). This is a new issue and did not arise under the previous City Development Plan (2015-2021). I would also refer to Section 10.2 of this assessment in this regard.

The proposal also constitutes a material contravene of current Development Plan (2022-2028) policy in relation to unit mix and specifically Objective 11.2 and Table 11.6.

I would refer to Section 10.6 of this assessment under which unit mix is dealt with in detail.

10.13.14 In relation to the provision of recreational space (MUGA's) to be used by future schools adjacent the site within the area zoned public open space (ZO 15), there is no stated requirements for such indicated in the terms of the Development Plan under the relevant sections describing appropriate uses (Chapter 12) of the current Development Plan and there is no material contravention in this regard. It was not an issue raised in the context of the previous City Development Plan (2015-2021) as a material contravention issue and was not identified as such by the Council in the CE report despite raising it as an issue of concern. I would reiterate the changes to land use zoning configuration will require a significant redesign and amendment to the overall masterplan for the site.

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 004030) and Great Islands Channel SAC (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 and groundwater quality;
- The potential for operational stage impacts associated with surface water disposal;
- The flood risk associated with the site and the proposed development;
- 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 and Great Channel Islands SAC. 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)
- Great Channel Islands SAC (004030)

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 Great Channel Islands SAC, 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 and Great Channel Islands SAC.
- 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) and Great Channel Islands SAC (004030).

12.0 Environmental Impact Assessment

12.1 Statutory Provisions

12.1.1 The proposed development mainly involves the construction of 823 no. apartments and provision of commercial uses including 3 no. café/restaurants and 2 no. public houses (1,089sqm), 7 no. retail units, a convenience retail store which includes sale of alcohol for consumption off premises, a library, medical centre, pharmacy, post office and dentist (2,484sqm); and 2 no. childcare facilities (662sqm). The development will also contain supporting internal resident amenity spaces (2,760sqm) and external communal amenity spaces at podium and roof terrace levels.

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 The proposal for 823 no. residential units would exceed the 500-unit threshold and would, therefore, be a project as described at 10(b)(i) above. I also consider that the site is located within a 'business district', would exceed the 2-hectare threshold, and would, therefore, also be a project as described at 10(b)(iv) above. Accordingly, EIA is required, and an Environmental Impact Assessment Report (EIAR) has been submitted with the application.

12.2 EIA Structure

12.2.1 This section of the report comprises the EIA of the proposed development in accordance with the Planning and Development Act 2000 (as amended) and the

associated Regulations, which incorporate the European directives on EIA (Directive 2011/92/EU as amended by 2014/52/EU). It firstly assesses compliance with the requirements of Article 94 and Schedule 6 of the Planning and Development Regulations, 2001. It then provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on defined environmental parameters, having regard to the EIAR and relevant supplementary information. The assessment also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Boards decision, should they agree with the recommendation made.

12.3 Issues in Respect of EIA

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

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

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

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

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)	
Requirement	Assessment
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 4 and 5 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 7-19 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 (including the additional information referred to under section 94(b).	Each of the individual sections in the EIAR outlines the proposed mitigation and monitoring measures. They include 'designed in' measures and measures to address potential adverse effects at construction and operational stages, including a Construction and Environmental Management Plan, Construction Traffic Management Plan, an Operational Waste Management Plan, and Construction and Demolition Waste 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.
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	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

into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b).	project, alternative processes were limited to construction methods. Alternative layouts/designs were considered, mainly with regard to basement construction, 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 Board and in doing so the applicant has taken into account the potential impacts on the environment.
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).	
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	Chapter 18 of the EIAR acknowledges the need to consider the risk of major accidents and/or disasters, and outlines that relevant

vulnerability to risks of major accidents and/or disasters which are relevant to it.	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 1.5 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.
- The vulnerability of the proposed development to risks of major accidents and/or disasters.

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 16 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 16.4.2 outlines the main likely significant effects, which can be summarised as:

Social Consideration – Construction impact on existing adjoining activities and uses with the nearest residential approximately 220m to the north (north side of river) and sensitive receptors in the adjoining area with traffic, noise, vibration and dust from the construction process. With appropriate mitigation through CEMP the construction phase will have an intermittent imperceptible to slight adverse effects.

Traffic and Accessibility – Construction traffic will have to potential to impact on local transport network and disrupt existing vehicle, cycling and pedestrian movements for the construction period. With implementation of a Construction Traffic Management Plan the potential effects will be slight and temporary.

Economic Activity – 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.

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

Human Health - 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 (CEMP) and Contaminated Land Mediation Strategy (CTMP). The effects will be not significant and short term.

Cumulative impacts – The EIAR states that other projects listed in section 16.6 of the EIAR have been considered.

Construction mitigation measures are proposed in the form of a Construction Environmental Management Plan (CEMP); appointment of a Liaison Officer; and controlled working hours. Implementation of a Construction Traffic Management Plan.

Monitoring measures are also identified in Chapters 7 (Traffic and Transportation), 8 (Air Quality and Climate), and 9 (Noise and Vibration).

Operational Effects & Mitigation / Monitoring

Section 16.4.3 outlines the main likely significant effects, which can be summarised as:

Social-consideration – The proposal will bring back into use a derelict site and address housing demand. The proposal will also provide local amenity through provision of retail, restaurant and neighbourhood centre uses in addition to providing local employment. No significant adverse effects.

Traffic and Accessibility – 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.

Economic Activity – 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.

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

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

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 10.7 outlines how the proposal provides for a sufficient level of residential amenity for future residents.
- Section 10.8 outlines how the proposal is acceptable in the context of adjoining amenities in terms of form and scale.
- Sections 10.9 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

A submission from the Department of the Environment notes that the site is 2km upstream of Lough Mahon part of the Cork Harbour SPA with concern regarding impact of increased need for future flood relief works affecting natural tidal dynamics of the mudflats in the SPA, pollution due to release of contaminants during site preparation and construction, increased recreational disturbance due to increase population and need to account for the disposal of construction and demolition waste.

12.7.2 Examination, analysis and evaluation of the EIAR

Chapter 10 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.
- Bird survey.
- General mammal survey.
- Bat survey.

Surveys were carried out on the 20th July, 3rd, 15th, 24th, 23rd and 26th September 2021.

The EIAR acknowledges Natura 2000 sites, National designated sites, and Ramsar sites within 15km and outside 15km with potential for a pathway. No species of conservation importance were noted on site based on NPWS and NBDC records. The site habitats consist primarily of Buildings and Artificial Surfaces (BLE)/Recolonising bare ground (ED3) with some habitats of local importance (higher value) including dry meadows and grassy verges (GS2)/Scrub (WS1), Treelines (WL2)/Scrub (WS1), Scrub (WS1) and Drainage Ditch (FW4) (northern channel of lower importance, southern channel of higher importance). No flora species of conservation value were recorded on site. Three invasive species were recorded on site (Japanese knotweed, Buddleia, Montbretia and Winter heliotrope). The buildings on site were surveyed for suitability for bat roosts and determined to be of negligible value for such purpose. The trees on site were surveyed and are not of sufficient maturity to be suitable as roosting habitat. In terms of activity/emergence surveys, moderate level of bat activity was recorded with three species recorded (Common Pipistrelle, Soprano Pipistrelle and Leisler's Bat) with no recorded emergence from building or trees. Activity records relates to foraging and commuting along liner features along or adjacent the boundary and along the northern drainage channel. No evidence of otter recorded on site with the drainage channels considered to be presently impacted by water pollution/eutrophication and unsuitable

habitat for otters. In terms of other mammal species, the site is determined to be of negligible value for species such as Badger, Red Squirrel, Irish Hare, Irish Stoat and Sika deer. The site is considered to be suitable habitat for Hedgehog and Pygmy Shrew. The bird survey noted common bird species typical of an urban landscape. In terms of conservation species Peregrine Falcon (Annex I species) were recorded perching on site buildings, however no suitable nesting habitat for such on site. Grey Wagtail and Snipe (red list) were recorded on site with Grey Wagtail breeding within the drainage channel. Grey heron and Mallard (Amber List) were also recorded within the open drainage channels with Cormorant (Amber List) using dead trees in the open channel as perches. Black headed Gull (Amber List) were recorded overflying the site. In terms of reptiles and amphibians the site is of negligible value for species such as Common Frog or other amphibians with drainage channels subject to water pollution/eutrophication. The site is also of negligible value for Common Lizard.

Construction Impacts

The EIAR identifies the following potential Impacts:

Habitats – The proposal entails the removal of habitats including habitats of local importance (higher value include dry meadows and grassy verges GS2/Scrub WS1, Treelines WL2/Scrub WS1, Scrub WS1 and Drainage Ditch FW4. This is negative, slight and long-term effect.

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

Water Quality and Aquatic Ecology - Runoff during site works, re-profiling, dust, and localised contamination may impact on water quality due to the pathway via the surface water with drainage channels on site that outfall to the River Lee and a pathway to Cork Harbour. Impact on water quality will be negative, slight and short-term.

Air Quality – Dust generation during construction phase. There are no sensitive or high value habitats within the site or immediate proximity with effects from dust generation short-term and imperceptible.

Bats – The existing buildings and trees on site do not provide roosting habitat for bat species with their removal not significant. Removal of continuous treeline and

hedgerow along the open channel and boundaries has the potential to impact on localised connectivity for commuting/foraging bats to outside the site with a negative, slight and long-term impact. Construction lighting has potential to impact on bats foraging adjacent the site. No significant lighting disturbance is predicted due to construction hours mainly during daylight hours.

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. No significant lighting disturbance is predicted due to construction hours mainly during daylight hours.

Other Mammals – No significant loss of habitat for protected mammal species such as Hedgehog and Pygmy Shrew, however a small number of these species may be displaced during the construction phase due to habitat loss with a slight, negative, short-term effect.

Birds - Construction will result in loss of nesting/breeding habitat for common bird species. The northern drainage ditch will be maintained and continue to provide habitat for Grey Wagtail and Grey heron. Construction works will cause noise and disturbance disrupting feeding patterns with similar habitat in the vicinity to allow birds move away from disturbance. In absence of mitigation the proposal will have a negative, slight and short to medium term effect.

Other Fauna – The site is only likely to support common species. The construction impact will result in loss of habitat for such with similar habitats in the vicinity of the site. Construction impact will lead to negative, slight and short to medium term effect.

Cumulative impacts – The EIAR states that other projects listed in section 10.6 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 – The proposal entails a landscaping plan with provision of woodland planting, shrubs and grassland meadows, wetland planting and native trees along the open channel to provide replacement habitat and mitigate tree removal. Impact on habitats during operation will be negative, not significant and long-term.

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, slight and long-term at local level.

Otter – Increased human activity, noise and artificial lighting may disturb or displace 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 neutral, imperceptible and long-term. Otter. Low value of existing habitats and proposed landscaping impacts on Otter will be negative, not significant and long-term.

Birds – The proposal entails provision of landscaping to allow for common birds to recolonise the site. Bird boxes are included to provide for nesting. Impact on common bird species is predicted to be negative, slight and long-term.

Building height could potentially create a collision risk for birds. A review of bird collision risk for species of conservation interest (SCI) is included in the AA Screening and concludes that the potential collision risk for SCI species is not significant. Impact on birds species is predicted to be negative, not significant and long term at a local level.

Other Species – The newly profiled open channel and swales would provide habitat for amphibian species such as Common Frog. The landscaping proposed would provide habitat for invertebrate species and pollinator friendly species. The impact of the operational phase on other species would be negative, significant and long-term.

Cumulative – A review of other listed projects indicates that impacts would be unlikely, neutral, not significant and localised.

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 14 and 15 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 12 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 River Lee is the most sensitive element of the development. I note that Chapter 14 (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 having regard to potential flood risk impacts. 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 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, Soils, Geology and Hydrogeology. Ground investigations (August-September 2021) and Contaminated Land Assessment were carried out. Geotechnical investigation indicates that the site generally consists of a top layer of hardcore/concrete or topsoil (to 0.5m) above a layer of Made Ground (1.1 to 3.5) above a layer of probable Made Ground and then Estuarine silts and clays and the Lee valley Gravels. 1.2 to 4.6m of made ground underlain by deposits of brown boulder

clay, sand and gravel, and weathered rock over granite bedrock at a depth of 1.5 to 16.3m below ground level. Two aquifers underlie the site. The Lee Vally Gravels is a regionally important gravel aquifer, and the Cuskinny Member is part of the Balincollig groundwater body and is a locally important aquifer. Aquifer vulnerability is classed as moderate. There is evidence to suggest that the previous lands had potential for contamination with 6 of the 49 samples classified as hazardous.

Construction Impacts

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

- Mobilisation of contamination in the soil into open channels with temporary slight/moderate effect.
- Mobilisation of contamination into the Lee Valley Gravel Regionally Important Aquifer with temporary slight/moderate effect.
- Mobilisation of per- and poly-fluoroalkylated substances (PFAS) detected in water sample of southern drainage channel with temporary slight/moderate effect.
- Exposure of workers to soil and airborne contamination with temporary and negligible effect.
- Removal of soil from site or potential re-use. Removal of contaminated soil and remediation will be a major beneficial effect.
- Impact of foundations of the building by piling with temporary slight/moderate effect.
- Temporary storage of hazardous substances associated with plant equipment. With imperceptible to slight/moderate effect,
- Dewatering with localised temporary negligible effect.

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

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

- Impacts on the foundation in flow in the aquifer with a negligible permanent adverse effect.
- Reduction in recharge to the aquifer with a negligible effect; and
- Impact on site users and the environment from the retention of contaminated soils on site with a permanent negligible adverse effect.

No operational mitigation measures were identified.

Other Impacts

Cumulative – Construction impacts of adjoining developments and the potential to impact ground water levels / flow patterns. Construction soil disposal will also have impacts for landfill facilities.

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 and contamination of the River Lee.

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 a high-density 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

As outlined in section 13.7 of this report, a prescribed body submissions have raised concerns about impacts on water quality in the context of biodiversity.

12.9.2 Examination, analysis and evaluation of the EIAR

Chapter 14 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 desktop study was carried out on the local and regional surface water and drainage network and a Site-Specific Flood Risk Assessment (SSFRA) was completed. In summary, the receiving environment is described in the EIAR as follows:

Hydrology - The site adjoins the River Lee. There are two existing open channels located along the northern and southeastern boundaries that discharge to the River Lee. The site is within the Glasheen [Cork City] sub catchment (Glasheen [Cork City] SC 010). The River Lee 's Transitional WFD status is classified as 'at risk'. Cork Harbour coastal waterbody has also been classified as 'at risk'.

Surface Water Drainage - There is currently no evidence of attenuation or petrol interception on any part of the site. The existing system drains to the two drainage channels to north and southeast of the site and subsequently to the River Lee.

Flooding – As previously outlined in section 10.11 of this report, the EIAR acknowledges that the site lies within Flood Zone A.

Groundwater - The site is underlain by be two aquifers, the Lee Valley Gravels, a regionally important aquifer and the Cuskinny Member, which is a locally important aquifer. The GSI have assessed the site and area in the vicinity of the site as having moderate groundwater vulnerability.

Foul Drainage – There is a 525mm diameter foul water sewer along centre Park Road.

Construction Impacts

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

Surface water pollution through silt-laden run-off during site preparation, clearance and construction. Washing of construction vehicles and equipment and associated run-off. Spillages of fuel and oil and concrete/cement run-off. Silt-laden run-off from stored materials. Risk of spills/leaks result in surface water contamination by suspended solids and hydrocarbons. Removal of surfacing and temporary storage of contaminated material on site could facilitate mobilisation of contaminated material into the open channels. Dredging of the open channel may facilitate mobilisation of PFAS into local watercourse, the River Lee or Lee Vally Gravel aquifer. Dewatering process will have a beneficial effect as contaminated water will be diverted from flowing into the open channels to the local sewerage drainage network. All of these impacts are determined to have short term moderate negative effects.

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 flood risk; and dedicated fuel storage areas.

Operational Impacts

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

Hydrocarbons from the car park could be carried in surface water and have potential to contaminate the site's proposed surface water drainage system. This is determined to be a short-term moderate negative effect.

In relation to flooding less vulnerable development (residential) is located at a finished floor level of 5.4m OD well above the recommended 3.8m OD level and provides protection for a circa 1 in 1000 year tidal flood plus an allowance of greater than 2m sea level rise.

Mitigation measures include provision of hydrocarbon interceptors and other measure to prevent hydrocarbons entering the surrounding drainage network. Non-return valves fitted at the downstream end of the car park and grease traps installed. The Flood Risk Assessment outlines flood risk defence measures. Provision of SuDs features and

installation of a non-return valve on the proposed foul water drainage network prior to connection to existing infrastructure.

Other Effects

Cumulative Effects – Two permitted development identified in the vicinity with no significant cumulative effects identified due to implementation of standard practice measures and a CEMP.

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 10.11 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 SSFRA, and the proposed mitigation/monitoring measures in the EIAR. I acknowledge that the proposed development includes a range of SuDS and flood risk mitigation 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, measure 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 8 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 CO₂ 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 are identified in the

form of Shandon Boat Club to the north, Lee Rowing Club to the east, Marina Park to the north and Pairc Ui Caoimh to the west. Construction impacts are identified as:

Dust impact due to site earthworks, handling of construction materials, stockpiling on site, constriction traffic movements and landscaping. No significant effect on sensitive receptors is identified due to proximity of such to the site.

Potential for asbestos fibres to become airborne.

Construction traffic emission during the construction phase.

Odour issues caused by work to the existing drainage channels (dredging and reprofiling/culverting with the existing drainage channels subject to odour issues due to eutrophication and sluggish flows. A temporary moderate negative effect.

A range of mitigation/monitoring measures are proposed to include careful asbestos removal, dust/dirt suppression and monitoring, screening of works, and control of engines.

Operational Impacts

Potential impacts include operational traffic emissions.

Existing odour issues associated with drainage channels will be minimised with a long-term positive effect.

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 - Permitted developments are identified in the vicinity 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 10.9 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 17 considers impacts on material assets. Which are classified as built services and infrastructure with 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 with 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 7 deals with 'Traffic and Transportation'. The operational impacts are based on the Traffic and Transportation Assessment (TTA) as previously discussed in section 10.9 of this report, and impacts are not deemed to be significant. In terms of construction impacts, it predicts that the maximum potential construction-related vehicle area 50 HGV/LGV movement per day and 275 vehicles cater for staff and miscellaneous movements per day. The trip distribution profile for construction traffic is outlined in Table 7.13 of the EIAR. 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 a Construction Traffic Management Plan incorporated in the submitted Construction Environmental Management Plan (CEMP). Measures include staggered HGV movements to avoid queuing/disruption, provision of a Construction Mobility Management Plan, 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 10.11 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 10.9 of this report, I am satisfied that traffic levels have been adequately quantified for the baseline situation or future years. 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 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

None.

12.12.2 Examination, analysis and evaluation of the EIAR

Chapter 11 of the EIAR assesses the impact on archaeological, architectural and cultural heritage. In relation to archaeology, there are no recorded monuments on site

or within 200m of the site with the nearest being located on the opposite side of the River Lee. In terms of Architectural Heritage, the EIAR acknowledges there is an existing structure on site which is a vacant structure previously in use as part of the operation of the site as a fuel depot (part of grouping of three structures, two of which are on adjoining lands in the applicants' ownership). The site is not located in or adjacent an Architectural Conservation Area. The nearest structures of heritage value consist of a number of structures on the former Ford site to the south that are on the National Inventory of Architectural Heritage and Shandon Boat Club to the northwest of the site, which is a protected structure.

Construction Impacts

The potential to discover archaeological features during construction is acknowledged. A programme of archaeological monitoring will be carried out any archaeological features revealed will be resolved in agreement with relevant authorities. The EIAR contends that there will be no impact on any structures of architectural heritage value. The proposed development will not result in any likely significant effects on archaeological, architectural or cultural heritage resources.

Operational Impacts

There are no structures of architectural heritage value on the site and the proposal will not impact upon existing structures in the vicinity of architectural heritage value including Shandon Boat club, which is the nearest protected structure to the site, the former railway line located along Monahan Road to the south or Pairc Ui Caoimh to the west. The proposed development will not result in any likely significant effects on archaeological, architectural or cultural heritage resources.

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 accept the proposal does not entail the removal of any structures of architectural heritage value and 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 there are no significant direct, indirect, and cumulative effects on Cultural Heritage. Accordingly, I am satisfied that the proposed archaeological monitoring measures would be acceptable as mitigation.

12.12.5 Conclusion: Direct, Indirect, and Cumulative Effects

I consider that there are no significant direct, indirect and cumulative effects on Cultural Heritage.

12.13 Landscape

12.13.1 Issues Raised

CE report raises concerns regarding visual impact relation to scale of development and architectural quality and character.

12.13.2 Examination, analysis and evaluation of EIAR

Chapter 12 of the EIAR considers townscape character and visual amenity in the receiving environment. It is accompanied by a Visually Verified Views Methodology Report and assesses visual impact from 20 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. It also considers the Development Plan policy context and protected views and prospects (based on those

identified under the Cork City development 2015-2021 and South Docks LAP 2008, both of which have expired).

Construction Impacts

The EIAR acknowledges that the construction stage will involve alterations to the visual appearance of the site. Removal of existing structures on site will have a neutral effect. It states that impacts on landscape/townscape character will be slight adverse effect comparative to the existing situation. As construction continues for higher floors visual exposure will continue to be slight adverse. In the wider area (east city) construction phase will have a negligible effect until the taller elements are constructed. As higher stories are constructed, construction works will be more evident in the townscape along the River Lee corridor, however given the built environment and distance, effects would be of low magnitude and not significant. Potential significance of effects during the construction stage are summarised in Table 12.31 of the EIA and range from Minor Adverse (VP, 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 15, 17 and 20), Minor Neutral (VP 12, 13, 14 and 19) and Negligible (VP 9, 16 and 18) and classified as temporary effects.

Mitigation includes temporary hoarding screening the site, publicity material displayed on hoarding to inform the public regarding the proposed development, maintenance of lighting and lighting angled into the site to prevent nuisance in terms of the public area and adjacent carriageways. Maintenance of adjoining areas including public roads free of dust and mud and an effective litter management system to ensure a clean, tidy and presentable impact.

Operational Impacts

The EIAR considers townscape sensitivity in terms of several defined precincts/features surrounding the site. Sensitivity varies generally is classified as considered be medium with the exceptions of the Lower Glanmire Road, Custom House Quay (high), Middle Glanmire Road, Marina Park-Jetty, Beaumont Drive, Church Yard Lane and Lotaville/N8 (medium high). The magnitude of change to the townscape setting is considered major at locations such as viewpoints on the northern side of the River Lee (Lower and Middle Glanmire Road, Tivoli Ridge), along the Marina on the southern side of the River Lee and along Monahan Road and a location in Ballintemple. Magnitude of

change is considered Low from the City Centre and the viewpoints at Custom House Quay and Clontarf Bridge. Magnitude of Change is considered moderate from all other viewpoints with potential for significant impacts on higher sensitivity receptors (not including the site itself). In terms of quality of effect, the proposed development is deemed a considerable improvement on the existing site and will satisfy planning objectives and policies to redevelop the site. Furthermore, the EIAR considers that it accords with the 'Building Height Guidelines' criteria in terms of justifying increased heights at key locations and incorporating a landmark building. Consequently, the 'quality' of townscape effect is deemed to be Positive. Overall, it is not considered that there will be any significant and negative townscape impact arising from the proposed development. Visual Impacts are considered in the context of the Viewshed Reference Points as illustrated in the Verified Views. The EIAR assesses the visual effect for each viewpoint and generally does not identify any significant adverse impacts with the majority of the viewpoints having a moderate adverse significance for the operational stage (VP 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 15, 17, 20), a lesser amount having a minor neutral significance (VP 12, 13, 14 and 19) and the remaining locations having a negligible significance (VP 9, 16 and 18).

Cumulative – Cumulative visual effects will occur with addition of other developments in the vicinity. The most applicable is the permitted development (ABP-309059-20) on the Former Ford Distribution site to the southeast of the proposal. The proposal has been designed to take account of the permitted development, and the combined projects would improve the baseline ecology and environment at this location. It is concluded that the cumulative effects with the permitted development are positive.

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 to the west of the site and enhanced planting along the northern channel. 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 as an unsustainable use given its strategic importance.

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 Methodology Report in Volume 2), the Architectural Design Statement, Tall Buildings 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 10.5 of this report, I have considered the design, layout, and visual impact of the development and I consider that it would constitute an excessive height and scale of development in an inappropriate design and layout and would be seriously injurious to the landscape and townscape character of the area.

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 excessive height, scale and inappropriate design of the proposed development, which would be seriously injurious to the visual amenity and character of the area.

12.14 Vulnerability to risk of accidents and/or disasters

12.14.1 Issues raised

No issues raised.

12.14.2 Examination, analysis and evaluation of EIAR

Chapter 18 of the EIAR considers Major Accidents and Disasters. The site is not within the consultation distance from any identified Seveso sites with the nearest being a 'lower tier' operation (producer of fertilisers) 570m southwest of the site. The nearest site subject to license by the EPA is identified as the ESB Marina Generating Station to the west of the site (this is now decommissioned) with any other facilities subject to IPC

licensing outside the 2km buffer zone. The site is located outside the Outer Public Safety Zone of Cork Airport and the application is accompanied by an Aeronautical Assessment. The issue of Flood Risk is outlined in the submitted Site Specific Flood Risk Assessment accompanying the application with the site in a defended area in relation to tidal flood risk.

Construction Impacts

Potential construction impacts include contamination of waterbodies, groundwater and surface water, extreme weather events affecting infrastructure, fire/explosion, incident at nearby SEVESO sites, structural collapse and /or damage to existing structures, unplanned outages/disruption of services, vehicle collisions, release of asbestos fibres and aeronautical collision.

Mitigation measures include provision of an Aeronautical Assessment, which includes measures such as warning lights on cranes, prior notification of the IAA, Cork Airport and Cork University Hospital of crane operation

Operation Impacts

Potential operational impacts include contamination of waterbodies, groundwater and surface water, extreme weather events affecting infrastructure, fire/explosion, incident at nearby SEVESO sites, vehicle collisions on site and aeronautical collision.

Mitigation measures include provision of an Aeronautical Assessment, which includes measures such as fitting of an aviation warning lighting on Block A. Fire risk mitigation measures in compliance with Part B (Fire) of the Second Schedule to the Building Regulations 1997-2017 are provided.

Decommissioning Phase Impacts

Potential impact of the decommissioning phase includes contamination of waterbodies, groundwater and surface water, extreme weather events affecting infrastructure, fire/explosion, incident at nearby SEVESO sites, structural collapse and/or damage to existing structure, unplanned outages/disruption of services and vehicle collisions.

Other Effects

Cumulative – Permitted and proposed developments on the former Ford Distribution site and former Ford Warehouse Company site, adjacent proposed public infrastructure in the former of Marina Park Development Phase 2 and Monahan Rad Extension with no cumulative effects envisaged.

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

12.14.3 Assessment: Direct, Indirect, and Cumulative Effects

I have considered the EIAR all relevant drawings and design documentation on file, including the Site-Specific Flood Risk Assessment and would refer to Section 10.11 in my assessment. I have also carried out a site inspection and had regard to the nature of the site and the surrounding context. The main impact would be at construction stage but would not be significant having regard to mitigation measures, in particular construction management measures set out under the CEMP.

12.14.4 Conclusion: Direct, Indirect, and Cumulative Effects

I consider that there are no significant direct, indirect, and cumulative effects on vulnerability to risk of accidents and/or disasters. Accordingly, I am satisfied that the proposed measures outlined would be acceptable as mitigation.

12.15 Reasoned Conclusion

12.15.1 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, measure 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.
- Landscape: Significant changes to landscape and townscape character as a result of the excessive height, scale and inappropriate design of the proposed development, which would be seriously injurious to the character and visual amenity of the area.
- Cumulative Effects: Significant potential for cumulative effects with other permitted projects that may act in combination and/or cumulation with the proposed development has been adequately identified or assessed.

12.15.2 Having regard to the foregoing, I consider that the proposed development would result in unacceptable effects on the environment. In particular, the unacceptable effects relate to seriously injurious impacts on landscape and townscape character.

12.15.3. 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 14 below)

13.0 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.

14.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Application for permission under section 4 of the Planning and Development (Housing and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 11th of April 2022 by Tiznow Property Company Limited (Comer Group Ireland), TP Fox and Co, Leixlip, Co. Kildare.

Proposed development comprises of the following:

The proposed development comprising 823 no. apartment units in 6 no. buildings ranging in height from part-1 to part-35 no. storeys over lower ground floor level. The development will contain 282 no. 1 bedroom apartments, 414 no. 2 bedroom apartments and 127 no. 3 bedroom apartments. There is provision of ancillary commercial uses including 3 no. café/restaurants and 2 no. public houses (1,089sqm),

7 no. retail units, a convenience retail store which includes sale of alcohol for consumption off premises, a library, medical centre, pharmacy, post office and dentist (2,484sqm); and 2 no. childcare facilities (662sqm). The development will also contain supporting internal resident amenity spaces (2,760sqm) and external communal amenity spaces at podium and roof terrace levels.

Vehicular Access is to be provided off Centre Park Road a short distance to the northeast of the existing vehicular access point.

Provision of a pedestrian bridge from the Former Tedcastles Yard to the Marina including removal of 13 no. existing car parking spaces on the Marina to facilitate pedestrian connection to existing pedestrian infrastructure.

Decision

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

1. The application site is subject to four zoning objectives under the Cork City Development Plan 2022-2028, ZO 02, New Residential Neighbourhoods, ZO 08, Neighbourhood and Local Centres, ZO 12, Education and ZO 15, Public Open Space. The ZO 12, Education zoning has a stated objective “to provide for schools and educational facilities and related development”. The main purpose of this zone is to provide for the wide range of education facilities, generally comprising primary and post primary schools and third-level education facilities. Such are the only uses for consideration within this zoning apart from uses set out under ZO 8 Neighbourhood and Local centres if such lands are not required for educational purposes. The proposed development entails the provision of part of Block F on the portion of land zoned ZO 12, Education and the uses proposed are not compatible with the zoning objective. The provision of the proposed uses within the portion of the site zoned ZO 12, Education would constitute a material contravention of land use zoning policy under the Cork City Development Plan 2022-2028 and would prejudice the future provision of

educational facilities within the Cork Docklands area. 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 design, scale, bulk and mass would be visually obtrusive when viewed from various viewpoints in the immediate vicinity as well as from views city wide and the surrounding hinterland of the city. The proposed development would seriously detract from the visual amenities and character of the area, in particular the scale and design of the tower element (Block A) and the scale of riverfront development (Blocks B, D and F) when viewed from the surrounding area. The proposed development would be seriously injurious to the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Objective 11.2 Dwelling Size Mix and Table 11.6 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. No Statement of Housing Mix in accordance with Objective PO1 of the Housing Strategy and Housing Need Demand Assessment of the Supporting Studies accompanying of the Cork City Development Plan 2022-2028 has been submitted and therefore no justification has been provided in relation to the unit mix proposed. The Board is therefore not satisfied that the proposed development meets the requirements of these objectives. The development is therefore considered to materially contravene the Development Plan in relation to the provision of unit mix requirements. This issue has not been addressed in the applicant's Material Contravention Statement and the subject application, therefore, does not meet the requirements of section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). The Board, therefore, cannot invoke section 37(2)(b) of the Planning and Development Act 2000 (as amended) and is precluded from granting permission

In coming to its decision, the Board considered new policy introduced since the application was lodged, including the coming into effect of the Cork City Development Plan 2022-2028. Furthermore, the Board considered that irrespective of the introduction of new plans and the policies and objectives therein, this would have no bearing on the recommendation to refuse permission having regard to the substantive concerns regarding the nature, scale, and design of the scheme.

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

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

Colin McBride
Planning Inspector

09th May 2025

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 4.86ha gross, located at the eastern end of Centre Park Road, approx. 2km east of the city centre. This brownfield site is irregular in shape and was formerly in use as a fuel storage and distribution site. The site is relatively level and is generally free of structures and buildings apart from three existing structures located adjacent the Centre Park Road frontage and the existing entrance to the site off the public road. The site is bounded to the southeast by Centre Park Road which runs east from Victoria Road / Albert Road to the Marina. The nearest Natura 2000 sites (Cork Harbour SPA and Great Channel Islands SAC) are located c. 1.9km and c. 6.6km respectively to the east of the site. The proposed development mainly involves the construction of 823 no. apartments and 4,235 m² of non-residential gross floor space including a 3 no. café/restaurants, 2 no. public houses, 7 no. retail units, a convenience retail store, library, medical centre, pharmacy, post office, dentist, 2 no. childcare facilities. and to carry out all associated site works and servicing requirements. Surface water will pass through a SuDS management train and will be attenuated prior to discharge to the northern and southern drainage channels on site and subsequently to the River Lee. The foul sewerage will discharge to an existing foul sewer within Centre Park Road, which is connected to the Atlantic Road Pumping Station located to east 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.

The Department of Housing, Local Government and Heritage have stated that the site is 2km upstream of Lough Mahon part of the Cork Harbour SPA with concern regarding impact of increased need for future flood relief works affecting natural tidal dynamics of the mudflats in the SPA, pollution due to release of contaminants during site preparation and construction, increased recreational disturbance due to increased population and need to account for the disposal of construction and demolition waste. The Department's submission considers that NIS does fully address these issues.

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 1.9km km 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 Built Land (BL3) with other habitats such as WL2/WS2 Treelines/Scrub, FW2 Drainage Ditches and WL2 Treelines. Bird surveys were carried out for the site. The surveys revealed that 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 surrounding, together with the surveys and searches detailed by the applicant, I am satisfied that the site is not a significant ex-situ foraging or roosting site for QI species associated with any of the surrounding Natura 2000 sites.

3. European Sites at Risk

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

Table 1 European Sites at risk from Impacts of the proposed project

European Site(s)	Effect mechanism	Impact pathway/Zone of Influence	Qualifying Interest features at risk
Cork Harbour SPA (001058)	Surface/Groundwater Drainage	Discharge to open channels on site and River Lee.	Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Pintail , Shoveler , Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Common Gull, Lesser Black-backed Gull, Common Tern, Wetland and Waterbirds
	Habitat loss/deterioration	Not within/adjoining any protected habitats and not suitable ex-situ	None.
	Wastewater	Indirect pathway not considered significant.	None.

	Species disturbance	Discharge to open channels on site and River Lee.	None.
Great Channel Islands SAC (004030)	Surface/Groundwater Drainage	Discharge to open channels on site and River Lee.	Mudflats and sandflats not covered by seawater at low tide, Atlantic salt meadows
	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 and Great Channel Islands SAC. 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.

Great Channel Islands SAC stretches from Little Island to Midleton, with its southern boundary being formed by Great Island. It is an integral part of Cork Harbour which contains several other sites of conservation interest. Geologically, Cork Harbour consists of two large areas of open water in a limestone basin, separated from each other and the open sea by ridges of Old Red Sandstone. Within this system, Great Island Channel forms the eastern stretch of the river basin and, compared to the rest of Cork Harbour, is relatively undisturbed. Within the site is the estuary of the Owennacurra and Dungourney Rivers. These rivers, which flow through Midleton, provide the main source of freshwater to the North Channel.

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.

Given the proposed demolition, localised contamination on site, large scale reprofiling works, the scale of the proposed development, and the fact that the proposal entails reprofiling the north drainage channel and culverting the southern drainage channel that both discharge to the River Lee; the applicant's AA Screening considers that there is a direct hydrological

connection to the Natura 2000 sites: Cork Harbour SPA and Great Channel Islands SAC. 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'. I also consider that the same principle should apply to the possibility of construction-related groundwater contamination which could be linked to the River Lee.

Operational Stage

Surface waters will discharge to the River Lee which ultimately outfalls to Cork Harbour. 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 two Natura 2000 sites (as discussed above). It is noted that the proposed surface water drainage design is based on the Cork South Docks Drainage and Levels Strategy, 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/blue 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 drainage channels and River Lee 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 and Great Channel Islands 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.

Over 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 and Great Channel Islands 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 flood risk associated with the site and the proposed development;
- 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

12.5 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 and Great Channel Islands SAC, due to the direct pathway from the proposed works and the potential for downstream effects.

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).
- Great Channel Islands SAC (004030).

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:

Cork Harbour SPA (001058)		
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		
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
Qi – Common Term		
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
Qi - Wetlands		
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
Great Channel Islands SAC (004030)		
Qi - Mudflats and sandflats not covered by seawater at low tide		
Habitat Area	Hectares	The permanent habitat area is stable or increasing, subject to natural processes.

Community distribution	Hectares	Conserve the following community type in a natural condition: Mixed sediment to sandy mud with polychaetes and oligochaetes community complex.
Qi - Atlantic salt meadows		
Habitat Area	Hectares	Area stable or increasing, subject to natural processes, including erosion and succession.
Habitat Distribution	Occurrence	No decline or change in habitat distribution, subject to natural processes.
Physical structure: sediment supply	Presence/ absence of physical barriers	Maintain/restore natural circulation of sediments and organic matter, without any physical obstructions
Physical structure: creeks and pans	Occurrence	Maintain/restore creek and pan structure, subject to natural processes, including erosion and succession
Physical structure: flooding regime	Hectares flooded; frequency	Maintain natural tidal regime
Vegetation structure; zonation	Occurrence	Maintain range of coastal habitats including transitional zones, subject to natural processes including erosion and succession

Vegetation structure: vegetation height	Centimetres	Maintain structural variation with sward
Vegetation structure: vegetation cover	Percentage cover at representative number of monitoring stops	Maintain more than 90% area outside creeks vegetated
Vegetation composition: typical species and sub- communities	Percentage cover at a representative number of monitoring stops	Maintain range of subcommunities with typical species listed in SMP (McCorry and Ryle, 2009)
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 River Lee provides a direct hydrological pathway to the Natura 2000 sites with the potential for downstream effects on aquatic biodiversity and habitats of conservation importance, including:

- Demolition, site reprofiling, storage of topsoil or construction works in the vicinity of the River Lee or drainage channels/drains leading to the river could lead to dust, soil, pollution, or silt-laden run-off entering the river.

- Contaminated surface water run-off during construction/operation may lead to silt, cement or contaminated materials entering the river.
- On-site concrete production or cement works in the vicinity of the river/drains may contaminate the river.
- 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 river.

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 and Great Channel Islands SAC.

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 River Lee 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

- Provision of a Water Management System to avoid polluted or silt laden surface water runoff, provision of a filter drains and silt pits. Temporary stockpiles surrounded by silt fencing.
- CEMP to address flood risk, no construction materials or temporary stockpiles in flood plains or areas that impede flood flow paths.

- Dedicated fuel storage areas away from watercourses or drains.
- Compliance with best-practice guidance documents and continuous monitoring mitigation measures.
- Compliance with the CEMP to avoid discharge of silt, contaminated runoff, or hydrocarbons.
- Provision of a Water Management System to avoid polluted or silt laden surface water runoff, provision of a filter drains and silt pits. Temporary stockpiles surrounded by silt fencing.
- CEMP to address flood risk, no construction materials or temporary stockpiles in flood plains or areas that impede flood flow paths.
- Dedicated fuel storage areas away from watercourses or drains.
- Compliance with best-practice guidance documents and continuous monitoring mitigation measures.

Operational Phase

- New drainage elements will include hydrocarbon interceptors and other necessary elements to prevent discharge to surrounding drainage network.
- Non-return valves fitted downstream end of car parking areas.
- Grease traps installed.
- Flood risk mitigation measures.
- SuDs features incorporated such as permeable paving, under-drained planters/tree pits and an attenuation pond.
- Non-return valve on foul drainage network prior to connection to the existing infrastructure.

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 with secondary containment to retain at least 110% of contents.
- 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.

The Department of Housing, Local Government and Heritage submission raises concerns regarding the impact of the proposal due to being 2km upstream of Lough Mahon part of the Cork Harbour SPA with concern regarding impact of pollution due to release of contaminants during site preparation and construction, increased recreational disturbance due to increased population and need to account for the disposal of construction and demolition waste. It is considered that NIS does not fully address these issues. I am satisfied that the mitigation measures outlined in the NIS have adequate regard to the prevention of discharges of

pollution caused by contaminated soil. The application is accompanied by a Construction Environmental Management Plan (CEMP) as well as a submitted Construction and Demolition Resource Waste Management Plan and Contaminated Land Remediation Strategy. The measures in the CEMP and implementation of Construction and Demolition Resource Waste Management Plan and Contaminated Land Remediation Strategy will ensure no discharge of contaminated material into surface water and subsequent significant adverse effects on the QI's of the two Natura 2000 sites identified within the zone of influence. In regard to increased recreational disturbance, I would note that the proposal is remote from both the Natura 2000 sites identified within the zone of influence with the nearest of the designated sites 1.8km downstream. As outlined above the site is not an *ex-situ* habitat for any QI's of the Natura 2000 sites within the zone of influence and in this regard I would consider that increased recreational disturbance at this location would have no significant or adverse effects on the QI's of the two Natura 2000 sites within the zone of influence of the project. Notwithstanding such the environmental effects of the proposal in context of local biodiversity is dealt under the chapter Environmental Impact Assessment.

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
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ABP-313142-22	Former Cork Warehouse Company Site at junction of Centre Park Road and Marquee Road to the south of the site.	190 Apartments and associated site works
ABP-309059-20	Former Ford Distribution Site to southeast of Centre Park Road and to the southeast of the site.	1,002 Apartments, Childcare facility 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.

The Department of Housing, Local Government and Heritage submission raises concerns regarding the impact of the proposal due to being 2km upstream of Lough Mahon part of the Cork Harbour SPA with concern regarding impact of increased need for future flood relief works affecting natural tidal dynamics of the mudflats in the SPA. The current proposal relates to development on the application site, which is currently defended by existing polder defences. The proposal does not entail any alteration to existing polder defences as part of the application and such are outside of the applicants' control. There is a possibility that such flood defences will need to be increased in the future in response to future sea level rise and that the area in which the application sits is a location that would depend on such. I would note that in event that such Flood Defences are upgrade that such would be subject to a consent process with a requirement to carry out Appropriate Assessment in relation to any such project. In this regard I am satisfied that this is not issue that requires to be resolved as part of the Appropriate Assessment of the proposed project.

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 and Great Channel Islands SAC 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 and Great Channel Islands SAC, 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 and Great Channel Islands SAC.
- 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 and Great Channel Islands SAC.