



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314420-22

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<b>Development</b>	Construction of a hotel and office development. A Natura Impact Statement (NIS) is included with the application.
<b>Location</b>	Jacobs Island, Ballinure, Mahon, Co. Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2240809
<b>Applicant(s)</b>	Hibernia Star Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Transport Infrastructure Ireland (TII)
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	September 04 <sup>th</sup> , 2023
<b>Inspector</b>	Lorraine Dockery

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## 1.0 Site Location and Description

- 1.1. Jacobs Island is located between the N40 Cork City Ring Road and the Douglas River, Cork city. The only vehicular access to Jacob's Island is via the Mahon Interchange on the N40. The area has undergone quite significant redevelopment in recent times with a number of residential developments permitted since the construction of the N40. Two pedestrian/cycleway greenways traverse the island.
- 1.2. The subject site, which has a stated area of 1.42 hectares, is located on the northern side of Jacobs Island. It adjoins the N40 and the main access road onto Jacobs Island.
- 1.3. The site is currently undeveloped.

## 2.0 Proposed Development

- 2.1. Permission for a hotel and office development to be constructed in two buildings, together with all ancillary site development works. The following table sets out some of the key elements of the proposed scheme:

Table 1: Key Figures of Overall Development

<b>Site Area</b>	1.42 hectares
<b>Proposal</b>	Hotel- 165 bedrooms and associated facilities Office- 10,632 m <sup>2</sup> GFA
<b>Demolition Works</b>	-
<b>Height</b>	Hotel- 1-10 storeys Office- 4-7 storeys
<b>Public Open Space Provision (stated)</b>	4.2%
<b>Parking</b>	Hotel- 98 car spaces Office- 103 car spaces 158 bicycle spaces (42 for hotel; 116 for office)

<b>Access</b>	Vehicular access from existing Jacob's Island road junction, located to E of site. Accessed via signalised junction with Mahon Interchange at N40
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2.2. A Natura Impact Statement (NIS) was submitted with the application.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Permission GRANTED subject to 25 no. conditions

Further Information was requested by the planning authority in relation to block design, effects on environment, updated Appropriate Assessment, visual impact assessment, public open space provision, traffic and transport matters and fire matters.

As per the grant of permission:

Condition No. 7 states that the total car parking supply on the site shall not exceed 153 car parking spaces for the full development (of which 70 spaces are to be allocated to the office development and 83 spaces to the hotel) while a minimum of 158 cycle parking spaces are to be provided, (of which 116 are to be allocated to the office element and 42 to the hotel element).

Condition No. 22 relates to the upgrade or provide new pedestrian/cyclist crossing facilities from the external internal access to the Passage Greenway via the Lough Mahon walkway and also measures required to substantially enhance priority and routing for pedestrians from the development to the Mahon Shopping Centre.

#### 3.2. **Planning Authority Reports**

##### 3.2.1. Planning Reports

- Reflects decision of planning authority; recommends a grant of permission

##### 3.2.2. Other Technical Reports

Environment Report: No objections, subject to conditions (report dated 11/07/2022)

Drainage Report: No objections, subject to conditions (report dated 08/03/2022)

Traffic: Regulation and Safety Report: No objections, subject to condition (report dated 25/07/22)

Urban Roads & Street Design (Planning) Report: No objections, subject to conditions (report dated 14/07/2022)

Infrastructure Development Report: No objections, subject to conditions (report dated 25/07/2022)

Archaeology Department: No objections (report dated 09/03/2022)

Chief Fire Officer: Consultation recommended (report dated 17/02/2022)

Contributions Report: No objections, subject to conditions (report dated 29/07/2022)

### 3.3. **Prescribed Bodies**

Uisce Eireann: No objections, subject to conditions

Irish Aviation Authority- condition recommended

Cork Airport: No comment

Transport Infrastructure Ireland: The proposed development is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), for the following reason:

- Official policy in relation to development involving access to national roads and development along such roads is set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January, 2012). Section 2.7 of the DoECLG Guidelines concerns development at National Road Interchanges or Junctions. The proposal, if approved, would create an adverse impact on the national road and associated junction and would, in the Authority's opinion, be at variance with the foregoing national policy (report dated 17/02/2022).

A subsequent report was received from TII (dated 26/07/2022) which states that it remains their opinion that the constraints and strategic issues highlighted with application ABP-301991-18 with regards to impacts on N40 and associated interchange still remain. Advises that the terms and conditions of that planning permission require mitigations to be addressed which in TII's opinion have not been addressed by this proposal. Further reiterates concerns previously stated in report of 17/02/2022.

Inland Fisheries Ireland: Requests clarification from Uisce Eireann that there is sufficient capacity in existence to accommodate the proposed development

### 3.4. **Third Party Observations**

A number of observations were received by the planning authority raising concerns in relation to the proposed development including concerns relating to residential amenity; urban design; traffic and transport matters; environmental and procedural matters.

## 4.0 **Planning History**

There is quite a protracted planning history for this area and I refer the Board to section 3.0 of the Planner's Report in this regard. The most recent relevant history is as follows:

PL28.232275 (07/32686)

Permission GRANTED for mixed use development. 284 no. apartments, hotel, convenience store, cafe, medical unit, dentist, crèche, parking and all associated works

24611/00

Permission GRANTED for a 9,290m<sup>2</sup> trade centre and 150 bedroom hotel

Nearby Sites

ABP-310991-18

Permission GRANTED for a strategic housing development consisting of 413 no. apartments with ancillary tenant amenity facilities, neighbourhood centre consisting

of a crèche and three no. retail units, landscaping, road improvement works, substation and all ancillary site development works. The proposed development represents an alteration of the scheme permitted by planning reference number: T.P.00/24609 which included eight number apartment blocks (Blocks 1, 2, 5 and 6 constructed to date).

#### ABP-310378-18

Permission GRANTED for amendments to previously permitted strategic housing development reference ABP-301991-18 to increase the number of units from 413 no. units to 437 no. units and amendments to Blocks 4, 7, 8, 9 and 10.

#### ABP-313919-22

SHD application for 498 no. apartments, crèche and associated site works (same applicant). Decision pending.

## 5.0 **Policy Context**

### 5.1 National Planning Policy

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Housing For All
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Childcare Facilities – Guidelines for Planning Authorities

- Climate Action Plan
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities
- Spatial Planning and National Roads, Guidelines for Planning Authorities (January 2012)

Other policy documents of note:

- National Planning Framework

Objective 27

...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.

Regional Planning Policy

- Regional Spatial & Economic Strategy for the Southern Region 2019-2031
  - RPO 10: Compact Growth in Metropolitan Areas
 

To achieve compact growth, the RSES seeks to:

    - a. Prioritise housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.
    - b. Identify strategic initiatives in Local Authority Core Strategies for the MASP areas, which will achieve the compact growth targets on brownfield and infill sites at a minimum and achieve the growth targets identified in each MASP.
- Cork Metropolitan Area Transport Strategy (CMATS)
  - CMATS supports the delivery of the 2040 population growth target for the Cork Metropolitan Area. It will provide the opportunity to integrate new development at appropriate densities with high capacity public transport infrastructure in conjunction with more attractive walking and cycling networks and associated public realm improvements.
  - The strategy proposes the provision of a Light Rail Tram system for the corridor between Ballincollig and Mahon, serving CIT, CUH, UCC, Kent Station, Docklands and Mahon Point. This meets the long-term objective for



the CMA for the development of an east-west mass transit, rapid transport corridor

- Cork Metropolitan Area Strategic Plan (MASP)
  - This is a high level and long term strategic vision to identify critical priorities for the sequencing and delivery of growth that supports the core city area.
  - Policy Objective 8; Key Transport Objectives (subject to the recommendations of Cork Metropolitan Area Transport Strategy).

## 5.2 Local Planning Policy

The Cork City Development Plan 2022-2028 is the operative City Development Plan.

### Zoning:

ZO 04: Mixed Use Development which seeks 'To provide and promote a mix of residential and other uses to ensure the creation of a vibrant and sustainable urban area'.

This zoning objective facilitates the development of a dynamic mix of uses which will interact with each other creating a vibrant urban area with residential, employment and other uses.

'General Office' and 'Hotel' are permissible uses

11.175 Office/Business and Technology Proposals

### Objective 4.8 Mitigation of Adverse Impacts on Strategic Roads

To safeguard the carrying capacity, operational efficiency and safety of strategic national roads and to require development proposals that would materially impact the capacity of the strategic national road network to mitigate any adverse effects of their development on transport systems and/or infrastructure and make reasonable contributions towards the costs of any required mitigation, alterations or capacity enhancement works to transport systems and/or infrastructure as required.

### Objective 10.90 Jacobs Island

To provide for mixed use development ranging in height from 4 to 10 storeys on Jacob's Island to accommodate the mix of uses set out under the ZO 4 Mixed Use Development Zoning Objective to include a hotel and up to 20,000 square metres of business and technology office use.

## Core Bus Corridor (CBC) 11 Jacobs Island to City Centre via Ballinlough

### Car parking Zones- Zone 2

Parking Zone 2 reflects areas that are or will be accessible to mass transit alongside public transportation corridors... includes City Suburbs which have good public transport frequencies including...Jacobs Island and nearby employment lands

### **5.3 Natural Heritage Designations**

The nearest designated site is Cork Harbour SPA (Site Code 004030), located approximately 200m distant.

### **5.4 EIA Screening**

5.4.1 An EIA Screening Report was submitted with the application, which includes a Schedule 7 Screening Summary. This report concludes that based on the information provided in accordance with Annex IIA and Annex III of the 2014 Directive, that a sub-threshold EIA is not required for the proposed development, as adequate measures are in place to avoid, reduce or mitigate likely impacts, such that neither the construction nor operational phase of the overall development will have a significant negative impact on the environment.

5.4.2 Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **5.5 Appropriate Assessment**

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

- 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 each European site

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

5.5.2 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).

5.5.3 An Appropriate Assessment Screening Report and Natura Impact Statement were submitted with the application. Further Information was also submitted by the applicants in this regard to the planning authority. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. The information contained within the submitted reports is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development. The screening is supported by associated reports.

5.5.4 The AA Screening Report concludes that it cannot be excluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of the objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, would be likely to have a significant effect on the Great Island Channel SAC and the Cork Harbour SPA. As a result, Stage Two Appropriate Assessment is required.

#### Appropriate Assessment Screening

5.5.5 The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

5.5.6 The proposed development is examined in relation to any possible interaction with European sites, namely designated Special Conservation Areas (SAC) and Special

Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

- 5.5.7 The proposal comprises permission for a 165 bed hotel and office development to be constructed in two buildings up to 10 storeys in height, together with all ancillary site development works, on a site area of 1.42 hectares. The site fronts onto the N40 South Link Road. The site comprises areas of scrub and spoil ground surrounded by residential developments and the N40. The surface water and wastewater network for the entire Jacobs Island development was completed as part of the original works and the infrastructure was designed for all future development. The surface water sewer outfalls directly into the Lough Mahon Estuary via a non-return valve. SuDS measures are proposed. The wastewater sewer is completely separate to the surface water network throughout the site. A full network of water supply services has been completed throughout the Jacobs Island development and has been taken in charge by the local authority. In terms of flood risk, the proposal is classed as 'less vulnerable development' and is located within Flood Zone C. A justification test is not required. The planning authority have not raised concern in this regard. Uisce Eireann has issued a Confirmation of Feasibility that specifies wastewater connection is feasible subject to upgrades. The number of units has increased since that CoF issued so it is calculated based on greater amount of flow.

#### Designated Sites and Zone of Impact

- 5.5.8 A potential zone of influence has been established having regard to the location of a European site, the Qualifying Interests (QIs) and SCIs of the sites and their potential mobility outside that European site, the source-pathway-receptor model and potential environment effects of the proposed project.
- 5.5.9 The subject site is not located within any designated European site. The applicants list all SACs within a 15km radius in Table 5.1 and all SPAs within a 15km radius within Table 5.3. All designated sites are screened out, aside from the two sites listed below which are considered to be located within the potential zone of impact. I would concur with this opinion of the applicant. See below:

Table 2:

<b>Site Name and Code</b> <b>Qualifying Interests/SCI</b> <b>Conservation Objectives</b>	<b>Distance</b> <b>from Dev</b> <b>Site</b>	<b>Screening Comment in submitted AA</b> <b>Screening Report</b>
<p><b>Great Island Channel SAC (Site Code 001058)</b></p> <p><u>Qualifying Interests/SCI</u></p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Atlantic salt meadows</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitat for which the SAC has been selected.</p>	<p>3.8km east</p>	<p><b>The applicants consider that Great Island Channel SAC (Site Code 001058) requires further consideration.</b></p> <p><b>I would concur.</b></p>
<p><b>Cork Harbour SPA (Site Code 004030)</b></p> <p><u>Qualifying Interests/SCI</u></p> <p>A004 Little Grebe Tachybaptus ruficollis</p> <p>A005 Great Crested Grebe Podiceps cristatus</p> <p>A017 Cormorant Phalacrocorax carbo</p> <p>A028 Grey Heron Ardea cinerea</p> <p>A048 Shelduck Tadorna tadorna</p> <p>A050 Wigeon Anas penelope</p> <p>A052 Teal Anas crecca</p>	<p>3.8km east</p>	<p><b>The applicants consider that Great Island Channel SAC (Site Code 001058) requires further consideration.</b></p> <p><b>I would concur.</b></p>

<p>A054 Pintail <i>Anas acuta</i></p> <p>A056 Shoveler <i>Anas clypeata</i></p> <p>A069 Red-breasted Merganser <i>Mergus serrator</i></p> <p>A130 Oystercatcher <i>Haematopus ostralegus</i></p> <p>A140 Golden Plover <i>Pluvialis apricaria</i></p> <p>A141 Grey Plover <i>Pluvialis squatarola</i></p> <p>A142 Lapwing <i>Vanellus vanellus</i></p> <p>A149 Dunlin <i>Calidris alpina alpina</i></p> <p>A156 Black-tailed Godwit <i>Limosa limosa</i></p> <p>A157 Bar-tailed Godwit <i>Limosa lapponica</i></p> <p>A160 Curlew <i>Numenius arquata</i></p> <p>A162 Redshank <i>Tringa totanus</i></p> <p>A179 Black-headed Gull <i>Chroicocephalus ridibundus</i></p> <p>A182 Common Gull <i>Larus canus</i></p> <p>A183 Lesser Black-backed Gull <i>Larus fuscus</i></p> <p>A193 Common Tern <i>Sterna hirund</i></p> <p><u>Conservation Objective:</u></p>		
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To maintain the favourable conservation condition of the bird species as SCI for this SPA.		
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Direct/Indirect Impacts

- 5.5.10 The proposed development does not lie within any European designated sites. However, the proposed project is hydrologically linked to Cork Harbour SPA and to Great Island Channel SAC and therefore, following a precautionary approach, a potential hydrological pathway for indirect effects was identified in relation to QIs associated with Cork Harbour SPA and Great Island Channel SAC. The potential for cumulative effects resulting from the proposed development when considered in combination with other plans and projects cannot be discounted at the screening stage and the potential cumulative impacts arising as between the proposed development and other plans and projects are required to be considered as part of a Stage 2 Appropriate Assessment.
- 5.5.11 I have examined all of the information before me. In terms of the designated sites screened out, I note the nature and scale of development proposed on a brownfield site, connected to mains drainage. I note the distance involved to many of these designated sites. I am of the opinion that the risk of contamination of any watercourse or groundwater is extremely low, and even in the event of an unlikely pollution incident significant enough to impact upon surface water quality on the proposed project site, this would not be perceptible in the European sites screened out above, given the distance involved, the occurrence of significant levels of dilution and mixing of surface and sea water and the fact that the construction phase would occur over a relatively short phase, with no possibility of long-term impacts. I note the construction practices proposed. In my mind they are not mitigation measures but constitute a standard established approach to construction works on such lands. Their implementation would be necessary for a development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission. In any event, if these

practices were not applied or were applied and failed, I am still satisfied that there would unlikely be significant effects on these designated sites due to the nature and scale of the development proposed, dilution effects, separation distances and the extent of intervening urban environment, together with the conservation objectives of the designated sites.

Screening Determination

5.5.12 The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) that significant effect on two European Sites in view of the Conservation Objectives of those sites could not be ruled out, and Appropriate Assessment is therefore required for the following:

Table 3:

Site Name	Site Code	Distance
Great Island Channel SAC	001058	3.8km east
Cork Harbour SPA	004030	150-200m

5.5.13 The proposed development does not occur within or directly adjacent to either of these designated sites and there will be no direct impacts, such as habitat loss or modification as a result of this proposed development. Indirect impacts relate to relate to surface and ground water run-off during construction and operational phase; damage through discharge of treated foul effluent; indirect impact from spread of invasive species. In terms of the SPA, in addition to the above, there is also potential disturbance of birds using the estuary.

5.5.14 The possibility of significant effects on all other European sites has been excluded on the basis of objective information. I have screened out all other European sites for the need for appropriate assessment, based on a combination of factors including the intervening minimum distances, the marine buffer/dilution factor and the lack of suitable habitat for a number of qualifying interests of SPAs within or within close proximity to the proposed development (as applicable). I am satisfied that there is no potential for likely significant effects on these screened out sites.



5.5.15 Measures intended to reduce or avoid significant effects on European sites have not been considered in the screening process.

5.5.16 I confirm that the sites screened in for appropriate assessment are included in the NIS prepared by the project proponent.

Stage 2- Appropriate Assessment

Introduction

5.5.17 The application included a NIS for the proposed development at Jacobs Island, Co. Cork. The NIS provides a description of the project and the existing environment. It also provides a background on the screening process and examines and assesses potential adverse effects of the proposed development on a number of European Sites (identified above). Potential impacts arising from the construction and operational phases are outlined in section 6.1 and 6.2 respectively. Details of mitigation measures are outlined in section 6.3. In combination effects are examined within section 6.5 and it is concluded that significant in combination effects of the proposed project with other projects and plans are not likely.

5.5.18 The NIS concludes that with the implementation of the mitigation measures included in the design of the development and the implementation of preventative measures during the construction and operational phases there is no reasonable scientific doubt remaining as to the absence of adverse effects on the constitutive characteristics of the Great Island Channel SAC and Cork Harbour SPA, alone or in combination with other plans and projects.

5.5.19 By applying a precautionary principle and on the basis of objective information, it is my opinion, that the designated sites in closest proximity to the development site, require further consideration only. Based on the above and taking a precautionary approach, I consider that it is not possible to exclude that the proposed development, individually or in combination with other plans or projects, will have a likely significant effect on the following sites:

Table 4:

Site Name	Site Code	Distance
Great Island Channel SAC	001058	3.8km east
Cork Harbour SPA	004030	150-200m

5.5.20 Having reviewed the documentation available to me, submissions and consultations, I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of the two European sites listed above, alone or in combination with other plans and projects.

Appropriate Assessment of implications of the proposed development on each European Site

5.5.21 The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the two 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.

5.5.22 I have relied on the following guidance:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009);
- 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 (2002);
- Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011);
- Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

5.5.23 A description of the two designated sites and their Conservation Objectives and Qualifying Interests, including any relevant attributes and targets, are set out in the NIS and outlined above as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website ([www.npws.ie](http://www.npws.ie)).

Appropriate Assessment of implications of the proposed development on each European Site

Special Areas of Conservation- Great Island Channel SAC

5.5.24 There will be no direct impacts on any SAC site as a result of the proposed development as the development is located wholly outside of any European Site.

Table 5:

Designated Site	Qualifying Interests	Conservation Objective (favourable status)
Great Island Channel SAC	Mudflats and sandflats not covered by seawater at low tide  Atlantic salt meadows	Maintain  Restore

5.5.25 Surface waters from the site discharge to Lough Mahon and accordingly there is a hydrological link between the development site and the European sites in Cork Harbour. Given the distance between the site and the outfall point from Jacobs Island (c. 3.8km) it is not likely that any pollution event at the development site could result in significant impacts on the SAC. A number of measures will be implemented in order to ensure that there are no adverse effects arising from the proposed development on the SAC. A construction compound will be established, which will not be located in proximity to any drains or surface water features hydrocarbon interceptors will be provided and other SuDS measures are also proposed.

5.5.26 In terms of potential indirect impacts via groundwater during construction and operational phases, it is acknowledged that excavation works on site can interact with groundwater and has the potential to expose groundwater to contamination. Given site levels, and that much of site is characterised by made ground, works are not anticipated to have significant effects on ground water and will not negatively impact on water quality within the Great Channel SAC nor impact, directly or indirectly on any habitats or species listed as features of interest for the SAC. Mitigation measures are proposed.

5.5.27 In terms of potential indirect impacts through the discharge of treated foul effluent, the proposal will connect to the mains system. It is noted that Uisce Eireann have issued a CoF that specifies that wastewater connection is feasible subject to upgrades. Also noted that the CoF provided by Uisce Eireann is provided for a calculated greater flow than the proposed development. All works will be undertaken in accordance with Uisce Eireann standard details and codes of practice. It is not

anticipated that operational discharge of foul to the existing network would result in any adverse effects on the Great Island Channel SAC.

5.5.28 No invasive species, listed on the 3<sup>rd</sup> Schedule of S.I. 477/2011 have been recorded on site. Japanese Knotweed and Bohemian Knotweed have been recorded on adjoining lands and specialists have been employed to carry treatment of same.

5.5.29 Mitigation measures have been outlined in section 6.3. A Construction and Environmental Management Plan has been prepared. Controlled surface water runoff procedures will be implemented; materials will be properly stored on site; trial holes will be dug to establish ground water levels.

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

Special Protection Areas (SPAs) - Cork Harbour SPA

5.5.31 The proposed development site is wholly located outside of this European site and as outlined for the SAC site above, there will be no direct impacts, either habitat loss or modification on any SPA sites. The site is screened by existing residential development, landscaping and the Greenway from Cork Harbour. Thus, there will be no direct impact to the wetland habitats for which this SPA has been designated.

Table 6:

Designated Site	Qualifying Interests	Conservation Objective (favourable status)
Cork Harbour SPA	Little Grebe Great Crested Grebe Cormorant Grey Heron Shelduck Wigeon Teal	To maintain the favourable conservation status of all species listed

	Pintail	
	Shoveler	
	Red-breasted Merganser	
	Oystercatcher A140 Golden Plover	
	Grey Plover	
	Lapwing	
	Dunlin	
	Black-tailed Godwit	
	Bar-tailed Godwit	
	Curlew	
	Redshank	
	Black-headed Gull	
	Common Gull	
	Atlantic salt meadows	

5.5.32 In terms of feeding birds, which are qualifying Interests of Cork Harbour SPA, Jacobs Island does not support habitat suitable for use by field feeding species, which is largely dominated by scrub. Ex-situ impacts on field feeding birds, which are Qualifying Interests for adjoining Cork Harbour SPA are not anticipated.

5.5.33 Potential indirect impacts via surface water runoff and groundwater during the construction and operational phase is similar to that outlined above for the SAC. The matter of invasive species has been addressed above and I refer the Board to same.

5.5.34 In terms of disturbance of birds using the estuary, it is noted that the proposed development site does not adjoin the estuary; there is no direct overlap with Cork Harbour SPA and habitats within it and there is no direct overlap with either the intertidal habitats adjoining Jacobs Island or the coastal lagoon within the SPA. None of the recorded roost sites, such as in the lagoon, are adjoined by the proposed works. The nearest nesting site for the Common tern is greater than 4km from the development site. Works on this development site are considered to be too

far from the nesting raft to cause disturbance to nesting birds and Common Tern frequently feed in subtidal waters adjoining urbanised environments.

- 5.5.35 As noted above, the proposed development site adjoins the N40 side of Jacobs Island, it is screened from the estuary by residential properties, treelines and landscaping. Birds will be visually screened from the bulk of the works, with only the upper floors becoming partially visible. Given the distance involved, they are not predicted to disturb birds using the estuary.
- 5.5.36 Construction works are likely to result in localised/temporary increase in noise levels, however the area is already exposed to ongoing daily noise given its location. Mitigation measures are proposed to avoid disturbance to residential properties which will also prevent disturbance to birds within the estuary. No such disturbance is anticipated. An addendum to the NIS was submitted as part of the Further Information request to the planning authority which deals with the matters of piling works and predicted impacts on SPA. Their response is noted and accepted. It is noted that given the location of the site, proximate to a greenway/pathway which is frequently used by walkers, joggers and dogs, waders have acclimatised to their presence. The proposed development is not anticipated to increase the number of dogs being walked along the shoreline and therefore it is not anticipated to result in an increased level of potential disturbance from dogs.
- 5.5.37 In terms of disturbance from lighting, a Lighting Plan has been prepared. This matter was also addressed in the Further Information response to the planning authority. It is not proposed to have any lighting directed onto the foreshore. Potential in ambient increases in lighting in the environs of the site is low given the screening, the existing public lighting in vicinity. Any increase in illumination is likely to be localised and that such a small increase in ambient light levels would not negatively impact upon the species for which the SPA has been designated.
- 5.5.38 Collision risk to birds has been addressed in the Further Information response to the planning authority and I am satisfied with the information.
- 5.5.39 Section 6.5 of the NIS considers the potential for cumulative effects on nearby designated sites arising in combination with other plans or projects and lists permitted developments in the area. It is not anticipated that other projects will act in-

combination with the proposed development to give rise to cumulative effects on any European sites.

#### Appropriate Assessment Conclusion

- 5.5.40 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.
- 5.5.41 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on two European Sites.
- 5.5.42 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.
- 5.5.43 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of these European Sites (Great Island Channel SAC and Cork Harbour SPA) or any other European site, in view of the site's Conservation Objectives.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the aforementioned designated sites.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of these designated sites.

## **6 The Appeal**

### **6.1 Grounds of Appeal**

- Considers proposal to be in conflict with Government objective to safeguard the strategic function of the national road network and to safeguard the investment

made in the transport network to ensure quality levels of road safety, service, accessibility and connectivity to transport users

- N40 Mahon junction is predicted to operate over capacity in future year development scenarios and it does not appear that sufficient mitigation has been provided in the application/decision of planning authority to ensure the strategic function and safety of the national road TEN-T core network is safeguarded in accordance with the provisions of official policy
- Particular concern having regard to development already permitted in Jacobs Island as well as other planned development proposals currently before ABP
- Cites European, national, regional and local policy in support of their argument
- Considers it reasonable to exercise caution in the consideration of development proposals with the potential to impact the strategic function of the national road mainline and its associated junction in accordance with European, national and regional policy
- All vehicular trips into/out of Jacobs Island must use the N40 Mahon Junction. Therefore accessibility to Jacobs Island is heavily dependent on the strategic road network continuing to perform to an efficient and safe operational standard
- Unclear if an appropriate level of assessment has been undertaken of the cumulative impacts and far-reaching mitigation measures which would be required to address adverse impacts of previously permitted proposals by ABP on the N40 mainline at this junction
- Setting of undesirable precedent for assessment of future development proposals at this location- will result in serious impact on the safety and operation of the national road which is inappropriate
- Proposal includes omission of 10m buffer strip along N40 which was previously conditioned under Reg. Ref. 07/32686
- Considers that the proposal is inconsistent with provisions of Cork City Development Plan 2022, in particular Objective 4.8
- Concerns regarding setting of precedent



- Seeks to ensure that official national objectives are not undermined and that the anticipated benefits of the investment made in the national road network are not jeopardised- notes NSO 2 of NPF (page 140) in this regard; also cites sections from National Development Plan and other national frameworks, together with extracts from Southern Regional Assembly Regional Spatial and Economic Strategy in support of their argument
- Considers that neither the proposal nor planning permission granted addresses the requirements of the statutory section 28 DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and other cited national, regional and local policy
- Considers that any decision on this proposed development requires the development of an appropriate evidence base, including mitigation measures, to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site

## 6.2 Applicant Response

A response was received on behalf of the first party, which may be summarised as follows:

- Mahon Interchange forms part of the urban network and like most urban networks, becomes congested at peak periods.
- Jacobs Island already benefits from high quality cycling, pedestrian and public transport networks and is located within an accessible urban area, as defined in national guidance
- A low car parking and high bicycle parking ratio is proposed in recognition of its strategic nature and locational attributes
- Impacts of two parking scenarios (one as proposed and one as conditioned by planning authority) on the Mahon Interchange have been comprehensively assessed in accordance with TII guidelines for TIA. In the worse-case scenario (AM peak on northern slip 2029 and 2039 with parking provision as proposed)

41% of the slip road's capacity is available and the operational efficiency of the N40 mainline is protected

- Long standing commitment to the development of this site and agreements have been reached between Cork City Council and TII regarding the upgrade of the Mahon Interchange to facilitate and promote the development of 4 opportunity sites. This is one of those opportunity sites, for which capacity was created to allow development. Applicants are now seeking to avail of some of the capacity which they previously provided
- Permission has twice previously been granted on the site, with the most recent permission being a mixed use scheme which lapsed in 2020 (PL28.232275)(858 car parking spaces). This current proposal provides for 201 car parking spaces, which together with concurrent SHD application (ABP-313919-22)(327 spaces)(decision pending) provide a total of 573 spaces or a 33% reduction in car parking spaces in comparison to that most recently permitted
- Contrary to the assertions of TII, evidence has been provided in the form of a TTA and 2 subsequent updates that the proposed development will not negatively impact on the operational efficiency of the N40
- 'Traffic and Transport Assessment Update' included which concludes that there would be no material benefit in junction operation if a lower parking provision (scenario 2) were taken forward. It also states that the results of the traffic assessment highlight an overall slight increase in queueing on the off slip roads and no impact on the N40 mainline. Proposed mode share and future transport proposals indicate improvements in Jacob's Island transport network through enhancement of public transport provision, cycling, walking and road infrastructure, which encourage a more sustainable modal share, contributing to the achievement of national and local Development Plan aspirations. This evidence supports that the proposed development will not have a detrimental impact on N40 mainline

### **6.3 Planning Authority Response**

None

## 6.4 Observations

None

## 6.5 Further Responses

A further response was received from Transport Infrastructure Ireland (TII), which may be summarised as follows:

- Position remains as set out in original appeal- reiterates original points made
- Highlights lack of consultation
- Required strategic assessments have not been updated by the City Council despite change in policy
- Seriously concerned given that all parties acknowledge that the development will further add to an existing and deteriorating traffic situation by adding further levels of a traffic to a junction that is already under pressure
- Strategic national road at this location is vulnerable to minor increases in traffic having relatively significant impacts on queue lengths. Congestion and capacity issues are a reality at Mahon Junction and cannot be ignored
- Stated limited increased in traffic is no justification for a grant of permission or for future development where there remains the potential for significant impact on the operation and safety of the national road network at this critical point without an agreed means of resolution
- Does not have confidence that the proposed development can be facilitated within the context of the wider Mahon development framework, without appropriate mitigation measures being established and agreed for this particular area
- Opinion of PA does not fulfil the requirements to protect the capacity, efficiency and safety of the N40 and associated junctions
- Proposal in its current form is at variance with the provisions of the operative Cork City Development Plan and DoECLG Spatial Planning and National

Roads Guidelines (2012) and the precedence already set by previous applications on this site

## **7 Assessment**

- 7.1 I have read all the documentation attached to this file including inter alia, the appeal and the report of the Planning Authority and further response received, in addition to having visited the site.
- 7.2 I highlight to the Board that a new City Development Plan has been adopted since the decision of the planning authority issued. I am assessing this appeal, based on the recently adopted operative City Development Plan 2022-2028. It is also noted that the development site was located within the boundary of the Mahon Local Area Plan (2014). In my opinion, this LAP has now expired. A masterplan was prepared by the applicants for their landholding, with the stated aim being to ensure the integration of the two applications (current application and SHE application) required to deliver the overall mixed use development of the lands. It appears to me that this masterplan has no statutory basis. I refer the Board to 'Drawing No. 1730E-OMP-00-SPG3-DR-A-1020 Proposed Masterplan Layout Plan'. This indicates the lands within the applicants control within the area and various blocks therein, which are being lodged under separate applications. While I note the limitations of the SHD legislation, I am of the opinion that it would have been preferable to lodge as one coherent application as opposed to individual applications. It is stated in the documentation that, to date, approximately 330 residential homes have been constructed on Jacob's Island. Permission has also been granted for 413 apartments under ABP-301991-18 (SHD application). As stated above, there is currently an SHD application awaiting decision for 498 residential units, crèche and ancillary works within the masterplan lands (ABP-313919-22). It is stated in the documentation that this subject development will compete the masterplan lands for Jacob's Island. A visual representation of the planning history for Jacob's Island is set out in Section 07 of the submitted Design Statement.
- 7.3 In my mind, the main issues relating to this file are those raised in the third party appeal, namely a single issue relating to concerns raised regarding consistency of the proposal with the operative City Development Plan and national, regional and

European guidelines in the context of the protection of the capacity, efficiency and safety of the N40 and associated junctions. Concerns have also been raised that proposed mitigation measures have not been agreed/discussed. The appellant also considers that the proposal is not consistent with Objective 4.8 Mitigation of Adverse Impacts on Strategic Roads of the operative City Development Plan which seeks to safeguard the carrying capacity, operational efficiency and safety of strategic national roads and to require development proposals that would materially impact the capacity of the strategic national road network to mitigate any adverse effects of their development on transport systems and/or infrastructure and make reasonable contributions towards the costs of any required mitigation, alterations or capacity enhancement works to transport systems and/or infrastructure as required. I highlight to the Board that Objective 4.8 is the same in the recently adopted plan as that referred to in the appeal submission, contained within the expired plan. In the interests of clarity, I highlight to the Board that application ABP-301991-18 referred to in the TII documentation refers to a SHD application for 413 residential units, neighbourhood centre, crèche, road improvements works and all ancillary works that was permitted on an adjoining site in 2018. There is an SHD application awaiting decision from the Board (ABP-313919-22) which includes for 489 apartments and 327 spaces. As no decision has yet issued on this application, I am not taking into consideration in my assessment.

7.4 I note that there is quite a protracted history in the area of Jacob's Island. The applicants state, by way of background, that there is a long standing commitment to the development of this site and agreements have previously been reached between Cork City Council and Transport Infrastructure Ireland (TII) regarding the upgrade of the Mahon Interchange to facilitate and promote the development of four opportunity sites. They state that this is one of those opportunity sites, for which capacity was created to allow development and they are now seeking to avail of some of the capacity which they provided. While the TII raise issue with consultation on individual applications, it appears to me that no party is refuting this background information provided by the applicants.

7.5 The TII raised concerns during the planning process on grounds similar to that contained in the appeal and the planning authority sought further information in relation to this and other matters (see F.I request points 6(g), 7 and 8). Permission

was granted by the planning authority for the proposed development and I refer the Board to Condition No. 7, in particular, which states that the total car parking supply on the site shall not exceed **153 car parking spaces** for the full development, of which 70 spaces are to be allocated to the office development and 83 spaces to the hotel while a minimum of **158 cycle parking spaces** are to be provided, of which 116 are to be allocated to the office element and 42 to the hotel element. This condition essentially reduced the overall car parking on this site by 42 spaces (from 201 spaces proposed) while the overall cycle spaces remained unchanged from that proposed. In addition, I refer the Board to Condition No. 22 which relates to the upgrade or provision of new pedestrian/cyclist crossing facilities from the existing internal access to the Passage Greenway via the Lough Mahon walkway and also measures required to substantially enhance priority and routing for pedestrians from the development to the Mahon Shopping Centre.

- 7.6 The planning authority acknowledge within their report that reduced parking levels have been proposed from that previously permitted on site and that the location is well placed in terms of existing public transport infrastructure and walking/cycling links and also in terms of future public transport and active travel proposals for the area. They further acknowledge the submission of a MMP to support and increase active travel mode share. They further acknowledge the nature of the development, for example traffic generated by the hotel will be outside of peak hours and spread over the course of the day.
- 7.7 An updated TTA was submitted as part of the applicant's Further Information response to the planning authority and a further update was submitted on behalf of the first party, as part of their response to this appeal. A Mobility Management Plan was also submitted to the planning authority. Traffic generation for this hotel and office development is based on the TRICS database. Junction analysis used LingSig v.3 software. The results of the traffic assessment highlight that the main impact of the proposed development is on the north and south Mahon Interchange junctions. In all scenarios, a minimum of 41% of the slip capacity at the Mahon Interchange will be available. Under Scenario 2 (which takes into account Condition No. 7 of grant of permission reducing car parking provision from 201 spaces proposed to a maximum of 153 spaces), in the AM peak there is an estimated 81

two-way vehicle trips and 73 two-way trips in the PM peak generated as a result of the proposed development.

7.8 In assessing this application, I note CMATS which was developed by the NTA in collaboration with TII, Cork City Council and Cork County Council. CMATS proposes a co-ordinated land use and transport strategy to cover the period up to 2040 based principally on upgrading public transport capacity and frequency along key transport corridors. As part of achieving the objectives of CMATS, Bus Connects Cork is now a live project. As part of Bus Connects Cork, a redesign of the bus network has been carried out and the revised bus network shows a 20minute service serving Jacobs Island (Route 9). I note that the adopted Development Plan indicates a Core Bus Corridor (CBC) 11 Jacobs Island to City Centre via Ballinlough. Other routes to Mahon Shopping Centre, which are within a short walk of the site, are also noted. The Infrastructure Development Section of the planning authority states that any planning permission granted needs to protect space for possible future Bus Connects infrastructure and they state that it needs to be confirmed that sufficient space has been provided in this current application. In response to the further information request, the applicants confirm that the proposal can accommodate the proposed new Bus Connects infrastructure. The planning authority have not raised objection in this regard.

7.9 I have examined many of the decisions that have issued from An Bord Pleanála since 2007 for the Jacobs Island area, including inter alia PL28.232675; PL28.232275; ABP-301991-18; ABP-310378-21. In all of these cases, the TII (and in some instance NTA) raised concerns relating to issues similar to that raised in this current appeal. In all such cases, notwithstanding these concerns, An Bord Pleanála granted planning permission for the said developments. I note that the NTA did not make an observation on this current application. Permission has been granted twice on this site for development- for a trade centre, hotel and 841 parking spaces in 2000 (Reg. Ref. 24611/00 refers) and for a mixed use development including 325 apartments, 184 bed hotel, shops medical unit and associated ancillary works including 858 parking spaces in 2008 (PL28.232275 refers). Neither permission was implemented. Since permission was permitted in 2009 in the interim, public transport facilities, together with walking and cycling connectivity have improved including proximity to the River Lee/Lough Mahon Waterfront Greenway and

Passage Greenway. Further improvements are planned including the proposed cycle lane that will traverse this overall landholding. Based on all of the above, I am of the opinion that the principle of development of scale has been established on this site.

7.10 I acknowledge the concerns expressed by the TII and their remit to safeguard the carrying capacity, operational efficiency and safety of strategic national roads network. I also note Objective 4.8 of the operative City Development Plan in this regard. This requires that any applicant mitigate any adverse effects of their development on transport systems and/or infrastructure. I note the reduced level of car parking and increased bicycle parking proposed in this current appeal and further reduced by Condition No.7. I consider this to be a suitable mitigation measure. Additional mitigation measures are considered to be the pedestrian/cyclist crossing facilities from the site to the Passage Greenway via the Lough Mahon walkway, together with measures to substantially enhance priority and routing for pedestrians from the development to the Mahon Shopping Centre (these are both required by Condition No. 22 of grant of permission).

7.11 I note that the northern interchange junction is nearing capacity and that currently the signal timings and phasing are optimised, therefore no further improvements can be made in this regard to mitigate against any increase in traffic. For this reason, the planning authority attached Condition No. 7 relating to a reduction in overall car parking spaces. Without doubt, I am of the opinion that the proposed development will lead to increased traffic movements in the general vicinity and will contribute to congestion, in particular at junctions. However, I am of the opinion that this is an urban area and some level of congestion is to be anticipated at such locations. I note the history of development that has been permitted in the area, including the relatively recently permitted SHD applications (which doubled the amount of residential units on the island), together with the existing pattern of development. I note the level of parking permitted in this current scheme (153 spaces) as opposed to in excess of 800 spaces in previous permissions on the site (the most recent of which only expired in 2020). I am cognisant of the need to provide a more balanced range of development within Jacobs Island. I consider that the principle of such mixed use development has been established through development plan zoning, which specifically facilitates the development of a dynamic mix of uses which will



interact with each other creating a vibrant urban area with residential, employment and other uses. I further note that 'General Office' and 'Hotel' are permissible uses under this zoning objective. I refer the Board to Objective 10.90 Jacobs Island of the operative City Development Plan which seeks to 'provide for mixed use development ranging in height from 4 to 10 storeys on Jacob's Island to accommodate the mix of uses set out under the ZO 4 Mixed Use Development Zoning Objective to include a hotel and up to 20,000 square metres of business and technology office use'. I consider the proposal to be in accordance with this Development Plan objective.

7.12 The area is well placed in terms of existing public transport infrastructure and walking/cycling links and also in terms of future public transport and active travel proposals for the area. Existing public transport buses provide a 15 minute combined frequency (Route No.s 202/202A and 212). I observed good public transport frequency during my site visit. Traffic on the surrounding roads was relatively light, as it also was at the Mahon interchange. I did not observe congestion during my visit on a mid-morning in early September. CMATS is noted which includes for the provision of a Light Rail Transit (LRT) from Ballincollig to Mahon with Jacobs Island identified as a terminus. This will be preceded by a high frequency bus service in the short term to underpin development along the corridor. Under proposed upgrades to the Mahon Interchange, two new pedestrian and cyclist bridges are noted, together with the creation of a bus lane. While I acknowledge and have regard to the remit of TII, I must assess the proposal in a wider context. I am of the opinion that to develop this site to any lesser scale of development, could be considered contrary to national guidance in relation to the appropriate densification of serviced, urban sites close to city centres and the appropriate level of development to be provided thereon in order to be consistent with the proper planning and sustainable development of the area.

7.13 The appeal submission also raises concerns regarding appropriate mitigation measures not being agreed and/or established for this particular area. The submission does not provide detailed information as to what they consider would be appropriate mitigation measures in this instance. The submission goes on to state that previous development mitigation measures are absent in this current proposal, namely that stipulated by Condition No. 3 of PL28.232275 which provided for a buffer strip of approximately 10m width be provided along the site boundary with the

N25 route...that will provide long term noise mitigation effect to the site. The reason for this condition was stated as being to protect the amenities of future occupants of the scheme and in the interests of visual amenity. The applicants acknowledge that the current proposal does encroach on this buffer area, but note that the required buffer was not to provide for potential future improvements or manage the safety/operation of the N40 mainline as suggest by the TII but was instead required as a noise mitigation measure to protect the amenities of residents of that future scheme. This current proposal provides for commercial uses located along the N40, considered to be a less vulnerable use, with residential uses relocated to elsewhere within the overall holding. Therefore as there is no residential development proposed in this revised scheme, the applicants contend that this noise mitigation measure is not required. I note the planning authority have not raised concern in this regard. I am also satisfied in this regard.

7.14 Matters raised regarding lack of consultation with the appellants are considered to be outside the remit of this planning appeal.

7.15 Having regard to all of the above, I am satisfied that the proposed development together with the traffic and transport features proposed would be satisfactory and in the interests of sustainable transport. I consider the proposal to be consistent with local, regional and national guidance in terms of the appropriate development of urban, serviced sites close to existing built-up areas. I consider it is therefore appropriate to attach a condition that requires the delivery of all the Traffic and Transport Assessment and Mobility Management Plan recommendations prior to the occupation of any blocks. I also consider it appropriate to attach conditions, similar to Conditions No. 7 and Condition 22 of the decision of the planning authority, to any grant of permission. The proposal is considered acceptable and consistent with the proper planning and sustainable development of the area.

## **8 Recommendation**

8.1 Having regard to the above assessment, I recommend that permission be GRANTED, for the development, as proposed, in accordance with the said plans and

particulars based on the reasons and considerations under and subject to the conditions set out below.

## 9 Reasons and Considerations

Having regard to the site's location close to Cork city centre, within an established built-up area on lands with zoning objective ZO 04: Mixed Use Development which seeks 'To provide and promote a mix of residential and other uses to ensure the creation of a vibrant and sustainable urban area' in the Cork City Development Plan 2022-2028; to the nature, scale and design of the proposed development, to the availability in the area of a wide range of social, community and transport infrastructure; to the pattern of existing and permitted development and the planning history within the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable level of development in this urban location, would respect the existing character of the area, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by Further Information received by the planning authority on 01/07/2022 and by the response to the appeal received by An Bord Pleanála on 20/09/2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
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	<b>Reason:</b> In the interest of clarity.
2.	<p>Prior to the commencement of any works on site, the applicant shall ascertain and comply with the requirements of the planning authority in relation to</p> <p>(i) the upgrade or provision of new pedestrian/cyclist crossing facilities from the existing internal access to the Passage Greenway via the Lough Mahon walkway</p> <p>(ii) measures required to substantially enhance priority and routing for pedestrians from the development site to the Mahon Shopping Centre</p> <p>(iii) All costs associated with this condition are to be at the developers expense</p> <p><b>Reason:</b> In the interests of traffic safety and improved connectivity</p>
3.	<p>The permitted hotel shall be used as short stay residential accommodation only, with the maximum length of stay to be two months.</p> <p><b>Reason:</b> In the interests of residential amenity and the proper planning and sustainable development of the area.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed hotel shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(i) Details of a maintenance strategy for materials within the proposal shall also be submitted for the written agreement of the planning authority, prior to the commencement of any works on site. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>(ii) Prior to commencement of development full details, including samples where appropriate, of the treatment of the areas of public realm within the site boundary, shall be submitted to the planning authority and written agreement obtained. This shall include full details of the paving materials, seating and street</p>

	<p>sculptures/lighting.</p> <p><b>Reason:</b> In the interest of visual amenity, durability and to ensure a high standard of public realm.</p>
5.	<p>Notwithstanding the provisions of the Planning &amp; Development Regulations 2001(As Amended),no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>
6.	<p>(i) The applicant shall ascertain and comply with all requirements of the planning authority in relation to traffic and access matters. In this regard, all recommendations of the Mobility Management Plan and Traffic and Transport Assessment, as updated, shall be undertaken in full, prior to the occupation of any blocks</p> <p>(ii) The total car parking supply shall not exceed 153 car parking spaces for the full development as follows:</p> <ul style="list-style-type: none"> <li>• Office Development -70 spaces</li> <li>• Hotel Development- 83 spaces</li> </ul> <p>(iii) A minimum of 158 cycle parking spaces are to be provided for the development, as follows</p> <ul style="list-style-type: none"> <li>• Office Development -116 spaces</li> <li>• Hotel Development- 42 spaces</li> </ul> <p>(iv) Bike parking facilities for the office element shall be provided in a dedicated facility of permanent construction, within the building footprint</p> <p>(v) All outdoor bicycle parking spaces are to be covered</p> <p><b>Reason:</b> In the interests of traffic safety and to ensure a satisfactory standard of development</p>

7.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p>
8.	<p>The applicant or developer shall enter into water and waste water connection agreement(s) with Uisce Eireann, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
9.	<p>Proposals for a street name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
10.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity</p>
11.	<p>The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season</p>

	<p>following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
12.	<p>The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity.</p>
13.	<p>The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
14.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. In particular:</p> <p>a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning</p>

	<p>Authority for such works and shall be carried out at the developer's expense.</p> <p>b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;</p> <p>c) Pedestrian crossing facilities shall be provided at all junctions;</p> <p>d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works, and</p> <p><b>Reason:</b> In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity</p>
15.	<p>The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> in the interests of sustainable transportation</p>
16.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any building.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
17.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be</p>



	<p>submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
18.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
19.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
20.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision</p>

	<p>and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>
21.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

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Lorraine Dockery  
Senior Planning Inspector

04<sup>th</sup> October 2023