



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323515-25

### Development

LARGE RESIDENTIAL  
DEVELOPMENT (LRD) Construction  
of 170 dwellings and a creche, retail  
and cafe with all associated site  
works. The application relates to a  
development which comprises or is for  
the purpose of an activity requiring an  
Integrated Pollution Control Licence  
issued by the Environmental  
Protection Agency (EPA)  
<https://kinsaleroad-lrd.ie/>

### Location

Former Vita Cortex Plant, Kinsale  
Road and Pearse Road, Cork

### Planning Authority

Cork City Council

### Planning Authority Reg. Ref.

2543946

### Applicant(s)

BML Duffy Property Group Limited.

### Type of Application

Large Scale Residential Development.

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

**Appellants**

1. Katie O' Sullivan
2. Aidan Buckley and others
3. Barry Cusack
4. Margaret O'Flynn
5. Aidan Edward Buckley
6. Deirdre Murphy
7. Attracta Burns
8. John McCormick
9. Gerard Harvey
10. Paul Hanley

**Observer**

None.

**Date of Site Inspection**

17<sup>th</sup> October 2025.

**Inspector**

Peter Nelson

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Appendix 1: EIA Screening

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Appendix 3: Condition Table

Appendix 4: Water Framework Directive

## 1.0 Site Location and Description

- 1.1. The site is located on the former Vita Cortex Site bounded by the Kinsale Road and Pease Road. The site is located in the southern suburbs of Cork City. The site is approximately 1.6km from the city centre and 1km from the Kinsale Road Junction on the Cork South Ring Road.

Directly to the south of the site is Virgin Media Park (adjoining IRFU sports facility) and a site of a permitted Part 8 development of a 5-storey apartment block containing 39 no. apartments. This development was approved in September of 2022. To the northeast of the site at the junction of Pearse Road and Kinsale Road are several bungalows, two storey dwellings and a neighbourhood centre. To the north of the site are the single storey dwellings of O'Growney Crescent. To the east of the site is the Slieve Mish Park, an established residential development and to the Southwest is the Turner Cross Retail Park.

The majority of the site has been cleared of buildings and decontamination works have taken place, permitted under planning permission P.A. Ref: 24/42868. Further remediation works were granted planning permission under P.A. Ref: 24/42868

The site area is a stated 1.21ha and is relatively flat. There is currently palisade fencing and hoarding surrounding the site.

## 2.0 Proposed Development

- 2.1. Key statistics of the proposed development

Development Statistics	Proposed Development
Site Area	1.21ha
Number of dwellings	170no. including: 51no. 1-bed dwellings

	84no. 2-bed dwellings (76 no. apartments, 8no. townhouses)  35no. 3-bed dwellings (31no. apartments, 4no. townhouses)
<b>Gross Floor Area</b>	17,350m <sup>2</sup>
<b>Support Facilities</b>	Management Offices (100m <sup>2</sup> )
<b>On Site Facilities</b>	Creche (250m <sup>s</sup> ), café (140m <sup>2</sup> ), 4no. retail units (930m <sup>2</sup> )
<b>External Amenity Space</b>	2,896.8m <sup>2</sup> including  1,389m <sup>2</sup> public open space (inc. plaza)  1,507.7m <sup>2</sup> Communal Amenity Space
<b>Part V</b>	20no. units.
<b>Plot Ratio</b>	1.5:1 (excluding basement)
<b>Site Coverage</b>	26% (excluding basement)
<b>Residential Density</b>	140units/ha
<b>Building Height</b>	4-part 8, part 9 storey.
<b>Aspect</b>	49% of the dwellings are dual aspect
<b>Private Open Space</b>	All private open space provided (balconies/terraces) is either at or above the standards in the Guidelines 2023
<b>Storage Space</b>	All storage space provided within individual dwellings is either or at or above the standards in the Guidelines 2023
<b>Cycle Spaces</b>	514no. spaces of which 324no spaces are for the residential uses (1.9 spaces per dwelling). In addition, there are 162no. visitor spaces for residential uses.
<b>Car Space</b>	82no., of which 58no. spaces are for the residential uses. (Including 4no. disabled spaces and 9no. EV spaces) are for the residential uses (0.34 per dwelling)

### **3.0 Planning Authority Opinion**

- 3.1. Two Section 247 (Stage 1) Meetings were held on the 7th February 2024 and 14th May 2024.
- 3.2. A (Stage 2) pre-application LRD Meeting was held on the 20th November 2024 and the LRD Opinion was issued by the Planning Authority on the 18th December 2024.
- 3.3. The Opinion Report stated it was the view of the Planning Authority that documents submitted with the consultation request under section 32B of the Planning and Development Act, 2000 (as amended) requires further consideration and amendment to constitute a reasonable basis on which to make an application for permission for the proposed LRD.
- 3.4. The applicant was notified that the following issues, summarised below would need to be addressed and/ or information on the following items would be required to be submitted as part of an LRD application:
  - Justification for the proposed density and height.
  - Justification for the height of Block 3.
  - Submission of a Visual Impact Assessment.
  - Housing Mix Report.
  - Impact of neighbouring residential development.
  - Details relating to the Contaminated lands.

Pursuant to article 16A(7) of the Planning and Development Regulations 2001 (as amended) the applicant was notified of 40no. specific items of information to be submitted with the application for permission.

The applicant has submitted a Statement of Response to the Council Opinion with the LRD application.

## 4.0 Planning Authority Decision

### 4.1. Decision

Permission was granted on the 6<sup>th</sup> of August 2025 for the proposed development subject to 53no. Conditions.

Most of the conditions are standard. Conditions No.7 is of note as it requires the setting back of the top floor, Block 1 at the north elevation by 3m. Condition No.12 requires that the childcare provision be increased to a minimum of 30 spaces.

The grounds of appeal raised issues with all of the 53no. conditions attached to the notification of the grant of permission. The appellants' concerns relate to the conditions not providing for adequate protection of residential & visual amenity during construction and operation phases, adequate secure car and cycle parking, sustainable transport measures, adequate traffic mitigation, surface water management, needs of the less mobile, adequate play facilities and flood risk.

### 4.2. Planning Authority Reports

#### 4.2.1. Planning Reports

The main points of the planner's report dated the 1<sup>st</sup> August 2025 can be summarised as follows:

##### Principle of Development

- The proposed development is supported in strategic terms and is compliant with national policy.
- The apartment development with a mix of other local services (creche, café and retail) accords with the 'Neighbourhoods and Local Centres' zoning of the site.
- The site is characterised as an underutilised brownfield site within the built-up area.
- Key objective of the redevelopment site is to provide an enhancing contribution to the local streetscape and the receiving environment.



- Considered that the new build elements on Kinsale Road and Pearse Road, the new public pedestrian route through the site, and the centrally located public plaza are a positive and meaningful contribution for enhancing the identity and connectivity for this local area.
- With regard to remediation, the overall strategy of the site is welcomed and supported.

#### Density

- The site can be classified as a City Urban Neighbourhood, therefore the proposed density of 140dph is considered appropriate and complies with the density standards contained in the Compact Settlement Guidelines.
- The proposed development has a Floor Area Ratio of 1.5:1 which complies with Table 11.2 of the CDP.

#### Residential Development Standards

- The submitted Housing Quality Assessment submitted shows that the proposed apartments in the 4 blocks all meet or exceed the requirements as set out in the Apartment Guidelines.

#### Housing Mix

- The applicant has submitted a justification for the housing mix which includes a market analysis.
- Having regard to the submitted information, the housing mix proposed is acceptable and in accordance with Objective 11.2 of the CDP.
- The Part V proposals are acceptable to the Housing Directorate.

#### Layout and Composition of the Proposed Development.

- Given the size and location of the subject site, it will be visually prominent and will contribute to the emerging higher density development delivery in this area.
- Key objectives of the site were for successful integration with the receiving environment and provision of new connectivity through the site.

- To mitigate against potential negative impact of overbearance on the existing dwellings, a set back of the top floor on the northern edge of Block 1 is required.
- No undue overlooking of adjacent dwellings from Block B will arise.
- Additional boundary treatments with the Dolphin Rugby Football Club are required to protect against any potential for damage to windows during rugby training and matches.
- No objections arise from Traffic, Infrastructure and the Urban Roads and Street Design Sections subject to compliance conditions.

#### Landscape Plan Proposals and Boundary Treatment

- The proposed landscape plan is an integral part of the proposed layout of the scheme.
- The proposed landscaping scheme will play a significant role for providing suitable design connectivity, access and circulation through the site and ensure a high-quality integration of the scheme into the receiving environment.
- The Parks Department and the Biodiversity Officer recommend a grant of permission with conditions.
- The proposed play areas have been assessed by the City Architects Section who have raised no objection.

#### Public Open Space

- The proposed public open space is 11.52% of the net development space and complies with Table 11.11 of the CDP.

#### Communal Open Space

- The communal open space is south facing and meets the minimum standards for communal amenity space for new apartment as set out in the Apartment Guidelines 2023.
- The layout, orientation, design and quantum of the communal amenity space provision is acceptable.

### Boundary Treatment

- The proposed boundary treatment which consists of a combination of fencing, post and panel fencing and concrete wall, is generally acceptable subject to a compliance condition.

### Bike Parking and Bin Storage Locations

- Bicycle parking provision meets the minimum requirements of the CDP.
- The location of the bins for Blocks 1 and 2 need further consideration which can be achieved by a compliance condition.

### Placemaking

- Having regard to the design of the proposed development and the CDP placemaking objectives the proposed development will result in a high-quality placemaking impact for the local area.

### Design and Finishes

- Having considered the design statement and submitted details it is considered that the design, massing, elevational treatment and external materials and finishes of the proposed development are acceptable.

### Building Height and Visual Impact Assessment

- Table 11.2 of the CDP specifies that the target building height for this area is 2-4 storeys.
- The proposed development includes a Block with a 9 storeys section; therefore, the block will be assessed as a proposed tall building.
- Given the site's neighbourhood designation, the recent permitted planning permissions and national policy the proposed taller block can be open for consideration.

### Visual Impact Assessment

- Considered that the overall visual impact of the proposed development is acceptable and will not result in any undue negative visual impacts and will have an enhancing and beneficial impact on the streetscape and character of the area.

### Proposal Tall Building – Compliance with Ministerial Guidelines and the CDP

- Considered that the building height of proposed development is justified and acceptable having regard to a number of factors including:
  - Compact Settlement Guidelines, 2024.
  - Permitted developments in the area.
  - The submitted Visual Impact Assessment.
  - The justification for building height in the Building Height Rationale report.
  - The site layout strategy and placemaking credentials as set out in the submitted Design Statement.

### Daylight, Sunlight and Overshadowing Impacts.

- While there is some non-compliance with the BRE Sunlight and Daylight Guidelines for Blocks 1 & 2, overall, the proposed development performs well in terms of daylight and sunlight exposure.
- The south facing lower apartments on proposed Block 4 have been compensated with larger floor areas and are acceptable.

### Impact on Local Amenity and Adjoining Structures

- The design, layout and building height of the proposed scheme is an appropriate response to the specific characteristics of the site, the surrounding receiving environment and the permitted development of the local area.
- The scope of the submitted Social and Community Audit is adequate and comprehensive in terms of catchment area and its audit on existing services.
- The proposed development will provide early years childcare services and equipped play areas within this site for use by the residents.

### Childcare

- It is considered reasonable to require the applicant to increase the on-site childcare places from 18 to at least 30 spaces to address a shortfall identified

in the submitted Childcare Needs Assessment and the Social and Community Audit.

#### Café/Retail

- The proposed retail and café use are welcome given this is a *Neighbourhood Development Site*.

#### Road Design/Safety

- The proposed development complies with DMURS, and the Road Safety Audit is acceptable.

#### Glint and Glare

- The findings of the submitted Glint and Glare Report are acceptable.

#### 4.2.2. Other Technical Reports

Contributions: No objection subject to condition.

Drainage: No objection subject to conditions.

Environment: No objection subject to conditions.

Urban Roads & Streets Design: No objection subject to conditions.

Traffic Regulation and Safety: No objection subject to a condition.

Infrastructure: No objection subject to a condition.

Housing: No objection subject to a condition.

Planning & Integrated Development: No objection.

City Architects: No objection subject to a condition.

Parks: No objection subject to conditions.

Biodiversity Officer: No objection subject to conditions.

#### 4.3. **Prescribed Bodies**

Uisce Eireann: No objection subject to conditions.

Inland Fisheries Ireland: No objection subject to sufficient capacity in existing networks.

HAS: No observations

Irish Aviation Authority: No objection subject to conditions.

Transport Infrastructure Ireland: No objection.

EPA: Report makes reference to a previous licensable activity and notes Section 95 of the EPA Act. No comments relating to proposed development.

#### **4.4. Third Party Observations**

Twenty-nine submissions were received by the planning authority:

The main points raised can be summarised as follows:

##### Scale and Density of the Development

- The proposal is overdevelopment of the site and out of scale with the receiving environment.
- Scale and character are not in keeping with established residential area.
- Increased density should not be at the detriment to the local residents.
- The design is overly dominant.
- Increase density will negatively affect quantity of life especially for the elderly.
- The height of the building will increase fire safety risk.

##### Building Height of the Proposal

- Building height too high and contrary to CDP which sets a target of 2-4 storeys for the Inner Suburbs.
- Height of building will reduce solar exposure reducing energy efficiency.

##### Proposed Residential Units

- There is an over provision of one-bedroom units leading to a transient occupancy.

##### Planning Policy

- The proposed development is contrary to the CDP with regard to permissible height in suburban areas.

#### Visual Impact

- The proposed development will break the architectural rhythm of the local streetscape.
- The proposed development will be visually obtrusive and undermine the local streetscape.
- The design concept is poor and does not fit with surrounding areas.

#### Impacts of local residential amenity

- Overshadowing of adjoining properties both dwellings and amenity spaces.
- Reduced access to light.
- Will impact both mental and physical wellbeing.
- Potential noise from retail units.
- Overlooking of existing residential properties.
- Lack of recreation and community infrastructure.

#### Movement, Traffic & Transport

- Increased traffic on road already under pressure.
- Needs to be more investment in public transport prior to the development of the site.
- There is an existing problem with parking the area especially due to events at Virgin Media Park.
- There is not adequate provision of parking for the proposed development.
- Potential overspill parking.
- The existing bus service is unreliable.
- Lack of an appropriate Traffic Assessment for the area.
- Construction parking.

- The existing infrastructure is already inadequate to facilitate easy access and egress.
- High density developments can complicate emergency vehicle access.
- Development should be aligned with public transport not added ahead of it.
- Currently no pedestrian access to Tramore Valley Park from Kinsale Park.

#### Environmental Issues

- No report published to confirm the soil is safe to build on.
- Potential risk to human health and the environment.
- Air pollution due to construction.
- The Kinsale Road is a well-known flood area.
- Potential issue with waste storage for retail units.
- Environmental issues relating to increased traffic levels in the area.
- Increased pressure on the drainage/water infrastructure in the area.
- Lack of mature trees will also affect urban cooling, passive drainage and local bird and insect populations.
- There are only token renewable energy features proposed. The scheme lacks passive design principles.
- The proposed development does not meet the expectations for climate-responsive, resilient urban development.

#### Other

- Non-compliance with conditions attached to 24/42868 requiring construction traffic to park on site.
- Lack of a cohesive plan for the development of multiple sites in the Turners Cross, Ballyphehane, Kinsale Road, Tramore Road Area.
- Uncertainty regarding the use of the retail units.
- Need for greater links to public open space and existing parks.
- The area suffers from subsidence.



- The proposed development will devalue property in the area.
- Risk of anti-social behaviour.
- Concern that the retail unit will be used for takeaways.
- No information on domestic waste.
- Increase pressure on school spaces.
- The design does not appear to consider universal accessibility.
- Local social infrastructure is already overstretched and under sourced.
- Consideration of then requirement of the adjoining Rugby Football Club.

## 5.0 Planning History

### 5.1. Application Site

#### **P.A. Reg. Ref: 2442868**

Permission granted on the 13<sup>th</sup> August 2024, for development on the site of the former Vita Cortex plant on Kinsale Road and Pearse Road, Ballyphehane, Cork. The proposed development will consist of the remediation of the site, which will involve a combination of excavation and off-site disposal of impacted soils, pump and treatment of groundwater, and importation of stone/soil for backfilling. An on-site temporary compound is proposed for the duration of the proposed remediation works. The existing ESB Substation on the site will remain in situ. The proposed development relates to a development which comprises an activity requiring an Integrated Pollution Control Licence issued by the Environmental Protection Agency (EPA) (Licence No: P0059-02, formerly P0059-01)

#### **P.A. Reg. Ref: 21/40647**

Permission granted on the 7<sup>th</sup> April 2022, for the demolition of buildings and associated structures at the Former Vita Cortex plant on the Kinsale Road and Pearse Road, Ballyphehane, Cork, County Cork. The proposed development comprises the demolition of the former Vita Cortex factory structures and outbuildings (floor area: c. 5,976 sq.m) as well as areas of hardstanding and car

parking. The existing ESB Substation on the site will remain in situ. The overall site area of the proposed development is 12,062 sq.m).

## **5.2. Adjoining Sites**

### **Part 8 Kinsale Road**

Part 8 application approved for the construction of a residential development of 39 no. dwelling units, designed to consider the existing urban architecture. The development site is approximately 0.183 hectares. The site is located on Kinsale Road, to the South of Cork City Centre. Access to the development will be via Kinsale Road.

#### **P.A. Reg. Ref: 23/41944**

Permission granted on the 23<sup>rd</sup> of October 2023 the construction of an indoor training facility development which will contain a synthetic all-weather playing surface, gymnasium, changing rooms, treatment rooms, storage, office/administration space, staff welfare areas and new signage. Permission is also sought for a new pedestrian access from Pearse Road, and shared car parking area on Pearse Road, new parking area within the site and all other ancillary site works including a ticketing booth and bicycle parking.

## **5.3. Sites further to the south on Kinsale Road and Tramore Road**

### **P.A. Reg. Ref: 22/40906**

Permission granted on the 21<sup>st</sup> September 2022 for development at the former CMP Dairies site, known as Creamfields, at Kinsale Road and Tramore Road, Cork. the proposed development will consist of the construction of a Primary Care Centre (c. 7,767m<sup>2</sup>), of principally 4 storeys and part 7 storeys in height above ground at the c. 1.37ha former CMP Dairies site, known as Creamfields, at Kinsale Road and Tramore Road, Cork.

### **ACP. Reg. Ref: 312866-22**

Permission granted on the 16<sup>th</sup> June 2022 for a Strategic Housing Development application comprising of demolition of existing structures, construction of 352 no. apartments, 257 no. Build to Rent apartments, creche and associated site works. Construction has commenced on site.

## 6.0 Policy Context

### 6.1. National Policy

The national policy context guiding future growth in Cork City is determined by frameworks, plans and guidelines including the National Planning Framework (First Revision, April 2025), Housing for All, Climate Action Plans, National Biodiversity Plan, and several section 28 Ministerial Guidelines.

#### Project Ireland 2040, National Planning Framework, First Revision, 2025

- 6.1.1. Several national policy objectives (NPOs) are applicable to the proposed development, a new residential scheme within Cork City and suburbs. These include NPO 4, NPO 7, NPO 8, NPO 16, NPO 42, NPO 43 which support the provision of new homes and targeted population growth in Cork City and suburbs, NPO 11, and NPO 22, NPO 37, NPO 45, NPO 78, NPO 79, NPO 85 and NPO 87 which seek the delivery of well-designed urban schemes that incorporate sustainable modes of transport and water management systems, whilst protecting local biodiversity and the environment.

#### Climate Action Plan, 2025 (as informed by CAP 2024)

- 6.1.2. Climate Action Plan 2025 (CAP25) is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021. Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

Delivering Homes, Building Communities 2025-2030, An Action Plan on Housing Supply and Targeting Homelessness.

- 6.1.3. Delivering Homes, Building Communities is a wide- ranging strategy, encompassing two pillars: Activating Supply and Supporting People.

**Pillar 1** focuses on activating the supply of 300,000 homes. This will be achieved through activating more land, providing more housing-related infrastructure, securing more development finance for home building, addressing viability challenges particularly those seen in apartment delivery, increasing the adoption of Modern Methods of Construction, increasing the skills in the residential construction sector and working toward ending dereliction and vacancy.

**Pillar 2** details how Government will support people. It sets out a series of key actions that work towards ending homelessness, support affordability and address the housing needs of people as they progress through life. In partnership with local authorities, the LDA and AHBs, the Plan will address the needs of the most vulnerable in our communities, make buying and renting homes more affordable and support the development of villages, towns and cities across the country.

National Biodiversity Plan 2023-2030

- 6.1.4. Includes five objectives by which the current national biodiversity agenda is to be set and the transformative changes required to ensure nature is valued and protection is delivered. Of relevance to the proposed development, are the targets and actions associated with Objective 2 on achieving the conservation and restoration needs of environmental designations. Section 59B(1) of the Wildlife (Amendment) Act 2000, as amended, requires the Commission to have regard to the objectives and targets of the Plan in the performance of its functions.

**6.2. Section 28 Ministerial Guidelines**

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

- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).

- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023). I note that the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2025) are in force, however, this application was lodged before the 9<sup>th</sup> July 2025 and therefore the 2023 guidelines are relevant.
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Childcare Facilities, Guidelines for Planning Authorities (2001).
- Cycle Design Manual (2023).
- The Planning System and Flood Risk Management (including associated Technical Appendices) 2005
- Spatial Planning and National Roads Guidelines 2012.

### 6.3. Regional Policies

#### Regional Spatial and Economic Strategy for the Southern Region, 2020

- 6.3.1. The RSES provides a development framework for the region, including a specific Metropolitan Area Strategic Plan (MASP) covering Cork City and suburbs, which the appeal site is located within. 6.2.2.

A number of regional policy objectives are applicable to the proposed development, including:

RPO 10: Compact Growth in Metropolitan Areas includes:

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

Cork MASP Policy Objective 1 includes:

b. To promote the Cork Metropolitan Area as a cohesive metropolitan employment and property market where population and employment growth is integrated with:

(i) the city centre as the primary location at the heart of the metropolitan area and region reinforced by;

(ii) the continued regeneration, consolidation and infrastructure led growth of the city centre, Cork City Docklands, Tivoli and suburban areas,

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

#### Cork Metropolitan Area Transport Strategy (CMATS) 2040

The aim of CMATS is to deliver an integrated transport network that addresses the needs of all modes of transport, offering better transport choices, resulting in better overall network performance and providing capacity to meet travel demand and support economic growth.

### **6.4. Development Plan**

- 6.4.1. The Cork City Development Plan 2022-2028 (CDP) is the operational plan for the area. The plan was adopted by resolution of the Council on the 10<sup>th</sup> June 2022 and took effect on the 8<sup>th</sup> August.

The CDP is subject to a Ministerial Direction issued on 2<sup>nd</sup> December 2022 relating to 8 zoning objectives. (The directive does not relate to the subject site)

The CDP has been subject to Variation 1 (relating to maximum car parking standards) in May 2023.

Draft Variation 2 (relating to the Docklands) is on public consultation at the time of assessment and not applicable to the appeal.

- 6.4.2. The relevant CDP map-based/ mapped designations include:

- The site is zoned ZO 08: Neighbourhood and Local Centres. The objective of which is 'to protect, provide for or improve local facilities'.

- The site is a designated 'Neighbourhood Development Site', Growth Strategy Map (Vol 1, Chapter 2, Figure 2.21).
- The site is located within the 'Inner Urban Suburbs' in respect of Density and Building Heights map (Vol 2, Map 7: South Central Suburbs).
- The site is located within Zone 3 in respect of the Cork City Car Parking Zones (Vol 2, Car Parking Zones).
- The site is located Future Cycle Network Enhancement route along Pearse Road (Vol 1, Chapter 4, Fig. 4.3).
- The site is located on Bus Connects CBC 9 route on Kinsale Road (Vol 1, Chapter 4, Fig. 4.4).
- The site is located to the south of the indicative Light Rail Transit (LRT) route (Vol 1, Chapter 4, Fig. 4.7).
- The site is located an area not designated as Flood Zone A and B (Strategic Flood Risk Assessment, Map 5).

#### Other Relevant Sections/Policies

The following policies are considered relevant to the consideration of the subject proposal:

#### ***Chapter 2, Section 2.1 Strategic Objectives for Growth***

The following Strategic Objectives for Growth are outlined:

**SO 1:** Compact Liveable Growth - Deliver compact growth that achieves a sustainable 15-minute city of scale providing integrated communities and walkable neighbourhoods, dockland and brownfield regeneration, infill development and strategic greenfield expansion adjacent to existing city.

**SO 2:** Delivering Homes and Communities - Provide densities that create liveable, integrated communities by using a mix of house types, tenures and sizes linked to active and public transport. Provide amenities, services and community and cultural uses to enable inclusive, diverse and culturally rich neighbourhoods.

**SO3:** Transport and Mobility – Integrate land-use and transportation planning to increase active travel (walking and cycling) and public transport usage. Enable the

key transport projects in the Cork Metropolitan Area Transport Strategy (CMATS) delivering multi-modal usage and smart mobility, accessible for all.

**SO 5:** Green & Blue Infrastructure, Open Space and Biodiversity -Manage and enhance green and blue infrastructure, to protect and promote biodiversity, ecology and habitat connectivity, protect natural areas, enhance landscape character and maritime heritage, and manage access to green and blue spaces that provide recreation, amenity and natural areas'

**SO 8:** Environmental Infrastructure - Ensure efficient and sustainable use of water services, enhance water quality and resource management. Manage waste generation and treatment and support the principles of the circular economy. Improve air quality and promote pro-active management of noise. Enable the sustainable delivery of digital infrastructure, renewable energy and environmental improvements.

**SO 9:** Placemaking and Managing Development - Develop a compact liveable city based on attractive, diverse and accessible urban spaces and places. Focus on enhancing walkable neighbourhoods that promote healthy living, wellbeing and active lifestyles, where placemaking is at the heart. Follow a design-led approach with innovative architecture, landscape and urban design that respects the character of the city and neighbourhood.

## ***Chapter 2, Core Strategy***

Objective 2.10 The 15 Minute City – To support the delivery of a 15-Minute City that supports Compact Liveable Growth by creating vibrant local communities that can access all necessary amenities within a 10-minute walk/cycle and access workplaces and other neighbourhoods with a 15- minute public transport journey. Implementation will include walkable neighbourhoods, towns and communities with mix of uses, house types and tenure that foster a diverse, resilient, socially inclusive and responsive city. This includes support for public and active travel infrastructure projects and services and enhanced neighbourhood permeability. Strategic infrastructure and large-scale developments shall demonstrate how they contribute to a 15-minute city and enhance Cork City's liveability and accessibility.

Objective 2.14 Walkable Neighbourhoods – New development shall be designed to make positive additions to their neighbourhoods, towns and communities by:



- a. Delivering the right mix of uses at a scale and design that creates high quality buildings and spaces.
- b. Creating attractive, safe and vibrant places designed at a human scale (i.e. places that relate to people, streetscapes and local character) with active streets and avoiding the creation of “dead” spaces.
- c. Ensuring a child friendly and age friendly environment applying Universal Design principles with a mix of household types.
- d. Designing a safe place that enables access for all.
- e. Creating a healthy neighbourhood with increased urban greening and direct access to high quality parks and public spaces, schools, shops and local services.
- f. Being well-connected with easy access to public transport and active travel.
- g. Providing enhanced permeability for walking and cycling.

Objective 2.24: ‘Underutilised Sites’ ‘Cork City Council will seek to address issues of dereliction, vacancy and underutilisation of sites within Cork City by encouraging and facilitating their re - use and regeneration subject to good planning and the infrastructural carrying capacities of the area.’

Objective 2.28 ‘Population Growth’ states as follows: In planning for future population growth, Cork City Council will assess important factors such as changing average household size, tenure, type and mix (including student accommodation) and existing occupancy and vacancy rates within an area. These factors will help inform policy making, development management guidance and decisions for new development proposals in the city.

### ***Chapter 3, Delivering Homes and Communities***

#### **Objective 3.4: Compact Growth**

Cork City Council will seek to ensure that at least 66% of all new homes will be provided within the existing footprint of Cork. Cork City Council will seek to ensure that at least 33% of all new homes will be provided within brownfield sites in Cork.

#### **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 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;
- 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.

## ***Chapter 4, Transport and Mobility***

### **Objective 4.3 Strategic Location of New Development**

To ensure that all new residential, employment and commercial development are focused in areas with good access to the planned high frequency public transport network.

### **Objective 4.4 Active Travel**

To actively promote walking and cycling as efficient, healthy, and environmentally friendly modes of transport by securing the development of a network of direct, comfortable, convenient, and safe cycle routes and footpaths across the city.

To support the 15-minute city concept and walk able neighbourhoods with adequate walking and cycling infrastructure connected to high-quality public realm elements, including wayfinding and supporting amenities (benches, water fountains, bike stands).

### **Objective 4.5 Permeability**

All new development, particularly alongside the possible routes identified for public transport improvements, shall include permeability for pedestrians, cyclists, and public transport so as to maximise its accessibility.

## ***Chapter 6, Green and Blue Infrastructure, Open Space and Biodiversity***

### **Objective 6.11 Landscape and Development**

To ensure that the management of development throughout Cork City will have regard for the value of the landscape, its character, distinctiveness and sensitivity in order to minimise the visual and environmental impact of development, particularly in designated areas of high landscape value where higher development standards (layout, design, landscaping, materials) are required.

## ***Chapter 9, Environmental Infrastructure***

### **Objective 9.2 Wastewater**

- a. To require all new proposals for development to provide a separate foul and surface water drainage system and to incorporate Sustainable Urban Drainage Systems in so far as practical.
- b. As part of new proposals for development, evidence of consultation with Irish Water should be submitted as part of a planning application, demonstrating that adequate water services are available to service the development and that existing water services will not be negatively impacted.

### **Objection 9.4 Sustainable Urban Drainage Systems (SUDS)**

To require that all planning applications for new development incorporate Sustainable Urban Drainage Systems (SUDS) in so far as possible. Such proposals shall be accompanied by a comprehensive SUDS assessment including run-off quantity, run off quality and impacts on habitat and water quality.

### **Objective 9.10 Development in Flood Risk Areas**

To restrict development in identified flood risk areas, in particular flood plains. All new development proposals should comply with the requirements of the Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009) and Department of Environment, Community and Local Government Circular PL2/2014, in particular through the application of the sequential approach and the Development Management Justification Test.

### **Objective 9.19 External Lighting**

To require that external lighting proposals minimise the harmful effects of light pollution, are energy efficient, and do not have an excessive impact on residential or visual amenity, biodiversity or result in the distraction of road users.

## ***Chapter 10 Key Growth Areas & Neighbourhood Development Sites***

### **Objective 10.100 Neighbourhood Development Site**

Cork City Council in collaboration with land owners and relevant stakeholders will progress the neighbourhood development sites through active land management.

These sites will benefit the local neighbourhood and support compact growth. Development proposals will address the relevant points highlighted by the text and icons associated with the maps and relevant objectives throughout this plan.

The site is designated **Neighbourhood Development Site 6**:

Potential Land Use: A mix of uses including Residential and Convenience Retail, with a priority for residential use.

## Chapter 11, Placemaking & Managing Development

**Table 11.2 Density and Building Height Standards** sets out prevailing and target densities and heights. The site is located in the Inner South Link Corridor. The following extract of Table 11.2 is applicable:

Density and Building Height Strategy							
	Dwellings Per Hectare			Heights: No. of Storeys			
	Prevailing	Target		Prevailing		Target	
		Lower	Upper	Lower	Upper	Lower	Upper
South Link Road Corridor	15-40	50	100	2	3	3	4

**Objective 11.2 Dwelling Size Mix** requires 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.

Table 11.8: 'City Suburbs Dwelling Size Mix for Housing Developments' requires the following mix for city suburban sites:

<b>Dwelling Size Mix for Housing Developments</b>			
	<b>Min</b>	<b>Max</b>	<b>Target</b>
<b>Studios</b>	0%	15%	10%
<b>1 Bedroom</b>	15%	25%	20%
<b>2 Bedroom</b>	25%	40%	34%
<b>3 Bedroom</b>	18%	38%	28%
<b>4 Bedroom</b>	5%	15%	8%

### **Objective 11.3 Housing Quality and Standards**

**11.89** The minimum size of habitable rooms for houses and apartments / flats shall conform with appropriate National guidelines or standards in operation at the date of application for planning permission, including the minimum dimensions as set out in 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' (2018), and 'Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).

### **Objective 11.4 '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.

**11.100** Privacy and overlooking are important for quality of life. Levels of privacy will gradually diminish as urban densities increase above 25 dph. This will be taken into account in assessing planning applications.

**11.101** Traditionally a minimum separation distance of 22m between the rear elevations of buildings was required to provide sufficient privacy and avoid overlooking of back gardens. This rule - of - thumb was derived from the Parker Morris Standards of 1919 and was intended to provide adequate privacy for people to enjoy their back gardens. Best practice has since evolved, and lesser separation distances are often appropriate, particularly in an urban context, subject to design solutions and site - specific context. All development proposals will be required to demonstrate that they have been designed to avoid overlooking.

**11.103** Proposals for apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects.

**11.104** Overbearance: In established residential developments any significant changes to established context must be considered. Relocation or reduction in building bulk and height may be considered as measures to ameliorate overbearance.

**11.105** Overlooking may be overcome by a multitude of design tools, such as: 1. Building configurations (bulk and massing); 2. Elevational design / window placement; 3. Using oblique windows; 4. Using architectural features; 5. Landscape and boundary treatments. Objective 11.5 'Private Amenity Space for Houses' Table

**11.112:** Residential Public Open Space Provision. Area Public Open Space Provision Greenfield Sites / Areas for which a local area plan is appropriate 15% General Provision 10%

**11.113** Qualitative criteria relating to the provision of public open space are set out in Chapter 6: Green and Blue Infrastructure, Open Space and Biodiversity and the Sustainable Residential Development Guidelines 2009 and the Urban Design Manual 2009. Public open space is intended to be usable as well as provide visual amenity and biodiversity value, and will normally be required in addition to land required for landscape reasons, such as woodland, habitats, tree belts, floodplains, etc.

## ***Transport/DMURS***

**11.226** The layout of proposed new residential, commercial or mixed - use developments must be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS).

**11.227** Requires a Quality Audit will be required for major developments that impact on the road network and for all new road and traffic schemes. This should be carried out in accordance with DMURS and best international practice.

**11.229** Applications for proposed new residential, commercial, mixed use, industrial and educational developments shall be accompanied by a Traffic and Transport Assessment (TTA) to be prepared in accordance with the TII Traffic and Transport Assessment Guidelines, 2014. Car parking standards for both residential and non - residential developments are set out in Table 11.13. These standards are maximums in order to constrain car trip generation and promote patronage of active travel and public transport.

## ***Childcare***

**11.163** Purpose - built childcare facilities will generally be required as part of proposals for new residential developments of more than 75 dwelling units.

**11.166** Childcare facilities in new residential developments or as part of new or extended employment facilities should be provided at ground floor level in purpose built, preferably standalone buildings.

## ***Chapter 12 Land Use Zoning Objectives***

### **ZO8 Neighbourhood and Local Centres**

**Zoning Objective 8:** To protect, provide for or improve local facilities.

**ZO 8.2** Neighbourhood and Local Centres provide for local convenience shopping, however lower-order comparison shopping may also be open for consideration commensurate to the scale and character of the local centre and its function in the neighbourhood. Neighbourhood and Local Centres also provide a focus for other uses, including but not limited to local services, community facilities, cultural uses, educational uses, medical and health care uses, places of public worship, innovation



or enterprise centres and limited retail offices. Neighbourhood and Local Centres should also include residential uses, particularly at higher densities that contribute to sustainable compact growth. These can be delivered particularly above ground floor level.

**ZO 8.3** Development proposals in this zone must serve local needs and must demonstrate how the proposal would respect, reflect or contribute to the character and vibrancy of the particular Neighbourhood and Local Centre commensurate with the nature and scale of the development. Developments must deliver a quality urban environment and public realm with a focus on accessibility and permeability.

## **6.5. Natural Heritage Designations**

The Great Island Channel SAC is 8.9km of the site and there is no connectivity via surface water or other pathway.

The Cork Harbour SPA is located 2.1km from the site and there is no connectivity via surface water, groundwater or any other pathway. There are no watercourses or active drainage channels on site, and the SPA is buffered by c.2.1km of amenity and built urban land.

There are no NHA's within 5km of the site. There are four pNHA within 5km of the site, Lee Valley, Douglas River Estuary, Cork Lough and Cork Harbour.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

Ten third-party appeals have been received. The appeals are from local residents in proximity of the proposed development on the Kinsale Road, Kent Road, Pearse Road and Botanic Road. There is overlap between the grounds of appeal raised by appellants, for clarity I have combined the submissions. The main grounds of appeal are summarised as follows:

#### Scale of Development

- The scale of the proposed building is out of proportion with the character of the area.
- The proposed development is contrary to the Cork City Development Plan as its scale and design does not respond to the existing context.
- The max height allowed should be no more than five stories in this area.

#### Residential Amenity

- The proposed development will cause overshadowing & loss of daylight to the surrounding dwellings.
- The proposed development will be harmful to the residential amenity of the area.
- The Daylight/Assessment is vague and lacks details.
- City Architects note reduced amenity quality of No.4 Pearse Road.
- Overlooking of adjoining properties.
- The proposed development on the former CMP site is not a precedent as it overlooks commercial and industrial lands not residential.
- The commercial unit could create light pollution to the immediate area.
- Noise, dust and air quality impacts from construction and operation.

#### Transport and Movement

- The proposed development will create multiple delays on the Kinsale Road and create rat running.
- An entrance onto Kinsale Road is not suitable for HGVs.
- Significant reliance is placed on local bus service, which is unreliable.
- Inadequate car parking proposed and risk of overspill on local streets.
- Insufficient provision with public transport and sustainable travel.
- Insufficient pre-commencement mitigation.
- The volume of traffic already travelling along the Pearse Road and Lower Kent Road to access Tramore is already at maximum capacity.

- A robust traffic management measures to safeguard road safety for all users should be implemented.
- Parking for construction works is required.

#### Proposed Amenity

- Insufficient provision for vulnerable users and universal access.
- Community, open space and recreational infrastructure not sufficient with the scale of the development.

#### Other Issues

- The soil on site is contaminated which has not been addressed in the conditions attached to the grant of permission.
- Surface water, drainage, flood risk, parking, DMURS and construction traffic deferred to compliance and should have resulted in a refusal or be replaced with measurable pre-commencement deliverables.
- Concerns relating to site security and public safety.
- Scheme should be materially amended to comply with national and local policy and to protected residential amenity.
- A contextual height/massing strategy with GCIs and comprehensive daylight/sunlight analyses required to be agreed.
- Secure privacy/screening details and compliance drawings should be agreed before development.
- Ensure delivery and maintenance of community facilities to occupation thresholds.
- Require independent verification for contamination remediation, waste management and biodiversity measures.
- Potential ponding/runoff/flooding to adjacent homes on Kinsale Roads.

#### Issues with Conditions

Issues have been raised relating to the conditions attached P.A. grant of permission. Some of the issues raised do not relate to the stated conditions:

The comments include, inter alia:

- Condition 2: The reliance on developers Architectural Design Statement does not safeguard visual amenity or integration with local built environment.
- Condition 7: The set back required is insufficient to mitigate overlooking, loss of privacy and overbearing massing for adjacent dwellings.
- Condition No.8: Without defined screening/obscure glazing/specification and compliance drawings, overlooking and loss of privacy will persist.
- Condition No.13: The condition does not provide robust measures for construction traffic management, dust, noise and safety.
- Condition No.14: The condition inadequately secures parking, bicycle storage and sustainable transport congestion.
- Condition No.16: Reliance on later monitoring of play equipment leaves residents exposed.

## 7.2. Applicant Response

The main points of the applicant's response dated the 29<sup>th</sup> September 2025 can be summarised as follows:

- Every departmental report of the PA recommended a grant of permission.
- The grant of permission includes clear and concise planning conditions which address the grounds of appeal raised.

### Density and Height

- The density of 140dph has been endorsed by the PA.
- Acknowledged that the density of 140dph and the development height is in excess of the Development Plan requirements for Inner Urban Suburbs.
- However as noted by the PA planner, the Compact Settlement Guidelines came into force after the adoption of the City Development Plan 2022.

- Density proposed complies with the density range of 50-250 for City Urban Neighbourhoods in the Compact Settlement Guidelines.
- The proposed development which has a lower density than recently permitted schemes in the area provides a variation in height that mediates between the existing and permitted character of the area.
- The submitted Building Height Rationale Report provides a robust reason for the heights proposed.
- The proposed height is justified by reference to the Urban Development and Building Height Guidelines 2018.
- The proposed height ranging from 4 to 9 makes a positive intervention on the site which responds to the receiving environment.
- The proposed development will provide compact growth on a designated as a “Neighbourhood Development Site” well served by public transport with high capacity and frequent services.
- The proposed development will comply with CDP objective 10.100 as it will provide a mixed use, primarily residential scheme which has placed a new urban neighbourhood in a compact manner contributing to the creation of a compact Cork City.

#### Loss of Privacy and Light

- The approach to the design of the site has been to pull back from the boundaries with neighbouring house.
- The configuration of Block 1 and 2 facing Pearse Road and the separation distance between Block 1 and 4 Pearse Street of 9.5m addresses any potential for an overbearing design.
- Translucent glazing proposed on the northern elevation to Block 4 to avoid any overlooking of Lyman.
- The location and configuration of Block 3 relative to Virgin Media Park avoids potential for overbearing or overlooking of any sensitive receptors.
- Block 4 comprises of 4 storeys rising to 6 further away from the site boundary. Translucent glazing is proposed for the northeastern boundary.

- The remaining element of Block 4 are set back c.42m from the northern boundary reducing the potential for overlooking.
- Condition No.7 requires the setting back of the top floor of Block 1 which the applicant is willing to accept.
- Notwithstanding the Daylight and Sunlight Analysis which identifies adverse impacts on two properties, the granted Part 8 development and 3no. windows of 4 Pearse Road, the proposed development performs favourably from a daylight and sunlight perspective.
- The submitted assessments conclude that the proposed development will not give rise to any significant or undue loss of residential amenity by way of overlooking and overshadowing.

#### Traffic, Road Safety and Parking

- The junctions identified and assessed under the submitted TTA capture traffic umbers travelling to and from the adjacent McDonalds including its Drive-Tru.
- The TTA indicated that at Pearse Road/Kinsale Road Junction the proposed development is projected to result in a maximum increase of +7% Degree of Saturation in 2027, this represents a minor relative impact.
- The analysis of the Kinsale Road/Slieve Mish Park, the proposed entrances on Pearse Road and Kinsale Road indicate that the maximum Ratio of Flow to capacity is 11% which is not a significant impact.
- The proposed development has placed an emphasis on a modal shift reducing the impact on the surrounding road network.
- Council's Traffic, Urban Street & Roads Design department did not raise any concerns.
- With compliance with conditions no traffic impacts will arise a result of the construction activities.
- The reduced parking provision is aligned with national, regional and local sustainable transportation policy specifically SPPR 3 (ii) of the Compact Settlements Guidelines.

- A Mobility Manager/Travel Coordinator will be appointed to promote the submitted Mobility Management Plan.
- The proposed development will create a high degree of permeability.
- A Compliance Statement concludes that the proposed development complies with DMURs.
- The site is in a highly accessible location with public transport services.
- The site is located along Route 6 of Cork BusConnects scheme which will provide an overall increase of 53% in bus services in Cork.

#### Compliance with Conditions

- As per the OPR Practice Note PN03 it is reasonable and permissible to provide conditions requiring that points of detail to be agreed between the person carrying out the development and the planning authority.
- The details sought by way of compliance are not material planning matters that would have altered the PA decision.
- No work can commence on site until all pre-commencement conditions are complied with.

#### Community Infrastructure

- The proposed development will facilitate the creation of a new urban neighbourhood which will benefit the existing community.
- The submitted Social and Community Audit concludes that, other than childcare facilities, the area has sufficient community infrastructure to serve the occupants of the proposed development.

#### Universal Access

- The development has been designed to provide for Part M compliance and provides a high degree of permeability. The development will be subject to a Part M certificate.

#### Surface Water Management, Waste Management, Drainage and Flood Risk.

- A Confirmation of Feasibility (CoF) has been received from Uisce Eireann stating that the watermain has sufficient capacity to supply the proposed development subject to a network upgrade.
- The proposed wastewater connection to the existing network is feasible without any infrastructure improvement from Uisce Eireann.
- A new separate surface water network will be provided in line with the Uisce Eireann CoF.
- A comprehensive SuDS strategy has been prepared ensuring surface water runoff is controlled to prevent flooding.
- A Flood Risk Assessment was submitted which concludes that the proposed development is at low risk of flooding.
- The City Council Drainage Department raised no objection in relation to drainage matters.

#### Retail Uses

- Should any of the retail or café uses seek to be operated as a takeaway use, permission would be required to be sought for a change of use.
- Condition No.9 requires details of all signage for the retail units to be submitted to the planning authority for further assessment.

#### Compliance with Extant Permission

- Due to the previous use of the site significant remediation work was required to ensure that the site was suitable for residential uses.
- Permission was granted for remediation of the site (P.A. Ref: 24/42868). Remediation work started in late 2024. The site is at the verification process which is Stage 3 of the EPA guidance workflow. Once the verification process is complete a report will be submitted to the EPA to support an application for surrender of the IPPC licence.

#### Conclusion



- Due to careful design consideration the proposed development does not give rise to any significant effects on the environment or the residential amenity of adjoining properties.
- The proposed development is located on a brownfield site in the built-up area of Cork City and is in line with national, regional and local planning policy.
- The proposed development will deliver a residential development in a compact manner prioritising brownfield land redevelopment over greenfield urban sprawl.
- The proposed development will rejuvenate this part of the city and will enhance and sustain existing community infrastructure.

### **7.3. The Planning Authority Response**

The letter received on the 17<sup>th</sup> September 2025 states that having reviewed the third-party appeals the Planning Authority has no further comments.

### **7.4. Observations**

None

## **8.0 Assessment**

8.1. Having reviewed the appeal, examined all other documentation on the case file, inspected the site, and had regard to the relevant national, regional, and local policies and guidance, I consider the main issues in the appeal to be as follows:

- Principle of Development
- Density and Height
- Residential Amenity of surrounding area
- Transportation and Movement
- Remediation of the Site
- Childcare
- Surface Water

- Conditions
- Material Contravention
- Other Matters

I propose to address each item in turn below.

8.2. In respect of the proposed development, I have carried out a screening determination for appropriate assessment (AA), a pre-screening and a screening determination for environmental impact assessment (EIA), and a screening determination for water status impact assessment (WSIA). These are presented in sections 9.0, 10.0, and 11.0 below and are to be read in conjunction with Appendices 1-4 of this report.

8.3. Note:

The attention of the Commission is drawn to the fact that The Design Standards for Apartments, Guidelines for Planning Authorities (2025) have been recently published and replace the Sustainable Urban Housing: Design Standards for New Apartments (2020) and subsequent revisions. These are applicable to any application for planning permission and to any subsequent appeal or direct application to An Commission Pleanála submitted after the issuing of the Guidelines, i.e., from 9th July 2025.

The Department Circular letter NSP 04/2022 states that:

“The revocation of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’, 2023 (and all preceding updates) does not apply to current appeals or planning applications, i.e. that were subject to consideration within the planning system on or before the 8th of July 2025. These will be considered and decided in accordance with the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’, 2023, or as set out below, where applicable.”

This application was lodged with the Planning Authority on the 12<sup>th</sup> June 2025 and therefore will be assessed under the provision of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’, 2023.

## 8.4. Principle of Development

### 8.4.1. Zoning

The proposed development comprises of 170 apartments with 930m<sup>2</sup> of retail space, a 250m<sup>2</sup> creche, a 140m<sup>2</sup> café and a 100m<sup>2</sup> management/maintenance office. The site is zoned ZO 08: Neighbourhood and Local Centres. The objective of which is 'to protect, provide for or improve local facilities'. Section ZO 8.2 states: *'Neighbourhood and Local Centres should also include residential uses, particularly at higher densities that contribute to sustainable compact growth. These can be delivered particularly above ground floor level.'* Section ZO 8.3 states:

*'Development proposals in this zone must serve local needs and must demonstrate how the proposal would respect, reflect or contribute to the character and vibrancy of the particular Neighbourhood and Local Centre, commensurate with the nature and scale of the development. Developments must deliver a quality urban environment and public realm with a focus on accessibility and permeability.'*

The site is also designated a 'Neighbourhood Development Site', Growth Strategy Map (Vol 1, Chapter 2, Figure 2.21). The CDP stated potential land use for this site is a mix of uses including residential and convenience retail, with a priority for residential use.

The proposed development provides for four retail units ranging from 130m<sup>2</sup> to 313m<sup>2</sup>. In the submitted Planning Statement, the applicant states these units are to be used for convenience retail and retail services. These are located along the Kinsale Road and along the new public pedestrian route. A café is proposed overlooking the new public plaza. Own door residential units are proposed on the ground floor along Pearse Road. I note that Section ZO 8.2 of the CDP states that Neighbourhood and Local Centres should also include residential uses which can be delivered particularly above ground floor level. I note that the CDP does not specifically restrict ground floor residential units in this zone and having regard to the existing low scale residential development along this section of Pearse Road, I consider to be appropriate.

Having regard to the zoning objective of the site and in particular the stated residential land use priority for the designated neighbourhood site, I consider the

balance of uses to be acceptable. As I will detail below, I consider that the proposed development delivers a quality urban environment and public realm which will provide increase accessibility, permeability and accessibility for the immediate area. I consider, therefore, that the proposed development complies with the zoning objective and the Neighbourhood Development Site designation.

#### 8.4.2. Dwelling Mix

The proposed dwelling mix can be seen in the table below. The proposed mix does not comply with mix required in Table 11.8: 'City Suburbs Dwelling Size Mix for Housing Developments' of the CDP. Objective 11.2 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. There are no four-bedroom units proposed and the number of 1 and 2 bed units are in excess of the CDP range.

	<b>Development Plan Range</b>	<b>Target</b>	<b>Provided</b>
<b>Studios</b>	0%-15%	10%	-
<b>1 Bedroom</b>	15%-25%	20%	30%
<b>2 Bedroom</b>	25%-40%	34%	49.4%
<b>3 Bedroom</b>	18%-38%	28%	20.6%
<b>4 Bedroom</b>	5%-15%	8%	-

#### **Proposed Dwelling Mix**

Objective 11.2 of the CDP also states, '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.' The percentage of one-bed units proposed is 30% which is outside the range specified. The percentage of 2-bed units proposed is 34% which is outside the range specified. The percentage of 4-bed units proposed id 0% again outside the range specified.

Objective 11.2 states that when justification can be '*provided flexibility will be provided **according to the ranges provided***'. The proposed mix of 1,2 & 4 beds

units is not in accordance with the ranges provided. I consider the CDP does not allow for any flexibility outside of the ranges specified. I consider the differences between the top of the CDP ranges and the mix provided for the 1 & 2 beds and the non-provision of 4 beds to be material and therefore the proposed mix of units is a material contravention of the development plan.

I note that the number of 3-bed units complies with the CDP range and consider the proposed mix of units requires further assessment for suitability in this location.

A Statement of Housing Mix and an Advisory Report prepared by Sherry Fitzgerald was submitted with the application. The Advisory Report highlights that for new homes built between 2011 and 2014, scheme houses account of 73% and while steadily increasing, apartments account for 18%. The Advisory Report concludes that there is market demand for the proposed development. The Statement of Housing Mix has analysed the existing housing mix in the immediate environs of the proposed development site. It concluded that the area is under served with 1-beds at 4.6% and 2-beds at 22.3%. The report considers that the housing mix proposed comprising of 51no. 1-beds; 84no. 2-beds and 35no. 3-bed units will therefore add a significant number of much needed smaller unit types in the Ballyphehane area.

I note that the SPPR 1 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2023 states that Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. The proposed development with 30% 1-bed apartments complies with the SPPR.

Given the existing deficiency of one- and two-bedroom units in the area, I consider adequate justification for the dwelling mix proposed has been submitted. The proposed mix of units will provide a range of types and sizes of units in the area and assists in achieving a balanced community. The provision of an apartment development in this area will also add to the variety of dwelling type in the area. I therefore consider that the proposed mix is acceptable.

- 8.4.3. I consider the proposed mix of units be a material contravention of the CCDP, given that Objective 11.2 of the CDP does not allow for flexibility outside the dwelling size mix ranges provided in table 11.8. However, I recommend that in this instance

Section 37(2)(a) of the Planning and Development Act, 2000, as amended be considered for the following reasons:

- The existing under provision of 1-beds and 2-beds in the local area.
- The proposed number of 3-bed units to be provided.
- The proposed development will contribute to the compact growth of the area.
- The proposed development will contribute to the variety of dwellings types in the area.

#### Future Residential Amenity

8.4.4. Section 11.91 of the CDP refers to the Sustainable Urban Housing: Design Standards for New Apartments for quantitative standards for new apartment developments in the city. A Housing Quantity Assessment has been submitted with the application. The assessment shows that all the apartments meet or exceeds the requirements of the Apartment Guidelines for the following specific planning policy requirements (SPPR):

- Apartment Floor Area (SPPR 3)
- Floor-to-Ceiling Height (SPPR 5)
- Lift and Stair Cores (SPPR 6)

I note that 49.4% of the proposed apartments are dual aspect. SPPR 4 requires that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. At 49.4% the proposed development is below the SPPR figure; however, the difference is minimal and not significant. I therefore consider that the amount of dual aspect apartments in the proposed development to be acceptable.

Private amenity space has been provided in the form the balconies and terraces. The size of the private amenity space for the proposed apartments meets and exceeds the minimum floor areas for private amenity space contained in Appendix 1 of the guidelines.

The appellants consider that the proposed development does not provide sufficient open space and recreational infrastructure for the scale of the proposed development.

The size of the communal amenity space for the proposed apartments meets and exceeds the minimum floor areas for communal amenity space contained in Appendix 1. The communal open space is between Block 1 and 3 in accessible location adjacent to the new pedestrian route through the site. The communal open space will receive passive surveillance from the apartments above and will adequate sun light. (See Section 8.5).

The proposed development provides 1,398 sq.m of public open space, this represents 11.48% of the site area and is in excess of the Residential Public Open Space Provision requirements as detailed in Table 11.11 of the CDP which requires a general provision of 10%.

A Landscape Design Rational has been submitted with the application, I am satisfied that the design approach taken for both the communal and public open spaces which provides calm, social and active spaces will provide the occupants and the general public high quality amenity areas, enhancing the existing neighbourhood.

I note one of the points of appeal requests that the provision of community facilities should be linked to the occupation of dwellings. In this regard I recommend a condition be attached requiring the phasing of the development to be agreed with the Planning Authority before the commencement of development.

### Conclusion

In conclusion, the proposed development is consistent with the land use zoning objectives for the site. Furthermore, I agree with the applicant that the proposed development will rejuvenate this part of Cork City and deliver a new and compact residential and commercial development that in principle will respond to the zoning and the CDP Neighbourhood Designation.

## **8.5. Density and Height**

- 8.5.1. Concern has been raised in the appeals that the proposed development represents overdevelopment of the site, and its height and scale are contrary to the prevailing pattern of development in the area.
- 8.5.2. The site of the proposed development is surrounded by one and two storey dwellings, with some commercial units and the Virgin Media Park. I draw the Commission's attention to the Part 8 five storey apartment development to the southeast and adjoining the site. Work has started on this site.

**Density: Development Plan**

- 8.5.3. The proposed development comprises of 170 apartments with 930m<sup>2</sup> of retail space, a 250m<sup>2</sup> creche, a 140m<sup>2</sup> café and a 100m<sup>2</sup> management/maintenance office. The stated net density of the development is 140 dwellings per hectare (dph). The proposed development comprises of 4no. blocks ranging in height from 4 to part 8, part 9 storeys.
- 8.5.4. Having regard to Appendix B: *Measuring Residential Densities* of the Sustainable and Compact Settlements, Guidelines for Planning Authorities 2024, I consider the density to be incorrectly calculated and consider the residential of the proposed scheme to be 152dph as calculated below:

<b>Required Information</b>	
Net site area:	1.21ha
Overall GFA:	17,575m <sup>2</sup>
Residential floor area:	16,155m <sup>2</sup>
Non-residential floor area:	1,420m <sup>2</sup>
Number of residential units:	170
<b>Calculation</b>	
Residential GFA as a portion of development	16,155/17,575 = 92%
Site area for density purposes	1.21ha x 92% = 1.113
<b>Residential density</b>	<b>170/1.113ha = 152dph</b>



- 8.5.5. The CDP target density range in this location is 50 -100 dph and therefore the density of the proposed development is in excess of the development plan target.
- 8.5.6. The site has been designated in the CDP as 'Neighbourhood Development Site 6'. Section 10.355 of the CDP states that *'Potential densities provided are the minimum range informed by the Urban Densities, Building Heights and Tall Buildings Strategy. In most cases, higher densities will be encouraged due to the specific location or context of the site, e.g. proximity to public transport routes'*.
- 8.5.7. The Cork City Urban Density, Building Height and Tall Building Study 2021 sets out an assessment of the existing density across the city and proposes a density strategy for the city. This Study provides the basis for the densities and height set out in the Cork City Development Plan 20200-2028.
- 8.5.8. The targets for density and building height are set out in Table 11.2, Chapter 11 of Volume 1 Written Statement and in Volume 2 Mapped Objectives in the CDP 2022-2028.
- 8.5.9. The site is located within the 'Inner Urban Suburbs' in respect of Density and Building Heights map (Vol 2, Map 7: South Central Suburbs). In Table 11.2 the site is located within the 'Inner Urban Suburbs' (No.5 South Link Road Corridor). Table 11.2 states that for the South Link Road Corridor the target density range is 50 -100 dph. The proposed development exceeds the ranges in terms of density.
- 8.5.10. The planning authority have not raised concerns in this regard and note that the proposed density is justified against the highly accessible location of the site. While they note that the density exceeds the targets set out in the City Development Plan, they are of the opinion that the density proposed is acceptable having regard to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- 8.5.11. As stated above the density of the proposed development is 152 dph which is over 50% in excess of the upper target density range. I note the use of the word 'target' in this regard. The definition of 'target' in the Oxford Dictionary is 'a result that you try to achieve'. It is therefore not something that must be achieved, the word 'shall' is not being utilised. The term 'target' as expressed in Table 11.1 could be considered to constitute a recommended range as opposed to a definitive limitation. It is important to note, as stated above, the CDP density ranges have been formulated from an

evidence-based approach contained in the Cork City Urban Density, Building Height and Tall Building Study 2021. Notwithstanding the use of the word 'Target' I consider that the ordinary meaning of this density range would be understood by members of the public as an accessible range of density for a particular location. Given the extent of difference between the CDP target density range of 50-100dph and the density of the proposed development at 152 dph, I consider that the proposed development represents a material contravention of the Cork City Development Plan.

I note that in the Planning Authorities Planner's report, the density of the proposed application was assessed having regard to the Compact Settlement Guidelines. While acknowledging the proposed development has a density that is above the CDP target density range, I also consider it necessary to assess the proposed development against national policy in particular the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)'. I note the Cork City Development Plan 2002-2028 came into operation before the guidelines were published in January 2024.

*Density: Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)*

- 8.5.12. The Guidelines set out national policy and guidance relating to residential developments. The Guidelines constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended).
- 8.5.13. The Guidelines sets out density ranges for Cork City Centre, its Urban Neighbourhoods and Suburban/Urban Extension area. The applicant considers that the site is located in an Urban Neighbourhood area. The Guidelines states that Urban Neighbourhoods category includes *'(i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations , (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport.'*

- 8.5.14. The Kinsale Road/Turners Cross area has evolved overtime with a range of uses, such as residential, retail and commercial uses at Turner's Cross Retail Park and leisure facilities such as the Virgin Media Park, Turners Cross Football Grounds and Tramore Valley Park. The site is within 500m of a bus stop for the BusConnects Route 6 comprising Grange Road-Black Ash Park and Ride (via Douglas Road and UCC). This is planned to have regular 15min frequency mid-week and Saturday services. It is expected that the roll out of the Cork BusConnects will commence mid-2016. Other services that will serve the development are the Route 13: Cork Airport – Kent Station a Core Bus Corridor, Route 14: Cork University Hospital – Mahon Point and Route 23: Old Youghal Road via the City Centre. Table 3.8 of the Compact Settlement Guidelines includes in the definition of a High-Capacity Public Transport Node or Interchange locations within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop.
- 8.5.15. As the site is in a mixed-use area that is in a location of a planned high-capacity public transport nodes or interchanges as defined by Table 3.8 I consider that the area can be defined as an Urban Neighbourhood.
- 8.5.16. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork. The density of the proposed development at 152dph is within this range.
- 8.5.17. I also note that the residential development at the former CMP Dairy at the Kinsale Road/Tramore Road junction, as granted under ABP Ref: 312866, has a density of 180dph. Construction on this site has commenced.
- 8.5.18. Having regard to the provision of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), I consider that density of the proposed development is in compliance with the Guidelines for this location within Cork City.

#### Refining Density.

- 8.5.19. Chapter 11 of the CCDP relates to Placemaking and Managing Development. It sets out that 'development should have a positive contribution to its receiving environment delivered by innovative architectural, landscape and urban design, which respects the character of the neighbourhood, creates a sense of place, and

provides green spaces and community and cultural amenities commensurate with the nature and scale of the developments’.

8.5.20. Section 3.4 Refining Density of the Compact Settlement Guidelines recommends that the density ranges should be further considered and refined. Step 1 in the refining process is the ‘consideration of proximity and accessibility to services and public transport’, which encourages densities at or above the mid-density range at the most central and accessible locations, densities closer to the mid-range at intermediate locations, and densities below the mid-density range at peripheral locations. As stated above in Section 8.15/16 the site is in a mixed-use area that is in a location of a planned high-capacity public transport nodes or interchanges as defined by Table 3.8

8.5.21. Step 2 of Refining Density states that ‘new developments should respond to the receiving environment in a positive way and should not result in a significant negative impact on character (including historic character), amenity or the natural environment.’ Step 2 requires five elements to be assessed.

*(a) Impact on Local Character*

The proposed development at a density of 152dph will represent a major change in the pattern of development in this area. As stated previously the site is designated in the CDP as a Neighbourhood Development site which allows for a mix of uses including residential and convenience retail with a priority for residential use.

The receiving environment can be characterised by a mix of single storey warehouse commercial buildings and low-density one and two-storey residential properties.

To address the relationship with the neighbouring site the stated approach includes:

- pulling back from the boundaries with the neighbouring houses,
- Setting back from Kinsale Road for the BusCorridor, and
- Setting back on Pearse Road to allow for an own door accessed unit to help activate Pearse Road and tie in with the receiving environment.

To allow for better permeability in the area the proposed development provides for a new public pedestrian access route through the site providing a direct link from Pearse Road to Kinsale Road. The proposed development provides for two areas of

open space and a plaza which will provide for new amenity areas for the neighbourhood.

The design proposal is premised on the following stated objectives to respond to the receiving environment:

- Minimising the visual impact on the residential units in Pearse Road, stepping back block 4 to reduce impact on adjacent residences.
- Increasing the height of Block 3 & 4 to increase density and add variety in building height to create visual interest.
- Stepping back levels four and five on block 4 on Kinsale Road to reduce impact on adjacent residences, stepping in the gables ends of block 3 and stepping back the upper floor on Blocks 1 & 2 on Pearse Road so that the lower three levels read as part of the street, more in keeping with the receiving environment.
- Creating a marker building for the development using Block 3 which would be seen on approach signalling the new community.

I agree with this design approach and consider that the proposed development responds to the receiving environments in a positive way. I consider that the area is in period of transition and that the proposed development along with Creamfield SHD site on the Kinsale Road c.220 to the south of the subject site will create a new emerging character.

*(b) Built and Landscape Heritage*

There are no historic landscapes or built heritage on or adjacent to the site.

*(c) Habitat and Species*

The site is a brownfield site with no important natural features (habitats and species). The EIA screening in Section 9 of this report has concluded that the proposed development will not have a significant negative impact on the environment or on any protected under the requirements of the Environmental Impact Assessment and Habitats Directives.

*(d) Residential Amenity*

A detailed assessment of the impact of the proposed development will have on the residential amenities of the of residential properties that are in close proximity to the development site is dealt with in Section 8.6 where I conclude that the proposed development will not have a significant negative impact on the residential properties in close proximity.

*(e) Water and Wastewater Network*

A Confirmation of Feasibility from Uisce Eireann has been received for the proposed development stating that water and wastewater connection are feasible without infrastructure upgrade by Uisce Eireann. The Uisce Eireann capacity registers show that there is capacity available for water and wastewater in this area. Therefore, the water supply and wastewater networks can service any new development.

Conclusion

8.5.22. I consider the proposed density be a material contravention of the CCDP, given that an upper target of 100dph applies to this area, as per Table 11.2 of the City Development Plan, while the density proposed is 152 dph. However, I recommend that in this instance Section 37(2)(a) of the Planning and Development Act, 2000, as amended is invoked by the Commission:

- The density of the proposed development complies with the requirements Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.
- The proposed development will respond in a positive and appropriate way to the receiving environment of the area.
- The proposed development will not be harmful to any important natural or built features.
- The proposed development has considered the impact of the proposed development on the amenities of residential properties that are in close proximity to a development site.
- The water supply and wastewater networks can service the proposed development.

### Height: Development Plan

- 8.5.23. A number of the appellants consider that the height of the proposed development is excessive for the area. The predominant building heights in the immediate area are one and storey stories.
- 8.5.24. The height of the proposed development includes Block 1 and 2 which are four storeys, Block 3 which is 8/9 storeys with a maximum height of 37.125m (OD) and Block 4 which is 4/6 storeys. The targets for building height are set out in the CDP Table 11.1, which has been informed by the result of the Cork City Urban Density, Building Height and Tall Building Study 2021. Table 11.1 states that for the South Link Road Corridor has a target height range of 3–4 storeys. The proposed development at up to 9 storeys far exceeds this target height range.
- 8.5.25. Section 11.45 and 11.46 of the CDP defines what is considered to be a tall building. A tall building is defined as being above 18m/6 residential storeys and only when they are significantly higher than those around them. Proposed Blocks 3 & 4 are both above 18m and Block 3 is 8/9 storeys. I note that the Senior Executive Planner assessed the proposed development as being a ‘Tall Building’. Section 11.51 states that *‘tall buildings should only be developed in suitable locations identified in the development plan. Tall building proposals outside of the locations specified are not generally considered to be appropriate as they would likely conflict with the overall building height strategy for Cork.’*
- 8.5.26. The CDP identifies City Centre Island Tip /City Docks for tall building and five additional areas at location where higher density is considered suitable. These areas are Blackpool, Tivoli Dock, Victoria Cross, Mahon and Wilton. The application site is not included in one of these identified areas.
- 8.5.27. The proposed Blocks 3 and 4 are in excess of the target heights for the area as specified in Table 11.2 and the site has not been identified as a location for ‘Tall Buildings’ Again I note again the used of the word ‘target’ as expressed in Table 11.1 which constitutes a recommended range as opposed to a definitive limitation, which SPUR 1 of the Urban Development and Building Height Guidelines prohibits development plans from providing for. Section 11.33 of the CDP states that ‘the building height of development will respond directly to the proposed density of development, the character of an area, as well as block development typologies, site

coverage and a range of other factors.’ Therefore, I consider that within the CCDP there is scope for increased building height in excess of Table 11.1 and 11.2 ‘targets’ having regard to the provisions of section 11.33. It is also of note that the accompanying text to the table, makes no reference to the height targets as being minimums or maximums.

- 8.5.28. In this regard, I note previous decision of An Coimisiún - ABP-319482-24 for a site on Blackrock Road, Cork city also located within an Inner Urban Suburb area. An Coimisiún considered in that case that while Table 11.1 of the Development Plan sets target building heights for these areas, it does not prohibit buildings of six storeys in the Inner Suburbs Area and in that case, that the omission of one storey from the six-storey apartment block was therefore not warranted or necessary. An Coimisiún, in that appeal, did not consider the proposal to be a material contravention of the City Development Plan.
- 8.5.29. However, the proposed development includes a 9-storey block which is twice the upper number of storeys in the target height range for this area. I, therefore, consider that given the extent of the deviation the proposed development represents a material contravention of the development plan. I note that the Planning Authority did not consider the height of the proposed development to be a material contravention of the CDP.
- 8.5.30. Given national policy for compact growth with increased residential densities at locations accessible sustainable modes of transport, I consider that the height of the proposed development on this accessible site requires further assessment.
- 8.5.31. It is noted that on the immediately adjoining site a 5 storey Part 8 residential development has been permitted. It is also noted that on the Creamfields Site, which is approximately 250m from the proposed development site, a SHD residential development including block of up to 15 storeys (ABP Ref. No. 312866-22) and a 7 storey Primary Care Centre (PA Ref. No. 22/40906) have been permitted.

It is considered necessary to assess the proposed development against the requirements of the Urban Development and Building Heights Guidelines for Planning Authorities 2016.

*Urban Development and Building Heights Guidelines for Planning Authorities 2018*



8.5.32. Strategic Planning Policy Requirement 3 of the Urban Development and Building Heights Guidelines for Planning Authorities 2018 states that: ‘

*It is a specific planning policy requirement that where;*

- (A) 1. *An applicant for planning permission sets out how a development proposal complies with the criteria above; and*
2. *the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;*

*then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise...’*

8.5.33. As part of the application the applicant has submitted a Building Height Rationale report. The report concludes that the proposed development provides for height ranging from four to nine storey and makes a positive intervention on the site, increasing heights and densities in line with National Policies while achieving an appropriate design response which responds to the receiving environment.

8.5.34. In determining the suitability of the height of the proposed development I considered beneficial to assess the proposed development against the Development Management Criteria as detailed in section 3.2 of the Building Height Guidelines, including at the scale of relevant city/town, at the scale of district/neighbourhood/street, at the scale of the site/building, together with specific assessments. This assessment is detailed below:

8.5.35. *At the scale of the relevant city/town*

- *The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.*

The site is located on the Kinsale Road and is within 15 minutes walking distance of the following bus stops which serve the following routes:

- Route 203: Lehenaghmore – City Centre-Farranee
- Route 206: Grange-South Mall
- Route 219: Munster Technological University Cork – Mahon Point Road

- Route 213: Black Ash-City Centre
- Route 209A: St. Partrick Street-Ballyphehane.

The proposed development site is also in close proximity to Bus Connect route 7,13,16,18 and 27. It is expected that the roll out of the BusConnects routes will start in mid-2016. The Bus frequency adjacent to the site will increase when BusConnect is implemented. With the range of bus services to the city centre the site has good links with the rail service and also any future light rail service which is a long-term objective as stated in section 4.58 of the CDP.

Given the range of current and future frequent bus services I consider that the site is well served by public transport and good links to other modes of transport.

- *Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.*

The submitted design statement states that the proposed buildings are of a height and massing that are justified in their context and will have a positive impact on the area, and that responds to the unconstrained potential of a large brownfield site that is capable of generating its own character as a new high profile, high quality, predominantly residential neighbourhood hub. The applicant considered that the proposed development will improve the public realm in the vicinity of the site and improve pedestrian connectivity between Pearse Road and Kinsale Road as well as providing new public open spaces and services for the existing and future residents of the area.

Presently Kinsale Road comprises of a mix of uses and building types including single storey retail units, one and two storey residential units, drive in restaurant unit and the sports ground. The area currently does not have a strong urban character and is an area in transition. While the proposed development is a major intervention into the built fabric of the area, it will provide both Kinsale Road and Pearse Road with appropriately scaled and defined urban edges giving a sense of enclosure to the

carriage ways. The proposed development will enhance the character and public realm of the area by providing the new pedestrian street, meeting areas within the scheme, additional commercial activity and a creche.

I consider the proposed development along with the permitted developments in the area will enhance the urban character of the area. The proposed development will contribute to compact growth in the area and to the character of an on-going enhanced urban area.

A Landscape and Visual Impact Assessment (LVIA) was submitted with the application. I am satisfied with the approach taken in the LVIA. The existing site is a site in transition following the demolition of a former industrial building. There are no heritage or conservation designations associated with the site. The site is devoid of features and does not have any amenity value. From a landscape perspective the LVIA states that the effect resulting from a Medium landscape sensitivity, and a Medium magnitude of change, is considered to be Moderate. The resultant change from the proposed development is appropriate to the objective of the ZO 08: Neighbourhood and Local Centres zoning objective and reflected in developments permitted in the vicinity. Given the proposed range of passive and active amenity areas and the proposed pedestrian street, I consider that the landscape and amenity value the area will increase which will benefit the wider community.

From a visual perspective the LVIA states that there are no adverse effects arising from the proposed development on views in the vicinity of the site including the CDP Strategic Linear Views from Tramore Valley Park. I consider that this conclusion is acceptable.

Verified photomontages prepared for the proposed development have been submitted. A total of 13 views were assessed in the LVIA. These are considered in the table below:

Viewpoint	Description	Distance to Site	Magnitude of Change	Effect – Quality of effect
1	View from Kinsale Road	30m	Medium	High -Beneficial
2	View from Kinsale Road	Adjacent	Medium	High - Beneficial
3	View from Kinsale Road	50m	Medium	High - Beneficial

4	View from Kinsale Road	170m	Medium	High - Beneficial
5	View from Pearse Road	80m	Medium	High - Beneficial
6	View from Pearse Road	60m	Medium	High - Beneficial
7	View from Kinsale Road / Pearse Road Junction	140m	Low	Moderate - Neutral
8	View from Curragh Road	240m	Medium	High - Neutral
9	View Tramore Valley Park	600m	Low	Moderate - Neutral
10	View from O'Growney Crescent	100m	Medium	High -Neutral
11	View from Tory Top Road	175m	Low	Moderate - Neutral
12	View from Green Lawn	175m	No Change	No Visual Effect
13	View from Slieve Mish Park	80m	Medium	High - Neutral

I consider these findings to be reasonable. I have assessed the submitted CGIs and had regard to the findings of the LVIA. It can be seen that the proposed development will be a significant intervention into the area especially for the residential units in close proximity to the site on Kinsale Road and Pearse Road. This can be seen in the CGI images for view 2, 3, 5 and 6. While acknowledging the degree of change I consider the change to be beneficial. For the remaining views where there is change, the CGI show the positive impact the proposed development will have on placemaking in the area.

Proposed tree planting along the boundary and within the site will soften the effect of the development especially along the southern boundary of the site. The mitigation of any effect of the proposed development will increase over time as the trees mature.

I consider that the proposed development will deliver a high-quality mixed-use neighbourhood which will provide the area with improved public realm, public amenities and accessibility and will contribute to a quality compact urban character.

- *On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.*

The proposed development is on a brownfield site close to the junction of Kinsale Road and Pearse Road. The proposed development provides for a new public pedestrian route across the site linking Kinsale Road and Pearse Road. The link also includes a public plaza with café, terraced planting at the entrance with Pearse Road and a public garden space. The proposed development will create an active street front along Kinsale Road with the provision of retail units on the ground floor. Own-door residential units are proposed along Pearse Road which will provide adequate activity along this predominately low-density residential road.

The proposed site layout with the higher elements of the development (Block 3) in the interior of the site, and the stepping down of development towards the adjoining residential properties will respond to the scale of the adjoining developments.

The proposed architectural detailing, the articulation of the elevations and the proposed material will ensure that the proposed development will create visual interest in the newly formed streetscapes.

#### 8.5.36. *At the scale of district/ neighbourhood/ street*

- *The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.*

As stated above the proposed development due to its form, active streetscape, uses and architectural detailing will make a positive contribution to the urban neighbourhood and will provide a more enclosed and defined streetscape in this section of both Kinsale Road and Pearse Road.

- *The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.*

The proposed development has been broken up into a series of 4 blocks with differing heights ranging from 4 storeys to 9 storeys and separated by a plaza, communal open space and public open space. The site layout will ensure the overall

development is not monolithic. I consider that the architectural articulation of the elevation and building form along with the proposed materials are well considered and as stated above, will provide a positive contribution to the neighbourhood.

- *The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).*

The proposed development will contribute to a more defined streetscape that is appropriate and along with the permitted Part 8 residential development will enhance the existing urban form. The proposed development with the permitted Part 8 development and Creamfield SHD development will also create a sense of enclosure to the area surrounding the Virgin Media Park.

The proposed site is located with flood zone C as specified in the Flood Risk Management Guidelines for Planning Authorities 2009. Risk of flooding has been assessed in the submitted Planning Engineering Report. It concluded that there is no risk associated with coastal flooding as general ground levels for the site are much higher than expected extreme coastal flood levels. CFRAM mapping for the general area surrounding the site indicate no fluvial flood risk. Roads in the vicinity are also located in Flood Zone C, therefore access to the site for emergency vehicles during a flood event will not be compromised. Pluvial flood risk has not been identified by the Preliminary Flood Risk Assessment as being a risk. One of the appellants states that the area is subject to flooding. There are no records on the OPW Past Flood Events of flooding incidents in area. The report concludes that the development is at low risk of flooding and the development is deemed to appropriate within the proposed site location. I note that Drainage Section of the Planning Authority did not raise any flood risk concerns. I consider the conclusion of the submitted flood risk assessment to be acceptable, and I consider that the development is at low risk of flooding.

- *The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.*

Having regard to the scale of the development and the proposed interface with the Kinsale Road, I consider the proposed development, along with the permitted Part 8 development, will create a defined urban edge along the Kinsale Road. I also consider the four storey Block 1 and 2 with own-door apartments onto Pearse Road and set back upper floor will provide a scale that is appropriate to this residential section of Pearse Road. The defined street edges along with the increased accessibility and permeability will therefore improve the legibility of this area contributing to a defined urban form and character.

- *The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.*

The proposed development consists of 8no. 2 bed town houses, 4no. 3 bed town houses, 51 no. 1 bed apartments, 76 no. 2 bed apartments and 31 no. 3 bed apartments. The prevailing typology in the area is predominately own door 3 bedroom and 2-bedroom dwellings. The proposed development, as discussed in Section 8.4.2 will provide a range of unit types within the development which will add to the range of residential unit types in the wider area.

#### 8.5.37. *At the scale of the site/building*

- *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.*
- *Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2<sup>nd</sup> edition) 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, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.*

Overshadowing of adjoining existing properties have been raised in the ground of appeal.

A Daylight and Sunlight Assessment Report has been submitted with the Planning Application. The BRE guidelines have been followed to determine the properties to be included in the impact assessment. The adjoining permitted Part 8 has been included in the baseline state for the report. I consider this to be reasonable as at the time of site inspection, it appeared that site works have commenced on this site.

Forty-Nine windows of neighbouring properties were assessed. I consider that the windows chosen for assessment, including that of the Part 8 scheme yet to be built to be appropriate. Of the 49no. windows, 1no. window had a beneficial impact to Vertical Sky Component, 33no. a negligible effect, 7no. a minor adverse effect, 5no. a moderate adverse effect and 3no. a major adverse effect. For Annual Probable Sunlight hours there was no negligible effect on any of the windows. For Winter Probable Sunlight Hours for all of the windows assessed there was negligible effect.

I note that two of the windows on the gable of no.4 Pearse Road which face onto the proposed development are predicted to have a 'Moderate Adverse' impact. Given the benefit the proposed development will have on the streetscape along Pearse Road, I consider that the moderate adverse effect is acceptable in this instance.

I note the majority of the windows that will receive a negative effect are those on the permitted Part 8 development. The applicant notes that the Part 8 development has inherent constraints such as large balconies or windows facing directly onto opposing walls within its own design. An additional No Sky Line (NSL) assessment was carried out for the proposed Part 8 development and it is stated that these were positive with only three rooms shown to be adversely affected. It is also noted that the Part 8 scheme is to be built directly on the boundary with the application.



The proposed development provides for a comprehensive urban regeneration of this site and the creation of a new pedestrian street through the development with a strong urban edge which provides a café, creche and plaza for the wider urban area, I consider, on balance, any loss of light to some of the adjoining existing and proposed properties not be significant.

Two rear amenity spaces were assessed for the impact the proposed development would have on Sun on Ground. These were the rear gardens of the 3 Cemetery Cross, which directly to the northeast of Block 1 and Lyman which is directly to the northeast of Block 4. The assessment concluded that there would be no negative effect on the Sun on Ground in these exiting gardens. I consider these finding to be acceptable.

An assessment was also carried out on proposed amenity spaces in the development including the amenity space for the creche. The assessment concluded that all of the assessed external areas receive sunlight levels that meet or exceed compliance standards with the BRE Guidelines.

Each of the apartment in the proposed development was assessed for sunlight and daylight performance. The assessment concluded that only two rooms fall below the recommended minimum threshold. For sunlight exposure the assessment concluded that the development achieves an 80% compliance rate. I consider that the proposed development will ensure the urban regeneration of a site designated in the CDP as a Neighbourhood Development site which a priority for residential use. I also consider that the proposed development is an effective urban design and streetscape solution, with active street frontages which will provide better connectivity for the area with a new public realm for the community. Having regard to this, on balance, I consider any non-compliance with the BRE guidance to not be significant and is acceptable in this instance.

I note that in the CDP there are strategic views from the Tramore Valley Park to Saint Anne's Church Tower and to Shandon. The proposed development will not interfere with these strategic views.

In conclusion I consider that the form, massing and height of proposed developments will be carefully modulated and will not lead to significant overshadowing and loss of light.

#### 8.5.38. *Specific Assessments*

In terms of specific assessments. I note the application is accompanied by a comprehensive suite of assessments include, but not limited to, Architects Design Statement, a Housing Quality Assessment, a Building Lifecycle Report, a Daylight and Sunlight Assessment, an Inward and Outward Noise Impact Assessment, a Wind Microclimate Report, a Glint and Glare Report, a Mobility Management Plan and a Childcare Needs Assessment.

One of the appellants considers that a contextual height and massing strategy and a comprehensive daylight and sunlight analysis needs to be submitted and agreed. I consider that the proposed submitted documents, including the CGI's, the Architects Design Statement and Daylight and Sunlight Assessment are adequate to fully assess the impact the proposed development will have on the receiving environment.

#### Conclusion

8.5.39. I consider the height of the proposed development to be a material contravention of the CCDP, given that an upper height target of 4 storeys applies to this area, as per Table 11.2 of the City Development Plan, while the height of Block 3 is 9 storeys. However, I recommend that in this instance Section 37(2)(a) of the Planning and Development Act, 2000, as amended be considered by the Commission for the following reasons:

- The site is well served by public transport with frequent service and good links to other modes of public transport.
- The development successfully integrates into and will enhance the character and public realm of the area.
- The development will make positive contribution to place-making, incorporating a new streets and public spaces and create visual interest in the streetscape.
- The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape and to the legibility of the area.

- The proposed development positively contributes to the mix of dwelling typologies available in the neighbourhood.
- The proposed development has been designed to minimise overshadowing and to maximise access to day light.
- The proposed development secure urban regeneration of a brownfield site and will provide an effective urban design and streetscape solution.
- The proposed development meets the development management criteria and SPPR 3 of the Urban Development and Building Heights, Guidelines for Planning Authorities.

## 8.6. Residential Amenity

- 8.6.1. A number of the appellants have concerns relating to the impact the proposed development will have on the residential amenity of the area especially that caused by overlooking, overshadowing and overbearing.
- 8.6.2. Overshadowing has been dealt with in Section 8.5 above where I concluded that the impact of the proposed development will not be significant.

### Overlooking.

- 8.6.3. The proposed development consists of four Blocks. Blocks 1 and 2 face onto the Pearse Road, Block 3 is in the interior of the development and faces the Virgin Media Park and the permitted Part 8 Development and Block 4 faces onto the Kinsale Road.
- 8.6.4. Block 1 is the closest part of the development to existing dwellings. The four storey Block 1 is at its closet point is 6.4m from the boundary with No.3 Cemetery Cross, which is directly to the northeast of Block 1 and c.10m from the side gable of this house. There is a separation distance between Block 1 and the rear amenity area of No.3 of over 10m. The proposed bike store (No.2) which has a height of 3.6m is between Block 1 and the boundary of No.3 Cemetery Cross. With regard to separation distances Section 11.101 of the CDP states that traditionally a minimum separation distance of 22m between the rear elevations of buildings was required to provide sufficient privacy and avoid overlooking of back gardens. It recognises best

practice has since evolved, and lesser separation distances are often appropriate, particularly in an urban context, subject to design solutions and site-context. It requires that proposals are required to demonstrate that they have been designed to avoid overlooking. The applicant has stated that translucent glazing is proposed for all of the windows, on the northern east elevation of Block 1. However, I note on the Northeast Gable Elevation for Block 1 (dwg. no.6284,KRC-BKD-01-ZZ-DR-A-2000, P3.4,G) that a first-floor bedroom window (Unit 1.6) is to be glazed in clear glass.

- 8.6.5. There is a window in gable of No.3 Cemetery Cross. It appears that this window is a landing window. The closest proposed window is c.10 from the gable of No.3 Cemetery Cross. This is the bedroom window of Unit 1.6. which is to be glazed in clear glass. I considered that there will be overlooking of the window on No.3 Cemetery Cross and in order to reduce any potential overlooking I recommend that proposed bedroom window be replaced with an oblique window.
- 8.6.6. With the use of an oblique window and given that the remaining windows are not opposing and glazed in translucent glass, I consider that the separation distances between the existing and proposed windows to be adequate to ensure that there is not significant overlooking of No.3 Cemetery Cross.
- 8.6.7. Block 2 faces onto the Pearse Road. At its closest point, Block 2 is 17m from the southwestern boundary which it shares with the Virgin Park. The nearest existing residential properties to Block 2 are those on the opposite side of Pearse Road. As Block 2 is not adjacent to any existing residential properties I consider that Block 2 will not seriously injure the residential amenity of the area as a result of overlooking.
- 8.6.8. Block 3 is a nine-storey block and is approximately 4-7m from the southern site boundary shared with Virgin Media Park, rugby grounds. I note that the Senior Executive Planner reports states that they checked the orientation of the and floor plans of the permitted Part 8 Development to the east and that having regard to the footprints of both buildings and the location of the balcony areas of both buildings that no undue mutual overlooking impacts may arise. While the drawings of the Part 8 development are not on the appeal file, I have checked the Council's website and there are only high-level windows on the Part 8 West elevation so the issue of overlooking will not arise. I therefore consider that Block 3 will not cause undue overlooking of any residential property.

8.6.9. Block 4 faces onto the Kinsale Road and the proposed pedestrian street. At its shortest point Block B is 16.1m to the nearest residential site boundary. This is the site of Lyman which is a single storey dwelling. All of the windows on the northern elevation of Block 4 are to be glazed with translucent glass. I consider this to be adequate separation distance from the proposed development to the amenity space of Lyman to ensure that any overlooking will not be significant. There is a separation distance from the southern elevation of Block B and the permitted Part 8 development of between 12m and 22m. Having checked the Part 8 plans and northern elevation there are no opportunities for significant overlooking of the Part 8 residential units from Block 4.

#### Overbearing Impacts

- 8.6.10. The appellants have raised concerns that the proposed development will appear overbearing when viewed from the surrounding dwellings. Section 11.105 of the CDP requires that regarding potential overbearance any significant changes to established context must be considered.
- 8.6.11. The separation distances of each of the four blocks to the site boundaries have been detailed above. I have assessed the proposed CGI and aerial views, especially aerial view no.1 and no.2, verified view no.1, no.6. I considered the greatest potential for overbearance would be from Block 1 and Block 4 as they are closest to the neighbouring dwellings. Block 1 is four storeys, and the northern section of Block 4 is also four storeys. The elevations of the blocks especially the northeastern elevation of Block 1 and the northern elevation of Block 4 have been broken up with the use of different materials and textures to reduce any possible issues of overbearance.
- 8.6.12. While I appreciate that the proposed development will represent a major intervention to the urban form of the area, I consider that the proposed development will not appear overbearing when viewed from residential properties in the area, especially No.3 Cemetery Cross and 'Lyman' on the Kinsale Road

I note that Condition No. 7 attached to the grant of permission by the Planning Authority requires that the top floor of Block No. 1 be set back by three meters from its northern elevation on the upper floor. One of the appellants highlight the comment of the City Architect, in their report dated 24<sup>th</sup> July 2025 where they expressed concerns over the height of Blocks 1 & 2. In particular at the Northeast gable of

Block 1, given its proximity to the existing 2- storey house at No.4 Pearse Rd. (3 Cemetery Cross) In order to overcome a stated sharp change in scale they recommended a set back to the top floor of block 1 (and possibly Block 2 for symmetry). Given that I consider, as stated previously, the proposed development will not create overshadowing of No.3 Cemetery Cross or appear overbearing when viewed from No.3 Cemetery Cross, I do not consider that the set back is warranted. I therefore recommend that this condition not be attached to any grant of permission.

#### Light Pollution

One of the points of appeal considers that there is potential for light pollution from the proposed commercial units impacting the residential amenity of the area. The proposed commercial units face into the public pedestrian area or on to the Kinsale Road which is a major throughfare. The commercial units facing Kinsale Road will have a separation distance of almost 38m to the nearest residential development on the opposite side of Kinsale Road. I consider there to be adequate separation distances from the proposed commercial units to existing dwellings to prevent significant negative impact arising from light pollution.

#### Conclusion

Having regard to the layout and design of the proposed development, the distance of the Blocks from the boundaries I consider that the proposed development will not create significant overlooking of the adjoining residential properties or their amenity space. Have regard to the scale, form and layout of the proposed development I do not consider that the proposed development will appear overbearing when viewed from surrounding dwellings. I, therefore, do not consider that the proposed development will be seriously harmful to the residential amenity of the area.

### **8.7. Transportation and Movement**

8.7.1. Concerns have been raised from the appellants that the proposed development relating to the following:

- Parking facilities
- Insufficient Integration with public transport

- Design of the proposed entrances onto the Kinsale Road.
- Increased volumes of traffic on Kinsale Road.

I will deal with them in turn.

#### 8.7.2. Parking Facilities

A number of the appellants considered that the proposed development does not provide adequate parking for the scale of development and will result in overspill parking in the area.

In the CDP the site is within an area designated Parking Zone 3. Maximum car parking standards for this zoned is detailed in Table 11.13. Therefore, the maximum parking allowable for the proposed development is the following:

Unit Type	No.units/Gross floor Area	Max Parking Spaces Ratio	Max Parking Spaces Allowed	Total Provided
Residential 1-2 bed	135no.	1.25 per dwelling	169	58
Residential 3-3+ bed	35no.	1.25 per dwelling	79	1
Creche	290m <sup>2</sup>	1 space per 3 staff + 1 space per 6 children	25	2
Management Offices	110m <sup>2</sup>	1 space per 50m <sup>2</sup>	3	2
Retail (convivence)	934m <sup>2</sup>	1 space per 20m <sup>2</sup>	48	20
Total			324	83

Section 11.240 of the City Development Plan states that in locations where there is existing and/or planned high frequency public transport accessibility (as per CMATA and Bus Connects Cork) and where the receiving road/street network currently experiences congestion, Cork City Council will require a reduction in the parking standards. Applicants are required to justify the level of parking through the preparation of robust assessments.

The site is also located along Route 6 of the Cork BusConnects Scheme which is planned to be rolled out in mid-2006.

A Traffic and Transportation Assessment has been submitted which states that the parking provision will assist Cork's modal shift. It also stated that when coupled with other proposals to enhance sustainable forms of development, such as promotion of cycling as an alternative transport mode, the car parking of the proposed development will deliver significant sustainability benefits by reducing existing levels of reliance on private car usage whilst encouraging the usage of more sustainable modes of transport, especially cycling and bus services to and from work.

One of the points of appeal states that there is a significant reliance on the unreliable bus service. No evidence has been submitted indicating an unreliable bus service in the area. The site is located on the Kinsale Road and is within 15 minutes walking distance of the following bus stops which serve the following routes:

- Route 203: Lehenaghmore – City Centre-Farranee
- Route 206: Grange-South Mall
- Route 219: Munster Technological University Cork – Mahon Point Road
- Route 213: Black Ash-City Centre
- Route 209A: St. Partrick Street-Ballyphehane.

As stated above the site is along Route 6 of the Cork BusConnects Scheme. The BusConnects service will introduce bus frequencies to meet anticipated growth in the area. I therefore consider that it is appropriate to rely on public transport as a justification for reduced parking as it is in line with Section 11.240.

A note that a Mobility Management Plan has also been submitted with the application which outlines the provisions proposed to be put in place as a means of reducing car dependency associated with the development. A Mobility Manager/Travel Coordinator role will be held within the management company operating the facility to promote this provision of the Mobility Management Plan.

Section 11.243 of the CDP set out 'maximum parking requirements', and Section 11.240 requires a reduction in parking provision below the maximum standard. As the standards as presented in Table 11.13 are maximum level of parking achievable and the development plan has not been prescriptive in indicating acceptable



reductions or an acceptable lower range of parking requirement. I consider that as the level of parking has been justified that the parking provision does not represent a material contravention of the development plan.

I note that the reduced level of car parking is also in accordance with the SPPR 3 (ii) of the Compact Settlement Guidelines which states that the in accessible locations, of which this site is the car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling.

I consider that given the accessibility of the site, its proximity to planned high frequency public transport, the provision of 324 secure cycling spaces for residents and 147 spaces for visitors, and the contents of the Mobility Management Plan, I consider that the strategy taken, and the number of car parking spaces provided to be acceptable. and in accordance with the provisions of the CDP, the Compact Settlement Guidelines and national policy.

#### 8.7.3. Insufficient Integration with public transport

In the grounds of appeal, the appellants consider that the proposed development does not integrate with public transport and sustainable transport and that the provision of the BusConnect Service should be in place prior to any large-scale residential development being allowed.

The submitted Traffic and Transport Assessment (TTA) and Mobility Management Plan (MMP) detail the provision of public transport in the area and the future transport services. There are eight bus stops within a 500m radius of the site with two: O Growney Crescent Bus Stop and Rugby Bus Stop being approximately 40m of one of the proposed entrances to the site.

It is envisaged that the BusConnects service for Cork will begin rolling out in mid-2026. The BusConnects service will prioritise bus services above general traffic. The applicant states that, in consultation with the NTA, the site layout has aligned with future BusConnects corridor along Kinsale Road. Correspondence with the NTA has been included in Appendix E of the MMP stating that that the layout proposed by Punch Consulting in the Drawing No.213130-Punch-XX-XX-DR-C-0461 (Revision No.C02) would not compromise the development of the necessary Bus Connects

Infrastructure. While I note that the drawing submitted with the application is Revision No.C03 the NTA have not submitted any observations on file. I note that the proposed completion and occupation of the residential units will be in tandem to the expected delivery of the BusConnects service.

The Mobility Management Plan proposes measures to promote the use of public transport by ensuring that Access Maps, Sustainable Travel Pack and Travel Information Points including the location of stops, routes, timetables, walking times to main public transport shall be supplied to future residents. Multi-Modal Trip Support will also be made available.

Given the above, I consider that the proposed development has been designed to integrate with the existing and future public transport in the immediate area. And in this regard the proposed development will comply with Objective 4.3 of the CDP in that the proposed development will be in an area with good access to the planned high frequency public transport network.

#### 8.7.4. Design of the proposed entrance onto the Kinsale Road.

Concern has been raised by the appellants that the proposed entrance onto the Kinsale Road will result in congestion and impact traffic safety.

Concern has also been raised that the slip road in front of Lyman, the residential property directly to the northeast of the Block 4, will be used as a rat-run for traffic from the proposed development travelling towards Pearse Road. The appellant states that this is already happening. The slip road in front of these single storey dwellings is very narrow and used for residents parking. As it is not considered that the increase in traffic will be significant, the additional increase in traffic using the slip road as a rat run, if any, will not be significant.

Comments have been made relating to illegal right turns onto Kinsale Road from McDonalds and the Mace Shop. I note that right turns are not permitted from both of the mentioned junctions. The matter of Illegal traffic manoeuvres is the subject of traffic enforcement and is beyond the scope of this report.

One of the appellants considers that the entrance onto the Kinsale Road is not suitable for HGV vehicles. In the submitted Traffic and Transport Assessment

Autotracking drawings have been submitted (Dwg. no: 214130-PUNCH-XX-XX-DR-C-0600 & 214130-PUNCH-XX-XX-DR-C-0601) These detail the autotrack analysis for an 8.28m fire truck and a 9.04m refuse truck. Both of these vehicles can turn within the site. I consider that the proposed Kinsale Road junction is adequate to deal with these vehicles. I consider that given the size of the retail units larger HGV vehicle will not be entering into the proposed development during operation.

The proposed entrance onto the Kinsale Road allows for both left and right movements. I note that a Road Safety Audit was submitted, and the recommendations made in relation to the Kinsale Road junction have been incorporated into the proposed junction design. I note that the planning authorities Traffic: Regulation & Safety Report has no objection to the design of the proposed entrance. Given the Road Safety Audit, the TTA and the Traffic: Regulation & Safety Report, I consider that the proposed Kinsale Road junction will not be seriously harmful to traffic and pedestrian safety.

#### 8.7.5. Increased volumes of traffic on Kinsale Road

I note that in the submitted TTA that the predicted generated development traffic accounted of less than 5% for the Kinsale Road/Tramore Road Junction and the Kinsale Road/Mick Barry Road junction.

The TTA used modelling to assess the impact of the proposed development on the Kinsale Road/Slieve Mish Park junction. The traffic survey year was 2024. It predicts that by the Design Year 2042 this junction would be operating within capacity with the full development in operation during both the AM and PM peak hours with a Ratio to Flow Capacity of <9%. It is therefore predicted that the Kinsale Road/Slieve Mish Park Junction will not experience any significant impact from the proposed development.

The TTA also used modelling for the Pearse Road/Kinsale Road Junction. The analysis shows that the existing junction currently exceeds the designed congestion (>90%) in the design year 2027 without the proposed development in place. The TTA notes that the junction will become further congested in the design year 2027 with the proposed development during the PM peak. The TTA states that the results should be considered in the context of the relative impact of the proposed development on existing operational conditions. It states that the proposed

development is projected to result in maximum increase of +7% Degree of Saturation by the design year 2027. In actual terms this means a maximum increase of 18 queue vehicles at the PM rush hour for the 2027 opening year.

This is an area in transition with the proposed development, the permitted Part 8 development and the Creamfield development all contributing to a more compact of urban form. The proposed development has prioritised public transport over the use of private vehicle with reduced parking, over provision of cycle parking and the formulation of a mobility management plan to contribute to a modal shift away from car usage.

I accept that the proposed development will result in an increased level of congestion at the Kinsale Road/ Pearse Road Junction. I consider that an element of congestion is inevitable as the modal shift to walking/cycling/public transport takes place, however given, the proposed development will contribute to compact growth and to an efficient use of underutilised brown field site, in isolation I do not consider that this increase congestion warrants a refusal of permission.

### DMURS

Section 11.227 of the Cork City Development Plan sets out that a Quality Audit will be required for major developments that impact on the road network and for all new road and traffic schemes. This should be carried out in accordance with DMURS and best international practice. The DMURS Quality Audits (Section 11.228) consist of a number of individual and overlapping audits that may include an audit of visual quality; a review of how the street is/may be used by the community, A road safety audit, including a risk assessment, a cycle audit etc. The Plan sets out that a street design audit must be submitted as a component of a Quality Audit (for larger projects) or as a stand-alone audit process for smaller projects with an emphasis on placemaking and promoting the multidisciplinary aspects of successful street design.

A DMURS Compliance Statement was submitted and outlined the approach taken both internally within the scheme and along Pearse and Kinsale Road. All proposed road and paths within the development will be designed in accordance with the Design Manual for Roads and Streets (DMURS, 2019) and the NTA's National Cycle Manual 2023. In addition, the development will have a dedicated pedestrian/cyclist

access between Block 1 and Block 2 that will allow pedestrian/cyclists to traverse from Pearse Road to Kinsale Road.

The proposed development will have Priority Junctions along Pearse Road and Kinsale Road to allow for safer pedestrian and cyclist crossing and efficient traffic movement.

The applicant sets out that the works will be DMURS compliant. The PA raised no concerns in this regard. In addition, a Stage 1 Road Safety Audit was submitted and is included in which included ten no. recommendations to be adhered to as part of the development. I am satisfied that the DMURS statements and Road Safety Audit are consistent with the requirements of section 11.227 and 11.228 of the CCDP.

#### **8.8. Surface Water**

One of the appellants raises a concern relating to uncertainties with the surface water and flood risk from the proposed development as conditions have been attached requiring compliance. Condition no.30 of the grant of permission requires that the applicant submit a SuDS Assessment Report based on the as constructed network.

It is proposed that a new surface water network is provided from the proposed development which will be entirely separate from the foul sewer network.

It is a requirement of Section 11.261 of the CDP that all new developments will generally be required to incorporate Sustainable Urban Drainage Systems (SuDS). The submitted Planning Engineer Report details the SuDS method to be used on site, including permeable pavements, Bio-retention and Blue Roofs. The report demonstrates how the four pillars of SuDS will be achieved. I am satisfied that the proposed development complies with the development plan in this regard.

I note that the Planning Authority Drainage Report had no objection to the proposed development subject to conditions.

I recommend that a condition be attach to a grant of permission requiring developer shall submit to the Planning Authority for written agreement, prior to the commencement of development a Stage 2 - Detailed Design Stage Storm Water Audit. The condition should also require, upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage

System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, to be submitted to the planning authority for written agreement.

I consider this to be standard planning practice, and this is to ensure that the details of the development are acceptable and will not materially alter the development.

The issue of Flood Risk assessment has been dealt with in Section 5.8 of this report.

## **8.9. Remediation of the Site**

Concern have been raised in the grounds of appeal relating to the remediation of the site and the need for independent verification that the contamination of the site has been adequately dealt with. There is known historic soil and groundwater contamination associated with the previous site operations.

A Remediation Status Report has been submitted with the application. The site is subject to an Environmental Protection Agency (EPA) regulated Integrated Pollution Prevention and Control (IPPC) Licence (Licence No. P0059-02, formerly P0059-01).

The report states that the site is at Stage 3 of the EPA guidance workflow and remediation works were completed on the 28<sup>th</sup> February 2025 under planning reference 2442868. The latest documentation dated the 28<sup>th</sup> March 2025 was submitted to the EPA and the EPA website show a closed status for the documentation dated the 31<sup>st</sup> of March 2025.

The site remediation report states that the verification process was at the time the report was written was currently underway. This process involves the collection of groundwater samples from boreholes collected across 2 rounds spaced 6 months apart. It was expected that the verification process would be completed towards the end of September 2025, when complete a report will be submitted to the EPA to support an application for surrender of the IPPC licence. The EPA website does not show, as yet any submission of such a report.

A submission was received from the EPA on the planning application, it states that the timescale for surrender completion is unknown, and the licence will apply to the site until the surrender process is complete. In their submission the EPA did not make any comments on the suitability of the proposed development on this site. The

EPA were requested to submit comments on the appeal; no comments were received.

I have had regard to the EPA, 'Guidance on the Management of Containment Land and Groundwater at EPA Licensed Sites', 2013. I am satisfied that the process detailed in the Remediation Status Report is following that laid out in the above Guidance documents and that the next stage is aftercare and the exit/surrender process.

I note the matters raised by the appellants relating to the remediation of the site. This is subject to an Environmental Protection Agency (EPA) regulated Integrated Pollution Prevention and Control (IPPC) Licence and therefore is beyond the scope of this report.

#### **8.10. Childcare – New Issue**

- 8.10.1. A creche is proposed for the proposed development. The creche is to have an internal floor area of 250sq.m with an additional outdoor recreation area of 148sq.m. The creche has the capacity to accommodate 18 children, 3no. under 1 years, 7no. 1–3-year-olds, and 8no. 3-5 year olds.
- 8.10.2. Objective 3.21 of the CDP requires purpose built childcare facilities as part of proposals for new residential developments of more than 75 dwelling units. However, where it can be clearly established that existing facilities are sufficient, alternative arrangements will be considered by the council. With the provision of the proposed creche this objective has been complied with.
- 8.10.3. Condition No.12 of the grant of permission requires for an increase in the childcare capacity for a minimum of 30 childcare spaces. The condition does not specify how the increased creche size is to be accommodated within the scheme.
- 8.10.4. The proposed development consists of 170 dwellings with a mix of 51no. 1-bed dwellings, 84no. 2-bed dwellings and 35 no. 3-bed dwellings. The 'Childcare Facilities Guidelines' state that for new housing areas, a benchmark of one childcare facility providing a minimum 20 childcare spaces per approximately 75 dwellings may be appropriate.

8.10.5. A Childcare needs assessment has been submitted with the planning application. The future childcare demand created by the development has been assessed. The assessment highlights that the Apartment Guidelines, 2023 state *‘One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms.’*

8.10.6. Discounting one-bedroom units, there are 119no. 2 & 3 Bed dwellings proposed. To comply with the guideline standard contained in the Childcare Facilities Guidelines 32 spaces are required. See table below:

Units (2&3 Bed)	Childcare Facilities Guidelines	Calculation	Required Childcare Spaces	Provided
119	20 spaces per 75 Units	$119/75 = 1.58$ $1.58 \times 20 = (31.7)$	<b>32 spaces</b> (31.7)	18 spaces

8.10.7. Appendix 2 of the Childcare Facilities Guidelines states that any modification to the indicative standard of one childcare facility per 75 dwellings should have regard to two factors:

- *‘The make-up of the proposed residential area, i.e. an estimate of the mix of community the housing area seeks to accommodate.’*
- *The results of any childcare needs analysis carried out as part of a county childcare strategy or carried out as part of a local or action area plan or as part of the development plan in consultation with county childcare committees, which will have identified areas already well-served or alternatively, gap areas where there is underprovision, will also contribute to refining the base figure.’*

8.10.8. Using the 2022 Census housing hold size of 2.72 people for Cork, the Childcare Needs Assessment estimates that the proposed development will result in a population of 324 people. The 2022 Census also notes that on average children under the age of 9 represent 10.6% of the population of Cork City. Using this



rationale, the applicant estimates that the proposed development will potentially result in approximately 35 no. children of the age where childcare facilities could be required. The census indicates that in Cork City, 18% of children aged 0-9 avail of creche/Montessori/Playgroup facilities, nationally this figure is 19.5%. The applicant therefore estimates that theoretically, only 7 no. childcare spaces would potentially need to be accommodated at the proposed development. Notwithstanding this figure the proposed creche has capacity for 18 children. I accept the approach taken by the applicant and consider that the proposed creche will adequately accommodate the childcare needs of the development.

8.10.9. The applicant has provided data for the number of creches in the area surrounding the proposed development site. This information was supplied by the Cork City Childcare Committee. As identified, there are 43no. Childcare Facilities with a total of 2,198no. of children catered. Only 3no. facilities 7% of the facilities have availability and therefore there is little or no capacity in the current stock for any demand generated by the proposed development.

8.10.10. The applicant states in the context of comments made by the Cork City Childcare Committee, 'the additional childcare spaces will provide much needed spaces for the existing demand in Cork City helping to alleviate the acute shortage of childcare spaces available.' I note that the Cork City Childcare Committee did not comment on the planning application.

8.10.11. The Senior Executive Planner states that in both the submitted Childcare Needs Assessment and the Social and Community Audit highlight that there is a current childcare deficit and considers that in order to comply the Childcare Facilities- Guidelines for Planning Authority that the proposed creche should accommodate 30 spaces.

8.10.12. While I acknowledge that there is a deficit of childcare spaces in the area the applicant has proven that the proposed creche will accommodate the childcare needs of the development and will provide for some additional capacity. I consider that, in this regard, the proposed development complies with the Cork City Development Plan and the Childcare Facilities Guidelines. I therefore consider that a condition to increase in the childcare capacity of the creche for a minimum of 30 childcare spaces is not warranted.

## 8.11. Conditions

- 8.11.1. The appellants have concerns relating to the conditions attached to the proposed grant of permission from the Planning Authority, especially the pre-development compliance conditions. They state that there are uncertainties relating to a number of elements of the development.
- 8.11.2. The attachment of pre-development conditions is normal planning practice I have reviewed the condition attached and amended or deleted them where necessary. An analysis of each condition is shown in Appendix 3 attached to the end of this report.
- 8.11.3. I note that in some of the appeal the condition number are incorrect, and the concerns do not relate to the subject of the conditions. As part of my appraisal of the development I have further assessed the conditions where the concern raised relate to the PA condition.

Conditions			
PA Condition No.	Subject	Concerns	Appraisal
2	Finishes	Lack of independent design review undermines quality control	Normal and accepted planning practice to have predevelopment condition
3	Part V	Lacks clarity on tenure/mix	Normal and accepted planning practice to enter into agreement prior to lodgement of commencement notice.
7	Set back of top floor of Block 3.	Insufficient set back to mitigate overlooking.	Set back not required. See section 8.6 above.
8	Boundary details	Without screening/obscure glazing overlooking will occur.	This relates to the boundary with Virgin Media Park. No loss of existing residential amenity.

13	Detailed Landscaping scheme	Does not allow for construction traffic mitigation measures	Covered in condition 40 which requires a Construction Traffic Management Plan to be agreed.
14	Landscaping Scheme	Condition does inadequately secure parking, sustainable transport measures.	Concern not relevant to condition. Covered in Section 8.7.
15	Green roof maintenance plan	Risks litter, vermin and noncompliance with circular economy.	Normal and accepted planning practice to have predevelopment condition on the details of an accepted green roof.
16	Management of play equipment	Fails to secure robust noise and vibration protection of residential amenity during construction and operation.	Concern relating to construction covered in Section 8.12.  Limit on noise covered in PA condition no.35.  Recommend an updated CEMP to be submitted for agreement with PA.
36	No appreciable negative environmental impacts during construction	Does not address site security during construction and operation.	Not relevant to condition.  Covered in section 8.12
42	Pedestrian movement on footpaths to be maintained during construction	Does not ensure adequate traffic mitigation measures.	Construction traffic covered in the OCTMP and Section 8.12 above. Operation traffic covered in Section 8.7
48	Internal road network	Flood Risk insufficiently addressed.	Not relevant to condition.  Covered in Section 8.5 above
53	Contributions	Vague and does not ensure timely delivery or adequate payments to support infrastructure.	Normal and accepted planning practice to have contribution condition such as this.

8.11.4. The remaining compliance conditions proposed have been designed to modify the development to ensure that the development is acceptable from the perspective of the proper planning and sustainable development of the area. The proposed development, as modified by the recommended conditions will not substantially alter the nature of the of the proposed development which was the subject of public consultation. I refer to my recommended conditions listed in Section 16 below.

#### 8.12. **Material Contravention**

As mentioned, previous in Section 8.5.20 and 8.5.37 of this report, I consider that the proposed development contravenes the Cork City Development Plan 2022-2028 in the matters of density, height and unit mix. However as detailed previously I recommend that 37(2)(a) is invoked and consider that permission is warranted for the following reason:

- The density of the proposed development complies with the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024.
- The height of the proposed density complies with the performance criteria for increase building heights as contained in the Urban Development and Building Height Guidelines for Planning Authorities 2018.
- The existing under provision of 1- and 2-bedroom dwelling in the area.
- The proposed development will not be seriously injurious to the character of the area or seriously harmful to the residential amenity of the area.

Therefore, having regard to the provisions of 37(2)(a), I recommend that the granting of permission is warranted notwithstanding a material contravention of the Development Plan arises on the matter of density and height.

#### 8.13. **Other Matters**

Devaluation of Property

8.13.1. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

#### Fire Safety Risk

8.13.2. I note the matters raised in relation to the potential fire risks for a development of this height. This is a Building Regulation issue. The issue of compliance with Building Regulation will be evaluated under a separate legal code and thus need not be considered in this report.

#### Construction Impacts.

8.13.3. I note the matters raised in regard to the construction and operational impacts, especially dust, noise and air quality. I have assessed the information submitted with Environmental Impact Assessment Screening Report and have concluded that the proposed development would not be likely to have significant effects on the environment. (see section 9 of this report).

I also note that an Outline Construction Environmental Management Plan (OCEMP), has been submitted with the application. Mitigation measures relating to noise and vibration, air quality, surface water and wastewater management are proposed. I am satisfied at this stage the mitigation measure proposed will ensure that the effect on the surrounding area due to the construction of the proposed development will not be significant.

The applicant has stated that the Construction Environment Management Plan (CEMP) will be developed further and/or amended where necessary to take into account of site-specific requirements and any information which may be available arising from the planning process.

I therefore recommend that a condition be attached requiring an up to date CEMP be submitted for compliance.

I note that one of the grounds of appeal highlights potential issues of construction staff parking in the area during the construction of the proposed development. An Outline Construction Traffic Management Plan (OCTMP) has been submitted with

the application. The OCTMP states that staff will be instructed not to park on public roads and temporary car parking facilities for the construction workers will be provided within the site.

I have assessed the measures proposed in the OCTMP, including the liaison between the contractor and the owners of local properties.

I consider that the measures proposed will reduce the effects of construction traffic on the immediate area.

I note that the construction programme for the works will be an estimated 18 to 36 months. While I recognise that there will be impacts on residential amenity of the area during the construction of the proposed development, they will be temporary and subject to the measures proposed in the CEMP and the CTMP will not be significant.

#### Site security and public safety

A ground of appeal relates to security concerns given the size of the development and the inclusion of multiple access points which may pose security issues for surrounding areas. The ground of appeal also states that high density block can result in reduced natural surveillance.

In the CDP access and permeability is a key objective of the site which is a designated neighbourhood site No.6. Objective 11.1 of the CDP requires residential developments to create high quality places which are easy to access for all and to find one's way around, with a focus on permeability within sites and integration and connectivity into the surrounding urban environment to enable short trips by walking and cycling.

The proposed development provides for a key public access point through the site and provides for active public uses, such as the café, retail and creche. This access route will receive passive surveillance for both the units of the proposed development and of the Part 8 development. The proposed development also provides own door residential units onto Pearse Road which will create more activity than currently exists.

Currently the site is a brownfield site and previously it was an industrial unit. I consider that the proposed development will increase the activity and passive

surveillance in the wider area. I consider, therefore that proposed development will not, therefore will not pose a security risk to the surrounding area.

The submitted Outline Construction Environmental Management Plan details the site set up which includes the installation of adequate site hording and access security in the form of turn-styles and gates for staff. It is states that site security will be maintained at all times. I am satisfied that the measures proposed in the OCEMP will provide adequate site security and public safety during the construction phase.

### Universal Access

One of the grounds of appeal states that that there is insufficient provision in the scheme for vulnerable users and for universal access.

I note that Section 11.91 of the CDP states that currently there are no national minimum quantitative standards for the proportion of dwellings that are required to be designed to universal design standards to future proof housing. Housing to this standard is either provided as a response bespoke to the requirements of individuals or for specialist older person housing.

The submitted design statement potential locations for Assisted Living Units have been identified in Block 3. Alternative layouts for a one bed independent living units and for 2 bed assisted living units have been illustrated.

I consider that the proposed development provides an active public realm and public open space that will have passive surveillance and will be available to the whole community both existing and new. The proposed design of the public area allows for a mix of areas, including active, social and calm areas. It is considered that the area at present has little areas for casual social interaction. The proposed open space, plaza and pedestrian routes will allow for interaction and connection for both the existing and proposed community. It considered that adequate seating areas have been provided throughout the development to allow for moments of rest.

The proposed development will also be subject to the Disability Access Certificate process to ensure that the proposed development complies with the requirements in the current Building Regulations (Part M). This will be evaluated under a separate legal code and therefor does not need considered further in this report.

I consider that the proposed development has been design with due regard to the needs of vulnerable users and is adaptable to allow for universal access.

## 9.0 EIA Screening

9.1. See Form 1 and 3 (attached). 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, identify classes of development with specified thresholds for which EIA is required. The following classes of development in the Planning and Development Regulations 2001, as amended, are of relevance to the proposal:

- Class 10(b)(i) 'Construction of more than 500 dwellings units' The proposal is for 110 dwellings.
- Class 10(b)(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.

9.2. The site size is 1.2 hectares in a built-up area other than a business district, and the proposed development is for 170 no. units. Therefore, an EIA is considered not mandatory. Section 7A of the Planning and Development Regulations 2001, as amended sets out information to be provided by the applicant for the purposes of screening sub-threshold development for EIA. Section 7A information

The applicant has submitted an Environmental Impact Assessment Screening Report (EIASR) with the application addressing issues which are included for in Schedule 7A of the Planning and Development Regulations 2001, as amended. I have carried out an EIA screening determination of the project (see Form 3 appended this report). I have had regard to the information provided in the applicant's EIASR and other related assessments and reports included in the case file. I concur with the nature and scale of the impacts identified by the applicant and note the range of mitigation measures proposed. I am satisfied that the submitted EIASR identifies and describes adequately the effects of the proposed development on the environment.

9.3. Having regard to: -



Having regard to: -

1. the criteria set out in Schedule 7, in particular:
  - (a) the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure,
  - (b) the absence of any significant environmental sensitivity in the vicinity,
  - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),
2. the completion of the remediation works on the site, under planning permission P.A. Ref: 2442868 and subject to an Integrated Pollution Control Licence, (EPA Licence No: P0059-02).
3. the results of other relevant assessments of the effects on the environment submitted by the applicant.
4. the features and measure proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including those identified in the Outline Construction Environmental Plan, the Outline Construction and Demolition Resource Waste Management Plan, the Outline Operational Waste Management Plan, the Remediation Status Report, Flood Risk Assessment, and the Planning Engineering Report.

I consider that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

## 10.0 AA Screening

- 10.1. See Appendix 2 below.
- 10.2. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 10.3. In summary, the proposal includes for a development up to 9-storeys in height, of mixed-use comprising 170 apartments, café, retail and creche and associated site

development works on a site area 1.2 hectares. It is located within the urban area of Turners Cross.

- 10.4. The site is a brownfield site comprised of bare ground and spoil heaps with a short line of Cypress trees. There are no active drains, watercourses or water bodies on, or adjacent to, the site. No Annex 1 habitats were recorded at the site. The habitat on site is not suitable for feeding by Qualifying Interest birds.
- 10.5. The Cork Harbour SPA (Site Code:004030) is located approximately 2.1km and the Great Island Channel SAC (Site Code:001058) is located approximately 8.9km from the subject site. The proposed development does not support hydrological or hydrogeological connectivity to Cork Harbour and Great Island Channel SAC.
- 10.6. Concerns regarding impacts on designated sites were not raised in the appeal submissions received.
- 10.7. An AA Screening Report was submitted with the application. It concludes that significant negative impacts upon Cork Harbour SPA and Great Island Channel SAC can be ruled out at screening stage.
- 10.8. The planning authority also state that the relevant European Sites are the Cork Harbour SPA and the Great Island Channel SAC and considered that the proposed development, individually or in-combination with other plans or projects would not be likely to have a significant effect on the above listed sites or any other European Site. The planning authority considered that appropriate assessment was not required.
- 11.0 In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Cork Harbour SPA (4030), Great Island Channel SAC (1058), in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 11.1. This conclusion is based on:
  - objective information presented in the Screening Report,

- standard pollution controls that would be employed regardless of proximity to a European Site and effectiveness of same,
- distance from European Sites, and
- the absence of meaningful pathway to any European Site.

## 12.0 Water Framework Directive

- 12.1. I have assessed the proposed development (project) with regard to, and have considered the objectives as set out in, Article 4 of the Water Framework Directive (WFD). Article 4 seeks to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 12.2. I conclude that the proposed development will not result in a risk of deterioration to any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its WFD objectives. Consequently, I conclude that the proposed development can be excluded from further assessment (see Appendix 4 of this report below).
- 12.3. This conclusion is based on:
- Nature of the project, site and receiving environment.
  - The nature of the Ground Waterbody and its 'At Risk' status relating to the previous use of the Tramore Valley Park as a Wastewater Facility.
  - Objective information presented in the case documentation (e.g., SSFRA, Planning Engineering Report).
  - Standard pollution controls and project design features.

## 13.0 Recommendation

I recommend that permission be granted for the reasons considerations set out below, and subject to conditions.

## 14.0 Reasons and Considerations

Having regard to

- a) The need to plan for increased growth in accordance with the National Planning Framework, First Revision, April 2025, and the flexibility that applies to projected targets for future growth, including National Policy Objective 11.
- b) The nature, scale and design of the proposed development, which is in accordance with the policies and objectives of the Cork City Development Plan 2022-2028;
- c) The pattern of existing and permitted development and the availability of adequate social and physical infrastructure in the area;
- d) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2023;
- e) The provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024;
- f) Delivering Homes Building Communities, 2025
- g) The policies and objectives of the Cork City Development Plan 2022-2028, Regional Spatial & Economic Strategy for the Southern Region 2020-2032 and the Cork Metropolitan Area Strategic Plan.
- h) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), issued by the Office of Public Works and Department of Environment, Heritage and Local Government, 2009;
- i) The Childcare Facilities Guidelines for Planning Authorities, issued by the Government of Ireland, 2001;
- j) The submissions and observations received; and
- k) The reports from the Planning Authority.

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the applicable Z08 Neighbourhood and Local Centres zoning, constitute an acceptable density and mix of residential development in this urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience.

The proposed development would be in accordance with the relevant provisions of the Cork City Development Plan 2022-2028, save for objectives relating to density (Table 11.2), Height (Table 11.2) and Dwelling Units Size Mix (Objective 11.2), where a material contravention can be considered to arise.

Nevertheless, having regard to the quality of the proposed scheme, to the relevant provisions of the Compact Settlement Guidelines 2024, Building Height Guidelines, specifically SPPR 3 and the existing under provision of 1 and 2 bedroom dwellings in the area, it is considered that having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), the proposed development would be in accordance with the proper planning and sustainable development of the area, and that a grant of permission is therefore warranted in this instance, notwithstanding the above. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **15.0 Recommended Draft Commission Order**

**Appeal** by Katie O Sullivan, Aidan Buckley and others, Barry Cusack, Margaret O Flynn, Aidan Edward Buckley, Deirdre Murphy, Attracta Burns, John McCormick, Gerard Harvey, Paul Hanley against the decision made on the 8<sup>th</sup> August 2025 by Cork City Council to grant permission to BML Duffy Property Group Limited.

### **Proposed Development.**

#### **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

**Matters Considered:**

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

- a) The need to plan for increased growth in accordance with the National Planning Framework, First Revision, April 2025, and the flexibility that applies to projected targets for future growth, including National Policy Objective 11.
- b) The nature, scale and design of the proposed development, which is in accordance with the policies and objectives of the Cork City Development Plan 2022-2028;
- c) The pattern of existing and permitted development and the availability of adequate social and physical infrastructure in the area;
- d) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2023;
- e) The provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024;
- f) Delivering Homes Building Communities, 2025
- g) The policies and objectives of the Cork City Development Plan 2022-2028, Regional Spatial & Economic Strategy for the Southern Region 2020-2032 and the Cork Metropolitan Area Strategic Plan.
- h) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), issued by the Office of Public Works and Department of Environment, Heritage and Local Government, 2009;
- i) The Childcare Facilities Guidelines for Planning Authorities, issued by the Government of Ireland, 2001;
- j) The submissions and observations received;
- k) The reports from the Planning Authority; and
- l) The report of the Planning Inspector.

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the applicable Z08 Neighbourhood and Local Centres zoning, constitute an acceptable density and mix of residential development in this urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience.

The proposed development would be in accordance with the relevant provisions of the Cork City Development Plan 2022-2028, save for objectives relating to density (Table 11.2), Height (Table 11.2) and Dwelling Unit Size Mix (Objective 11.2), where a material contravention can be considered to arise.

Nevertheless, having regard to the quality of the proposed scheme, to the relevant provisions of the Compact Settlement Guidelines 2024, Building Height Guidelines, specifically SPPR 3 and the existing under provision of 1 and 2 bedroom dwellings in the area the commission considered that having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), the proposed development would be in accordance with the proper planning and sustainable development of the area, and that a grant of permission is therefore warranted in this instance, notwithstanding the above. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Climate Action**

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

### **Appropriate Assessment (AA):**

The Commission agreed with the screening assessment and conclusion carried out in the Inspector's report that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- objective information presented in the Screening Report,
- standard pollution controls that would be employed regardless of proximity to a European Site and effectiveness of same,
- distance from European Sites, and
- the absence of meaningful pathway to any European Site.

### **Environmental Impact Assessment (EIA):**

Having regard to: -

1. the criteria set out in Schedule 7, in particular:
  - (a) the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure,
  - (b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone,
  - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),
2. the completion of the remediation works on the site under planning permission P.A. Ref: 2442868 and subject to an Integrated Pollution Control Licence, (EPA Licence No: P0059-02).
3. the results of other relevant assessments of the effects on the environment submitted by the applicant.
4. the features and measure proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the



environment, including those identified in the Outline Construction Environmental Plan, the Outline Construction and Demolition Resource Waste Management Plan, the Outline Operational Waste Management Plan, the Remediation Status Report, Flood Risk Assessment, and the Planning Engineering Report.

The Commission considers that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

### **Conclusions on Proper Planning and Sustainable Development:**

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

## **16.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The bedroom window in Unit 1.6, on the northeast gable elevation shall be replaced with an oblique window.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to prevent any overlooking of the adjoining property to the northeast and in the interests of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

5. Prior to the commencement of development, details of the proposed southern boundary treatment of the site to be submitted to the Planning Authority for written agreement.

Reason: In the interest of the residential and visual amenity of the area.

6. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. Prior to the commencement of development details of all signage associated with the residential, retail, café and creche uses of the scheme shall be submitted to the Planning Authority for written agreement.

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

8. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, 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).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

9. The landscaping scheme shown on drawing number CTC/2/XX/XX/00/DR/CSR/LA/101, as submitted to the planning authority on

the 12 day of June, 2025 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

10. The development of alien invasive species management plan to be submitted to the Planning Authority stating how on-site alien invasive species to be removed and monitored over the time period of the development, pre, during and post construction.

Reason: To remove alien species from the site in the interest of biodiversity.

11. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing [landscape plan drawing no. CTC/2/XX/XX/00/DR/CSR/LA/101]. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

12. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) to provide for a

service connection to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

13. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

14. 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.

Reason: In the interests of visual and residential amenity.

15. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, an updated Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours

of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

16. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

17. The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted to the planning authority on 12<sup>th</sup> June 2025. The specific measures detailed in Section 4 of the MMP to achieve the objectives and modal split targets for the development shall be implemented in full upon first occupation. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first 5 years following first occupation and shall submit the results to the planning authority for consideration and placement on the public file.

Reason: To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development

18. Prior to the commencement of the development, the applicant shall submit and agree details in writing with the Planning Authority of the internal road network serving the proposed development, including, where applicable, turning bays, ramps, junctions, parking area, footpaths and kerbs, and signing & lining. All works shall be in accordance with the details, construction

standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets. All costs associated with the condition to be borne by the Applicant.

Reason: In the interest of amenity and of traffic and pedestrian safety.

19. All findings of the Quality Audit (which includes a Road Safety Audit Stage, Walking Audit and a Cycle Audit) shall be closed out, signed off and incorporated into the development. A Stage 3/4 Road Safety Audit shall also be undertaken, closed out, signed off and acted upon. All costs associated with this condition shall be borne by the Applicant.

Reason: In the interest of road safety.

20. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

21. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [within each house plot and/or for each apartment unit] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

22. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

23. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Friday inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

24. The applicant shall notify with Cork Airport/DAA and IAA ANSP at least 30 days prior to the erection of the crane to commence construction.

Reason: In the interest of aviation safety.



25. 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

26. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

27. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

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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Peter Nelson  
Planning Inspector

5 December 2025

## APPENDIX 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>323515-25</b>
<b>Proposed Development Summary</b>	Construction of 170 dwellings and a creche with all associated site works. The application relates to a development which comprises or is for the purpose of an activity requiring an Integrated Pollution Control Licence issued by the Environmental Protection Agency (EPA)
<b>Development Address</b>	Former Vita Cortex Plant, Kinsale Road and Pearse Road, Cork
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>Class 10(b)(i) 'Construction of more than 500 dwellings units' The proposal is for 110 dwellings.</b></p> <p><b>Class 10(b)(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.</b></p> <p><b>The site size is 1.2 hectares in a built-up area other than a business district.</b></p>

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>Yes</b> <input checked="" type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input type="checkbox"/>	

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Form 3 - EIA Screening Determination

<b>A. CASE DETAILS</b>		
<b>An Coimisiún Pleanála Case Reference</b>	<b>323515-25</b>	
<b>Development Summary</b>	<b>Construction of 170 dwellings and a creche with all associated site works. The application relates to a development which comprises or is for the purpose of an activity requiring an Integrated Pollution Control Licence issued by the Environmental Protection Agency (EPA)</b>	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	<b>Yes</b>	<b>Concluded that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact report is not therefore required.</b>
<b>2. Has Schedule 7A information been submitted?</b>	<b>Yes</b>	<b>Included in the submitted Environmental Impact Assessment Screening</b>
<b>3. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	<b>Appropriate Assessment Screening Report was submitted with the application. A Stage 2 Appropriate Assessment is deemed not to be required.</b>
<b>4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>Yes</b>	<b>The application relates to a site which is subject to an Integration Pollution Control Licence issued by the Environmental Protection Agency (EPA). The EPA did not comment on the need for an EIAR in their submission to the Planning Authority. The EPA has been notified by An Coimisiun Pleanála and no response was received.</b>

5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	A SEA has been carried out on the Cork City Development Pan 2022-2028	
<b>B. EXAMINATION</b>	Yes/ No/ Uncertain	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p>Yes/ No/ Uncertain</p>
<b>This screening examination should be read with, and in light of, the rest of the Inspector’s Report attached herewith</b>			
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)			
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	No	The proposed development site is a brownfield site in a mixed-use area of residential, commercial and sports facilities. The residential and part commercial nature and scale of the proposed development will not be significantly different in character or scale to the existing surroundings.	<b>No significant effects on the environment.</b>
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	The development will require the overall redevelopment of this site and creation of new access arrangements. The site is a vacant brownfield industrial site in a mixed use, area and the construction of the	<b>No significant effects on the environment.</b>

		proposed development will not cause significant physical changes to the locality.	
<p><b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<b>No</b>	<p>The proposed residential/commercial development is on a 1.2-hectare brownfield site in an urban area. The proposed development will replace a long-term vacant site consisting of a bare ground and spoil of low ecological value. The land is subject to Integration Pollution Control Licence for the remediation process to deal with the sites previous use. No significant effect on land is predicted.</p> <p>The construction of the proposed development will result in earthworks requiring the excavation of soils and subsoils. It is proposed to re-use excavated soils. If necessary surplus soil will be disposed of to an appropriate licensed soil facility. No significant effect on soil is predicted.</p> <p>Give the scale and residential use of the development I do not consider that the construction or operation of the proposed development will use significant water, material/minerals and energy, especially non-renewables.</p> <p>I therefore consider that the no significant effects are predicted on the natural resources.</p>	<b>No significant effects on the environment.</b>
<p><b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<b>No.</b>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation</p>	<b>No significant effects on the environment.</b>

		of the standard construction practice measures outlined in the Outline CEP, Outline Construction Traffic Management Plan, and Construction and Demolition Resource Waste Management Plan would satisfactorily mitigate potential impacts. No significant operational impacts in this regard are anticipated.	
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	<b>No</b>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Outline Construction Environmental Plan, Construction and Demolition Resource Waste Management Plan, the project would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other operational impacts in this regard are not anticipated to be significant.</p> <p>The proposed development site is the subject of an EPA licence associated with the previous site operations where polyurethane foam was produced. The site is at stage 3 of the EPA guidance workflow and remediation works were complete in February 2025. Verification process was expected to be completed by September 2025.</p>	<b>No significant effects on the environment.</b>



<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p><b>No</b></p>	<p>The construction works present a risk of pollution to water resources including particulate matter, fuel, suspended solids, lubricants and concrete. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the outline Construction Environmental Plan, Construction &amp; Demolition Resource Waste Management Plan, the project would satisfactorily mitigate the potential impacts.</p> <p>The proposed development will connect into the existing Uisce Eireann foul sewer network it is therefore significant operational impacts are not anticipated in this regard.</p>	<p><b>No significant effects on the environment.</b></p>
<p><b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p><b>No.</b></p>	<p>It is not considered that noise or light disturbance from the proposed development be significant during the construction phase due to the urban nature of the immediate area adjacent to the Kinsale Road. The construction of the proposed development will not cause significant release of energy or electromagnetic radiation.</p> <p>Given the residential nature of the development significant operational impacts are not expected due to noise, light heat, energy or electromagnetic radiation.</p>	<p><b>No significant effects on the environment.</b></p>
<p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within the Construction Environmental Management Plan would satisfactorily address potential risks on human health. No</p>	<p><b>No significant effects on the environment.</b></p>

		significant operational impacts are anticipated for the piped water supplies in the area.	
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	<b>No</b>	No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from construction will be localised, not significant and temporary in nature. The site is not at risk of flooding.	<b>No significant effects on the environment.</b>
<b>1.10</b> Will the project affect the social environment (population, employment)	<b>No</b>	Development of this site would result in an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area. Temporary employment would be provided during construction, and some limited employment will be provided as a result of the operational phase. Any resultant increased demand on social infrastructure is not considered significant.	<b>No significant effects on the environment.</b>
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	<b>No</b>	The site is located in an urban area and is in a transitional phase with compact growth. Given the nature of the proposed residential development in this urban area it is considered that any act in-combination effects with any plans or projects would not result in significant effects on the surrounding environment.	<b>No significant effects on the environment.</b>
<b>2. Location of proposed development</b>			
<b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> </ul>	<b>No</b>	The Great Island Channel SAC is 8.9km of the site and there is no connectivity via surface water or other pathway.  The Cork Harbour SPA is located 2.1km from the site and there is no connectivity via surface water, groundwater or any other	<b>No significant effects on the environment.</b>

<ul style="list-style-type: none"> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> <li>- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>		<p>pathway. There are no watercourses or active drainage channels on site, and the SPA is buffered by c.2.1km of amenity and built urban land.</p> <p>The potential for the proposed development, either alone or in-combination with other plans and/or projects, does not have the potential to significantly affect any European site.</p> <p>There are no NHA's within 5km of the site. There are four pNHA within 5km of the site, Lee Valley, Douglas River Estuary, Cork Lough and Cork Harbour.</p> <p>There is no connectivity via surface water, ground water or any other pathway between the proposed development and the pNHA.</p>	
<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p><b>No</b></p>	<p>None of the habitats recorded on site corresponds with Annex I or Priority Annex I habitat of the Habitats Directive. The habitats recorded within the proposed site are considered to be of negligible to low conservation value.</p> <p>No Annex II species or Annex IV in the EU Habitats Directive were recorded with the proposed development site or its immediate environs. No potential for bat roosting as building on site have been demolished.</p> <p>There will not significant direct or indirect effects on the any protected, important or sensitive species of flora or fauna which use areas on or around the site.</p>	<p><b>No significant effects on the environment.</b></p>

<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p><b>No</b></p>	<p>The site is a brownfield urban site with minimal landscape value. The site is not in a Development Plan designated High Landscape Value or Landscape Preservation Zone.</p> <p>There are no archaeological monuments recorded on site.</p> <p>The closest recorded monument is the Graveyard at Spittal-lands, c.0.2km from the site. Give the distance of the monument from the site separated by road and housing is considered there will be no significant effect of the archaeology of the area.</p> <p>The site is not located in an Architectural Conservation Area. There are four structures located in the environs which are included in the NIAH. These are separated by roads and urban development, and it is considered there will be no significant effects on these structures.</p> <p>Given the nature, location and scale of the development it is considered that there will no significant effect on the landscape, local historic features and the culture of the area.</p>	<p><b>No significant effects on the environment.</b></p>
<p><b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p><b>No</b></p>	<p>The site is located in an established urban area and there are no areas in the immediate area which contains important, high quality or scarce resources which could be affected by the proposed development.</p>	<p><b>No significant effects on the environment.</b></p>
<p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which</p>	<p><b>No</b></p>	<p>The site is in an area not located within a flood zone and give the site is a distance from any water resources and the nature of</p>	<p><b>No significant effects on the environment.</b></p>

could be affected by the project, particularly in terms of their volume and flood risk?		the development, it is considered that water resources will not be significantly affected by the development and there will not be a significant effect on water volume and flood risk.	
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	<b>No</b>	The site and area are not susceptible to significant subsidence, landslides or erosion.	<b>No significant effects on the environment.</b>
<b>2.7</b> Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion, or which cause environmental problems, which could be affected by the project?	<b>No</b>	The proposed development is located c.750m from the N27 (South City Link Road) and c.1km from the N40 (Cork South Ring Road). While these roads can experience congestion it is not considered that the scale of the proposed development will cause significant additional traffic or environmental problems.	<b>No significant effects on the environment.</b>
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?		The proposed development is located c.1.4km from the South Infirmary Victoria University Hospital and c.0.77km from St Finbarr's Hospital and over 2.77km from Cork University Hospital. Given the distance from the site to these hospitals they would not be significantly affected by the proposed development. There are no schools in the immediate area that would be significantly affected by the project.	<b>No significant effects on the environment.</b>
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	<b>None</b>	While, noting planning permissions in the area and having regard to the construction of 609 residential units on the Former CMP Dairy Site, known as Creamfields, Kinsale Road, approximately c. 280m from the site, I consider that given the nature of the area and the accessible nature of the Kinsale	<b>No significant effects on the environment.</b>

		Road I consider that the proposed development together with approved developments will not lead to significant cumulative effects during the construction or operational phases.	
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	<b>None</b>		<b>No significant effects on the environment.</b>
<b>3.3</b> Are there any other relevant considerations?	<b>None</b>		<b>No significant effects on the environment.</b>

## C. CONCLUSION

<b>No real likelihood of significant effects on the environment.</b>	<input checked="" type="checkbox"/>	EIAR Not Required
<b>Real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	EIAR Required

## D. MAIN REASONS AND CONSIDERATIONS

### ***EIAR not Required***

Having regard to: -

1. Having regard to: -

1. the criteria set out in Schedule 7, in particular:

(a) the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure,

(b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone,

(c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),

2. the completion of the remediation works on the site under planning permission P.A. Ref: 2442868 and subject to an Integrated Pollution Control Licence, (EPA Licence No: P0059-02).
3. the results of other relevant assessments of the effects on the environment submitted by the applicant.
4. the features and measure proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including those identified in the Outline Construction Environmental Plan, the Outline Construction and Demolition Resource Waste Management Plan, the Outline Operational Waste Management Plan, the Remediation Status Report, Flood Risk Assessment, and the Planning Engineering Report.

I consider that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

**Inspector** \_\_\_\_\_

**Date** \_\_\_\_\_

**Approved (DP/ADP)** \_\_\_\_\_

**Date** \_\_\_\_\_

**Screening for Appropriate Assessment  
Test for likely significant effects**

**Step 1: Description of the project and local site characteristics**

<b>Brief description of project</b>	The proposed development comprises of a residential development of 170 dwellings in four blocks on a brownfield site in a mixed commercial/residential area in the southern suburbs of Cork City. The site was the former Vita Cortex Facility, the remediation of which is subject to an EPA license. Proposed separate surface water sewer network, SuDS, Attenuation Tanks. Foul Sewer to connect to existing. (See description in Inspectors Report, Section 2)
<b>Brief description of development site characteristics and potential impact mechanisms</b>	The site is a brownfield site of bare ground and spoil heaps with some cypress trees and bramble, Ivy, grasses, and some Butterfly Bush (medium impact - invasive species) No active drains, water courses or waterbodies on site. CFRAM maps indicate that the floor extents for the Tramore River do not reach the subject site. The site overlies the Waste Facility Ground Waterbody (GWB) IE_SW_G_091 which has a 'At Risk' WFD Status 2016-2022 relating to the previous use of the Tramore Valley Park as a waste Facility.
<b>Screening report</b>	Y
<b>Natura Impact Statement</b>	N
<b>Relevant submissions</b>	Submission from the EPA relating to Section 95 of the EPA act regarding surrender of an EPA license P0059-02. The latest Remediation Update Report at the Former Vita Cortex Site for licence P0059-02 was submitted to the EPA March 2025.

**Step 2. Identification of relevant European sites using the Source-pathway-receptor model**

<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>
<b>Great Island Channel SAC</b> (001058)	Mudflats and sandflats not covered by seawater at low tide [1140]  Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]	<b>c. 8.9km</b>	There is no connectivity via surface water, groundwater, or any other pathway. The Qualify Interests are habitats not species and ex-situ disturbance impact are not relevant.	<b>N</b>



<b>Cork Harbour SPA</b> (004030)	<p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p>	<b>c. 2.1km</b>	<p>There is no connectivity via surface water, groundwater, or any other pathway. The site does not provide suitable habitat for the Qualifying Interest of Cork Harbour SPA. Any disturbance would to the Qualifying Interest would be unlikely.</p>	<b>N</b>

	Black-headed Gull (Chroicocephalus ridibundus) [A179]  Common Gull (Larus canus) [A182]  Lesser Black-backed Gull (Larus fuscus) [A183]  Common Tern (Sterna hirundo) [A193]  Wigeon (Mareca penelope) [A855]  Shoveler (Spatula clypeata) [A857]  Wetland and Waterbirds [A999]			
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### Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

From the AA Screening Report or the Inspector's own assessment if no Screening Report submitted, complete the following table where European sites need further consideration taking the following into account:

- (a) Identify potential direct or indirect impacts (if any) arising from the project alone that could have an effect on the European Site(s) taking into account the size and scale of the proposed development and all relevant stages of the project (See Appendix 9 in Advice note 1A).
- (b) Are there any design or standard practice measures proposed that would reduce the risk of impacts on surface water, wastewater etc. that would be implemented regardless of proximity to a European Site?
- (c) Identify possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects)

#### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 1:</b>  <b>Great Island Channel SAC</b>  (001058)  For QI see above	None	None
	<b>Likelihood of significant effects from proposed development (alone):N</b>	

	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? NO</b>	
	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site* None</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 2: Cork Harbour SPA (004030)</b>  For QI see above	None	None
	<b>Likelihood of significant effects from proposed development (alone) : No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
I conclude that the proposed development (alone) would not result in likely significant effects on Cork Harbour SPA (4030) & Great Island Channel SAC (1058). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project]. No mitigation measures are required to come to these conclusions.		

## Screening Determination

### Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Cork Harbour SPA (4030) & Great Island Channel SAC (1058). in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- objective information presented in the Screening Report,
- standard pollution controls that would be employed regardless of proximity to a European Site and effectiveness of same,
- distance from European Sites, and
- the absence of meaningful pathway to any European Site.

## Appendix 3

### Conditions

PA Condition No.	Subject	ACP Condition
1	Plans and Particulars	Covered in No.1
2	External finishes	Covered in No.3
3	Phasing	Covered in No.4
4	Part V	Covered in No.26
5	Restricting houses/duplex to individual occupier	Not Required
6	Management Company	Covered in No.6
7	Setting back of upper floor of block B	Not Required
8	Boundary Treatments	Covered in No.5
9	Café/Retail signage	Covered in No.7
10	Naming Scheme	Covered in No.8
11	Café/Retails Opening Hours	Not Required
12	Increased childcare spaces	Not Required
13	Landscaping masterplan	Covered in No.9
14	Landscaping scheme	Covered in No.9
15	Green Roof Maintenance Plan	Not Required
16	Management/Maintenance of Play Equipment	Covered in management company condition no.6
17	Details of Natural Play Area.	Covered in No.9
18	No tree planting over attenuation tanks	Covered in No.9
19	Landscape Maintenance	Covered in No.9
20	Increase in Hedging material size	Not required
21	Accessibility of communal Open space	Covered in No.9
22	Public Lighting	Covered in No.11
23	Alien Invasive Species	Covered in No.10
24	Drainage	Covered in No.12,13
25	Water Services Act	Not required- separate legalisation
26	Drainage layout as per drawings	Covered in No.1
27	Application for new storm water connection to CCC	Not required
28	CCTV survey of public sewage within the site	Not Required
29	Drainage Infrastructure to be agreed and not to be taken in charge	Covered in No.12,13
30	SuDS assessment report	Covered in No.13
31	Drainage to be taken in charge	Covered in No.12,13
32	Petrol Interceptor to be provided	Covered in No.13
33	Road Opening Licences	Not required
34	Disposal of construction/hazardous construction waste	Covered in No.15
35	Construction Noise	Covered in No.15
36	Construction impacts	Covered in No.15
37	Construction Parking	Covered in No.16
38	Public Lighting	Covered in No.11
39	Road Safety Audit	Covered in No.19
40	Construction Traffic Management Plan	Covered in No.16
41	Parking Provision	Covered in No. 18
42	Public Footpath	Covered in No.18
43	Appointment of Mobility Manager	Covered in No.17
44	Management Company	Covered in No.6
45	Cash Bond	Covered in No.27

<b>46</b>	Uisce Eireann	Covered in No.12
<b>47</b>	Road Safety Audit	Covered in No.19
<b>48</b>	Details of Internal Road Network DMURS	Covered in No. 18
<b>49</b>	Taking In Charge	Covered in No.
<b>50</b>	Repairs to damage to footpaths	Not required
<b>51</b>	Communication with NTA	Not Required
<b>52</b>	Cork Airport & IAA ANSP notification	Covered in No.24
<b>53</b>	Contribution	Covered in No.26

#### Appendix 4: Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	323515-25	Townland, address	Kinsale Road and Pearse Road, Cork City
Description of project		LARGE RESIDENTIAL DEVELOPMENT (LRD) Construction of 170 dwellings and a creche with all associated site works. The application relates to a development which comprises or is for the purpose of an activity requiring an Integrated Pollution Control Licence issued by the Environmental Protection Agency (EPA)	
Brief site description, relevant to WFD Screening,		Site is located within an urban area on land predominantly comprising of bare ground and soil. The site was formerly used for the production of poly foams. Remediation works have been ongoing on the site and include excavation and off-site disposal of impacted soils and pump and treatment of groundwater.	
Proposed surface water details		<p>New separated surface water network.</p> <p>Suds Features to include permeable pavement, Green roofs, Bio-retention and Blue roofs.</p> <p>Attenuation tanks proposed to provide a total of 1320m<sup>2</sup> of storage</p>	
Proposed water supply source & available capacity		Public supply subject to a network upgrade upstream of the proposed connection point.	
Proposed wastewater treatment system & available capacity, other issues		Foul sewer will discharge by gravity to the existing 450mm combined sewer without any infrastructure upgrade by Uisce Eireann. There is adequate capacity available in the Wastewater Treatment Plant.	

Others?			Not applicable			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body.	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	605m	Moneygurney-010	Under Review	Review	Review	Not hydrologically connected to surface watercourse.
Groundwater waterbody	Underlying site	Waste Facility W0012-03	At Risk	At Risk	Waste Facility	Ground infiltration
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						
CONSTRUCTION PHASE						

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	River	Moneygurney-010	Not hydrologically connected to surface watercourse.	None	Standard construction practice. OCEMP	No, due to separation distance and location.	Screened out
3.	Ground	Waste Facility W0012-03	Ground infiltration	Spillages	As above	Drainage characteristics warrants further assessment.	Screen In
<b>OPERATIONAL PHASE</b>							
3.	River	Moneygurney-010	Not hydrologically connected to surface watercourse.	None	Separated Connection to existing storm sewer network. SuDS	No	Screened out
4.	Ground	Waste Facility W0012-03	Ground infiltration	Spillages	As above	Drainage characteristics warrants further assessment.	Screened in



DECOMMISSIONING PHASE							
5.	NA						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives – Template							
Groundwater							
Development/Activity	<u>Objective 1:</u> <u>Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2:</u> <u>Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3: Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)			

	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Development Activity 1 Mixed-use development	<p>Site specific construction mitigation methods including:</p> <p>Remediation of the site.</p> <p>Good practice, standard construction methodologies to reduce surface water run-off during construction.</p> <p>Appropriate management of potential contamination of excavated material.</p> <p>Management of refuelling practices, leakages, use of bunds &amp; trip trays •</p> <p>Management of sediment and silt levels within the site.</p> <p>Treatment of pumped ground water.</p>	Site specific mitigation methods as described.	Site specific mitigation methods as described.	Yes

	Asbestos management.			
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